

CONCLUSION

312

313

314 The complaint that was provided by the union (Exhibit 1) and then the subsequent complaint
315 from Ms. Mann (Exhibit 2) provided the basis for the investigation. Not all issues outlined in
316 the complaint were investigated and are noted as such.

317

318 The complaint (Exhibit 1) provided on or about September 18, 2017, did not have page numbers,
319 so page numbers have been added for reference.

320

321 The first complaint that the union is under the heading, "Working out of class". In item #1 in
322 the complaint the union raises multiple issues. One issue is that Ms. Spaziani put Ms. Fraczek's
323 safety at issue by having her climb to the top of a dome at UCONN to interview workers. The
324 union alleges that Ms. Spaziani already knew that the workers were overpaid, that they could
325 have come down to be interviewed and that she was only looking for "some excitement" in
326 climbing the dome. The second issue that the union raises is that Ms. Spaziani brought several
327 workers to UCONN thus wasting state funds. The third issue that the union raises was that
328 Wage & Hour Investigators should not be doing jobs that involve prevailing rate, that this is only
329 to be done by Wage Enforcement Agents. The fourth issue is that if Wage and Hour division
330 employees are going to be subject to risks on the job (e.g. climbing the dome) then they should
331 be treated as hazardous duty employees. The third and fourth issues were not part of the
332 investigation as they should be addressed in a different forum. However, it should be noted
333 regarding the third issue, that Ms. Spaziani stated that Wage and Hour Investigators may go out
334 on prevailing wage rate investigations for learning purposes. Ms. Spaziani stated that they may
335 be doing this only about 5% of their time. (Exhibit 14 - Lines 1 - 10) (The third issue in item
336 #1 is also referenced in items #2 and #3 under this same heading.)

337

338 The first issue was whether Ms. Spaziani put Ms. Fraczek's safety at issue by having her climb
339 up the dome. Ms. Fraczek stated that it was she who requested of Ms. Spaziani that she be able
340 to climb up the dome to interview the employees. (Exhibit 8 - Lines 1 - 5) Ms. Fraczek stated
341 that she had the safety training (OSHA 10) and that she was comfortable with going up the dome
342 as her father had been an iron worker. (Exhibit 8 - Lines 7 - 13). Although Ms. Fraczek may
343 have not had an issue with going up to the top of the dome to interview the workers, and had
344 been properly trained there still is the issue as to whether there was a necessity for the workers to
345 be interviewed on the dome as opposed to on the ground. Ms. Spaziani stated, as did Ms.
346 Fraczek, that the foreman on crew did not want the workers to stop their work. Ms. Spaziani
347 stated that it was important for them to see the type of work that the workers were performing in
348 order to make a determination as to whether or not they were correctly classified. Ms. Spaziani
349 stated that they were in fact being underpaid. (Exhibit 14 - Lines 12 - 51).

350

351 I have to accept Ms. Spaziani's statement that the work of the workers had to be viewed in order
352 to make an accurate determination as to whether they were correctly classified. While it would
353 seem to the uninitiated that there may be situations where it would not be possible to view a
354 worker performing their tasks, due to an inherent safety issue, neither Ms. Spaziani nor Ms.
355 Fraczek raised it as an issue in this situation. And while Ms. Spaziani and Ms. Fraczek had the
356 necessary safety training and were wearing safety harnesses it still begs the question as to the
357 necessity of climbing to the top of the dome to interview the workers. There is certainly no

358 evidence that Ms. Fraczek was under any requirement to climb the dome. (Exhibit 14 - Line 26)
359 Having both Ms. Fraczek and Ms. Spaziani climb up the dome probably saved time as opposed
360 to having the workers come down to be interviewed. And it permitted Ms. Spaziani and Ms.
361 Fraczek to view the work rather than interview the workers in order to make a determination as
362 to their correct classification. The workers could have been interviewed on the ground, although
363 this would not have provided the opportunity to view the work being performed. And this
364 would have been the situation if no one was willingly or available to climb up the dome.
365 However, that was not the case in this situation. While it may have been more exciting to climb
366 the dome rather than interview the workers on the ground, it would seem that it was
367 advantageous to do so.

368
369 *The complaint that Ms. Spaziani placed Ms. Fraczek's safety at risk on July 26, 2017, is not*
370 *substantiated.*

371
372 The second issue raised is whether it was necessary for so many unit employees to be at
373 UCONN, thereby unnecessarily wasting state funds. Ms. Spaziani stated during the
374 investigatory interview that there were 17 construction sites that were visited on July 26th and
375 that the workers were split up and assigned to different sites. (Exhibit 14 - Lines 53 - 64)

376
377 *The complaint that Ms. Spaziani wasted state funds by unnecessarily having 7 - 8 unit workers at*
378 *UCONN on July 26, 2017, is unsubstantiated.*

379
380 The second complaint the union makes is under the heading "Director treats employees
381 differently" The first issue raised is that Ms. Spaziani favors some "privileged" employees over
382 "non-privileged" employees. And that there has been "blatant" retaliation against those
383 employees she does not favor. This issue is mentioned in items #1, #4, #5, #7, #9, #10, #12,
384 #13. In item #2, the contention is that Ms. Spaziani has six employees that she wants to fire. In
385 item #3, the contention is that Ms. Spaziani stated that she planned to give Mr. Ebo the job of
386 Assistant Director thus enabling her to fire him. In item #6, the contention is that Ms. Spaziani
387 has not permitted a "non-privileged" employee to go out on prevailing rate jobs. In item #8, the
388 contention is that Ms. Spaziani contacts employees when they are on vacation, personal leave or
389 out sick to discuss work. In item #11 the contention is that Ms. Spaziani screamed at Ms.
390 Jachimowski in front of her colleagues because Ms. Spaziani favored the union candidacy of Mr.
391 Ferri.

