



City of Cleveland Memorandum
Frank G. Jackson, Mayor

TO: Sharon Dumas, Director
Department of Finance

FROM: Nycole West, Director
Department of Human Resources

SUBJECT: Cleveland Community Police Commission Staff

DATE: July 16, 2018

Report of Findings & Recommendations

At the request of the Departments of Human Resources and Law, Diane Citrino conducted an investigation of multiple complaints made by employees of the Cleveland Community Police Commission (“CPC”) staff.

Staff of the CPC are City of Cleveland (“City”) employees. The CPC staff assists a thirteen-person volunteer Commission. The Commissioners are not City employees for purposes of their work on the CPC other than three police officers who are on the Commission. At the time of the investigation, there were five staff members: Bethany Studenic, Chinenye Nkemere Thompson, Rosie Jovic, Vreere Bunkley and the Executive Director, Jason Goodrick.

Complaint

Each of the five staff members had made at least one claim against other staff members:

Ms. Studenic’s EEO Complaint Intake Form, signed on March 29, 2018, asserts as a basis of her complaint: Sexual Harassment, Retaliation, Harassment, Workplace Violence, and Sex discrimination. The Charged Party is Mr. Goodrick.

Ms. Jovic’s EEO Complaint Intake Form, signed on March 29, 2018, asserts as a basis of her complaint: Sexual Harassment, Disability discrimination, Retaliation, Workplace Violence, and Sex discrimination. The Charged Party is Mr. Goodrick.

Ms. Thompson’s EEO Complaint Intake Form, signed on March 29, 2018, asserts as a basis of her complaint: Race discrimination, Retaliation, Harassment, Workplace Violence, and Sex discrimination. The Charged Party is Mr. Goodrick.

Ms. Bunkley’s EEO Complaint Intake Form, signed April 4, 2018, asserts as a basis for her complaint: Workplace Violence. The Charged Party is Ms. Thompson.

Mr. Goodrick did not file an EEO Complaint Intake Form but alleged a claim of Workplace Violence. The Charged Parties are Ms. Jovic and Ms. Thompson.

An investigation was launched pursuant to the Policies of the City of Cleveland.

Scope

The scope of the investigation was to determine if there were any violations of the City’s HR Workplace Policies and Procedures and/or the City’s Civil Service Rules. The investigator also reviewed the City’s policies on harassment, discrimination, retaliation, workplace violence and its general personnel policies

and procedures. These general policies included specific timekeeping and flex time policies. All requested policies were provided. The City has non-discrimination policies in place to protect the safety and well-being of its employees, visitors and vendors. City policy seeks to uphold the “dignity of the individual” and promote a workplace that is free of harassment and unlawful discrimination based on sex, race, color, religion, national origin, age, marital status, sexual orientation, disability, military/veteran status and any other basis protected by state, or local law which has jurisdiction over the employee. The policy further states, “Harassing and discriminatory behaviors are unlawful and will not be tolerated. Any retaliation against a complainant (the person who accuses another of unlawful harassment) or individuals cooperating with an investigation is also unlawful and will not be tolerated.”

Investigation

The following witnesses were interviewed:

Marty Flask	Consultant to the City
Anthony Houston	Project Coordinator
Kevin Preslan	Financial Manager
Rosie Jovic	Asst. Administrator
Bethany Studenic	Senior Policy Analyst
Chinenye Nkemere Thompson	Community Engagement Coordinator
Vrere Bunkley	Community Engagement Coordinator
Jason Goodrick	Executive Director
Greg White (telephone interview)	Coordinator of the Consent Decree
Jessica Drake	Consultant with SAI
Yvonne Conners	Co-Chair CPC
Lee Fisher	Commissioner
LaToya Logan	Co-Chair CPC
Dylan Sellers	Commissioner
Anthony Body	Commissioner
Dick Knoth	Commissioner
Kathleen Clegg (telephone interview)	Commissioner
Fae Brooks (telephone interview)	Consultant with SAI
Amanda King	Commissioner
Sharon Dumas	Director of Finance
Jim Copple	Consultant with SAI
Colleen Copple	Consultant with SAI

The CPC is mandated in the Consent Decree entered into in 2015 between the United States and the City. The Consent Decree is designed to ensure that police services in Cleveland are delivered in a manner that is constitutional, effective, and consistent with community values while preserving officer and public safety. To foster a strong community-police relationship and build trust, the Consent Decree mandated the creation of a community police commission (CPC).

