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**ARIZONA DEPARTMENT OF ADMINISTRATION**

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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:**

Jan M. Plank  
Human Resources Manager III  
ADOA – Human Resources Division  
August 20, 2015

**Reviewed by:**

Barbara Bratcher  
Shared Services Manager  
ADOA Human Resources Division  
August 21, 2015

DRAFT

Arizona Department of Administration – Human Resources Division

CONFIDENTIAL  
ADMINISTRATIVE INQUIRY  
SUMMARY REPORT

**Agency Name:**  
Radiation Regulatory Commission

**Agency Contact & Phone:**  
Brian Goretzki – Interim Director  
602-225-4845

**Agency:** Radiation Regulatory Commission  
**Complainant:** [REDACTED]  
**Complaint:** Unfair treatment

**Agency Head:** Brian Goretzki  
**Complaint Against:** Jerry Perkins

On August 19, 2016 Brian Goretzki, interim Director contacted Lucy Mailloux, HR Manager ADOA – Shared Services in regards to a conversation he had with [REDACTED] Brian states that he was having a performance discussion with [REDACTED] when she appeared to become upset and stated that she wanted to file a formal complaint against her Manager, Jerry Perkins. Brian states that [REDACTED] advised him that she feels that Jerry singles her out and does not treat her fairly. I advised Brian to have [REDACTED] contact me so that we could meet and she could file her formal complaint. [REDACTED] contacted me and we set a meeting date and time.

On August 22, 2016, [REDACTED] arrived for our meeting and informed me that she felt that her relationship with her manager had been bad from the start. She states that he initially interviewed her and at the end of the interview she asked Jerry what the timeframe would be for him making a selection and that his response was, "What do you need to know that for?" based on how the interview ended she assumed that she did not get the position. She states that several months later Jerry contacted her to extend an offer of employment. She states that at the time of the offer she advised him that she would need time off in October to attend a wedding that she was in and that he appeared to get upset but finally agreed to give her the time off as an unpaid leave which she was fine with.

[REDACTED] states that she has been reprimanded for "doing things that her peers do as well," but she is the only one that Jerry reprimands. She states that during one incident, she and her peers were supposed to meet and then drive together to attend a training session. The team was going to meet at 7:00am and [REDACTED] states that she advised everyone that she would not be there at 7:00am but would arrive in to make it to the training session. [REDACTED] states that she arrived at 7:15am and that she made it and signed in for the session in a timely manner, yet Jerry "wrote" her up.

[REDACTED] states that due to an unexpected childcare issue she was not able to go out of town with the team as previously planned. She states that Jerry appeared to get upset and threatened to fire her however she states that her peer who attends school often has to adjust her schedule and is not able to go out of town, yet Jerry accommodates her as needed.

[REDACTED] also states:

- She feels that Jerry is rude and condescending to her in front of her peers,
- She has been told by Jerry in front of her peers that she cannot do certain tasks because she is "not competent enough,"

- She was placed on an action plan for not meeting goals. She states that she did submit her inspection reports but due to a "systems problem," Jerry advised her that he was not able to open her shortcuts so he deleted them,
- It appears that Jerry repeatedly "nitpicks" her work and makes her redo it,
- That although she has never been an Inspector, she does not feel that she was provided with any structured training or given training materials. She states that Jerry provides one-on-one training to her peers and she feels that she does not receive this same opportunity,
- Jerry excludes her from the team, she said that he has on his whiteboard "Jerry's Team," with all of his employees listed, however she is not listed as a team member with the rest of her peers,
- [REDACTED]
- [REDACTED]
- She has witnessed Jerry demonstrating inappropriate behaviors with female employees by "gawking," following them around, staring and hanging out in the area where the female is for no reason. [REDACTED]
- [REDACTED]
- That she comes in early or late to avoid being humiliated by Jerry. I did advise her that was creating an attendance issue by arrive to work after her scheduled start time, which she agreed that she should not be doing and will ensure that she is arriving to work in a timely manner, and
- She has supporting documentation and has agreed to forward to me for review.

[REDACTED] stated that she was going to file a formal complaint against Jerry much sooner, but when she went out for 6 weeks or [REDACTED] she hadn't planned on returning to the State due to the manner in which Jerry has treated her. She states that she is currently looking for other opportunities within the State, and has an interview with [REDACTED]. She claims that if she is not able to find a position, she may move back East.

On 8/25/2016 I sent [REDACTED] an email to follow up on the names of her witnesses she stated she would provide and also on the supporting documentation she stated that she has available.

