



# **CONFIDENTIAL EXECUTIVE SUMMARY**

## **COUNTY OF SACRAMENTO – COMPLAINTS OF [REDACTED] [REDACTED] AND [REDACTED]**

**July 19, 2021**

**KRAMER WORKPLACE INVESTIGATIONS**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. INTRODUCTION.....	1
II. METHODOLOGY OF THE INVESTIGATION.....	1
III. DESCRIPTION OF THE ALLEGATIONS .....	2
A. Interview of [REDACTED] .....	2
B. Interview of [REDACTED] .....	3
C. Interview of [REDACTED] .....	6
IV. FINDINGS REGARDING ALLEGATIONS OF HARASSMENT, DISCRIMINATION AND RETALIATION.....	14
A. Credibility Assessment .....	15
B. Findings of Fact .....	15
1. [REDACTED] Complaint of Discrimination Based on Gender and Retaliation .....	15
2. [REDACTED] Complaint of Discrimination and Harassment Based on Age, Race and Gender.....	16
a. Termination of [REDACTED] .....	16
b. Public Health Website .....	17
c. Management Additional Compensation and Relief from Vacation Limits .....	17
3. [REDACTED] Complaint of Discrimination and Harassment Based on Race and Gender.....	18
a. Interactions with Navdeep Gill .....	18
b. Response to COVID-10 Pandemic.....	19
c. Coronavirus Aid, Relief and Economic Security Act Funding .....	22
V. CONCLUSION .....	24

## Attorney-Client Privileged Investigation Report

Pursuant to the request of the County of Sacramento ("County"), Karen Kramer conducted a fact-finding investigation concerning complaints of discrimination, harassment and retaliation made by employees in the County's Department of Health Services (DHS) Department.

### I. INTRODUCTION

The County retained Kramer Workplace Investigations on or about October 15, 2020, to investigate the complaints made by [REDACTED] and [REDACTED] both of whom alleged they were discriminated against by former County Executive Officer Navdeep Gill and members of his Executive Management team. On October 27, 2020, the scope of the investigation was expanded to include the complaint made by County [REDACTED] whose complaint raised issues very similar to the ones raised by [REDACTED] and [REDACTED]. On or about November 20, 2020, the scope of the investigation was expanded to include allegations raised regarding Gill's management style.<sup>2</sup>

The three complainants alleged they were discriminated against and harassed by Gill on the basis of their gender, which they all identified as female. [REDACTED] and [REDACTED] also alleged they were discriminated against and harassed on the basis of their race, which they identified as Black. [REDACTED] alleged discrimination on the basis of her age, which she identified as 64 years old as of the date of her interview in November 2020.

In addition to allegations of harassment and discrimination, [REDACTED] alleged that she was retaliated against for requesting to declare a public health emergency regarding COVID-19, while [REDACTED] claimed she was retaliated against for sending a letter to the County Board of Supervisors in support of [REDACTED].

This document is a Summary Report of Investigative Findings regarding the allegations of harassment, discrimination and retaliation made by [REDACTED], [REDACTED] and [REDACTED]. This summary report contains factual conclusions based upon the information made available during the course of the investigation. It does not draw any legal conclusions or assess whether any County policies or State laws were violated. While numerous hours were spent interviewing witnesses and reviewing documents, this report does not purport to include every detail as described by the individuals interviewed as part of the investigation. Rather, it assesses the important facts as they pertain to the allegations of harassment, discrimination and retaliation made against Gill.

### II. METHODOLOGY OF THE INVESTIGATION

Between November 9, 2020 and February 4, 2021, the undersigned interviewed 45 current and former County employees as part of this investigation. In addition to interviewing witnesses, the undersigned reviewed hundreds of pages of emails and other documents relevant to the issues within the scope of the investigation. Gill was on paid administrative leave during the pendency of the investigation, until he retired effective February 13, 2021.

The undersigned did not interview all witnesses mentioned in the course of the interviews if, in the assessment of the undersigned, the witness did not have direct, relevant, or significant information related to the specific incidents within the scope of the investigation, or if the undersigned obtained the information from a different credible witness or source.

---

<sup>1</sup> At the direction of the County, the scope of this investigation is limited to the allegations made against Gill. [REDACTED] and [REDACTED] identified other County employees as engaging in harassment, discrimination, and retaliation, but they also opined that they acted at Gill's direction.

<sup>2</sup> The scope of this summary report is limited to the allegations raised by [REDACTED], [REDACTED] and [REDACTED]. The allegations pertaining to Gill's management style are addressed in a separate report.

### III. DESCRIPTION OF THE ALLEGATIONS

#### A. Interview of [REDACTED]

[REDACTED] is the County's [REDACTED], managing the Epidemiology, Vital Records, and Public Health Emergency Preparedness programs. [REDACTED] has been in this position and employed by the County since January 2015. She reports to [REDACTED]

[REDACTED] explained that any time there is a health emergency in the County, an Incident Command structure is set up, and she serves as the "Incident Commander."

[REDACTED] alleged she was harassed and retaliated against based on her political affiliation and her sex, which she identified as female. She explained that her claim of harassment based on political affiliation relates to the County's COVID-19 response and Gill's allocation of Coronavirus Aid, Relief, and Economic Security (CARES) funding to the Sheriff's Office.<sup>3</sup>

According to [REDACTED] in August 2020, the Public Health Division created a "wish-list budget" of \$90,000,000 for response to the COVID-19 pandemic, but submitted a budget request for approximately \$45,000,000 in CARES funding. [REDACTED] advised that the Division was initially told they could only submit a budget request for \$1,800,000, so that was ultimately what was submitted to the Coronavirus Grant Acceptance Committee (CGAC).

[REDACTED] shared that the \$90,000,000 wish-list was leaked to some community groups, which created an uproar in the community, since the County took the position that it had granted all of Public Health's CARES funding requests. According to [REDACTED] in August 2020, after the Board of Supervisors received letters complaining about law enforcement getting the bulk of the CARES money given to the County, a special Board meeting was held. [REDACTED] advised that several Public Health Program Managers called into the meeting to make anonymous public comments, since they were not allowed to attend the meeting in person.

According to [REDACTED] she and [REDACTED] were the only two Public Health employees who identified themselves by name during the meeting. She noted that they also wrote letters to the Board, which were included as part of the Board's agenda packet.<sup>4</sup> [REDACTED] advised that the meeting resulted in the Board taking control of the CARES funding away from Gill and asking [REDACTED] to report directly to them regarding the \$45,000,000 CARES funding it allocated to Public Health. [REDACTED] noted that even though the County received the money in approximately April or May 2020, all of the money Public Health was given in August 2020 had to be spent by December 31, 2020, which gave Public Health approximately four months to encumber \$45,000,000.

After the Board meeting, [REDACTED] sent an email to employees in Fleet Services, Purchasing, and Public Health regarding Public Health purchasing a trailer for vaccine distribution, since there were roadblocks to getting approval for the purchase. She copied [REDACTED] on the email, knowing that [REDACTED] was meeting regularly with County Supervisor [REDACTED] and could elevate the issue to him if she chose to do so. According to [REDACTED] the Board was clear in its direction to Gill that Public Health should not face any roadblocks in purchasing what it needed as part of its COVID-19 response.

[REDACTED] later learned that her email was forwarded to Gill, who was upset when he read that she recommended to [REDACTED] that she elevate the issue to [REDACTED]. [REDACTED] noted that Gill did not like

---

<sup>3</sup> In her written complaint, [REDACTED] identified other members of Gill's Executive Team as "subjects" of her complaint, but during her interview, she stated that her complaint is primarily against Gill, and that she did not know what, if any, involvement others had in the disciplinary action Gill directed to be taken against her. [REDACTED] reported that during a meeting she attended with the former Director of DHS, he identified two other members of Gill's Executive Team as possibly being involved in the directive to take disciplinary action against her.

<sup>4</sup> [REDACTED] letter was also the statement she read to the Board.

employees communicating directly with a Board member. According to what former Director of DHS [REDACTED] told [REDACTED], Gill told Deputy County Executive Officer [REDACTED] or retired Chief Fiscal Officer [REDACTED] to direct [REDACTED] to discipline [REDACTED] for suggesting to [REDACTED] that she speak to [REDACTED] about the vaccine trailer. [REDACTED] stated that during this meeting, the former Director of DHS told her that he asked a Deputy CEO or the retired Chief Fiscal Officer what policy [REDACTED] violated, and to put in writing the directive that [REDACTED] take disciplinary action against [REDACTED].

[REDACTED] stated that she was never disciplined. She shared that she did not learn about this incident until a "mediation meeting" that took place in September 2020, between the former Director of DHS, [REDACTED], [REDACTED], and a third-party mediator.<sup>5</sup> According to [REDACTED] during this meeting, the former Director told her that he "had her back" regarding the email. At the time, she did not know what he was talking about, and then [REDACTED] explained the situation to her.

#### B. Interview of [REDACTED]

[REDACTED] has been a [REDACTED] and [REDACTED] for the County since 2013. She has been employed by the County since 2007. As a [REDACTED], [REDACTED] oversees the County's Public Health programs. As the [REDACTED], she oversees all of the County's Nurses, regardless of the program to which they are assigned. [REDACTED] reports to [REDACTED].

[REDACTED] is 64 years old. She identified her race as African American/Black, and her gender as female. [REDACTED] alleged she was harassed and retaliated against by Gill, a Deputy CEO, and retired Director of Personnel Services [REDACTED].<sup>6</sup> According to [REDACTED] some of the bullying and harassing behavior started before the COVID-19 pandemic, but the behavior escalated during the pandemic.

[REDACTED] advised that she started working in the Public Health Division in approximately 2013, and at that time, she noticed that any time the Division requested anything, roadblocks were put up. She stated that the Division has worked in a deficit regarding resources and staffing since she started working in the Division. According to [REDACTED] every year she requests additional staff resources as part of the Division's budget, and every year her request is denied. [REDACTED] stated that Public Health did not have adequate staff to manage the COVID-19 pandemic.