The employment structure for the staff is unique: the CPC staff are City employees who are under the appointing authority of the Finance Department’s Director Sharon Dumas. However, Ms. Dumas has limited responsibility. She is responsible to onboard staff hires as City employees and to ensure that staff follows City procedures. Ms. Dumas also manages the staff’s operating budget and physical location. But CPC Commissioners monitor the staff’s work product and their day-to-day responsibilities. Staff members are afforded civil service protection and can be fired only for cause.

Executive Director Jason Goodrick was hired on June 12, 2017. Chinenye Nkemere Thompson, who is called ChiChi, began work on June 20, 2017 as a Community Engagement Coordinator (“CEC”). Rosemary Jovic, who is called Rosie, began work as an Assistant Administrator on August 21, 2017. Bethany Studenic began work on November 6, 2017 as a Project Coordinator. Finally, Vreere Bunkley began work as CEC on December 4, 2017.

Thus, there is very little history about the organization or among these individuals. What history does exist is a torrent of complaints and cross-complaints among staff members who routinely traded barbs about one another. The vast majority of such barbs are not related to actionable claims under the law or the City of Cleveland’s workplace policies. The evidence that the issues among the staff are not primarily about matters that are actionable under the law or the City’s workplace policies is reflected in their written complaints.

On February 6, 2018, Ms. Thompson wrote a four-page letter to the Commissioners that describes eleven separate “incidents” every one of which concerns Mr. Goodrick’s alleged “inconsistent or non-existent work product,” frequent absences, “mood swings and irritability,” downplaying staff work product, taking credit for staff work product, abrasive speaking at community meetings, and with respect to Ms. Bunkley, a lack of work and communication. Ms. Thompson’s memorandum tells the Commissioners, who supervise both Ms. Thompson and Mr. Goodrick, that her supervisor, Mr. Goodrick, is incompetent by her complaints about his leadership.

On the same day, February 6, 2018, Ms. Jovic wrote a one-page memo wherein she complains about Mr. Goodrick and details three incidents. One concerns her claim that Mr. Goodrick gave her a review in a non-private setting. Another concerns her claim that Mr. Goodrick called her a “crybaby.” She also claims that Mr. Goodrick does not take her suggestions seriously as opposed to the suggestions made by Ms. Thompson, Ms. Studenic and Ms. Bunkley.

On February 7, 2018, one day after the others, Ms. Studenic also wrote a one-page memo in which she makes similar complaints to those described by Ms. Thompson and Ms. Jovic in their memos of February 6, 2018.

Thus, by February of 2018, three of the four staff members of the CPC were openly calling their supervisor incompetent to the Commission. Instead of adhering to a chain of command or formally altering the chain of command, the situation was exacerbated by the Commissioners disagreeing among themselves about how to handle staff matters.

On March 5, 2018, Ms. Thompson, Ms. Studenic and Ms. Jovic wrote another “concerns” memorandum that they shared with the entire Commission. This memo is a nine page document that again outlines what these individuals believe about their supervisor’s management. One can get an accurate sense of the memo by noting the heading of the sections, “Mishandling of Sexual Harassment Issues,” “Lack of Respect for Staff and Partners,” “Mismanagement of Strategic Relationships,” “Improper Timekeeping,” “Mishandling of Staff Leadership,” “Mishandling of Onboarding Processes, Failure to Address Inadequate Performance,” and “Newest Staff Member.”

The last two sections focus on the opinion of Ms. Thompson, Ms. Studenic and Ms. Jovic that Ms. Bunkley should not have been hired and is incompetent. Notably, Ms. Studenic, Ms. Thompson and Ms. Jovic appear to have kept a log on Mr. Goodrick’s whereabouts and found him lacking. The March 5 memorandum concludes with Ms. Studenic, Ms. Thompson and Ms. Jovic asserting that “the three of [them]” can continue to work together and do the work of the CPC (implicitly, without Mr. Goodrick or Ms. Bunkley’s help).

The March 5 memorandum ends with this sentence, “It is our belief that the three of us, together, could build on the foundation of this commission to make a real impact in Cleveland.” Obviously, the message

of this memorandum and the prior communications of Ms. Thompson, Ms. Studenic and Ms. Jovic to the Commission was Mr. Goodrick and Ms. Bunkley should be fired.

Again, only the first section of the March 5 memorandum has anything to do with actionable conduct under the law or the City's workplace policies.