392
393 In item #1, the complaint alleges that the "Director openly favors employees over others; there
394 has been blatant retaliation to non-privileged employees." This is not a specific complaint, but
395 an overall complaint which is covered in more specific items below. However, as the
396 investigation determined there is no validity that Ms. Spaziani openly favors any employees over
397 other employees or that there has been blatant retaliation against any employee.

398
399 *The complaint that Ms. Spaziani openly favors employees over others or that there has been*
400 *blatant retaliation against any employees is unsubstantiated.*

401
402 In item #2, the complaint alleges, "Director has a group of 6 union employees that she wants
403 fired. Two of the six have been terminated (claiming retirement). The other four have been

404 treated differently. Two have been harassed by the director. This is work intimidation which
405 creates a toxic atmosphere for union employees. The Human Resources Director knows of this
406 plan to fire union employees, but is very close with the Director. Two other union employees
407 have left employment because of the Director (four altogether). Older union employees feel
408 they are being pushed out. This makes the environment unfriendly, unstable, and toxic for
409 union employees.”

410

411 First let me state that I have no knowledge of Ms. Spaziani and any alleged plan to fire
412 employees. The union did not identify the six employees that they mention in the complaint.
413 Since Ms. Spaziani was appointed director on 9/2/2016, three employees have retired. To my
414 knowledge none of these individuals mentioned Ms. Spaziani as the reason for their retirement.
415 Even if they had done so, that does not mean that there is any validity to their perception. The
416 union states that two other employees have left employment because of the director. Our
417 records indicate that only one other employee has left employment during Ms. Spaziani's tenure.
418 It is our understanding this employee left to accept employment in another state. There was no
419 evidence presented to back up the union's claim that Ms. Spaziani is targeting older workers.

420

421 *The complaint that Ms. Spaziani has a plan to terminate employees, has caused employees to*
422 *retire or that she is targeting older employees is unsubstantiated.*

423

424 In item #3, the complaint alleges, “The Director has stated (to certain union employees) that she
425 planned to give a non-union job (the Assistant Director position) to one of the “unprivileged”
426 supervisors (Jide Ebo), and then fire him when he is out of the union.

427

428 The union did not identify any employee to whom Ms. Spaziani made the alleged statement.
429 Ms. Spaziani during her investigatory interview, stated that she would never have offered the
430 position to Mr. Ebo. (Exhibit 14 – Lines 83 – 87). The union would make it seem that should
431 Mr. Ebo have been offered the position (assuming he would be willing to accept it) that this
432 would have made it easier for Ms. Spaziani to have terminated him if she wanted to do so, then
433 would be possible in his current position. There is a just cause standard that applies to all non-
434 appointed employees that exists regardless of whether they are bargaining unit or non-
435 bargaining. This would have been quite a gamble by Ms. Spaziani to appoint Mr. Ebo to the
436 Assistant Director position in the hope that she would in the future have just cause to recommend
437 his termination.

438

439 *The complaint that Ms. Spaziani planned to offer Jide Ebo the position of Assistant Director of*
440 *Wage Regulation so that she could then terminate him is unsubstantiated.*

441

442 In item #4, the complaint alleges that the “Director had a party at her home with the
443 “privileged” staff on July 22nd, 2017. Others were not invited. Note: these privileged people are
444 always the same group.”

445

446 According to Ms. Spaziani she has a party every year and all staff members are invited to this if
447 they chose to come. This was not different for the party held on July 22, 2017. (Exhibit 14 –
448 Lines 89 – 100) Dora Senkow stated that she knows Ms. Spaziani's family so she goes every
449 year. (Exhibit 10 – Lines 15 – 18). This was a private party held after hours and which used no

450 agency funds. As such, Ms. Spaziani was free to invite anyone to the party. According to her
451 anyone from the unit could have attended the party. Ms. Senkow stated that she asked Ms.
452 Spaziani for the date of the party, so it may not have been posted, but, this is not to suggest that
453 anyone was necessarily precluded from attending the party. People might have assumed that
454 they were not able to attend and as such may have felt excluded when they may not have been.

455

456 *The complaint that Ms. Spaziani held a party at her home to which only certain employees were*
457 *allowed to attend has no merit. As it was a private event, there can be no finding concerning*
458 *this matter.*

459

460 In item #5, the complaint, alleges "These are individuals whom the director favors and gives
461 special privileges to, such as certain special cases, (prevailing rate), special equipment either
462 purchased by her or the DOL such as sweatshirts, overcoats, t-shirts, etc. Most of the division
463 does not receive those special favors."

464

465 Ms. Spaziani stated that when she was a supervisor a few years ago she purchased sweat shirts
466 for her team. Ms. Spaziani stated that any safety equipment was purchased years ago by the
467 agency. (Exhibit 14 - Lines 102 - 108)

468

469 There is no evidence to suggest that Ms. Spaziani is currently purchasing any special equipment
470 or special clothing for any employee except perhaps as warranted. There is no evidence to
471 suggest that any similarly situated employee would not be granted the same benefit, if such a
472 benefit actually exists.

473

474 Ms. Spaziani stated that all Wage & Hour Investigator 2 are offered the opportunity to go out on
475 prevailing wage jobs with a Wage Enforcement Agent. However, they are not required to go
476 out on these types of assignments and may chose not to do so. (Exhibit 14 - Lines 110 - 117)

477

478 *The complaint that Ms. Spaziani while director has purchased special clothing or equipment for*
479 *only selected employees is not substantiated.*

480

481 *The complaint that Ms. Spaziani favors only certain employees when opportunities arise for*
482 *Wage & Hour Investigators to go on prevailing rate jobs is not substantiated.*

483

484 In item #6, the union alleges, "There is one unprivileged Wage & Hour Investigator hired at the
485 same time as the others who has extensive knowledge and experience in Prevailing Wage, but
486 has not been provided the opportunity to go on any of the prevailing rate jobs like the others (sic)
487 Wage & Hour employees."