[REDACTED] shared that she never met Gill in person, but his authoritarian management style "flowed through the County." She described Gill as "abusive towards women," and identified several former County employees who he mistreated and who quit because of how Gill treated them. For example, the former Public Health Officer, [REDACTED], retired, but was "on call" for the Division to rely upon for assistance with community projects.

[REDACTED] advised that when the pandemic started, she asked the former Public Health Officer to assist with the County's response. The former Public Health Officer agreed, but a few weeks after she started working with the County, Gill fired her for no reason, other than he did not like her. [REDACTED] opined that Gill does not like women who are outspoken and disagree with him. She noted that all of Gill's Deputy County Executive Officers are men, and that the only female Deputy quit because of how Gill treated her.<sup>7</sup>

According to [REDACTED] in February 2020, the Governor declared a public health emergency and directed that all counties in the State do the same. [REDACTED] stated that [REDACTED] notified her staff, and that a short time later, she went to [REDACTED] office and overheard Gill yelling at [REDACTED] over the phone. [REDACTED] stated

---

<sup>5</sup> [REDACTED] described this meeting as an effort by the former Director of DHS to express remorse for some of the bad behavior he directed to [REDACTED] during the COVID-19 pandemic, and to repair his relationship with staff in the Public Health Division.

<sup>6</sup> As described above, at the County's direction, the scope of this investigation is limited to allegations against Gill.

<sup>7</sup> [REDACTED] did not know this individual's name, but she was presumably referring to the former Assistant County Executive Officer.



## Attorney-Client Privileged Investigation Report

that she heard Gill tell ██████ that he had no confidence in her and that he was not going to allow her to declare a public health emergency. She also heard him repeatedly ask, "Do you know who I am?"

██████ stated that after ██████ call with Gill, ██████ told ██████ "He does that a lot," referring to Gill yelling at her and speaking to her disrespectfully. ██████ told her that she should report him because it was not acceptable for him to yell, demean and threaten her. She also questioned how Gill knew if ██████ decision to declare a public health emergency was appropriate, since he is not a doctor.

On March 10, 2020, ██████ learned that Gill called the former Public Health Officer and fired her without explanation. ██████ explained that when she spoke to the former Public Health Officer after Gill fired her, the former Public Health Officer told her that Gill never liked her and always treated her disrespectfully. ██████ stated that she felt disrespected by Gill's decision to fire the former Public Health Officer, as he did not consider the position he put the Public Health Division in when he did so, and he never discussed his concerns about the former Public Health Officer with her or ██████. She opined that Gill fired the former Public Health Officer without notifying ██████ and ██████ because they are Black and are therefore, not worthy of his respect.

██████ stated that she did not communicate with Gill directly regarding his decision to fire the former Public Health Officer, as she follows the chain of command. She stated that when she met with the former Director of DHS, ██████ and ██████ to discuss the County's COVID-19 response, the former Director told them he was getting pushback for trying to "protect them," referring to ██████ ██████ and ██████. According to ██████ ██████ later told her that the former Director's job was in jeopardy because he tried to protect them.

██████ stated that ██████ and her team developed a website for communications to the community in an effort to be transparent and provide accurate information. According to ██████ before ██████ and her team published anything on the website, they made sure the information published was accurate. ██████ advised that Gill gave Public Information Officer (PIO) ██████ access to the website so that the information he wanted the public to have was on there and the information he did not want the public to have was not. ██████ stated that Gill wanted his narrative on the website, which she described as "downplaying the pandemic."

██████ shared that in March 2020, no one knew the pandemic would last as long as it did. According to ██████ as the number of COVID-19 cases increased, Public Health requested additional resources, but their requests were always denied.<sup>8</sup> She stated that she worked with Administrative Services Officer III ██████, who forwarded the requests to the appropriate budget personnel. ██████ stated that the requests were denied by Gill and/or a Deputy CEO at Gill's direction.

██████ advised that after the Public Health Division was repeatedly denied the resources it needed, she went to her union to report that Public Health was unable to respond to the pandemic in a professional and safe way. She stated that no exceptions were made regarding their compensation, given the number of hours they worked each week and their inability to take breaks since there was no staff to relieve them.

According to ██████ ██████ and the former Director of DHS told her that during a meeting with "executive staff," Gill mentioned her name and ██████ as "going to the union." ██████ opined that Gill mentioned their names to "slander" them in front of others and opined that he would not have mentioned them by name if they were not women. She further opined that he mentioned their names in an effort to intimidate them, assuming that the former Director and ██████ would tell ██████ and ██████ about the meeting.

According to ██████ on March 27, 2020, all of the managers in Public Health involved in the COVID-19 response received an email from Human Resources notifying them that they were going to be paid an additional 100 hours of compensation. ██████ maintained that this additional 100 hours was unrelated to the pandemic.

---

<sup>8</sup> ██████ described the additional resources requested to include staff, testing equipment and supplies for the lab.

Attorney-Client Privileged Investigation Report

█████ shared that the 100 hours was used up quickly, since most of the managers were working every day from 4:00 a.m. to 9:00 p.m. █████ asked the union to intervene, as the employees were continuing to work long hours without any relief. During a meeting with Labor Relations Manager █████ and Human Resources Manager █████, the Labor Relations Manager told █████ and █████ he received the union's request for more hours, and that the decision would be made by the retired Director of Personnel Services, and ultimately the Board.

█████ advised that the Labor Relations Manager later told her and the union that Gill and the retired Director of Personnel Services denied their request and refused to take it to the Board. She also shared that even after the County received its CARES funding, the Public Health managers (approximately 15 or 16 of them) were not compensated for the number of hours they worked during the pandemic. █████ opined that the retired Director's and Gill's decision was based upon the fact that the employees raising the concern and those who would benefit were women.<sup>9</sup>

According to █████ Public Health did not see any CARES funding until August 2020. She stated that they prepared an initial request of \$90,000,000, but the former Director of DHS told them there was not enough money so they needed to reduce their request, which they did, to \$45,000,000. █████ stated that in early August 2020, she learned that Public Health was approved for only \$4,000,000, and that of the \$200,000,000 CARES funding given to the County, approximately \$160,000,000 went to the Sheriff's Office.

█████ advised that on or about August 10, 2020, the former Director of DHS and █████ attended a meeting with Gill and a Deputy CEO and others. According to what █████ told █████ Gill commented during the meeting about █████ and █████ contacting the union, and told the former Director and █████ to "get them under control."

On August 19, 2020, █████ sent a letter to the Board of Supervisors, explaining all of the difficulty Public Health was having trying to get funding to care for the community. █████ complained to the Board that Public Health was unable to respond to the pandemic in an efficient manner due to the roadblocks and Gill's unprofessional behavior, bullying and intimidation. She noted that Gill lied to the public when he said that every County Department that requested CARES funding received what they requested.

█████ stated that she and █████ requested to appear at one of the August 2020, Board meetings, but were told they needed special permission from Gill to attend in person due to the pandemic. Therefore, she and █████ submitted separate letters to the Board.

According to █████ during the August 19, 2020, meeting, Gill said, "Public Health is the only one I have a problem with," or words to this effect. He told the Board that there was only \$19,000,000 left from the CARES funding given to the County. █████ stated that the Board decided that from that time forward, all CARES funding requests would be made through the Board. The Board approved Public Health getting \$45,000,000, but the money had to be spent by December 31, 2020. █████ explained that Public Health lost two months, since it should have had its money in early July 2020, instead of in late August or early September 2020.

█████ shared that when the County received the CARES funding, Gill created a Committee to decide how the CARES funds would be spent. She noted that no one on the Committee had any public health or medical expertise. She further noted that all of the Committee members were male, and that when the Board suggested that █████ should have been on the Committee, Gill disagreed. █████ assumed this is because Gill has no value for women, especially Black women. █████ opined that Gill is biased against older people, as it appeared to her that he surrounded himself with younger employees.

█████ explained that in order to spend the \$45,000,000 in CARES money by the end of the year, they needed to get contracts in place and approved. According to █████ nothing was streamlined to make the

---

<sup>9</sup> █████ noted that of the 15 or 16 managers impacted, only one is male. She described them as different races and ages.

## Attorney-Client Privileged Investigation Report

contracting process easier during the pandemic. She expected there to be exceptions made so that Public Health could get the resources it needed in a timely manner.

### C. Interview of [REDACTED]

[REDACTED] has been the County's [REDACTED] since February 2012. She initially started working for the County in 2004, left her employment with the County in 2009, and then returned to work for the County in 2012. At the time of her interview, [REDACTED] was reporting to the former Director of DHS and to the Board of Supervisors. [REDACTED] explained that the [REDACTED] is appointed by the Board, and therefore, only the Board can terminate her employment. In her capacity as the [REDACTED], [REDACTED] oversees the Public Health Division. At the time of her interview, she had 11 direct reports, including [REDACTED] and [REDACTED].

[REDACTED] alleged that Gill discriminated against her based on her race, which she identified as Black, and her sex, which she identified as female. She also claimed Gill retaliated against her in response to her request in late February 2020 to declare a public health emergency regarding COVID-19.

[REDACTED] advised that in her position as the County's [REDACTED], one of her duties includes talking to the media, but she was not allowed to do interviews, nor was she permitted to present the County's initial Health Order. [REDACTED] also reported that her name was removed from documents posted on the County's website, including press releases.

According to [REDACTED] "everything" started after she suggested that the County declare a health emergency. She spoke to Gill about her suggestion during a conversation on February 27, 2020, during which Gill told her that if she persisted in suggesting such a declaration was needed, he would "take it over." [REDACTED] explained that she and her team agreed that declaring a public health emergency was appropriate, given the increased number of COVID-19 cases in the County. She followed the chain of command by notifying the former Director of DHS of her suggestion, who then notified a Deputy CEO.