On 8/29/2016 I met with Jerry Perkins and Brian Goretzki. I advised Jerry of the formal complaint that had been filed against him in regards to his unprofessional conduct with his staff, and that I would be conducting an investigation into the allegations. Jerry was advised:

- The investigation would be conducted in a confidential manner
- To cooperate fully
- He is not to discuss this with any of his staff or question them
- Retaliation is unacceptable and much on occur.

Jerry was non-verbal in his acknowledgement with a shrug of the shoulders. He demonstrated the appearance of dis-engaging from the conversation and did not make any additional comments.



**Lead Investigator:**

Lucy Mailloux

**Title:**

Human Resources Manager III – Shared Services

**Phone:**

602-542-0146

#### WITNESSES

On 08/25/2016, Lauren provided the following employees as her list of witnesses. Interview notes are attached as well:



On 8/29/2016 and 8/30/2016 all witnesses were contacted and appointments were scheduled.

[REDACTED] was scheduled for her interview on 9/7/2016 and failed to come in to meet with me. She did not call or email me to say that she would not be coming in.

Brian Goretzki emailed Lucy Mailloux the following statement:

Here are my notes from the discussion items (these items/situations were how they were described to me):

1. An overnight X-ray trip in Tucson that included, at the minimum, Jerry Perkins, [REDACTED]. On one of the nights, the group went to dinner and some of the individuals were drinking. When they got back to the hotel, Jerry wanted to keep drinking, so they went and got a 30-pack of beer and continued drinking in the hot tub. Jerry, [REDACTED] were the individuals drinking in the hot tub and the others went back to the room because they felt uncomfortable (I do not know the dates)
2. Female employee(s) at this Agency have stated to other employees that they would like to become an inspector in X-ray but will not work under Jerry because of how he treats females.

#### SUMMARY FINDINGS

Having had to opportunity to interview three out of four of the witnesses, there appeared to be a common theme that Jerry does not demonstrate professional communication skills and is often hard in the manner in which he addresses employees, especially female staff. This results in some employees feeling that Jerry is picking on them, is difficult to work and talk to. For example, during the interviews witnesses stated they did not want to work within his department despite it being an opportunity to go from part-time to full-time opportunity and another witness stated they were not comfortable speaking with Jerry alone.

It appears that the work environment is, "laid back," and that employees, especially in X-Ray (Jerry's Team) give each other a, "hard time," which is uncomfortable for some of the employees. They have said that Jerry uses inappropriate language, jokes with the employees to the point that it appears to be in a harassing manner and that [REDACTED] does get the brunt of this behavior from Jerry as she can be passive, making it easy to pick on her. Although the environment is laid back, there are work expectations, specifically inspection goals that Jerry insists are met and can get upset when they fall behind. Currently an employee is being trained to help out in [REDACTED] team and Jerry has not allowed

██████ to assist, the perception is that her taking the time to help train someone else will put her even further behind in achieving her goals.

It also appears that amongst the female staff, Jerry is known as a gawker which creates an uncomfortable work environment for the ladies on the staff. Although there has been no inappropriate touching, the unwanted attention from Jerry is upsetting to some. This behavior has been noticed by both female and male employees. It should also be noted that examples of inappropriate behaviors were not reported from employees who have been out of town with Jerry.

Jerry is respected for his knowledge and is willing to help and train others. The perception is that when Jerry becomes frustrated with a situation, he will take it out on other people. It appears that Jerry doesn't always make the best decisions; however, he has the best intentions. During the interviews, Jerry was repeatedly referred to as being very condescending, "makes others feel stupid," outspoken but awkward in his approach, loud and intimidating.

On 9/8/2016, I presented the findings to Brian Goretzki and he advised me that he was continuing to get complaints about Jerry and had also discovered some performance issues that were resulting in the Agency having to reimburse customers due to Jerry not filing paperwork in a timely manner. Brian's concern is that it appears that Jerry has created a very inappropriate and hostile work environment that is impacting his team, the agency and their customers. Despite being previously investigated in August 2015, for inappropriate behavior Jerry continues to demonstrate this same behavior.

### **CONCLUSIONS**

Based on the issues discovered during this investigation, the review of the investigation from August 2015 and Jerry's current performance issues, Brian Goretzki is requesting dismissal and has submitted a Dismissal Review Form for ADOA review.

<b>Prepared by:</b> <b>Title:</b> <b>Date:</b>	Lucy Mailloux Human Resource Manager – Shared Services 9/9/2016
<b>Reviewed by:</b> <b>Title:</b> <b>Date:</b>	Silvia Hernandez Chief Human Resource Officer – Shared Services