Finally, on March 29, 2018, Ms. Thompson, Ms. Studenic and Ms. Jovic submitted an update to their concerns memorandum. This one is eight pages long. The first section deals with their view that there is a "Toxic and Hostile Work Environment" which will be discussed below. Most of the rest of the memorandum describes their opinions of Mr. Goodrick's "poor leadership" and "incompetence." It concludes with their contention that they have been retaliated against by Mr. Goodrick.

It is also beyond doubt that the bulk of the concerns raised by Ms. Thompson, Ms. Studenic, and Ms. Jovic does not concern matters that are actionable under the City's workplace policies or the law.

Analysis & Findings

There are conflicting versions of relevant events. It is necessary to weigh the credibility of the witnesses to resolve such conflicts. Tests to determine the credibility of witnesses include the appearance and manner of each witness while providing information; the reasonableness of the testimony; the opportunity the witness had to see, hear, and know the things about which he or she testified; the witness's accuracy of memory; frankness or lack of it; consistency or lack thereof in a witness's versions of events; interest and bias, if any; corroborating evidence or other witnesses, etc. The EEOC encourages employers to use the following factors, among others:

- Inherent plausibility: Is the testimony believable on its face? Does it make sense?
- Demeanor: Did the person seem to be telling the truth or lying?
- Motive to falsify: Did the person have a reason to lie?
- Corroboration: Is there witness testimony (such as testimony by eye-witnesses, people who saw the person soon after the alleged incidents, or people who discussed the incidents with him or her at around the time that they occurred) or physical evidence (such as written documentation) that corroborates the party's testimony?
- Past record: Did the alleged harasser have a history of similar behavior in the past?

While none of these factors are determinative, they are helpful to the analysis. In this case, the investigator placed heavy reliance on witnesses who had first-hand information as opposed to those who were repeating second-hand accounts, rumors, conjecture, and the like.

Allegations of Hostile Work Environment/Workplace Violence/Workplace Safety Violations

In addition to the requirements of federal and state law, the City's Sexual Harassment Policy provides that "all employees shall be afforded a working environment free from unsolicited verbal comments, gestures or physical contact of a sexual nature." Actions inconsistent with this policy are considered improper sexual harassment when "such conduct has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The City's Workplace Violence Policy defines workplace violence as behavior such as "oral and written threats, harassment, intimidation, physical attack or property damage, either occurring at or arising from the employee's place of work with the City." Harassment under the policy is defined as "behavior or communication designed to intimidate, menace or frighten another person." Intimidation is defined as "behavior or communication which includes but is not limited to stalking or engaging in actions intended to frighten, coerce or induce stress." Workplace violence can

originate with City employees or outsiders.

Finally, the City's General Safety Policy provides that it is the duty of all City employees to promote the safety and security of fellow employees and the general public who come in contact with City services and facilities.

Allegations relating to the 3631 Perkins Avenue building

The first and most consistent claims relating to the creation of a hostile work environment and workplace safety concerns relate to the Perkins facility.

Ms. Studenic alleged that on December 6, 2017, she was "catcalled" in the parking lot and while she was exiting the building her looks were commented upon. On January 26, 2018, Studenic entered an elevator and a man in the elevator said to another woman in reference to Studenic, "Isn't she beautiful?" The man who spoke "high-fived" another man in the elevator. That same day as she was leaving the building, a man said she was beautiful and made remarks about her fur coat. Ms. Studenic also alleged she was honked at when she was walking on the street. Ms. Studenic reported these incidents to Mr. Goodrick.

Ms. Thompson alleged that men made "borderline comments" about her disposition or clothes. In December, a man by the entrance to the building, told her "nice car" and that she "looked good." Ms. Thompson also reported that in May of 2018, a man made a comment about her body scent and toes and/or toe-nail polish.

Ms. Jovic alleged that in the first few months of being at Perkins, she got on an elevator with four men who commented on her looks. On January 26, 2018, Ms. Jovic reported that a man watched her as she got out of her car.

Ms. Studenic, Ms. Jovic, and Ms. Thompson allege that Mr. Goodrick failed to take action. Mr. Goodrick denies this and contemporaneous evidence provided by Mr. Goodrick supports his denial. For instance, it is not disputed that Ms. Studenic, Ms. Jovic, and Ms. Thompson had a discussion in which they addressed using the buddy system, locking the door, observing an appointment-only policy (rather than office hours), and using check-ins when working alone."

