CONCLUSION

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

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

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

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

I have to accept Ms. Spaziani’s statement that the work of the workers had to be viewed in order to make an accurate determination as to whether they were correctly classified. While it would seem to the uninitiated that there may be situations where it would not be possible to view a worker performing their tasks, due to an inherent safety issue, neither Ms. Spaziani nor Ms. Fraczek raised it as an issue in this situation. And while Ms. Spaziani and Ms. Fraczek had the necessary safety training and were wearing safety harnesses it still begs the question as to the necessity of climbing to the top of the dome to interview the workers. There is certainly no
evidence that Ms. Fraczek was under any requirement to climb the dome. (Exhibit 14 - Line 26)

Having both Ms. Fraczek and Ms. Spaziani climb up the dome probably saved time as opposed
to having the workers come down to be interviewed. And it permitted Ms. Spaziani and Ms.
Fraczek to view the work rather than interview the workers in order to make a determination as
to their correct classification. The workers could have been interviewed on the ground, although
this would not have provided the opportunity to view the work being performed. And this
would have been the situation if no one was willingly or available to climb up the dome.
However, that was not the case in this situation. While it may have been more exciting to climb
the dome rather than interview the workers on the ground, it would seem that it was
advantageous to do so.

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

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

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

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

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

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

In item #2, the complaint alleges, "Director has a group of 6 union employees that she wants
fired. Two of the six have been terminated (claiming retirement). The other four have been
treated differently. Two have been harassed by the director. This is work intimidation which creates a toxic atmosphere for union employees. The Human Resources Director knows of this plan to fire union employees, but is very close with the Director. Two other union employees have left employment because of the Director (four altogether). Older union employees feel they are being pushed out. This makes the environment unfriendly, unstable, and toxic for union employees."

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

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

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

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

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

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

According to Ms. Spaziani she has a party every year and all staff members are invited to this if they choose to come. This was not different for the party held on July 22, 2017. (Exhibit 14 – Lines 89 – 100) Donna Senkow stated that she knows Ms. Spaziani’s family so she goes every year. (Exhibit 10 – Lines 15 – 18). This was a private party held after hours and which used no
agency funds. As such, Ms. Spaziani was free to invite anyone to the party. According to her anyone from the unit could have attended the party. Ms. Senkow stated that she asked Ms. Spaziani for the date of the party, so it may not have been posted, but, this is not to suggest that anyone was necessarily precluded from attending the party. People might have assumed that they were not able to attend and as such may have felt excluded when they may not have been.

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

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

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

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

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

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

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

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

According to Ms. Spaziani, employees are notified of opportunities to go out on prevailing rate jobs, but they may not respond to the email or chose to go out on the job. (Exhibit 14 – Lines 110 – 117) While there is no evidence to suggest that Ms. Spaziani is not making opportunities available to this individual, who is not identified, to go on prevailing wage rates jobs, the union states that this person has extensive knowledge and experience in prevailing wage. Ms. Spaziani states that she makes these opportunities available to Wage and Hour Investigators for learning purposes. (Exhibit 14 – Lines 1 – 10) And while there is no evidence to suggest that
Ms. Spaziani is treating this employee differently from other similar situated employees, it would seem as if this employee would not require the same level of exposure to prevailing wage jobs as do her colleagues.

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

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

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

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

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

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

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

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

Ms. Spaziani stated that no one was given extra time for classes. Ms. Spaziani stated that she herself is an OSHA 10 trainer and has offered the class to all of the employees in the unit. Ms. Spaziani stated that some people chose to not become trained. Ms. Spaziani stated that some employees were trained before they started working for the unit. (Exhibit 14 – Lines 150 – 157)
Ms. Hartnett stated that she neither received work time nor agency funds concerning her Certified Fraud Examiner certification. Ms. Hartnett stated that another employee, Ms. Apruzzese is pursuing the CFE certification (Exhibit 12 – Lines 136 – 141)

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

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

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

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

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

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

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

In item #11, the complaint alleges, “A union steward candidate (Amy Jachimowski) was screamed at in front of all her colleagues by the Director because the Director did not favor her union steward (sic) position as it was well known that she favored the individual who won the stewardship because he was one of the privileged. That newly elected steward was listening in the next office over and did not come to the aid of the bargaining unit employee. There are many witnesses to attest to this, including the 2 secretaries (Holly Carter & Kathleen Mann.)

This happened on July 20, 2017. The Director has created a hostile and intimidating work environment (according to those near the area, this horrible screaming was disturbing, shocking and alarming.)”