On February 27, 2020, Gill and a Deputy CEO called [REDACTED] who was in her office. She started to explain what she knew about the COVID-19 cases in the County and why a Health Order was important, when Gill yelled into the phone, "Do you know who I am?" According to [REDACTED] Gill repeated this question several times, using an aggressive tone. She explained that Gill said to her, "We've talked about this before, why do you keep bringing this up . . . I don't have any faith in what you are doing." Gill also told [REDACTED] that he was "going to take it over," which did not make sense to her, since Gill is not a [REDACTED]. [REDACTED] advised that she "couldn't get a word in," and eventually told Gill that she wanted to end the conversation. She stated that Gill did not let the conversation end, so she told him that she did not understand why he was talking to her like that, and that COVID-19 was a growing emergency for which other counties had declared a public health emergency.

[REDACTED] did not recall how the conversation ended, but noted that Gill calmed down towards the end. She stated that she told Gill she was upset that he did not have faith in her. According to [REDACTED] Gill "backtracked" and told her that he was not angry with her. [REDACTED] noted that while Gill was yelling at her, [REDACTED] entered her office and heard him yelling.

After her conversation with Gill ended, [REDACTED] told a Deputy CEO and the former Director of DHS that she was upset about the way Gill spoke to her. According to [REDACTED] the Deputy CEO told her not to worry about anything and the former Director told her he would shield her from Gill and be Gill's point of contact going forward. She assumed Gill's behavior was a "one off" and let it go.

[REDACTED] advised that the following week, Public Health was directed by Gill's office to document how much time and money they were spending "on COVID-19." She stated that she responded to the best of her ability.



## Attorney-Client Privileged Investigation Report

On March 6, 2020, the former Director of DHS called ██████ to tell her “they” were going to declare a public health emergency and asked her to sign the declaration.<sup>10</sup> ██████ shared that she was not involved in the discussion leading up to this decision, but instead, was given a document to sign. She reviewed the document and signed it, but the situation left a bad feeling with her. In ██████ opinion, she should have been involved in preparing the document, since she was the one who had to sign it. She did not know who made the decision to not include her in the discussion.

The Proclamation ██████ signed was put on the agenda for the March 10, 2020, Board meeting. According to ██████ the former Director of DHS presented the Proclamation to the Board, which the Board approved. She was not invited to present or even attend the meeting, even though she signed the Proclamation. ██████ felt sidelined and ignored by Gill. ██████ noted that in other counties, the Health Director and the ██████ presented Health Orders to the Board, so she opined that she and the former Director should have presented it together.

██████ stated that in early March 2020, they learned that a couple who had just returned from a cruise tested positive for COVID-19. The couple lived with their grown children and grandchildren, who developed symptoms of COVID-19. ██████ learned that the grandchildren attended schools in the Elk Grove Unified School District. She contacted the District’s Superintendent and also spoke to the County’s Board of Education. Out of abundance of caution, the District Superintendent decided to move the District’s spring break up one week to give the County time to get the children’s test results. ██████ stated that she notified the former Director of DHS about her conversations with the District and Board of Education.

The District announced on Saturday that it was moving spring break up one week, which resulted in many parents being outraged. Some parents called ██████ to complain, so ██████ arranged for a press conference. ██████ stated that she was not invited to attend the press conference, but the former Director of DHS was present. Shortly thereafter, they learned that one of the grandchildren tested positive for COVID-19.

██████ advised that on Monday, she notified the District that one of its students tested positive for COVID-19. The District wanted to hold a press conference with her, which ██████ explained was not unusual, but when she called the former Director of DHS to update him, he told her she could not hold a press conference with the District. According to ██████ the former Director did not provide her with a reason, other than the County Executive Office would not allow a press conference.

██████ stated that she was confused, since she had held press conferences with school districts on other occasions. She later learned that the former Director of DHS called a reporter for *The Sacramento Bee*, without coordinating with the District, and told the reporter that one student tested positive, but the basketball team could play in a tournament that was scheduled to take place that week. According to ██████ the District was upset that the County did not coordinate with it before the former Director spoke to the media.

██████ advised that on the same day, staff told her that the PIO called ██████ and told her that “they” were taking over the Public Health website being used to provide updates to the community. According to ██████ Public Health staff members were unable to log on and were redirected to a new website.

██████ shared that the following weekend, she was in contact with ██████ in the region. They prepared a document to explain the “state of affairs” to the public, and more specifically, that COVID-19 was spreading within the community and they were working on a strategy to address this.

██████ stated that she gave the document she and the other ██████ in the region prepared to the former Director of DHS, who shared it with a Deputy CEO and the PIO. ██████ explained to the former

---

<sup>10</sup> The County’s Proclamation of Local Public Health Emergency was signed by ██████ on March 5, 2020.

## Attorney-Client Privileged Investigation Report

Director that the [REDACTED] wanted to release the document together. According to [REDACTED] the Deputy CEO told her that the County was not interested in coordinating with other counties in the region.

[REDACTED] advised that the Department's PIO, [REDACTED], called her to tell her that the PIO rewrote the document and removed a lot of the information that was included. According to [REDACTED] the Department's PIO told her that she did not agree with this and also told the PIO how she felt, but the County Executive Office did not care and posted the document on the County's website as rewritten by the PIO. [REDACTED] was not given the opportunity to review the revised document, even though it appeared to come from Public Health.

According to [REDACTED] the regional Health Officers were upset because it disorganized their plan. Several of them contacted her and questioned why she changed the document they wrote and released it prior to their agreed-upon time.

Later that day, [REDACTED] received an email from the PIO regarding improving communications. According to [REDACTED] in the email, she was directed to communicate with the PIO, a Deputy CEO, the former Director of DHS, and [REDACTED], then-Director of the Office of Emergency Services for the County, before making any decisions related to COVID-19. [REDACTED] advised that she replied to the email telling the PIO that she did not agree with what the PIO directed and that any decisions she had made and would make were within her purview as the County's [REDACTED]. [REDACTED] described the PIO's direction as "humiliating," because she was not trusted to do her job, and shared that she told the PIO that she did not appreciate her "patronizing and condescending manner."

When asked if she felt what had occurred thus far regarding COVID-19 was because of her race and/or gender, [REDACTED] stated that she did not know. She explained that in August 2020, several County employees who worked closely with Gill contacted her and described similar treatment. According to what these now-former female employees reported to [REDACTED] they were not allowed to do things previously within their purview and were "left out."<sup>11</sup>

On March 11, 2020, [REDACTED] met with a Deputy CEO and the former Director of DHS, and told them that she was upset about everything that happened, including changing a document she wrote, not allowing her to do press conferences, and not including her in meetings regarding the County's response to COVID-19. She also told them that she would not report to a "panel," since doing so would make her job more difficult. According to [REDACTED] the Deputy CEO did most of the talking during the meeting, and acknowledged that the document the PIO rewrote should not have been posted without her review. He denied that [REDACTED] needed to report to a "panel," and instead claimed that they were trying to improve communication. She told the Deputy CEO and the former Director that she would continue to report to the former Director of DHS.

According to [REDACTED] at the end of the meeting, the Deputy CEO commented about her staff being very devoted to her. The former Director of DHS shared that several staff members told him that they were going to go to the media regarding how [REDACTED] was being treated and that decisions were being made without the [REDACTED] input. [REDACTED] stated that the Deputy CEO asked her to let the Public Health staff members know that "everything is fine," so they did not speak to the media. [REDACTED] stated that she felt better after the March 11, 2020, meeting, as it ended on good terms and they agreed to move forward to "deal with COVID-19."

[REDACTED] advised that on March 12, 2020, the State issued guidance on mitigation measures, which she explained was aligned with what was included in the document she and the other [REDACTED] prepared. According to [REDACTED] the former Director of DHS called her to tell her that they "needed to save face" by updating the document that the PIO posted on the website. [REDACTED] stated that the document was revised and sent to her for review. She made one change regarding schools,

---

<sup>11</sup> [REDACTED] identified the following women who contacted her – a former Public Information Officer; a former Behavioral Health Director; a former Director of DHS; and the former Assistant CEO. According to [REDACTED] all of these women are Caucasian, except the former Behavioral Director, who she identified as Asian/Indian.

## Attorney-Client Privileged Investigation Report

recommending that if someone at the school tests positive, the school district should consider closing the school, since it was unclear at that time how COVID-19 affected children.<sup>12</sup>

Later that day, the Department's PIO sent ██████ an e-mail indicating that a Deputy CEO decided to remove references to schools in the statement that was posted on the website. She acknowledged that the County does not control the schools, but noted that when there is a public health crisis, the ██████ has the authority to shut down schools.

██████ shared that after the counties in the Bay Area issued "shelter-in-place" orders telling all citizens to stay home, ██████ agreed this was a good approach. She asked that the County issue a similar order due to the number of cases increasing, the issues that existed with getting people tested, and concerns regarding hospital capacity.

On March 18, 2020, ██████ sent the former Director of DHS and a Deputy CEO an email requesting permission to issue a Health Order similar to the ones issued in the Bay Area. In her email, she explained why she thought such an order was necessary. In response, the former Director and the Deputy CEO scheduled a meeting with her. ██████ shared that based on the changes made to prior documents she prepared, she asked County Counsel ██████ to attend the meeting with her.

During the meeting, Gill walked by and noticed that County Counsel was there, so he asked County Counsel why she was there. County Counsel told Gill that ██████ requested she attend the meeting with her. ██████ stated that when a Deputy CEO asked a question and County Counsel responded, he told County Counsel he was not asking her, which ██████ opined was strange. According to ██████ also during the meeting, the former Director of DHS agreed with something she said, and said to the Deputy CEO, "Sorry to throw you under the bus," which she thought was a weird comment for him to make.