488

489 According to Ms. Spaziani, employees are notified of opportunities to go out on prevailing rate
490 jobs, but they may not respond to the email or chose to go out on the job. (Exhibit 14 - Lines
491 110 - 117) While there is no evidence to suggest that Ms. Spaziani is not making opportunities
492 available to this individual, who is not identified, to go on prevailing wage rates jobs, the union
493 states that this person has extensive knowledge and experience in prevailing wage. Ms.
494 Spaziani states that she makes these opportunities available to Wage and Hour Investigators for
495 learning purposes. (Exhibit 14 - Lines 1 - 10) And while there is no evidence to suggest that

496 Ms. Spaziani is treating this employee differently from other similar situated employees, it would
497 seem as if this employee would not require the same level of exposure to prevailing wage jobs as
498 do her colleagues.

499

500 *The complaint that Ms. Spaziani is not making opportunities available to all employees to go out*
501 *on prevailing wage jobs is unsubstantiated.*

502

503 In item #7, the complaint alleges, "These privileged employees get to work together constantly
504 (also in groups) but others are told directly they are not allowed to work together. This is unfair
505 working conditions, and favoritism."

506

507 Ms. Spaziani stated that if employees are going out to a construction site they may go out with
508 another employee or a group of employees. If they are working on an assigned wage and hour
509 or wage enforcement case they will work by themselves. If they are visiting a private residence
510 they are instructed to take another employee with them. This is available to all employees.
511 (Exhibit 14 - Lines 119 - 132)

512

513 *The complaint that Ms. Spaziani only allows certain employees to work in groups when required*
514 *is unsubstantiated.*

515

516 In item #8, the complaint alleges, "The Director contacts union employees daily via personal (not
517 state equipment) cell phones and texts on a regular basis. She does this daily, and even on
518 scheduled days off (vacation, sick & personal days)."

519

520 As the employees work in the field, there may be times that it is necessary to reach them on their
521 personal cell phones. Ms. Spaziani stated that there may have been an occasion when she was
522 on vacation leave, personal leave or sick leave and had to contact employees concerning a case.
523 Ms. Spaziani stated that she has not contacted them while they were on vacation leave, personal
524 leave or sick leave. (Exhibit 14 - Lines 134 - 148) The union is not clear here as to whether the
525 complaint is that Ms. Spaziani has contacted employees while they were on vacation leave,
526 personal leave or sick leave or whether their complaint is that Ms. Spaziani has contacted
527 employees while she was on vacation leave, personal leave or sick leave.

528

529 *The complaint that Ms. Spaziani has contacted employees while they were on vacation leave,*
530 *personal leave or sick leave is not substantiated.*

531

532 In item #9, the complaint alleges, "At least one privileged employee was given extra education in
533 order to gain a certificate for a title to be put after her name on her business card. The title is
534 CFE (Certified Fraud Examiner). Other privileged employees in the unit are OSHA 10 certified.
535 Others should be given these options, and would like to have the opportunity to get this
536 education."

537

538 Ms. Spaziani stated that no one was given extra time for classes. Ms. Spaziani stated that she
539 herself is an OSHA 10 trainer and has offered the class to all of the employees in the unit. Ms.
540 Spaziani stated that some people chose to not become trained. Ms. Spaziani stated that some
541 employees were trained before they started working for the unit. (Exhibit 14 - Lines 150 - 157)

542 Ms. Hartnett stated that she neither received work time nor agency funds concerning her
543 Certified Fraud Examiner certification. Ms. Hartnett stated that another employee, Ms.
544 Apruzzese is pursuing the CFE certification (Exhibit 12 – Lines 136 – 141)

545

546 *The complaint that Ms. Spaziani has permitted an employee extra education that is not available*
547 *to other employees and that she has given an employee work time and work funds for this*
548 *education is not substantiated.*

549

550 *The complaint that Ms. Spaziani does not give the opportunity for all employees in the unit to be*
551 *OSHA 10 certified is not substantiated.*

552

553 In item #10, the complaint (referring to privileged employees) alleges, "Overall, they are treated
554 better. Others that are not favored are reprimanded and mistreated for no reason, with low
555 evaluations and in some cases those individuals had to seek help from the union for retaliation
556 purposes. Non-privileged employees are afraid to say anything for fear of retaliation."

557

558 Ms. Spaziani stated that no one in the unit received a low evaluation at least not from her. Ms.
559 Spaziani stated that the only person she reprimanded was Ms. Jachimowski (see item #11) for
560 trying to conduct union votes on work time. Ms. Spaziani stated that she does not mistreat
561 anyone. (Exhibit 14 – Lines 159 – 175)

562

563 The union did not provide any specific information on the allegations. There is no evidence that
564 Ms. Spaziani treats certain employees better than other employees.

565

566 *The complaint that Ms. Spaziani has reprimanded or mistreated any employee with no reason is*
567 *not substantiated.*

568

569 *The complaint that Ms. Spaziani has given an employee a low evaluation is not substantiated.*

570

571 In item #11, the complaint alleges, "A union steward candidate (Amy Jachimowski) was
572 screamed at in front of all her colleagues by the Director because the Director did not favor her
573 union steward (sic) position as it was well known that she favored the individual who won the
574 stewardship because he was one of the privileged. That newly elected steward was listening in
575 the next office over and did not come to the aid of the bargaining unit employee. There are
576 many witnesses to attest to this, including the 2 secretaries (Holly Carter & Kathleen Mann.)
577 This happened on July 20, 2017. The Director has created a hostile and intimidating work
578 environment (according to those near the area, this horrible screaming was disturbing, shocking
579 and alarming.)"