In her investigatory interview, Ms. Carter stated that on July 20, 2017, Ms. Jachimowski was in Ms. Spaziani’s office, with Ms. Spaziani with the door closed. Ms. Carter stated that Ms. Spaziani yelled at Ms. Jachimowski stating to her that this stops today and she was sick and tired of this. Ms. Carter stated that she could not hear what Ms. Jachimowski said because Ms. Jachimowski was speaking quietly. Ms. Carter stated that she heard a lot of yelling, but mostly she heard Ms. Spaziani saying this stops today. Ms. Carter stated that it was so loud that she had to remove herself from her desk. Ms. Carter stated that she walked away and Ms.
Jachimowski exited Ms. Spaziani’s office with her head down and left the office. Ms. Carter stated that she noticed Mr. Ferri enter the office (the former Assistant Director’s office) that is adjacent to Ms. Spaziani during the time that Ms. Spaziani was meeting with Ms. Jachimowski. She stated that she did not know why he was in the office and he was in the office for a few minutes. (Exhibit 4, Lines 1 – 56)

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

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

In her investigatory interview, Ms. Jachimowski stated that she had requested to meet with Ms. Spaziani shortly after the union elections. Ms. Jachimowski stated that she wished to meet with Ms. Spaziani to talk about her union election experience. Ms. Jachimowski stated that there were times when Ms. Spaziani was screaming at her. Ms. Jachimowski stated that she told Ms. Spaziani during the meeting that she wished to talk about her union election experience. Ms. Jachimowski stated that Ms. Spaziani’s response to her was to say that she should file a report against Mr. Ferri. Ms. Jachimowski stated that she told Ms. Spaziani that she did not wish to file a report against Mr. Ferri. Ms. Jachimowski stated that she had some other concerns about which she wished to speak with Ms. Spaziani, but Ms. Spaziani ended the meeting before she was able to do so. Ms. Jachimowski stated that she noticed that Ms. Spaziani was writing as Ms. Jachimowski was speaking to her. Ms. Jachimowski stated that Ms. Spaziani then flipped the paper over and started yelling at her for all the things that Ms. Spaziani said occurred when Ms. Jachimowski was running for union steward. Ms. Jachimowski stated that Ms. Spaziani said this included lobbying people on their breaks, calling people on their cell phone at night with phone numbers that Ms. Jachimowski obtained from Mr. Ebo and that Ms. Spaziani had timed Ms. Jachimowski with taking long breaks. Ms. Jachimowski stated that she was not given an opportunity to respond. Ms. Jachimowski stated that Ms. Spaziani told her that she was the director and that she needed to respect her. Ms. Jachimowski stated that Ms. Spaziani told her that she could put a reprimand in her file or she could terminate her. Ms. Jachimowski stated that Ms. Spaziani then got up from her desk, walked out to Ms. Carter and told her to get Mr. Ebo into her office. Ms. Jachimowski stated that at this point she walked out of the office and locked eyes with Ms. Mann. Ms. Jachimowski stated that she left the office and continued her work day.
Ms. Spaziani in her initial investigatory interview stated that Ms. Jachimowski’s allegation that Ms. Spaziani had screamed at her was absurd. (Exhibit 14 – Lines 177 – 185) In her second investigatory interview Ms. Spaziani stated that during her first investigatory interview when she made the statement concerning the absurdity of what was being alleged concerning her meeting with Ms. Jachimowski she was referring not only to the allegation that she screamed at Ms. Jachimowski during the meeting and that she favored Mr. Ferri’s candidacy for union steward over her candidacy... Ms. Spaziani in her second interview initially stated that she did not discuss the meeting with anyone prior to the actual meeting. However, when shown the text (exhibit 3) that she had sent to Ms. Carter the night before she acknowledged that she had sent the text.

Ms. Spaziani stated when she texted to Ms. Carter, “Tomorrow first I’m gonna rip her head off and then call him and tell him to get right in and I’m going to tear him a new piece”. In addition the union provided a statement from Ms. Carter. (Exhibit 16) In this statement Ms. Carter wrote that on the morning of the meeting, Ms. Spaziani told her what would occur in the meeting. Ms. Carter wrote that Ms. Spaziani had the meeting on a Thursday, so that Mr. Ebo wouldn’t be there to provide extra support to Ms. Jachimowski. Ms. Carter wrote that Ms. Spaziani told Ms. Carter, referencing Ms. Jachimowski, “I’m going to yell at her and this stops today.” Ms. Carter wrote that Ms. Spaziani was sick and tired of this.