██████ stated that during the meeting with a Deputy CEO, the former Director of DHS, and County Counsel, the PIO entered the room with a "Health Directive," which reduced the Health Order ██████ prepared from six pages to two pages. ██████ shared that she felt pressured to agree with the Health Directive because it was obvious to her that the County Executive Office was not going to allow her to issue the Health Order she prepared, which was modeled after the Health Orders issued in the Bay Area. ██████ opined that she was not in control of the County's messaging regarding COVID-19. She told them she agreed with the Health Directive, but questioned if it was enforceable.<sup>13</sup> ██████ stated that the Health Directive was published as if she wrote it, even though she did not.

On March 19, 2020, Public Health staff members learned that the State was going to issue a Statewide Health Order. According to ██████ a Deputy CEO and the former Director of DHS told her that the County should also issue a Health Order, so they issued the one she had written earlier. She reviewed the Health Order with County Counsel to ensure that nothing was changed. When the Order was ready to be presented, ██████ told the former Director that she wanted to be present at the press conference, since she is the one signing the document. According to ██████ the former Director responded, "We'll see." He later told her that she could attend the press conference, but could not speak.

██████ stated that she arrived for the press conference and was seated with the audience, instead of at the front with ██████, the former Director of DHS, the Sheriff, and the District Attorney, all of whom spoke to the media. The former Director presented the Health Order. According to ██████ during the press conference, someone asked the former Director a question about Uber and Lyft drivers, and he did not know how to answer the question.

---

<sup>12</sup> Presumably, ██████ was referring the County's Statement on Mitigation Strategy, which was posted on the County's website on March 15, 2020.

<sup>13</sup> According to ██████ when someone violates a Health Order, it is a misdemeanor, but the Directive did not include any language regarding failure to obey the directive.



## Attorney-Client Privileged Investigation Report

█████ advised that prior to the press conference, the former Director of DHS sent her the draft press release, which included quotes from both her and the former Director. According to ██████ the Department's PIO told her that when Gill reviewed the press release, he removed ██████ name and ordered that her name not be included in any press releases.

█████ shared that in early April 2020, there was a COVID-19 outbreak at a Russian church in the County. The former Director of DHS wanted to talk to the media about the church, but ██████ asked him to wait so they could communicate with the church's leaders and do outreach to the church's members so they could be tested. According to ██████ shortly after she told the former Director to wait before talking to the media, *The Sacramento Bee* and the *Los Angeles Times* published articles with headlines that said 71 members of the Russian church tested positive. At that point, she called the former Director to ask him why he shared that information with the media, since at that point, there were very few people with that information. The former Director claimed that the media already had the information. ██████ advised that the church's leaders were very upset because their members were subjected to ridicule. According to ██████ because of the backlash, the PIO met with the church's leaders to smooth things over.

█████ shared that from that point forward, she was occasionally asked to do interviews, but she stated that she was not in control of the media messages that were going out and was not given the opportunity to review them.<sup>14</sup> ██████ advised that from that point forward, she communicated primarily with a Deputy CEO and the former Director of DHS regarding the COVID-19 pandemic. She stated that the former Director called her daily for updates. The former Director had previously told her that he would "shield" her from Gill, so she did not have very much contact with Gill after April 2020.

According to ██████ in April and May 2020, she was asked to sign updated Health Orders that she assumed a Deputy CEO and the former Director of DHS prepared. She told the former Director that she wanted County Counsel to review everything she was asked to sign. On May 6, 2020, the former Director called ██████ and left her a message saying that the Deputy CEO "strongly recommends" that she talk to them first before talking to County Counsel. ██████ disagreed, and sent the former Director an email telling him that she needed access to County Counsel before she signs any legal documents.

█████ shared that she told Supervising Deputy County Counsel ██████ the direction she was given by a Deputy CEO. According to ██████ the Supervising Deputy County Counsel indicated to her that she is not the first person who was told by the County Executive Office that she could not talk to County Counsel.

When ██████ told the former Director of DHS that she felt she was being left out of decisions pertaining to the COVID-19 pandemic, he said to her, "This isn't a gonorrhea outbreak, it's the largest outbreak in decades," or words to this effect. She was offended by this comment, as she assumed he was implying that she could not "handle" the magnitude of the COVID-19 pandemic. ██████ stated that she told the former Director that she did not agree to not communicate with County Counsel's Office, and would speak out if she was asked to do something that she felt was not right.

█████ advised that during the "attestation" process regarding the State allowing certain counties to open businesses based on specific criteria, she prepared the appropriate documentation answering all of the State's questions. The former Director of DHS presented the attestation to the Board, asking for their approval. ██████ was not given the opportunity to speak, so she was unable to correct inaccurate statements and omissions the former Director made. According to ██████ the Board was supposed to "agree" with what was included in the application so that it was approved for ██████ to send to the State. Instead, the former Director asked the Board to approve the reopening of certain businesses, which was not its role.

---

<sup>14</sup> ██████ shared that after the August 19, 2020, Board meeting, the PIO called her and said, "From now on, I'm having you do interviews . . . I don't care if I get into trouble," or words to this effect. She explained that this conversation occurred after the former Director of DHS said a school and a church were "reckless."



## Attorney-Client Privileged Investigation Report

After the Board Meeting, the PIO put out a press release stating the Board approved the reopening, which was not its role. ██████ was not given the opportunity to review the press release before it was issued, which included Gill giving the former Director of DHS credit for “having connections at the State” and working hard to get the reopening approved.

██████ advised that after she read the press release, she called the former Director of DHS to tell him it was not accurate. According to ██████ the press release was never corrected because the State approved the County’s attestation the next day. She stated that she contacted the State to explain the situation and why the mistake was made. According to ██████ the Deputy Director of the State’s Department of Public Health told her that she “knew what was going on” in the County.

██████ advised that between May and July 2020, Public Health continued to deal with the pandemic. She did not report any significant incidents occurred during this timeframe.

██████ stated that in July 2020, the former Director of DHS’s Chief of Staff told her that the Sheriff’s Office received 75 to 80% of the CARES funds given to the County. She explained that Public Health was told to submit a request for CARES funds, but it was limited to a maximum of \$2,000,000. ██████ was unable to recall who told her there was a limit to what Public Health could request.

According to ██████ Gill formed a Committee to review all requests for CARES funds. She opined that the process was not clear, as she received direction from different people regarding CARES fund requests. She acknowledged that most of the \$2,000,000 request Public Health made was approved.

██████ stated that when the former Director of DHS learned that most of the County’s CARES funds went to the Sheriff’s Office, he directed ██████ to ask for more money, and directed that she ask for everything they wanted, which came to approximately \$90,000,000. According to ██████ at the time, there was only \$30,000,000 left for the County to distribute, so they pared the request down to \$45,000,000. ██████ stated that after they agreed to submit a request for \$45,000,000, she was told that the CGAC was no longer accepting requests because it was the end of the fiscal year. She did not recall who told her that the Committee was no longer accepting requests, but noted that based on that information, Public Health did not submit a request.

██████ advised that she was present when a Deputy CEO met with a group of African American leaders in the community, who asked about the County’s CARES money. According to ██████ the County Executive Office launched a County CARES fund webpage describing how the CARES money was being used within the County. ██████ explained that on the website, the Sheriff’s Office and Public Health Division were “lumped together” as “Public Health & Safety,” which received approximately \$140,000,000 in CARES funds.

██████ stated that during the meeting, the African American leaders asked the Deputy CEO how Public Health spent the \$140,000,000 it received. ██████ was on the call, but did not respond or participate. She did not indicate how the Deputy CEO responded to this question, but noted during her interview that Public Health did not receive \$140,000,000 in CARES money from the County.

On August 3, 2020, during another call with the African American community leaders, a Deputy CEO spoke about the County’s CARES fund website, and mentioned that Public Health was a priority to the County. Since the prior call, the leaders were aware that Public Health had not received as much money as previously indicated, so they challenged the Deputy CEO, who ██████ reported seemed irritated with the questions being asked of him. He repeatedly pointed the leaders back to the County’s website, but what the leaders asked for was not provided on the website. According to ██████ the African American leaders wanted to know exactly how much CARES money each County Department received.

██████ shared that during the week of August 3, 2020, the spreadsheet that her staff prepared requesting \$45,000,000 in CARES funds was leaked to the African American leaders. From what ██████ heard, citizens complained to Board members about the lack of money given to Public Health. The Board requested an accounting of how all of the money was divided among the various County Departments to be discussed during the August 11, 2020, Board meeting.

## Attorney-Client Privileged Investigation Report

On the morning of August 11, 2020, ██████ submitted a letter to the Board stating that Public Health was not prioritized by the County. In her letter, she requested that the Board set aside \$45,000,000 for Public Health.

██████ attended the August 11, 2020, Board meeting. She stated that Board members asked Gill questions about the CARES funds and why such a large portion of the money was given to the Sheriff's Office. According to ██████ during the meeting, Gill stated that all of the requests for CARES funds submitted by Public Health were approved by the CGAC.

██████ advised that during the meeting, the former Director of DHS pulled her aside and told her that if asked, she should tell the Board that Public Health received "everything it asked for." She told the former Director that she would not say that, and also told him about her letter to the Board she submitted that morning, and that she had already told the Board that Public Health had not received everything it requested or needed. According to ██████ when the Board asked the former Director if DHS received all it had requested, he responded, "Pretty much, but we're going to submit another request," or words to this effect.

During the meeting, ██████ asked ██████ if Public Health received everything it needed and she responded, "No", and explained that Public Health did not have the resources it needed to address the COVID-19 pandemic. ██████ asked her what Public Health would do with the additional funds if received, and she explained the different items included in the \$45,000,000 budget/request that staff prepared. According to ██████ at that point, the Board decided to take control of allocating the CARES funds that had not already been distributed, which was \$30,000,000. ██████ shared that at some point during the August 11, 2020, meeting, the former Director of DHS told her that he thought what Public Health requested was "a bit rich," so he was going to whittle it down, so it fit within the \$30,000,000 remaining in the CARES fund.