580

581 In her investigatory interview, Ms. Carter stated that on July 20, 2017, Ms. Jachimowski was in
582 Ms. Spaziani's office, with Ms. Spaziani with the door closed. Ms. Carter stated that Ms.
583 Spaziani yelled at Ms. Jachimowski stating to her that this stops today and she was sick and tired
584 of this. Ms. Carter stated that she could not hear what Ms. Jachimowski said because Ms.
585 Jachimowski was speaking quietly. Ms. Carter stated that she heard a lot of yelling, but mostly
586 she heard Ms. Spaziani saying this stops today. Ms. Carter stated that it was so loud that she
587 had to remove herself from her desk. Ms. Carter stated that she walked away and Ms.

588 Jachimowski exited Ms. Spaziani's office with her head down and left the office. Ms. Carter
589 stated that she noticed Mr. Ferri enter the office (the former Assistant Director's office) that is
590 adjacent to Ms. Spaziani during the time that Ms. Spaziani was meeting with Ms. Jachimowski.
591 She stated that she did not know why he was in the office and he was in the office for a few
592 minutes. (Exhibit 4, Lines 1 - 56)

593

594 The union also provided a print out of a text message from Ms. Spaziani to Ms. Carter. (Exhibit
595 3) In the relevant section Ms. Spaziani texts to Ms. Carter (referring to Ms. Jachimowski and
596 Mr. Ebo) "Tomorrow first I'm gonna rip her head off and then call him and tell him to get right
597 in and I'm gonna tear him a new piece" On the top of the printout was typed, "Holly Carter -
598 Premeditated thoughts before she met with Amy Jachimowski."

599

600 In her investigatory interview, Ms. Mann stated that on July 20, 2017, Ms. Jachimowski went
601 into Ms. Spaziani's office and within a few minutes Ms. Spaziani began screaming at Ms.
602 Jachimowski. Ms. Mann stated that she heard Ms. Spaziani state this stops today, that she was
603 so sick of this. Ms. Mann stated that Ms. Spaziani was screaming for a minute and a half. Ms.
604 Mann stated that she did not hear Ms. Jachimowski say anything. Ms. Mann stated that Ms.
605 Carter was so disturbed by what was happening that she walked over to Ms. Mann's desk. Ms.
606 Mann stated that she looked at Ms. Jachimowski when she left Ms. Spaziani's office and she
607 looked as if she was in shock. Ms. Mann stated that Ms. Jachimowski was white as a ghost.
608 (Exhibit 6 - Lines 1 - 11)

609

610 In her investigatory interview, Ms. Jachimowski stated that she had requested to meet with Ms.
611 Spaziani shortly after the union elections. Ms. Jachimowski stated that she wished to meet with
612 Ms. Spaziani to talk about her union election experience. Ms. Jachimowski stated that there
613 were times when Ms. Spaziani was screaming at her. Ms. Jachimowski stated that she told Ms.
614 Spaziani during the meeting that she wished to talk about her union election experience. Ms.
615 Jachimowski stated that Ms. Spaziani's response to her was to say that she should file a report
616 against Mr. Ferri. Ms. Jachimowski stated that she told Ms. Spaziani that she did not wish to
617 file a report against Mr. Ferri. Ms. Jachimowski stated that she had some other concerns about
618 which she wished to speak with Ms. Spaziani, but Ms. Spaziani ended the meeting before she
619 was able to do so. Ms. Jachimowski stated that she noticed that Ms. Spaziani was writing as
620 Ms. Jachimowski was speaking to her. Ms. Jachimowski stated that Ms. Spaziani then flipped
621 the paper over and started yelling at her for all the things that Ms. Spaziani said occurred when
622 Ms. Jachimowski was running for union steward. Ms. Jachimowski stated that Ms. Spaziani
623 said this included lobbying people on their breaks, calling people on their cell phone at night
624 with phone numbers that Ms. Jachimowski obtained from Mr. Ebo and that Ms. Spaziani had
625 timed Ms. Jachimowski with taking long breaks. Ms. Jachimowski stated that she was not given
626 an opportunity to respond. Ms. Jachimowski stated that Ms. Spaziani told her that she was the
627 director and that she needed to respect her. Ms. Jachimowski stated that Ms. Spaziani told her
628 that she could put a reprimand in her file or she could terminate her. Ms. Jachimowski stated
629 that Ms. Spaziani then got up from her desk, walked out to Ms. Carter and told her to get Mr.
630 Ebo into her office. Ms. Jachimowski stated that at this point she walked out of the office and
631 locked eyes with Ms. Mann. Ms. Jachimowski stated that she left the office and continued her
632 work day.

633

634 Ms. Spaziani in her initial investigatory interview stated that Ms. Jachimowski's allegation that
635 Ms. Spaziani had screamed at her was absurd. (Exhibit 14 - Lines 177 - 185) In her second
636 investigatory interview Ms. Spaziani stated that during her first investigatory interview when she
637 made the statement concerning the absurdity of what was being alleged concerning her meeting
638 with Ms. Jachimowski she was referring not only to the allegation that she screamed at Ms.
639 Jachimowski during the meeting and that she favored Mr. Ferri's candidacy for union steward
640 over her candidacy. Ms. Spaziani in her second interview initially stated that she did not discuss
641 the meeting with anyone prior to the actual meeting. However, when shown the text (exhibit 3)
642 that she had sent to Ms. Carter the night before she acknowledged that she had sent the text.
643 Ms. Spaziani stated when she texted to Ms. Carter, "Tomorrow first I'm gonna rip her head off
644 and then call him and tell him to get right in and I'm going to tear him a new piece". In addition
645 the union provided a statement from Ms. Carter. (Exhibit 16). In this statement Ms. Carter
646 wrote that on the morning of the meeting, Ms. Spaziani told her what would occur in the
647 meeting. Ms. Carter wrote that Ms. Spaziani had the meeting on a Thursday, so that Mr. Ebo
648 wouldn't be there to provide extra support to Ms. Jachimowski. Ms. Carter wrote that Ms.
649 Spaziani told Ms. Carter, referencing Ms. Jachimowski, "I'm going to yell at her and this stops
650 today." Ms. Carter wrote that Ms. Spaziani was sick and tired of this.