Further, on January 26, 2018, the day of Ms. Studenic's complaint and consistent with his representation to Ms. Studenic, Mr. Goodrick emailed Perkins management to complain about building security issues. After Mr. Goodrick received sexual harassment training from the City, he forwarded the complaints by Ms. Studenic, Ms. Jovic, and Ms. Thompson to the City's Human Resources department. Thereafter, on February 12, 2018, a letter went out to Perkins management to all tenants of the building, including the CPC, reminding them not to prop open doors, not to buzz in unknown people, and remind tenants they are responsible for their guests who should not be harassing people.

On February 14, 2018, Mr. Goodrick posted a written safety plan incorporating the safety measures previously discussed with the staff on the internal staff project management system. Mr. Goodrick request Ms. Jovic obtain quotes from various vendors for a security camera system. However, Ms. Jovic and Ms. Studenic were upset by his request because they thought it was Mr. Goodrick's job to obtain the quotes for the security system.

Additionally, while Ms. Studenic suggests that Mr. Goodrick was entirely dismissive of their concerns, the documents obtained are not consistent with her contentions. On January 26, 2018, there is a text-message exchange between Mr. Goodrick and Ms. Studenic where he says he is "truly sorry" about the occurrences and will do all he can to reduce them. She replies that she appreciates his being "responsive" and knows there "is only so much he can do."

As to whether or not Mr. Goodrick told Ms. Studenic she should be complimented by the catcalling, Mr. Goodrick denies this assertion. Ms. Studenic did not include this remark by Mr. Goodrick in any contemporaneous writing she made at the time of the incidents, and therefore strains credulity that she would have omitted the remark by Mr. Goodrick.

Ms. Thompson alleged on May 23, 2018, sexual harassment in which a man in the elevator allegedly commented on her body scent, toes and/or toe nail polish. After surveillance was conducted by City investigators, the man was located. He denied Ms. Thompson's version of the statements, saying he stated she looked "nice" but did not comment on how she smelled, on her toes, or her body. Ms. Thompson's allegations could not be proved or disproved. The man, who is attending a job-training course at Perkins, has ended his course, and is no longer present at the Perkins location.

Further, the statements made by Ms. Thompson's lawyer in her May 12, 2018, letter to the City alleging severe and pervasive sexual harassment are contradictory to Ms. Thompson's own statements in her February 7, 2018 memorandum. In the February 7, 2018 memorandum, Ms. Thompson writes, "In general, I do not feel unsafe on the day to day basis, but the amount of men ambling in the hallways or elevator makes attending work and leaving at the day, disconcerting."

No evidence was presented that any of the alleged incidents related above concerned a CPC employee or City employee making the comments or engaging in the conduct.

A detailed safety plan was completed by June 1, 2018. Ms. Studenic criticized the plan saying she was "deeply offended" by the implication that it is staff's responsibility to be aware or be mentally prepared for a potential assault. Situational awareness is a common part of most safety plans. The investigator did not find Ms. Studenic's criticism of the safety plan warranted.

The employees' complaints predated the completion and execution of changes to the safety plan made in at least partial response to their complaints. Moreover, the record shows that Mr. Goodrick took the complaints seriously and took steps to remedy the concerns. Further, the record shows the City responded to the complaints in a timely fashion and took steps to remedy the allegations, including investigating the incidents and reporting all incidents to the management company at Perkins.

Allegations that CPC staff members violated the City's Hostile Work Environment/Workplace Safety/Workplace Violence Policies

Ms. Studenic, Ms. Jovic and Ms. Thompson complain that Mr. Goodrick stomped, glared, pointed, and slammed things. This behavior was not observed by others, including Ms. Bunkley, who was present during these same times where specific behaviors were alleged. Additionally, Mr. Houston, Mr. Preslan, and other Commissioners were present at the Perkins location when some of the conduct by Mr. Goodrick allegedly occurred and they did not see it.

More specifically, there are no references to this kind of behavior in the written complaints of Ms. Studenic, Ms. Jovic, or Ms. Thompson until March 29, 2018. In the March 29, 2018 memo, they allege that on March 20, 2018 and the morning of March 21, 2018, Mr. Goodrick stomped, glared, knocked too loudly, and slammed his door. Ms. Jovic alleged that Mr. Goodrick got too close to her when he was talking to her about an issue. Ms. Studenic complained that Mr. Goodrick entered her office, sat too close to her, and invaded her personal space. However, Ms. Studenic, Ms. Thompson, and Ms. Jovic also remark in their March 29, 2018 memorandum that in the afternoon of March 21, 2018, Mr. Goodrick no longer exhibited the angry behavior.