██████ shared that after the Board meeting, a Deputy CEO called her and told her that Gill wanted to meet with her. He told her that Gill was mad. According to ██████ when she met with Gill, the Deputy CEO, and the former Director of DHS later that day, Gill asked her why three Public Health Managers "went to the union" and why she sent a letter to the Board. She noted that Gill was not yelling, but he told her that he had created a culture of employees not going directly to the Board.

██████ stated that during the meeting, Gill said to her, "I've never been called a liar. Do you want me to get fired? Now I have to get their trust back." He also told her that he knew who leaked the documents and asked her how Deputy Director of DHS ██████ obtained the documents that were leaked to the media. ██████ maintained that it was not the Deputy Director of DHS who leaked the documents.

According to ██████ during the meeting, Gill commented that people complained to him about Public Health and he assumed that she did not want him to tell others that Public Health was "out of control." ██████ stated that she asked Gill to tell her who complained or what they complained about so that she could address any complaints that were made, but he was unable to provide her with any information.

██████ stated that towards the end of the meeting, Gill said to her, "You need to watch your back," which she assumed meant that she needed to be careful who she allowed to see budgetary documents regarding the Public Health Division. According to ██████ Gill did not directly ask her if she leaked the documents, but he insinuated that someone on her team did.<sup>15</sup>

At the end of the meeting, Gill asked if they were "good," and she said they were. She opined that the meeting was intended to intimidate her and to communicate to her that she should not "step out of line or speak out."

---

<sup>15</sup> ██████ stated that she suspected someone in the Department leaked the CARES fund data to the media, but she declined to identify this person by name since it was only a suspicion on her part.

Attorney-Client Privileged Investigation Report

█████ advised that on or about August 17, 2020, a Deputy CEO and the PIO called her, and asked her to send them an email stating that Public Health had not submitted a request for \$45,000,000. She explained to them that when Public Health tried to submit the request, it was rejected because the CGAC was not accepting applications for the money at that time. She agreed to send an email to this effect since the CGAC was not aware of Public Health's request for \$45,000,000. According to ██████ the Deputy CEO or the PIO sent her email to the Board and to the media to show that ██████ "backtracked" on her earlier statement that the \$45,000,000 was denied.

█████ explained that ██████ called her and asked her if she was pressured into writing the email she sent to a Deputy CEO and the PIO. She told ██████ about her conversation with the Deputy CEO and the PIO, and that she agreed to send them the email. According to ██████ ██████ asked her to send him a formal request for the \$45,000,000, which he then forwarded to the rest of the Board. ██████ noted that typically Public Health's requests for funds go through the former Director of DHS, the Deputy CEO, Gill, and then to the Board, but ██████ told her that he was concerned that if she followed the chain of command, the request would not be submitted to the Board in a timely manner. Public Health's \$45,000,000 request for CARES funds was added to the agenda for the August 19, 2020, Board meeting.

█████ reported that the Board approved the \$45,000,000 request submitted by Public Health. She stated that during the Board meeting, ██████ mentioned that he received a lot of emails from concerned members of the community that ██████ job was in jeopardy because she spoke up against Gill, who had a reputation for being vengeful. According to ██████ ██████ explained that only the Board can fire the County's ██████, and referenced a memo prepared by County Counsel's Office years earlier.

█████ reported that after the August 19, 2020 Board meeting, the Division ran into a number of roadblocks trying to expedite the process for approval to spend the money. In particular, the Division wanted to purchase two trailers and trucks for vaccinations. She noted that the Supervising Deputy County Counsel got involved, so some of the roadblocks were removed. According to ██████ as of the date of her interview, almost all of the \$45,000,000 was spent.<sup>16</sup>

According to ██████ prior to County Counsel's office's involvement, ██████ was upset that Public Health was required to use the "regular procurement process," which was lengthy and time-consuming. She sent an email to ██████ and someone from Fleet Services who she was working with to purchase the vehicles. ██████ stated that in the email, ██████ suggested that ██████ talk to ██████ about the roadblocks.

█████ assumed that the person in Fleet Services forwarded ██████ email to his chain of command, who forwarded it to the County Executive Office. According to ██████ the former Director of DHS told her, "I've been told by Nav and [the retired Chief Fiscal Officer] that ██████ needs to be disciplined," or words to this effect, for suggesting to ██████ that she contact ██████. ██████ stated that she disagreed and questioned what policy ██████ violated by suggesting she speak to ██████ about the roadblocks the Division was facing. ██████ stated that she told the former Director that she would not take any disciplinary action against ██████ without something in writing ordering her to do so and telling her what County policy ██████ violated. ██████ stated that she never received anything in writing to this effect, so she did not take disciplinary action against ██████.

█████ stated that after the August 19, 2020, meeting, someone told her, and the former Director of DHS confirmed, that during an Executive Team meeting, Gill said that he did not think Public Health would be able to spend all of the money it received in a timely manner, as legislation required that the money be spent by December 31, 2020.<sup>17</sup> The former Director also told her that Gill was unhappy that Public Health

---

<sup>16</sup> ██████ also explained that the money allocated to Public Health was converted into the County's General Fund, giving the Division more leeway so that not all of the money needed to be spent by the end of the year.

<sup>17</sup> ██████ did not recall who initially told her about Gill's statements regarding the CARES fund money.

was given the money, and that he was going to make it difficult for all of the money to be spent by the end of the year.

According to [REDACTED] the Department of General Services required that Public Health go through the entire contracting process, which was quite lengthy and cumbersome. She stated that the Supervising Deputy County Counsel's memo instructed General Services to [REDACTED], which were approved by Purchasing Agent [REDACTED].

On September 4, 2020, [REDACTED] the former Director of DHS, [REDACTED] and [REDACTED] spoke about their communication breakdown during the COVID-19 "turmoil".<sup>18</sup> [REDACTED] stated that during their telephone conversation, she told the former Director that in her opinion, Gill and a Deputy CEO used him to convey messages to her, creating friction between them. According to what the former Director told her, he was present during conversations between Gill and others during which Gill spoke about "getting rid of [REDACTED]". The former Director told [REDACTED] that he disagreed, causing Gill and the Deputy CEO to be upset with him and him to be concerned that his job was "on the line."

[REDACTED] advised that the former Director of DHS apologized to her for the part he played in the confusion and the stress that occurred during the pandemic. She stated that they were able to "reset" and as of the date of her interview, were working well together.

According to [REDACTED] during this conference call, the former Director of DHS mentioned to [REDACTED] that Gill and the retired Chief Fiscal Officer wanted her to be disciplined, which upset her. The former Director also told them that during Executive Team meetings that he attended, Gill made "racial jokes," which [REDACTED] assumed were about her. However, [REDACTED] shared that the former Director later told her that the joke was not about her and was an "Asian joke."

[REDACTED] complaint against Gill is based on her race because she felt singled out by him and heard secondhand that he made race-based jokes and has derogatory nicknames for people. She described Gill's race-based conduct as "subtle," and stated that no one ever told her that Gill used a derogatory term about her.

[REDACTED] shared that she decided to make a complaint with the County after she heard from several other women about their experiences with Gill. She also stated that after calls for Gill to resign or be fired were made, and Gill denied any wrongdoing, she decided to make a complaint to document the way he treated her. [REDACTED] opined that Gill treated female subordinates badly, but if no one reported it, he would get away with it. She did not know if he treated male subordinates similarly, but heard secondhand that [REDACTED], a former employee in the County Executive Office, quit because Gill treated him badly.<sup>19</sup>

#### **IV. FINDINGS REGARDING ALLEGATIONS OF HARASSMENT, DISCRIMINATION AND RETALIATION**

This Summary Report of Investigative Findings includes findings of fact on the allegations of harassment, discrimination and retaliation raised by [REDACTED], [REDACTED] and [REDACTED]. The abbreviated nature of this report is not intended to dismiss the candid and valuable perspectives and experiences reported by the witnesses who participated in this investigation. This report does not express any opinion as to whether any of the actions described herein rise to the level of a violation of County policy or California law.

In conducting this investigation, the investigator did not set out to prove or disprove the allegations, but rather to gather information in a neutral fashion and reach reasoned conclusions. The factual findings

---

<sup>18</sup> [REDACTED] explained that this call included a mediator, who the Chief of Staff to the former Director of DHS recommended they use to help repair their relationship.

<sup>19</sup> [REDACTED] advised that [REDACTED] is Black.



were made by carefully analyzing the documentary and testimonial evidence gathered as part of the investigation.<sup>20</sup>

### A. Credibility Assessment

It is important to note that prior to making a determination regarding the facts as alleged, the credibility of each witness was considered. In evaluating a witness' credibility, many factors were considered, including possible bias or motivation to lie, the ability of a witness to recall information, the specificity of the information provided, whether the information provided was consistent with prior statements made by the witness and/or statements made by other witnesses, and the inherent plausibility of the information provided.

The only witness interviewed as part of this investigation who overall is deemed to be not a credible witness is Gill. For the most part, the other witnesses who were interviewed appeared credible, even when they were mistaken about information they provided or did not recall a specific incident. More likely than not, discrepancies in the witnesses' testimony stem from varying perceptions and recollections of the specific incidents that are the subject of this investigation.

One of the reasons Gill is not a credible witness is because several statements Gill made during his interview were contradicted by multiple witnesses with firsthand knowledge of the incidents reported. For example, several witnesses reported that during the initial months of the COVID-19 pandemic, Gill told others he wanted to fire the County [REDACTED]. Gill denied telling anyone that he wanted to fire the [REDACTED] even though multiple witnesses directly corroborated hearing Gill say that he wanted her to be fired.<sup>21</sup>

Some of the witnesses interviewed during the investigation displayed bias in support of or against Gill, while others remained very factual when describing their observations and personal experiences. Despite their biases for or against Gill, or lack thereof, most of the witnesses were able to provide detailed accounts of the incidents they shared during their interviews, and in some cases had somewhat contemporaneous documentation to support their recollections. Their biases may have skewed their perceptions of certain incidents or the motivation for certain conduct, but there is no reason to doubt that the incidents occurred.

