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Sexual Harassment Complaint Against Gerald Richard

On December 19, 2016, Michelle Ashley, Arizona Department of Administration (ADOA) Human Resources Officer, received a complaint of sexual harassment which was filed by [REDACTED] with the Arizona Department of Economic Security (DES), Division of Child Support Services (DCSS). The complaint was sent to the Governor's Office of Equal Opportunity (GOEO) on October 23, 2016.

[REDACTED] complaint focused on allegations of misconduct by Gerald Richard, DCSS Deputy Assistant Director, who was recently promoted to DCSS Assistant Director. The report also contained allegations of misconduct by Timothy Jeffries – former DES Director, Daniel Clark Collier – former DES Chief of Staff, and Morris Greenidge – former ADOA Chief Human Resources Officer assigned to DES. Mr. Jeffries, Mr. Collier, and Mr. Greenidge have all separated from state employment. Therefore, the focus of Ms. Ashley's review was on [REDACTED] allegations of sexual harassment by Mr. Richard.

In her complaint to the GOEO, [REDACTED] alleged the following:

1. Mr. Richard frequently made inappropriate comments about how she looked, stared at her with an open mouth, leered at her with "hooded" eyes, looked her up and down, and bit his bottom lip while looking at her.
2. Mr. Richard took his wedding ring off, placed it in his pocket, and made a comment about how the way [REDACTED] looked made him wish he was not married. He made the comment while looking her up and down and biting his bottom lip.
3. Mr. Richard had a disagreement with [REDACTED] about the qualifications of an employee he wanted to promote. During their conversation about the employee Mr. Richard insisted [REDACTED] "touch him" to make him feel better.
4. [REDACTED] was dismissed on the day of Mr. Richard's promotion to Assistant Director. [REDACTED] alleged the dismissal was in retaliation for rejecting Mr. Richard's sexual advances.
5. Mr. Richard also subjected other women in the agency to similar treatment.

Background:

On May 28, 2011, ██████████ was hired at DES Employment and Rehabilitation Services (DERS) as a ██████████, grade 13. On October 1, 2011, ██████████ was promoted to an ██████████ grade 19, in the ██████████. On September 1, 2012, ██████████ was promoted to a grade 22 ██████████ for DCSS) position. On August 24, 2015, ██████████ was laterally transferred to the Division of Developmental Disabilities (DDD) to serve as the ██████████ for DDD. On November 21, 2015, ██████████ returned to her ██████████ at DCSS and her position was reallocated from a grade 22 to a grade 23. On June 27, 2016, ██████████
██████████
██████████

From May 21, 2012 through her resignation, ██████████ reported indirectly or directly to Scott Lekan, Assistant Director of DCSS. Gerald Richard was hired by DCSS as Deputy Assistant Director on February 17, 2016. Mr. Richard reported to Mr. Lekan until June 25, 2016, when Mr. Lekan was transferred to the Division of Aging and Adult Services and Mr. Richard was promoted to the position of Assistant Director over DCSS.

Individuals contacted during the review:

- ██████████
██████████
- ██████████
██████████
- ██████████
- ██████████
- Scott Lekan, former DCSS Assistant Director – left State employment
- Timothy Monaghan, DES Deputy Human Resources Administrator
- Fred Burk, ADOA Chief Human Resources Officer – formerly assigned to DES
- ██████████
- Gerald Richard, DCSS Assistant Director

Allegation One:

██████████ alleged Mr. Richard frequently made inappropriate comments about how ██████████ looked, stared at her with an open mouth, leered at her with “hooded eyes”, looked her up and down, and bit his bottom lip while he stared at her.

██████████ did not provide specific dates for any of the incidents she referenced but indicated all incidents occurred between Mr. Richard’s February 17, 2016 hire date and ██████████ June 27, 2016 ██████████.

stated , witnessed several of the incidents and stated DCSS Human Resources staff and , may have witnessed some of the incidents.

Finding:

indicated he personally witnessed Mr. Richard be inappropriate to on several occasions. stated Mr. Richard tended to make comments such as, "mm, you are wearing that dress," while biting his bottom lip. said it was very apparent was uncomfortable by Mr. Richard's comments and looks. reported routinely brought to meetings with Mr. Richard so that was not alone with Mr. Richard. also stated whenever possible, if was in ' office and she heard Mr. Richard approaching, she would stand behind ' desk chair in an effort to block her body from Mr. Richard's view.

could not provide dates for any of the incidents and provided no other details, other than Mr. Richard frequently looked at in a sexual manner and made comments about the way she looked. stated when he heard the comments he felt they were sexual and "creepy" in nature.