651
652 When asked about her text, Ms. Spaziani said that this had all been building up. Ms. Spaziani
653 stated that everyone had been complaining to her about Ms. Jachimowski trying to solicit votes.
654 Ms. Spaziani stated that she had already spoken with Ms. Jachimowski three times concerning
655 the issue.

656
657 Ms. Spaziani in her resignation (retirement) letter wrote, "I doubt, in the history of the
658 Department of Labor, that any male Director has been questioned regarding who he ate lunch,
659 who he socialized with after hours, or if he yelled at someone after they were repeatedly advised
660 to stop an activity which is against every written policy. Such questions have no relevance to
661 the position." (Exhibit 17)

662
663 There is relevance to whether Ms. Spaziani yelled at Ms. Jachimowski on July 20, 2017. This
664 activity could not even be accused as a "heat of the moment" issue as it was clear from her text
665 with Ms. Carter and her meeting with Ms. Carter just prior to the meeting, that Ms. Spaziani had
666 planned to yell at Ms. Jachimowski. If Ms. Spaziani was planning to counsel Ms. Jachimowski
667 she should have done it in a way that did not embarrass Ms. Jachimowski in front of her co-
668 workers. It is fortunate that a grievance was not filed concerning this incident. Ms. Spaziani
669 showed a lack of judgment and failure of leadership ability in her handling of this issue.

670
671 However, there is no evidence that Ms. Spaziani favored the union steward candidacy of Mr.
672 Ferri over that of Ms. Jachimowski.

673
674 *The complaint that Ms. Spaziani screamed at Ms. Jachimowski in front of her colleagues is*
675 *substantiated.*

676
677 *The complaint that Ms. Spaziani favored the union steward candidacy of Mr. Ferri over that of*
678 *Ms. Jachimowski is unsubstantiated.*

679

680 In item #12, the complaint alleges "A Wage Enforcement Agent (Ariel Morales) tried to stop the
681 Director from treating employees differently with favoritism, and he was investigated without
682 cause, and without the approval of Human Resources. Resa took it upon herself to commence
683 an investigation, using Dora Senkow, a privileged supervisor, to follow and take pictures of this
684 union employee because he was no longer on board with her actions."

685
686 Ms. Senkow stated during her investigatory interview that Ms. Spaziani asked her to find out
687 where the state car that was assigned to Mr. Morales was located. Ms. Senkow stated that Ms.
688 Spaziani did not ask her to follow Mr. Morales and take pictures of him. (Exhibit 9 - Lines 1 -
689 13)

690
691 In her September 18, 2017, investigatory interview Ms. Spaziani replied, "Yes, Uh, Mr. Morales
692 directly answered to me. He was not performing work and I reviewed what he was doing." In
693 her October 10, 2017 interview Ms. Spaziani stated that she had Ms. Senkow verify that Mr.
694 Morales may have been parking his car at his home. Ms. Spaziani stated that it was determined
695 that his car was parked at his home during the middle of the day and she stated that she talked to
696 the Facilities unit about retrieving the car because Mr. Morales was on vacation and the car
697 should not have been parked at his house. Ms. Spaziani stated that someone from the Facilities
698 unit had called Mr. Morales and left a message that his car cannot be parked at his home while he
699 was on vacation. Ms. Spaziani stated that she was called by someone in the Facilities unit and
700 she was asked what she did concerning the car while Mr. Morales was on vacation. When Ms.
701 Spaziani told her that she did not do anything, she was told that she could go and take the car.
702 Ms. Spaziani stated that she talked to Mr. Ebo about it and he suggested that she not retrieve the
703 car. Ms. Spaziani stated that Mr. Ebo called Mr. Morales and told him to bring the car in.
704 (Exhibit 15 - Lines 126 - 146)

705
706 Ms. Spaziani also reviewed Mr. Morales mileage reports against his weekly reports because they
707 did not match up correctly. Ms. Spaziani stated that when Mr. Morales brought the state car in
708 that she warned him about the discrepancies between his mileage reports and his weekly reports.
709

710 Ms. Spaziani mentioned to me that she was going to have Ms. Senkow check on her way into the
711 office whether the state car assigned to Mr. Morales was parked in his driveway. I told Ms.
712 Spaziani if she determined that an investigation was necessary to refer it to Human Resources.
713 This was my similar advice concerning Mr. Morales and the discrepancy in his weekly reports
714 versus his mileage report. (Exhibit 15 - Lines 148 - 185) (Note: The issue concerning Mr.
715 Morales and the possible discrepancies between his actual time and his report time will be
716 investigated by Human Resources.)

717
718 *The complaint that Ms. Spaziani conducted an investigation concerning Mr. Morales without*
719 *cause and without the knowledge of Human Resources is not substantiated.*

720
721 *The complaint that Ms. Spaziani instructed Ms. Senkow to follow Mr. Morales and take pictures*
722 *is not substantiated.*

723
724 In item #13, the complaint alleges, "The privileged have constant meetings in the Director's
725 office and some (Tony Soto) sets up work in the Director's office. The Director has lunch with

726 certain employees and not others. Most of the privileged are in on Tuesdays, Thursdays and
727 Fridays, and there is more state time being wasted those days. A. The Director contacts the
728 privileged employees from the field who bring in lunch for her. They go into her office and
729 have lunch for longer than the allotted time for union employees, while the others do not. B.
730 There was a Stop Work enforcement held on Friday 7/28/17. The unit closed down 8 bars
731 (working between midnight and 4 a.m.). These privileged employees have flex-time, which the
732 rest of the unit is not privy to (all should have flex-time). C. A group of the privileged went out
733 on numerous occasions, including May 21st 2017 and June 2nd, 2017. D. This past Friday,
734 8/18/17, the privileged were observed "hanging out" in the Director's office by the secretaries
735 from 10:30-the end of the Director's day. E. Monday 8/21/17, the privileged were observed by
736 secretaries in the Director's office for a prolonged lunch, at least one hour, and 40 minutes."