### B. Findings of Fact

#### 1. [REDACTED] Complaint of Discrimination Based on Gender and Retaliation

[REDACTED] claim that she was subjected to gender-based and retaliatory conduct is based upon her belief that Gill directed [REDACTED] to discipline her for sending a letter to the Board of Supervisors in support of [REDACTED]. However, the credible evidence presented during the investigation does not establish by a preponderance of the evidence that Gill directed anyone to discipline [REDACTED].

[REDACTED] claim is based upon statements made during a September 4, 2020, "mediation" meeting that occurred between her and others. [REDACTED] and [REDACTED] maintained that during this meeting, the former Director of DHS shared with them that Gill directed him to tell [REDACTED] to "write up" [REDACTED] after she suggested to [REDACTED] that [REDACTED] speak to [REDACTED] regarding the delays that occurred during the procurement process after the Board granted Public Health \$45,000,000 in CARES funds.

<sup>20</sup> The facts are assessed using a preponderance of the evidence (more likely than not) standard of proof. What might be considered hearsay in a legal proceeding was considered and given appropriate weight in this investigation.

<sup>21</sup> According to [REDACTED] and others, many years ago, a member of the County Counsel's Office opined that the County [REDACTED] can only be fired by the Board. The opinion states that the Director of DHS administratively oversees the activities of the County [REDACTED], as long as the County [REDACTED] has the authority and resources to perform basic public health functions.

There is no known reason to believe that [REDACTED] and [REDACTED] fabricated what they reported that the former Director of DHS said during the meeting. However, what the former Director said during the meeting was not a completely accurate statement, as the credible evidence presented by someone who was present during the meeting does not indicate that any such directive was issued by Gill. One witness credibly reported being present when Gill told the former Director and one of the Deputy CEOs that he wanted [REDACTED] disciplined or written up for “not telling the truth,” and not because she communicated with the Board.

Gill denied directing anyone take disciplinary action against [REDACTED]. The former Director of DHS denied that he was directed to take disciplinary action against [REDACTED] while a Deputy CEO stated that that he did not recall such a directive. One member of Gill’s Executive Team credibly recalled Gill saying, “Something is wrong if I’m the CEO and I know their names. I shouldn’t know their names,” or words to this effect, referring to [REDACTED] and [REDACTED]. This same witness also reported that Gill said he wanted both [REDACTED] and [REDACTED] disciplined, but for different reasons. According to this witness, Gill wanted [REDACTED] disciplined for not telling the truth in her statement to the Board, and he wanted [REDACTED] written up because he suspected she leaked false information regarding the County’s use of CARES funds. Additionally, [REDACTED] reported that the former Director of DHS notified her of this directive from Gill and she “pushed back,” refusing to discipline [REDACTED] unless she was directed to do so in writing.

Although there is no known reason for the former Director of DHS to falsely report to [REDACTED] and [REDACTED] that Gill gave him a directive to discipline subordinate employees, more likely than not, he was mistaken. Another witness present during the conversation between Gill and the former Director is a more credible witness regarding this incident, as there is no known reason for the witness to falsely attribute these statements to Gill. Additionally, [REDACTED] corroborated [REDACTED] claim that the former Director mentioned this directive by Gill to [REDACTED]. [REDACTED] shared that she did not communicate the directive to [REDACTED] because she was not going to obey it without receiving something in writing.

While it is more likely than not that Gill directed the former Director of DHS and a Deputy CEO to ensure that disciplinary action was taken against [REDACTED] it is also more likely than not that the reason Gill wanted [REDACTED] disciplined was not because she communicated with the Board and made a statement during a Board meeting. Rather, it is more likely than not that Gill wanted [REDACTED] disciplined because he opined that what she said during her statement to the Board was untruthful. He wanted her disciplined for being dishonest in her communication with the Board, and not because she had a communication with the Board. Notably, [REDACTED] and another witness also submitted letters to the Board and there was no directive that they be disciplined, indicating that it was not the fact that [REDACTED] sent a letter to the Board that upset Gill, but his perception that [REDACTED] was dishonest.

Based on the foregoing, [REDACTED] claim that Gill directed she be disciplined based on her gender or because she sent a letter and/or made a statement to the Board is not sustained.

**2. [REDACTED] Complaint of Discrimination and Harassment Based on Age, Race and Gender**

**a. Termination of the Former Public Health Officer**

[REDACTED] claim that the former Public Health Officer was terminated by the County during COVID-19 based on age, race and/or gender is not supported by the credible evidence presented. Rather, what more likely than not was the reason for the former Public Health Officer’s termination was Gill’s dislike of the former Public Health Officer going back many years when she was the Public Health Officer.

Several different versions were reported regarding what occurred leading up to the former Public Health Officer’s “termination.” The former Director of DHS reported that he was directed to tell [REDACTED] to fire the former Public Health Officer, while a Deputy CEO maintained that [REDACTED] was not ordered to terminate the former Public Health Officer, but rather, he suggested to her that she “consider” letting the former Public Health Officer go, which can be viewed as an implied order regardless of how the Deputy CEO characterized the situation. According to Gill, he told the Deputy CEO that if the former Public Health Officer was not needed, to end her contract.

It is unclear why Gill thought the former Public Health Officer was not needed, as [REDACTED] [REDACTED] and at least one other Division employee reported that she was very helpful to the Division. From their perspectives, the former Public Health Officer was needed. One member of Gill's Executive Team reported that Gill opined that the former Public Health Officer was "causing problems" because she created confusion by communicating with Department Heads, who questioned why the former Public Health Officer was giving them directions.

Although no one clear reason was offered for the former Public Health Officer's termination, the explanations provided by members of Gill's Executive Team are plausible and provide a legitimate reason unrelated to age, race and/or gender, for Gill wanting the former Public Health Officer to be terminated. The fact that Gill disliked the former Public Health Officer, coupled with the fact that no one notified the County Executive Office that the former Public Health Officer was working on-call for Public Health, and further compounded by the questions Department Heads asked about why the former Public Health Officer was giving them directions, resulted in Gill wanting the former Public Health Officer gone.

Based on the foregoing, [REDACTED] claim that the former Public Health Officer was fired based on age, race and/or gender is not sustained, as the credible evidence presented does not indicate that Gill's desire to have the former Public Health Officer gone was in any way related to [REDACTED]

**b. Public Health Website**

[REDACTED] claim that the Public Information Office took over the Public Health website at Gill's direction based on age, race and/or gender is not supported by the credible evidence presented. The PIO provided a credible explanation for her actions regarding the Public Health website, unrelated to age, race and/or gender. Additionally, it is undisputed by those who were involved with the website that Gill did not give the PIO any direction regarding the Public Health website, but communicated to the PIO that the Board wanted to see a website that provided Countywide information and was accessible to members of the public. More likely than not, Gill did not play any role in the Public Information Office's effort to update and improve the quality of the information included on the website.

The former Director of DHS and another Department employee credibly reported that the Public Health website was not being updated as frequently as the PIO wanted it to be due to Public Health's other commitments in responding to COVID-19. Additionally, Public Health staff were resistant to making the changes and updates the Public Information Office recommended so that it was easier to use "from a communications standpoint."

The PIO credibly maintained that she did not "hijack" or "steal" Public Health's website, as the website she created for the County Executive Office was separate from the Public Health website. The credible evidence presented does not support [REDACTED] claim that Public Information Office staff members engaged in any inappropriate conduct related to the Public Health website. Public Information Office staff did not have access to the Public Health website, and therefore, could not have engaged in any misconduct related to the site, including removing [REDACTED] name from the website.

Based on the foregoing, [REDACTED] claim that the Public Health website was "hijacked" by the Public Information Office at Gill's direction based on age, race and/or gender is not sustained.

**c. Management Additional Compensation and Relief from Vacation Limits**

[REDACTED] claim that Gill denied management-level employees additional compensation and refused to relieve them from the vacation accrual limit during the COVID-19 pandemic based on age, race and/or gender is not supported by the credible evidence presented. More likely than not, this decision was made by the retired Director of Personnel Services, who discussed it with Gill, but recommended to him that the County maintain the status quo.

On the one hand, the retired Director of Personnel Services offered a reasonable explanation for not wanting to give the Sacramento County Management Association (SCMA) what it requested, as doing so would likely result in other unions requesting similar treatment. It is understandable that the County did

not want to get into the position of reopening SCMA's labor contract to allow for management employees to accrue in excess of 400 hours of vacation leave, because it is very likely that all of the other unions would want their contracts reopened for a similar concession.

On the other hand, it is unclear why the retired Director of Personnel Services and presumably Gill were against requesting the Board authorize Public Health managers be paid additional compensation for the number of hours they worked during the COVID-19 pandemic. The retired Director's response to SCMA's request failed to recognize that even if all County managers were working longer hours than usual during the early months of the pandemic, the managers in Public Health were likely working far more hours than anyone else, as they were front line responders.<sup>22</sup>

Gill's approval was needed to bring a request to the Board for approval to pay additional compensation to the Public Health managers. Based on the retired Director of Personnel Services' recommendation, Gill did not approve SCMA's request. ██████ pointed out that the managers most affected by the retired Director's and Gill's refusal to take SCMA's request to the Board were women, but the credible evidence presented does not indicate that in making this decision, either the retired Director or Gill considered the age, race and/or gender of the management-level employees who would benefit by the additional compensation or relaxed limits on vacation accruals.

More likely than not, the retired Director of Personnel Services and Gill were focusing only on the "bottom line," and not taking into consideration that what SCMA requested was reasonable under the circumstances. Their agreement to relax the rules regarding Management Time Off (MTO) is indicative of this attitude, as relaxing these rules created minimal financial impact to the County. Additionally, the retired Director's response to some of the questions he was asked during his interview evidences that he was understandably displeased with ██████ approving some managers be paid in excess of 100 hours of additional pay, as she did not have the authority to do so. It is unclear if the retired Director's and Gill's unhappiness with ██████ impacted their perspective that the managers should accept relaxed rules regarding MTO and forego additional compensation or removal of the vacation accrual cap.

