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**ARIZONA DEPARTMENT OF TRANSPORTATION
COMPLAINT – TANIA BRIAND
FINAL REPORT**

August 25, 2015

BACKGROUND

[REDACTED] with the Arizona Radiation Regulatory Agency (ARRA) resigned from her position and submitted a complaint to Michelle Ashley, Shared Services Officer with the Arizona Department of Administration, Human Resources Division.

[REDACTED] alleges that her supervisor, Jerry Perkins, a Program Manager with the agency, has created a “demoralizing and questionable work environment” due to his management style, and “has made light of the [REDACTED] that our [REDACTED] has, due to [REDACTED]”

[REDACTED] was contacted by the ADOA investigator on two occasions by phone for an interview as a part of this inquiry but she did not respond. [REDACTED]

[REDACTED] was employed by the Radiation Regulatory Agency since [REDACTED] and reported to Mr. Perkins during her entire tenure.

EXECUTIVE SUMMARY

No discrimination or sexual harassment in violation of state or federal law was substantiated. A lack of professionalism in the office, including inappropriate jokes and jesting, lax supervisory practices with regards to confidentiality, and the public expression of opinions about co-worker’s competency levels was substantiated.

WITNESSES

The following ARRA staff was contacted as part of this inquiry:

[REDACTED] Complainant ([REDACTED] did not respond to calls requesting an interview)
Jerry Perkins, Program Manager

[REDACTED]

[REDACTED]

REQUESTED RESOLUTION

[REDACTED] has resigned from the agency but stated in her complaint that she filed it “for the sake of those who remain” with the hope that the issues she documented would be addressed.

ALLEGATIONS AND FINDINGS

[REDACTED] alleged that Mr. Perkins, while inspecting a hospital x-ray department in Tucson in September 2014 with her, said, “I always wanted to change clothes in a dark room with you.” She also alleged the same comment was made to a co-worker, [REDACTED] in a separate incident. [REDACTED] goes on to indicate that Mr. Perkins has created an unprofessional and “demoralizing work environment” due to his inappropriate behaviors.

Mr. Perkins acknowledged that he and [REDACTED] had to put on scrubs over their clothing during the referenced inspections. He denied, however, saying anything like this to [REDACTED] or [REDACTED] during the process.

[REDACTED] stated that during their inspection Mr. Perkins was “joking and said something about being in the dark with her – but it was a joke and did not reference anything about changing clothes.” [REDACTED]

[REDACTED] She said she just ignored it. She could not recall when or where this occurred or if there were other witnesses. She also stated, “Jerry is flirtatious with a lot of people.”

[REDACTED] also states in her complaint that her co-worker, [REDACTED], had stated to her that [REDACTED] Ms. [REDACTED] denied saying that, stating, “that doesn’t sound like something I would say.”

[REDACTED] who has been with the agency since [REDACTED] stated there was a “lot of goofing around” at the agency, and admitted that she “joked around more than anybody.” [REDACTED] shared a story about when she “told the girls in the office” about a training class that “the guys were attending.” [REDACTED] said, “They’re not taking me because I don’t have a penis!” She also said she believed this was the opposite of sexual harassment because she was a female saying it. [REDACTED] also added, “I told Jerry if anything comes of this I’m going to sue him for age discrimination because he didn’t sexually harass me!” She stated that Mr. Perkins’ behaviors could be misinterpreted because “he is very confident.” He comes off like, “my shit doesn’t stink,” she said, but added, “he’s just a big teddy bear – he’s scared of me.”

Mr. Perkins admitted to telling jokes and “goofing around” at work but added, “I recall everyone in this agency telling jokes. Everyone.” When asked if he believed there was potential for someone to be offended by the jokes he admitted that was a possibility.

[REDACTED] said the work environment at the agency at times was “inappropriate.” When asked if she meant there were “off color” things being said, she responded, “Yes.” [REDACTED] indicated Mr. Perkins was involved but she could not recall specifics, although she remembers feeling uncomfortable periodically because the rest of the

employees engage in this jesting and she does not care for it. She added, "I don't say anything – if they're not offended then I do like my grandma says – I don't stir the pot."

The allegations of [REDACTED] misconduct on the part of Mr. Perkins could not be substantiated. A culture of unprofessional behavior on the part of Mr. Perkins and other staff members that could be offensive to some was substantiated.

[REDACTED] also alleged in her complaint that Mr. Perkins ridicules others in front of staff and "makes light of the [REDACTED] that our [REDACTED] [REDACTED] has. She is [REDACTED]"

[REDACTED] He denied saying anything related to her [REDACTED]

[REDACTED] stated, "Jerry makes snide remarks about others and other work units," including [REDACTED]. She added, "[REDACTED] not the only [REDACTED] he talks about in a negative manner. He's very unprofessional. Jerry also disclosed about another employee getting a job offer and asking for a counter" to other employees. Several witnesses substantiated that Mr. Perkins publicly talks about other employees, supervisors and work units in a derogatory manner. [REDACTED] added, "Jerry is a totally different person when the Director is not around."

[REDACTED] acknowledged that Mr. Perkins talks negatively about [REDACTED] in front of others but stated she believed, based on what she had heard, that "it was more about the fact that Jerry has an issue about [REDACTED] ability to do her job – he definitely questions her ability to do her job." She added that he will say insensitive remarks such as, [REDACTED]

Substantiated was the allegation that Mr. Perkins makes disparaging remarks publicly about [REDACTED] who is [REDACTED] as well as other employees at the agency. Unsubstantiated is the allegation that these remarks are based on [REDACTED]

[REDACTED] goes on to allege that Mr. Perkins makes disparaging remarks and is condescending to various staff, but that "one employee gets picked on more than others, and that is [REDACTED]"

[REDACTED] indicated, as did other witnesses, that Mr. Perkins called [REDACTED] "the new guy," stating that this was in jest and she saw nothing wrong with it. [REDACTED] said the "new guy" label was because Mr. Perkins felt she took a long time to learn her job. She joined the agency in [REDACTED]. [REDACTED] also added, "I've been discriminated against plenty of times. I feel like there's one set of rules for me and another for everyone else. There's a lot more work put on me. It has become a lot harder to keep up with the work since there are now more investigations." [REDACTED] who identifies as [REDACTED] stated she "had been written up more than anyone else."

[REDACTED] was advised of her right to file a complaint if she believed she was being discriminated against due to [REDACTED]. Her allegations at this time are outside the scope of this investigation.

Submitted by:

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August 20, 2015

Reviewed by:

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August 21, 2015

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