On March 23, 2018, Ms. Bunkley alleged that workplace violence occurred where Ms. Thompson followed Ms. Bunkley into their office, shut the door, and told her she read an email Mr. Goodrick had sent Ms. Bunkley. The email from Mr. Goodrick said Ms. Bunkley had done nothing wrong. Ms. Thompson then warned Ms. Bunkley to “be careful” and told Ms. Bunkley she did not know where her “allegiance” lay. Ms. Thompson admits she privately discussed the email but did so because her feelings were hurt. Ms. Thompson says she did not threaten Ms. Bunkley and that Ms. Bunkley was “highly sensitive” and perceived everything as a threat.

On April 5, 2018, Mr. Goodrick alleged that he had to flee the CPC office because of feeling threatened by Ms. Jovic and Ms. Thompson. He asserted their body language was hostile and they were slamming doors.

Harassment under the policy is defined as “behavior or communication designed to intimidate, menace or frighten another person.” Showing emotion or having an emotional outburst is not the same as engaging in harassment. Here there is no long term pattern of aggressive intimidating conduct by any of these employees. Mr. Goodrick’s allegedly aggressive behavior is limited to three or four days in March. Ms. Thompson’s alleged conduct is limited to one day in connection with Ms. Bunkley and one day in connection with Mr. Goodrick. Ms. Jovic’s alleged conduct is limited to one day.

While the investigator did not find that any CPC employee violated the City’s Workplace Violence policy, she strongly recommend that all CPC staff receive training in anger management or other training focused on dealing with emotionally stressful circumstances in the workplace.

Allegations of Sexual Harassment by Mr. Goodrick

The City’s Sexual Harassment Policy defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.” While the Policy is not intended to “regulate social interaction or relationships freely entered into by City of Cleveland employees,” the Policy provides,

- “1. The City of Cleveland will not tolerate sexual harassment in any form which imposes a requirement of sexual cooperation as a condition of employment, promotion, layoff, and training and any other term or condition of employment.
2. No supervisory personnel may use explicit or implicit sexual behavior to control, influence or affect the career, salary or job of an employee.
3. All employees shall be afforded a working environment free from unsolicited verbal comments, gestures or physical contact of a sexual nature.”

Ms. Studenic asserts that Mr. Goodrick engaged in sexually harassing behavior toward her. In particular, she contends that Mr. Goodrick hosted drinking parties, “forced her to stay at a holiday party” and touched her knee, allowed her to see Planned Parenthood paperwork in his car, badgered her to reveal personal information about her life, said he did not like taking her to meetings because she is distracting, “Amazonian,” and that she “looked like his ex.”

None of Ms. Studenic’s claims of sexual harassment by Mr. Goodrick (other than displaying the Planned Parenthood paperwork) appear in Ms. Studenic’s memorandums, emails, text messages, etc. prior to the investigatory interview. While she wrote extensively about her concern for safety in the Perkins facility, performance and personal deficiencies of Ms. Bunkley, and the voluminous performance problems with Mr. Goodrick, she omitted these complaints about sexual harassment by Mr. Goodrick.

Ms. Studenic's claim that she was "forced" to stay and drink, where she was the last to leave at 3:42 a.m. (other than Mr. Goodrick), is belied by her own words – that she admitted she ordered a bottle of Prosecco for herself and other women; text messages showing Mr. Goodrick was left behind at one of the stops because he was on a telephone call with his children and didn't know where the group went; as well as multiple photographs of the group. In one, Ms. Studenic is leaning into Mr. Goodrick. Finally, the text messages between the two as Mr. Goodrick waits for his Uber in the wee hours of December 23 do not support Ms. Studenic's being touched against her will moments before or that she was uncomfortable. During the first investigatory interview, Ms. Studenic denied Mr. Goodrick ever touched her. It was not until May 11, 2018, when the City received the letter from Ms. Studenic's attorney that it was put on notice that Ms. Studenic alleged direct sexual harassment by Mr. Goodrick.

Further, text messages between the employees demonstrate that Ms. Jovic initiated many of the happy hour outings with the CPC staff, not Mr. Goodrick.

This evidence is insufficient to show intent to sexually harass or create a hostile work environment by Mr. Goodrick. Thus, the evidence does not show that Mr. Goodrick engaged in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature with CPC staff.