Based on the foregoing, ██████ claim that the Public Health managers were not paid additional compensation for the hours they worked based on age, race and/or gender is not sustained.

### **3. ██████ Complaint of Discrimination and Harassment Based on Race and Gender**

#### **a. Interactions with Navdeep Gill**

More likely than not, Gill behaved inappropriately and unprofessionally when interacting with ██████ but the credible evidence presented was insufficient to establish by a preponderance of the evidence that Gill's conduct was motivated by ██████ race and/or gender. As discussed in greater detail in the Investigation Summary submitted to the County on March 17, 2021, Gill treated many employees inappropriately and unprofessionally.

Some might describe Gill as an "equal opportunity bully," as his toxic behavior did not appear to focus only on females or only on people of color. Many members of Gill's Executive Team recounted incidents during which Gill behaved in an abhorrent manner towards the retired Chief Fiscal Officer and to a lesser extent, a Deputy CEO. The fact that Gill behaved unprofessionally when interacting with the retired Chief Fiscal Officer and a Deputy CEO, both of whom are male, undermines ██████ claim that his bad behavior towards her was gender-based.

Additionally, the retired Chief Fiscal Officer is Caucasian, further undermining ██████ claim that race was a factor in how Gill treated others. Similarly, many employees described Gill's conduct towards the

---

<sup>22</sup> One member of Gill's Executive Team opined that during the early months of the COVID-19 pandemic, the managers in Public Health worked 10 times as many hours as other managers in the County,



## Attorney-Client Privileged Investigation Report

former Assistant CEO, who is also Caucasian, as particularly troubling, further indicating that race did not play a role in how Gill interacted with subordinate employees.

Although Gill denied yelling at [REDACTED] and described his conversation with her to be “heated,” two members of Gill’s Executive Team, neither of whom have any known reason to exaggerate Gill’s conduct, described Gill’s conduct during his February 27, 2020, telephone conversation with [REDACTED] as “yelling.” Even [REDACTED] who was not present in [REDACTED] office, but walked by it, could hear Gill’s voice.

As described above, many witnesses corroborated [REDACTED] claim that Gill wanted to fire her as the [REDACTED]. She learned this from the former Director of DHS, who was present in the room with members of Gill’s Executive Team when Gill made statements to the effect of wanting [REDACTED] “gone.” Although Gill did not have the authority to terminate the [REDACTED], his statements about wanting her gone indicate that if he had such authority, he may have acted on it.

Gill reported being unhappy with the decisions [REDACTED] made with respect to declaring a public health emergency and regarding the various Health Orders that she drafted, including one she wanted to jointly present with Yolo and Placer Counties. Gill viewed [REDACTED] response to COVID-19 as “extreme,” and claimed that during the early weeks of the pandemic, the Board did not support the actions [REDACTED] recommended. Several witnesses reported Gill viewing [REDACTED] as a “thorn in his side” and not working collaboratively with the County Executive Office, causing Gill to be dissatisfied with [REDACTED] performance as the [REDACTED].

In assessing the facts regarding Gill’s interactions with and statements about [REDACTED] the undersigned considered the credible evidence presented regarding Gill’s reference to [REDACTED] as an “African princess.” Two members of Gill’s Executive Team reported hearing Gill refer to [REDACTED] in such a manner.<sup>23</sup> Such a statement evidences a racial animus by Gill towards [REDACTED]. However, it is more likely than not that this racial animus did not motivate him to yell at [REDACTED] or to want to fire her. Instead, it is more likely than not that Gill wanted [REDACTED] removed as the [REDACTED] because he did not have confidence in her and disagreed with the recommendations she made pertaining to the County’s response to COVID-19, described in greater detail below.

Based on the foregoing, [REDACTED] claim that Gill yelled at her and wanted to fire her based on her race and/or gender is not sustained. The credible evidence presented establishes that more likely than not, Gill treated many employees, including Caucasian males, in a similar manner to how he treated [REDACTED] undermining [REDACTED] claim that Gill’s conduct towards her was motivated by her race and/or gender.

### **b. Response to COVID-10 Pandemic**

The credible evidence presented establishes that more likely than not, Gill did not respond to the COVID-19 pandemic in an appropriate manner. Many witnesses reported that Gill did not take the COVID-19 pandemic seriously. Gill admitted to jokingly opining that COVID-19 would “go away” after the 2020 Presidential election, indicating his belief that the pandemic was a political issue and not a public health emergency.

Gill denied laughing at or mocking employees for wearing masks. This denial was undermined by several witnesses, including members of Gill’s Executive Team, who reported that even though they wanted to wear a mask during meetings with Gill, they did not do so because they did not want Gill to make fun of them.

---

<sup>23</sup> The undersigned did not learn of this comment until the thirtieth interview conducted as part of this investigation, and did not reinterview witnesses who were interviewed prior to the thirtieth interview to ask them if they heard [REDACTED] referred to in this manner.

## Attorney-Client Privileged Investigation Report

Gill denied directing all employees in the CEO's office to return to work at the County Administrative Building, but acknowledged that it was his preference for employees to return to work at the office. Gill also denied telling anyone that if employees did not want to return to work on site, they could find employees who would. Gill's depiction of his position regarding employees working from home was contradicted by several members of his Executive Team, who described Gill as unnecessarily insisting that County Executive Office staff members be in the office and that there be in-person meetings that could have been held via video. One of Gill's Executive Team member's description of Gill having a meltdown when this employee pushed back against requiring employees to return to work in the office is an example of Gill's opinion regarding COVID-19 and how the County should respond.

Gill's denial that he expected employees to return to work is undermined by his admission that in approximately June 2020, he required that all Agency, Department Head, and Agenda Review meetings take place in person. Gill acknowledged that he did not allow employees to attend these meetings remotely (via video), but stated it was "okay" if they were unable to attend the meetings. Gill's expectation that employees attend meetings in person in the midst of a pandemic, when County Health Orders urged employees to work from home if possible, is indicative of his failure to adhere to the measures implemented by the County to prevent the spread of COVID-19 and to create a safe work environment for all County employees.

The fact that Gill did not view COVID-19 as a public health emergency is more likely than not what guided his decisions regarding COVID-19. The credible evidence presented does not support ██████ claim that any of Gill's decisions regarding the County's response to the pandemic were motivated by either her race and/or her gender.

According to several members of Gill's Executive Team, all of whom appeared credible during their interviews, early on during the COVID-19 pandemic, Gill's response to the pandemic was appropriate under the circumstances, in light of the information that was available to them at the time decisions were made. For example, ██████ wanted to declare a public health emergency in late February or early March 2020, prior to the State doing so. Gill explained that he did not necessarily disagree with ██████ recommendation, but he wanted to better understand it in light of prior health emergencies that she declared for which he lost confidence in her decision-making skills. Members of Gill's Executive Team agreed with Gill's reticence, as they wanted to better understand how declaring a public health emergency could impact County residents and businesses.

Similarly, Gill's pushback regarding the Health Order requiring citizens to shelter in place/stay at home was understandable, given the confusion and unknowns that existed at the time. It is easy to look back to March 2020 and say that the shelter-in-place orders that were implemented were appropriate given the increase in COVID-19 cases that occurred when the Orders were eased in approximately June 2020.

Several members of Gill's Executive Team reviewed the shelter-in-place order ██████ prepared and had questions about its applicability to the Sacramento region. It appeared to them that ██████ copied the order from an order issued by a County in the Bay Area, as evidenced by her failure to change the signature block to include her name instead of the name of the Santa Clara County Public Health Officer.

It is undisputed that members of the Executive Team made changes to the Health Orders ██████ drafted. According to one member of Gill's Executive Team, this was done for quality control purposes. This witness also noted that the former Director of DHS was consulted regarding any substantive changes that were made to any document ██████ prepared, and that he approved of the changes. Given that the former Director is a medical doctor, and was ██████ supervisor, it is understandable that the Executive Team relied on him to not only provide it with his expertise, but to communicate to ██████ any changes being made to the documents she prepared. One Executive Team member explained that the initial Health Order ██████ prepared shut down industries that Gill and the Board did not want to shut down.

According to the PIO, the press conference that was held on or about March 19, 2020, was arranged at the request of ██████. Gill was present, but it was ██████ press conference. The PIO acknowledged that Gill did not want ██████ to have contact with the media because he did not have confidence in her to speak on behalf of the County. Gill wanted to control the County's public messaging and narrative

## Attorney-Client Privileged Investigation Report

regarding COVID-19, and did not believe that ██████ would do that. The credible evidence presented indicates that it was for this reason that Gill did not want ██████ to have contact with the media, and not based on her gender and/or race.

Members of Gill's Executive Team agreed that it made sense for the former Director of DHS to present Health Orders and engage with the media. They opined that because the former Director is a medical doctor, he was as qualified as ██████ to be the County spokesperson. They agreed that prior DHS Directors, who were not medical doctors, would not have been qualified in this regard. The former Director was who Gill, the Executive Team, and the Board turned to for guidance regarding the pandemic. During his interview, the former Director maintained that as the Director of DHS, it was his role to be the County's spokesperson regarding COVID-19.

One witness opined during her interview that by not allowing ██████ to be a spokesperson for the County, ██████ "standing in the community" diminished. This seems like a fair concern, but when balanced with Gill's and others' concern that ██████ was making decisions without working collaboratively with the County Executive Office, ██████ "standing" is the lesser concern.