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

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

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

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

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

The complaint that Ms. Spaziani favored the union steward candidacy of Mr. Ferri over that of Ms. Jachimowski is unsubstantiated.
In item #12, the complaint alleges "A Wage Enforcement Agent (Ariel Morales) tried to stop the Director from treating employees differently with favoritism, and he was investigated without cause, and without the approval of Human Resources. Rosa took it upon herself to commence an investigation, using Dora Senkow, a privileged supervisor, to follow and take pictures of this union employee because he was no longer on board with her actions."

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

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

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

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

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

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

In item #13, the complaint alleges, "The privileged have constant meetings in the Director's office and some (Tony Soto) sets up work in the Director's office. The Director has lunch with
certain employees and not others. Most of the privileged are in on Tuesdays, Thursdays and 
Fridays, and there is more state time being wasted those days. A. The Director contacts the 
privileged employees from the field who bring in lunch for her. They go into her office and 
have lunch for longer than the allotted time for union employees, while the others do not. B. 
There was a Stop Work enforcement held on Friday 7/28/17. The unit closed down 8 bars 
(working between midnight and 4 a.m.). These privileged employees have flex-time, which the 
rest of the unit is not privy to (all should have flex-time). C. A group of the privileged went out 
on numerous occasions, including May 21st 2017 and June 2nd, 2017. D. This past Friday, 
8/18/17, the privileged were observed “hanging out” in the Director’s office by the secretaries 
from 10:30-the end of the Director’s day. E. Monday 8/21/17, the privileged were observed by 
secretaries in the Director’s office for a prolonged lunch, at least one hour, and 40 minutes.” 

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

The complaint that some employees have constant meetings in Ms. Spaziani’s office, suggesting 
these meetings are not warranted is not substantiated.

The complaint that some employees set up their work station in Ms. Spaziani’s office is not 
substantiated.

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

Ms. Mann stated in response to the reported August 21st incident that it is not an unusual event. 
Ms. Mann stated that lunch starts to get planned around 10:30 a.m. Ms. Mann stated that people 
will take the state car that is assigned to Ms. Senkow and leave around 11:30 a.m. to get gasoline 
for the car and to pick up lunch. Ms. Mann stated that the individual(s) will get back at around 
12:30 and lunch will go on after 1:00 p.m. Ms. Mann stated that this is how it usually goes
around the week. Ms. Mann stated that it is usually Mr. Soto and/or Ms. Fraczek who takes the
car to go get lunch and gasoline. (Exhibit 6 – Lines 38 – 51)

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

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

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

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

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

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

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

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

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

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

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

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

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

The only charge that could be substantiated during the investigation of the complaint provided by the union was that Ms. Spaziani screamed at Ms. Jachimowski and that this was a premeditated act. The report did not determine that the purpose of this meeting was that Ms. Spaziani favored the union steward candidacy of Mr. Ferri over that of Ms. Jachimowski. However, although Ms. Spaziani may have had a valid reason to counsel Ms. Jachimowski on what Ms. Spaziani felt
we were inappropriate activities during her campaign, it appears that Ms. Spaziani took this
opportunity to also cause embarrassment to Ms. Jachimowski.

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

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

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

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

The second incident says that Ms. Spaziani at an off-site event, was “trash talking” me in front of
several subordinates. I elected not to investigate this complaint.

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

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

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

Ms. Carter in her investigatory interview stated that she was a witness to both incidents Ms.
Carter stated, that for no apparent reason, Ms. Spaziani, on both occasions came out of her office
and made the statement to Ms. Mann. Ms. Carter stated that Ms. Spaziani was not laughing. Ms. Carter stated that Ms. Mann said that she felt intimidated and afraid.

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

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

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

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

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

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

However, Ms. Spaziani did not help to alleviate the perception that she would not be treating all employees equitably by her continuing to directly supervise some employees rather than to have those employees supervised by Mr. Ebo or Ms. Senkow. When Ms. Spaziani was a supervisor, she claimed (and may very well have reason to make the claim) that her team of employees had the highest collection rate as compared to the other supervisors. While Ms. Spaziani viewed this high collection rate as good for the unit, as it helped fund positions, Ms. Spaziani would also give the impression that the reason her team had a higher collection rate was a reflection of their abilities over those of the employees under the supervision of Ms. Barrachina or Mr. Ebo or Ms. Senkow. I don’t know if Ms. Spaziani made any disparaging remarks about any of the employees who were not members of her team, however, the perception that people could have
was that since Ms. Spaziani felt so highly of her team members that conversely she did not feel as such towards the other employees. And that when Ms. Spaziani was appointed and kept most, if not all of her former team members under her direct supervision, some of the other employee could feel that Ms. Spaziani was favoring these employees.

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

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

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