Allegations of Disability, Race, or Gender Discrimination by Mr. Goodrick

No evidence of gender discrimination was produced by any party. As to disability discrimination, Ms. Jovic alleges she is a person with a mental health disability, that she revealed her disability to Mr. Goodrick in confidence, and that he disclosed her disability to her co-workers, mocking her by calling her "crazy." He also allegedly humiliated her by talking about Ms. Jovic's drinking and her "alcoholism."

The evidence shows that Ms. Jovic sent Mr. Goodrick affectionate text messages and handmade cards. The two appeared to have a close relationship until mid-January. Ms. Jovic told the investigator, Mr. Goodrick was concerned she had a drinking problem and the two discussed it. There are text messages between the two where Mr. Goodrick tells her not to make decisions when she was under the influence of alcohol. On more than one occasion, Mr. Goodrick told Ms. Jovic to take an Uber home. Ms. Jovic does not deny that she drank to excess on occasion. In this context, Mr. Goodrick's concern about her well-being cannot be deemed improper disability discrimination on the basis of addiction to alcohol.

The investigator also could not conclude that Ms. Jovic's complaints about Mr. Goodrick's alleged indiscretion about her mental health issues (which also could form the basis of a disability claim) is valid. This office was one where people did not have many boundaries between their personal and professional life.

Ms. Thompson, who is African-American, asserted in her EEO complaint that she experienced race-based discrimination. However, she offered only two comments as evidence to support her claim: Ms. Thompson contends Mr. Goodrick made a remark about her nice car and that she got her work done quickly. She believes these are veiled racist comments. The investigator did not find them to be so. Ms. Thompson also asserts that Mr. Goodrick attempted to create racial tension with her co-worker Vreere Bunkley who is also African-American. The latter is unsupported by the evidence. Indeed, the reverse is true. All of the evidence shows that Ms. Thompson was the most insistent that Ms. Bunkley was not competent and should not be employed. Ms. Thompson complained about Ms. Bunkley, her work, her attitude, her communication, etc. on too many occasions to count. It simply strains credulity to allege that the problems between Ms. Thompson and Ms. Bunkley were the fault of Mr. Goodrick.

The investigator did not credit these allegations by Ms. Thompson and believed Ms. Thompson was actively undermining Ms. Bunkley's work. Ms. Thompson complained in writing that a neighborhood

group did not want to work with Ms. Bunkley because of her poor performance. Evidence presented to the investigator included a written statement from the person Ms. Thompson claimed made the statement that contradicted her assertion in forceful terms saying that such a claim was “completely false and malicious in intent.”

Allegations of Retaliation by Mr. Goodrick

The City’s Workplace Policies prohibit retaliation for employees raising charges or concerns under the City’s various Workplace Policies.

Ms. Thompson claims that Mr. Goodrick retaliated against her because she was disciplined for an overtime violation. City employees trained CPC staff on getting approval for overtime on March 12, yet days later, Ms. Thompson failed to follow the overtime procedure. It was clear that the City of Cleveland instituted the overtime discipline, not Mr. Goodrick.

Ms. Thompson also complained Mr. Goodrick acted against her in retaliation for complaining to Commissioners about his lack of response to her safety concerns. As set forth above, the evidence does not find these complaints to be supported.

Ms. Jovic also complains that Mr. Goodrick retaliated against her for her complaints about his failure to take adequate measures to protect the safety of staff and for his failures as an office manager, including how much time he spent in the bathroom or out of the office. The evidence does not credit her claims of retaliation

Ms. Studenic also complains of retaliation in how her job duties shifted. At one point she complains Mr. Goodrick relies on her too much; other times she says he is interfering with how she performs her job. The escalated complaints of the individuals involved, at times supported by different Commissioners, led to a complete breakdown of Mr. Goodrick’s authority. When he tried to assert supervisory authority, he was accused of taking away responsibilities the staff had previously enjoyed. The evidence does not support Ms. Studenic’s complaints amount to retaliation for her complaints.

The investigation of the complaints filed revealed that there is **not** sufficient evidence to conclude that Mr. Goodrick, Ms. Studenic, Ms. Thompson, Ms. Bunkley or Ms. Jovic are in violation of the City of Cleveland’s Policies. However, some of the conduct uncovered during the investigation may warrant counseling or disciplinary action in accordance with Civil Service Rule 9.10.

Recommendations

- Notwithstanding the findings of “No Apparent Policy Violation” the department may consider conducting a pre-disciplinary conference for Mr. Goodrick in accordance with Civil Service Rule 9.10.