737
738 The first complaint is that some employees have constant meetings in the Ms. Spaziani's office
739 and some employees, specifically Mr. Soto set up their work in her office. Ms. Spaziani until
740 recently continued to have direct supervision over some of the employees. As such, it would be
741 normal for these employees to be meeting more regularly with Ms. Spaziani in order to discuss
742 their cases. While Mr. Soto may have on occasion brought work product into Ms. Spaziani's
743 office according to Ms. Spaziani he did not set up work in her office. (Exhibit 14 - Lines 197 -
744 207) The complaint further states that Ms. Spaziani has lunch with certain employees and not
745 with others and that during lunch time that there is state time being wasted. Ms. Spaziani stated
746 that anyone is welcomed to join her for lunch. Ms. Spaziani stated that she does not buy lunch
747 for anyone, nor do they buy lunch for her. (Exhibit 14 - Lines 209 - 214).

748
749 *The complaint that some employees have constant meetings in Ms. Spaziani's office, suggesting*
750 *these meetings are not warranted is not substantiated.*

751
752 *The complaint that some employees set up their work station in Ms. Spaziani's office is not*
753 *substantiated.*

754
755 The second complaint "A" is that Ms. Spaziani contacts certain employees in the field to bring in
756 lunch for her and then they spend a longer time eating their lunch than do other union employees.
757 There is some similarity with the fifth complaint "E" that on August 21, 2017, the secretaries in
758 the office, Ms. Carter and Ms. Mann observed certain employees in the office for a prolonged
759 lunch period of at least one hour and forty minutes. Ms. Spaziani in her investigatory interview
760 stated that if someone is coming in from the field that they will pick up lunch. Ms. Spaziani
761 stated that she does not think that she takes over a half-hour for lunch, nor does she feel that the
762 individuals who bring her lunch also take a longer period. (Exhibit 14 - Lines 216 - 221) Ms.
763 Spaziani stated that nobody has lunch for one hour and forty minutes. (Exhibit 14 - Lines 248 -
764 252)

765
766 Ms. Mann stated in response to the reported August 21st incident that it is not an unusual event.
767 Ms. Mann stated that lunch starts to get planned around 10:30 a.m. Ms. Mann stated that people
768 will take the state car that is assigned to Ms. Senkow and leave around 11:30 a.m. to get gasoline
769 for the car and to pick up lunch. Ms. Mann stated that the individual(s) will get back at around
770 12:30 and lunch will go on after 1:00 p.m. Ms. Mann stated that this is how it usually goes

771 around the week. Ms. Manri stated that it is usually Mr. Soto and/or Ms. Fraczek who takes the
772 car to go get lunch and gasoline. (Exhibit 6 – Lines 38 – 51)

773

774 Ms. Carter stated in response to the reported August 21st incident that she was not sure of the
775 specific date, but often certain employees will sit in Ms. Spaziani's office for an hour or more.
776 Ms. Carter stated that she does not know if they were discussing work during that time as the
777 office door is sometimes closed. She said that when the office door is open she can sometimes
778 hear them discussing work, but there is a lot of laughter going on so she doesn't know if the
779 conversations are always work related. (Exhibit 4 – Lines 95 – 108)

780

781 Mr. Soto and Ms. Fraczek deny spending more than their allotted lunch period on any day,
782 including days that they may be traveling in from the field or on days that they may be going to
783 get gasoline in the state car that is assigned to Ms. Senkow.

784

785 There is no absolute evidence that any employee used more than their allotted time to have
786 lunch. It may have appeared so because they may have spent more time in Ms. Spaziani's office
787 than 30 minutes, however, it is stated by Ms. Spaziani, Mr. Soto and Ms. Fraczek that they did
788 not spend more than their allotted lunch period eating lunch. The additional time they claim was
789 used for business purposes. Even if they were eating they could have been discussing work.
790 This could have been the situation when it was claimed that they were observed for one hour
791 forty minutes in Ms. Spaziani's office having lunch. While a portion of that time may have
792 included a lunch period, there is no evidence to support that the remaining period was not used to
793 discuss business.

794

795 *The complaint that some employees have had extended lunch period with Ms. Spaziani in her*
796 *office is not substantiated.*

797

798 *The complaint that some employees on August 21st were with Ms. Spaziani in her office for one*
799 *hour and forty minutes solely having lunch is not substantiated.*

800

801 The second complaint "B" is that only certain employees are able to flex their time when they
802 have a work activity that takes place after hours. The complaint specifically mentions a Stop
803 Work enforcement that was held on Friday, July 28th which was between midnight and 4 a.m.
804 Ms. Spazani in her investigatory interview stated that anyone can have flex time if they have a
805 job that involves hours after work and they have asked for it. Ms. Spaziani stated that's the
806 nature of the job. (Exhibit 14 – Lines 223 – 233)

807

808 *The complaint that Ms. Spaziani only allows some employees to flex their time when they have*
809 *an assignment outside of normal work hours is not substantiated.*

810

811 The third complaint "C" is that a group of "privileged" employees went out together on
812 numerous occasions including May 21, 2017 and June 2, 2017. The complaint did not provide
813 any additional information as to whether the employees went out together during work hours or
814 after work hours. The complaint did not identify the employees. Ms. Spaziani during her
815 investigatory interview stated that she would have to check the dates to see if she had any
816 information.