For example, ██████ arranged to issue a joint statement with Placer and Yolo Counties. While ██████ informed the former Director of DHS she was meeting with other ██████ to discuss a joint statement, she did not discuss the issuance of a joint statement with the County Executive Team before agreeing to do so. It is also more likely than not that the former Director failed to communicate the proposed joint statement to members of Gill's Executive Team. As a result, ██████ made decisions that the Executive Team did not know about, so members of this team were understandably concerned that ██████ could potentially commit the County to doing something that neither Gill nor the Board wanted to do.

One witness reported that her supervisor told her that having ██████ name on public documents regarding COVID-19 would anger Gill, but there is no support for ██████ claim that Gill directed that her name not appear on any documents. In fact, ██████ name appears on most, if not all, of the Health Orders that are posted on the County's website.

██████ was understandably disappointed that she was "pushed aside" in favor of the former Director of DHS presenting the Health Orders and speaking to the media. However, the credible evidence presented does not evidence that this occurred based on her race and/or gender. As previously discussed, the former Director was also a medical doctor, so it was reasonable for the County Executive Team to deem him qualified to answer questions regarding the pandemic. Presumably, had anyone considered ██████ race and/or gender, she would have been the County spokesperson, as the PIO agreed that choosing the former Director over ██████ did not present good optics for the County. Further, after the former Director made inaccurate statements during interviews that needed to be corrected and made an inappropriate race-based comment, the PIO unilaterally decided to no longer rely on him for interviews with the media and unilaterally inserted ██████ into that role.

Despite others' claims to the contrary, ██████ was directed to not involve County Counsel in COVID-19-related discussions. One Deputy CEO denied that either he or Gill issued such a directive, but ██████ provided the undersigned with the voicemail message the former Director of DHS left for her on May 6, 2020, in which he states it is a "strong recommendation from [a Deputy CEO]" that before she gives information to County Counsel's office, she "run it past [the former Director of DHS] and a Deputy CEO first. Even though the former Director did not use the word "directive" or "order," one can assume that a "strong recommendation" from a superior is analogous to a directive or order. The credible evidence does not establish that more likely than not, this directive was issued based on ██████ race and/or gender, but rather, based on Gill's dislike for subordinates involving County Counsel's Office in decisions that he does not view as involving legal matters.

Finally, Gill and members of his Executive Team offered a legitimate explanation for why they wanted ██████ to communicate with members of Gill's Executive Team before making any decisions regarding the County's response to COVID-19. By their accounts, ██████ had a tendency to "go rogue" and to not communicate with her supervisor, the former Director of DHS, regarding Public Health decisions and



actions taken in response to health emergencies. Additionally, the Director of the Office of Emergency Services understandably wanted to be “kept in the loop” regarding Public Health’s actions in response to the pandemic and to ensure that the County was responding in a consistent manner and with a consistent message. The same is true of other members of Gill’s Executive Team, all of whom worked closely with Gill, who in turn communicated with the Board. [REDACTED] as the County [REDACTED], has broad authority to issue emergency Public Health Orders when justified. However, her position does not provide her with the independent authority to take additional actions necessary to support the response to any such orders, such as seeking Board of Supervisor ratification when necessary and entering into contracts on behalf of the County. Therefore, coordination with the County Executive Team during the pandemic was crucial in order to provide the necessary support for any order she issued.

Much of the consternation that was created between Public Health and the County Executive Office appears to be due to a lack of communication between the former Director of DHS and Public Health staff, including [REDACTED] as well as the former Director and the County Executive Office. It appears as though [REDACTED] assumed that as the [REDACTED], she had the authority to make decisions regarding the County’s response to the pandemic, as long as she notified the former Director of these decisions. [REDACTED] credibly reported that she notified the former Director about her actions, including communications with the school district, hiring the former Public Health Officer, and issuing a joint statement with Placer and Yolo Counties. More likely than not, the former Director failed to communicate these actions to members of Gill’s Executive Team, leaving Gill and his Deputies to opine that [REDACTED] was “going rogue.”

The credible evidence presented establishes that more likely than not, with the exception of the decision to keep [REDACTED] away from the media, these decisions were made by the County Executive Team as a group, and not by Gill individually. Members of Gill’s Executive Team offered a legitimate explanation for revisions they made to documents [REDACTED] prepared and for directing her to discuss decisions regarding the pandemic with them, unrelated to [REDACTED] race and/or gender. Additionally, Gill offered a legitimate explanation for why he did not want [REDACTED] to communicate with the media on behalf of the County. Gill’s explanation was corroborated by others, who agreed that they needed to control the narrative regarding the County’s response to the pandemic.

Based on the foregoing, [REDACTED] claim that she was excluded from decisions regarding the County’s response to the COVID-19 pandemic, and was sidelined in favor of the former Director of DHS, based on her race and/or gender, or because she pushed back against Gill’s reluctance to declare a public health emergency, is not sustained.

**c. Coronavirus Aid, Relief and Economic Security Act Funding**

Several of the Public Health witnesses interviewed as part of this investigation provided inconsistent versions of what occurred regarding Public Health’s requests for CARES funds. The CGAC, whose members were selected by Gill, did not include any DHS administrators or staff. As a result, in many cases, the witnesses’ reports of what occurred were based on what they were told by others. For that reason, the statements relied upon by the undersigned are made by those with firsthand knowledge of what occurred regarding Public Health’s requests for CARES funds.

It is undisputed among those with firsthand knowledge that Public Health’s request for \$45,000,000 in CARES funds was not submitted to the CGAC. It is unclear why this request was not submitted, but the responsibility for this lies with the former Director of DHS and not with Gill or any member of the CGAC. When [REDACTED] told the Board that Public Health did not have the resources it needed, she led the Board to believe this was due to the CGAC not approving requests for CARES funds submitted by Public Health. The undersigned formed the same impression during the complainants’ interviews for this investigation.

[REDACTED] reported that Public Health staff members were told they could request only \$2,000,000 in CARES funds from the CGAC, but she was unable to identify who gave her this information. [REDACTED] also reported that after she and her staff prepared a budget of \$90,000,000, they were directed by the former Director of DHS to reduce it, which they did. [REDACTED] reported that when the \$45,000,000 CARES request



## Attorney-Client Privileged Investigation Report

was submitted internally within DHS, someone communicated to Public Health that the CGAC was no longer accepting requests for CARES funds. The source of the inaccurate information conveyed to [REDACTED] is unknown.

The former Director of DHS reported being frustrated with [REDACTED] for not submitting Public Health's requests for CARES funds to him in a timely manner. He blamed her for the situation that resulted in August 2020, with the Board getting involved, but noted that had the Board not gotten involved, Public Health's request for \$45,000,000 would likely have been denied, at least in part, due to inadequate funds remaining as of August 2020. One witness, on the other hand, opined that had Public Health's request been submitted sooner, it may have gotten more than \$45,000,000 in CARES funds.

The concern regarding Public Health's \$45,000,000 request for CARES funds is that it was never submitted to the CGAC. The former Director of DHS did not have an explanation for this, but at the end of the day, it was his Department and his responsibility to ensure that all of the requests prepared by the divisions in DHS were presented to the Committee for consideration.

[REDACTED] accused Gill of lying when he stated during the August 11, 2020, Board meeting that all of the requests submitted by Public Health were approved. This was, for the most part, an accurate statement, in that only \$125,000 of the \$1,500,000 request submitted to the Committee was denied and redirected to Federal Emergency Management Agency.

At a Deputy CEO's request, [REDACTED] sent him an email clarifying her statement at the Board meeting regarding Public Health's resources, as she implied that the Division did not have the resources it needed because its requests were denied by the CGAC. [REDACTED] stated that she felt pressured into writing this email, but there is no indication that what she wrote in the email is not completely accurate. There was no credible evidence presented indicating that the Deputy CEO requested [REDACTED] send him an email clarifying her statements at the Board meeting for any improper purpose.

[REDACTED] and others opined that Public Health was not prioritized by the County and/or the CGAC with respect to CARES funds. However, they expressed this opinion based on the amount of CARES money given to the Sheriff's Office. All of the members of the CGAC credibly reported that even though on paper it appeared as though the Sheriff's Office was given a large percentage of the CARES funds awarded the County, the documentation was misleading. As explained by members of the Committee, the money "given" to the Sheriff's Office was not actually given to the Sheriff's Office, but rather, was "transferred" to the General Fund to free up funds for use beyond December 31, 2020.

To the extent [REDACTED] claims that Public Health's inability to enter into contracts and procure the goods and services it needed after it received \$45,000,000 in CARES funds was based on race and/or gender, or any other improper motive, this claim is undermined by the County's Purchasing Agent, who reported that he was never directed make it difficult for Public Health to spend the money by the end of the year. On the other hand, he was also not directed to shorten the County's contracting and procurement processes to assist Public Health. Without such a directive from his superiors, General Services was not in a position to allow Public Health to disregard the County's established protocols.

Gill acknowledged that he did not believe Public Health would be able to spend the \$45,000,000 it was granted prior to December 31, 2020. However, the credible evidence presented does not support [REDACTED] claim, based on what the former Director of DHS told her, that Gill was unhappy Public Health was given the money and that he was going to make it difficult for Public Health to spend the money by the end of the year. The former Director of DHS attributed the roadblocks Public Health encountered to "the bureaucracy of the County's contracting process," and not to anything Gill said or did.

Based upon the foregoing, the preponderance of the evidence establishes that Gill did not engage in any wrongdoing regarding CARES funds given to Public Health. More likely than not, [REDACTED] race and/or gender did not play any role in any decision Gill made pertaining to distribution of the County's CARES funding.

**V. CONCLUSION**

Based upon the foregoing, the complainants' claims that Gill made decisions or engaged in conduct towards them based on their gender, race, and/or age, are not sustained. Despite Gill's creation of a toxic work environment, the credible evidence does not establish by a preponderance of the evidence that Gill's response to the COVID-19 pandemic and decisions he made in relation thereto were improperly motivated by gender, race, and/or age.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Karen Kramer", is written over a light gray rectangular background.

Karen Kramer  
Kramer Workplace Investigations