817

818 *The complaint that a group of unnamed employees and Ms. Spaziani went out together on*
819 *numerous occasions, including May 21, 2017 and June 2, 2017 is not substantiated.*

820 The fourth complaint "D" is that on August 18, 2017, that "the privileged" were observed
821 "hanging out" in Ms. Spaziani's office by the secretaries from 10:30 a.m. to the end of the
822 Director's day. (Please note: Ms. Spaziani's end of day varies from 3:30 p.m. to 4:00 p.m.
823 depending on the day of the week.) Ms. Spaziani stated that no one has "hung out" in her office
824 until the end of the day. Ms. Spaziani stated that if it was a day after an evening stop work raid,
825 then people would have been in her office going over the raid. Ms. Spaziani did not know if
826 August 18, 2017 was the day after an evening stop work raid. (Exhibit 14 - Lines 240 - 245)

827

828 Ms. Carter in her investigatory interview when asked about August 18th stated that it occurs very
829 often. Ms. Carter stated that this usually involved Mr. Soto, Ms. Fraczek and depending on the
830 day, Ms. Senkow and Ms. Hartnett. Ms. Carter stated that she could not be certain if work was
831 being performed because she heard a lot of giggling and laughing. However, she stated that the
832 door is closed a lot of times so she could not hear if they were conducting business. (Exhibit 4 -
833 Lines 58 - 72)

834

835 Ms. Mann in her investigatory interview when asked about August 18th also stated that it is an
836 on-going daily occurrence. Ms. Mann stated that the individuals "face-time" their children
837 when they are in there. Ms. Mann stated that it is very disruptive and hard on morale when a
838 person has a lot of work to do and they see a person going in there for so often and staying for so
839 long. Ms. Mann stated that Mr. Soto does it the most often, then Ms. Fraczek and Ms. Senkow.
840 Ms. Mann stated that Yaya Peretto, Wage & Hour Investigator 2, Mr. Morales and Ms. Hartnett
841 might go into the office at times and stay a while, but not quite as long as the others. Ms. Mann
842 stated that they might go in to Ms. Spaziani's office initially to talk about the case, but Ms. Mann
843 stated then the office door would close and she could hear that it was no longer about work.
844 Ms. Mann stated that although she sits a little further away she can still hear when it changes to
845 non-work related conversation. (Exhibit 6 - Lines 13 - 36)

846

847 Ms. Spaziani at that time still provided direct supervision to several employees. As such, there
848 may have been reason for certain people to be spending a long time in Ms. Spaziani's office.
849 Although Ms. Carter and Ms. Mann stated at times it appeared that the conversation was non-
850 work related, they did not definitely say that there were long periods of time in which they knew
851 for certain that non-work related activity was taking place.

852

853 *The complaint that a group of unnamed employees were observed, "hanging out" (implying that*
854 *they were not engaged in work activity) in Ms. Spaziani's office on August 18, 2017 is not*
855 *substantiated.*

856

857 The only charge that could be substantiated during the investigation of the complaint provided by
858 the union was that Ms. Spaziani screamed at Ms. Jachimowski and that this was a premeditated
859 act. The report did not determine that the purpose of this meeting was that Ms. Spaziani favored
860 the union steward candidacy of Mr. Ferri over that of Ms. Jachimowski. However, although
861 Ms. Spaziani may have had a valid reason to counsel Ms. Jachimowski on what Ms. Spaziani felt

862 were inappropriate activities during her campaign, it appears that Ms. Spaziani took this
863 opportunity to also cause embarrassment to Ms. Jachimowski.

864
865 Most of the other claims are based on perception with a few that Ms. Spaziani wanted to promote
866 Mr. Ebo only to then fire him or that there were six employees that Ms. Spaziani wanted to be
867 fired (evidently with my knowledge) are completely fanciful.

868
869 The rest of the complaint list two incidents one of which was investigated separately and the
870 other which was not investigated.

871
872 The first incident references a September 6th incident between Mr. Soto and Michelle Morris,
873 Wage Enforcement Agent. This incident was investigated and it was determined that the
874 incident could not be substantiated. The only witness to the incident, Susanne Tufano, Wage
875 Enforcement Agent did not support Mr. Soto's allegation.

876
877 The complaint states that upon Ms. Spaziani finding out about the incident that she informed me
878 of the incident. The complaint then states that I informed Ms. Spaziani to handle the incident.
879 Ms. Spaziani did inform me of the incident. I asked Ms. Spaziani if Mr. Soto desired to pursue
880 the incident. When Ms. Spaziani informed me that he did we conducted the investigation.

881
882 The second incident says that Ms. Spaziani at an off-site event, was "trashing" me in front of
883 several subordinates. I elected not to investigate this complaint.

884
885 The other complaint investigated was that Ms. Spaziani on two occasions told Ms. Mann that she
886 would like to put her into a headlock and drop her to the floor (or words to that effect). The first
887 incident took place sometime about 5 - 6 months prior to the complaint with the second a few
888 weeks to a month later. (Exhibit 2)

889
890 Ms. Spaziani in her investigatory interview stated that if she did make any such statements that it
891 was only done in jest. Ms. Spaziani could not recall what might have prompted her to make
892 such a statement. Ms. Spaziani does not recall if she made such a statement on two occasions.
893 Ms. Spaziani cannot recall if she made a similar type statement to anyone else in the office.
894 (Exhibit 15 - Lines 105 - 124)

895
896 Ms. Mann in her investigatory interview stated that she had no idea why Ms. Spaziani made the
897 statement to her. Ms. Mann stated that she was talking to Ms. Carter and Ms. Spaziani was in
898 her office lifting her barbells. Ms. Mann stated that in a voice she described as intimidating, Ms.
899 Spaziani came up to her, made the statement to her "I want to put you in a headlock and drop
900 you to the floor" and then walked away. Ms. Mann stated that when Ms. Spaziani made the
901 statement to her on both occasions she was not smiling, she just looked at her. Ms. Mann stated
902 that it made her feel afraid and she didn't know what to think, other than to wonder why she
903 would make such a statement to her. Ms. Mann stated that at the time she did not report either
904 incident to anyone. (Exhibit 7 - Lines 1 - 37)

905
906 Ms. Carter in her investigatory interview stated that she was a witness to both incidents Ms.
907 Carter stated that for no apparent reason, Ms. Spaziani, on both occasions came out of her office

908 and made the statement to Ms. Mann. Ms. Carter stated that Ms. Spaziani was not laughing.
909 Ms. Carter stated that Ms. Mann said that she felt intimidated and afraid.

910
911 Ms. Spaziani does not outright deny ever making such a statement to Ms. Mann, only that if she
912 did it was in jest and that it was not meant to be taken literally.

913
914 According to Ms. Mann and Ms. Carter, they have no idea what prompted Ms. Spaziani to make
915 such a statement. They both stated that Ms. Spaziani was not smiling or laughing when she
916 made the statements. And although it happened on two separate occasions neither individual
917 reported either incident at the time that it happened. Neither individual reported any additional
918 incidents subsequently taking place.

919
920 There is no acceptable reason for Ms. Spaziani to be making the statements to Ms. Mann. And
921 while Ms. Spaziani claimed that if she made the statement it was not meant to be taken literal;
922 Ms. Mann would not know that, especially if Ms. Spaziani made the statement without smiling
923 or laughing. If Ms. Spaziani had said to Ms. Mann that she wanted to punch her in the face,
924 would it be reasonable to accept that Ms. Spaziani was only saying it in jest or that she was not
925 to be taken literally?

926
927 *The complaint that on two separate occasions Ms. Spaziani told Ms. Mann that she wanted to put*
928 *her into a headlock and drop her to the floor is substantiated.*

929
930 Ms. Spaziani had challenges to overcome when she was appointed as the director. Her
931 predecessor, Gary Pechie was appointed director on October 1, 1989. Mr. Pechie had in some
932 respects a more relaxed management style than did Ms. Spaziani. Mr. Pechie made allowances
933 (often without proper authority) for employees to have non-state locations as their duty station,
934 to keep their state car at home, to do some work at home, and other allowances, that could not be
935 permitted to be continued. As such, there were some employees, especially those that worked
936 for Mr. Pechie for many years, and in some cases were the beneficiaries of these allowances, to
937 have a perception that Ms. Spaziani was "targeting" them or that she wanted them to be fired.

938
939 Another challenge that Ms. Spaziani faced was that she competed against Mr. Ebo, for the
940 director vacancy. There may have been certain employees who felt that Mr. Ebo was more
941 deserving of the appointment and as such were resistant to any changes that Ms. Spaziani was
942 making.

943
944 However, Ms. Spaziani did not help to alleviate the perception that she would not be treating all
945 employees equitably by her continuing to directly supervise some employees rather than to have
946 those employees supervised by Mr. Ebo or Ms. Senkow. When Ms. Spaziani was a supervisor,
947 she claimed (and may very well have reason to make the claim) that her team of employees had
948 the highest collection rate as compared to the other supervisors. While Ms. Spaziani viewed this
949 high collection rate as good for the unit, as it helped fund positions, Ms. Spaziani would also
950 give the impression that the reason her team had a higher collection rate was a reflection of their
951 abilities over those of the employees under the supervision of Ms. Barrachina or Mr. Ebo or Ms.
952 Senkow. I don't know if Ms. Spaziani made any disparaging remarks about any of the
953 employees who were not members of her team, however, the perception that people could have

954 was that since Ms. Spaziani felt so highly of her team members that conversely she did not feel
955 as such towards the other employees. And that when Ms. Spaziani was appointed and kept most,
956 if not all of her former team members under her direct supervision, some of the other employee
957 could feel that Ms. Spaziani was favoring these employees.

958

959 It is telling that not only some of the field employees who were supervised by Mr. Ebo or Ms.
960 Senkow could have this perception of favoritism, but that Ms. Carter and Ms. Mann also felt that
961 Ms. Spaziani was treating some employees more favorable than other employees. I can only
962 surmise that Ms. Spaziani was not consciously aware of the perceptions of her actions, or that
963 she did not recognize, believe or feel that she had to address that not all of the employees would
964 immediately feel that Ms. Spaziani would treat equitably all of the employees in the unit. It
965 would have been an immediate step in the right direction had Ms. Spaziani not continued to
966 directly supervise certain employees. Or if she felt that she had to continue to supervise some
967 employees, by not including employees who were previously members of other teams.

968

969 Of the complaints that could be substantiated, it is concerning that on two occasions Ms.
970 Spaziani threatened violence when she stated that she wanted to put Ms. Mann in a headlock and
971 drop her to the floor, and in the other incident Ms. Spaziani felt that it was appropriate to use a
972 counseling session with Ms. Jachimowski to scream at her and by all appearances that she
973 planned to do so in a manner as to embarrass Ms. Jachimowski in front of her colleagues and
974 perhaps to intimidate other employees as to the consequences should she have to counsel them.

975

976 Both incidents are concerning for different reasons. The incidents concerning Ms. Mann are
977 concerning that Ms. Spaziani, as the director, would feel that it was appropriate, even as she
978 claimed in jest, to make such a statement on two occasions. The incident concerning Ms.
979 Jachimowski is concerning that Ms. Spaziani felt that this was the appropriate manner in which
980 to address concerns that she had with Ms. Jachimowski's conduct.