, was also interviewed. stated on two occasions she witnessed Mr. Richard act inappropriately toward . In the first instance, witnessed Mr. Richard watch walk away from a meeting. stated Mr. Richard leaned back in his chair with his jaw dropped open and looked up and down.

In a second incident Mr. Richard's Executive Assistant told that Mr. Richard was in a meeting in his office with . The Executive Assistant advised to go ahead and enter the office. When opened the office door she saw Mr. Richard and sitting at Mr. Richard's conference table. Mr. Richard's chair was very close to chair and Mr. Richard was leaning in close to . stated was leaned back in her chair and it appeared she was trying to put space between her and Mr. Richard. stated looked very uncomfortable by Mr. Richard's proximity to her. stated she was shocked by what she saw and had a very bad feeling about it. apologized for interrupting and stated she could come back later. stated seemed relieved for the interruption and eagerly invited her to stay for the meeting.

Mr. Richard denied making inappropriate comments to and also denied biting his lip, looking her up and down, leering, or staring at her open-mouthed. Mr. Richard stated on at least two occasions was dressed inappropriately, wearing a tight leather skirt and low cut blouse. Mr. Richard stated when he saw he said, "wow" then walked away. Mr. Richard indicated his comment was not meant in a sexual way, but rather he was shocked at how inappropriately was dressed. Mr. Richard stated

he did not report ██████████ inappropriate dress to ██████████, who was ██████████ supervisor.

Each person interviewed stated they have never seen ██████████ dress or act unprofessionally or inappropriately. Most interviewees described ██████████ as an all business type of person, who was not outgoing, friendly, or flirtatious.

Allegation Two:

██████████ stated while she was in ██████████' office, Mr. Richard entered the office, said hello, then left the office. ██████████ stated Mr. Richard immediately returned to the office, took his wedding ring off, placed it in his pocket, and made a comment about how good ██████████ looked. ██████████ stated while Mr. Richard was making the statement and placing his wedding ring in his pocket, he was looking her up and down and biting his bottom lip.

██████████ was unable to provide an approximate date the incident occurred, but stated the incident was witnessed by ██████████.

Finding:

██████████ confirmed this event occurred in his office and confirmed Mr. Richard took off his wedding ring, placed it in his pocket, and made a comment about how the way ██████████ looked made him wish he was not married. ██████████ stated ██████████ was very uncomfortable during the encounter. ██████████ stated he found Mr. Richard's behavior to be highly inappropriate.

When interviewed Mr. Richard admitted that in ██████████' office in the presence of ██████████ and ██████████, he took his wedding ring off and placed it in his pocket, and stated, "hi there." Mr. Richard stated his actions were in response to ██████████ inappropriate dress and stated she looked like she was going to a night club. Mr. Richard was asked the reason he removed his ring, to which he shook his head, shrugged his shoulders and stated he had no explanation.

Additionally, Tim Monaghan, Human Resources Administrator, stated ██████████ ██████████ advised Mr. Monaghan she was going to file a sexual harassment charge against Mr. Richard. Mr. Monaghan stated he informed Morris Greenidge, Chief Human Resources Officer, of ██████████ statement. Mr. Monaghan stated Mr. Greenidge told him he asked Mr. Richard if he had been inappropriate toward ██████████. Mr. Monaghan stated Mr. Greenidge told him Mr. Richard admitted he took his wedding ring off, placed it in his pocket, and made a statement to ██████████ about if he was not married.

When questioned, Mr. Richard stated he did not recall telling Mr. Greenidge he took his wedding ring off or made a comment to ██████████ about being married.

Allegation Three:

indicated she and Mr. Richard had a disagreement about the qualifications of a employee Mr. Richard wanted to promote to an Executive Assistant position. stated Mr. Richard came into her office later while was present and insisted she touch his arm to make him feel better about the issue. stated she refused and backed away. She stated Mr. Richard moved toward her and continued to insist she touch him. After the second refusal stated Mr. Richard left the office.

Finding:

indicated Mr. Richard wanted to promote one of employees to an Executive Assistant position reporting to him. stated she expressed her concerns to Mr. Richard but he dismissed her concerns and "blew her off." Mr. Richard insisted on the promotion so elevated her concerns to Mr. Lekan. As a result, a meeting was held between Mr. Lekan, Mr. Richard and . At the conclusion of the meeting the promotion was approved.

Mr. Richard subsequently requested for to meet with him in his office to discuss the issue. During the meeting Mr. Richard told he was hurt that she brought her concerns to Mr. Lekan rather than work directly with him. stated she apologized to Mr. Richard that his feelings were hurt, but stated she told him she had attempted to discuss the issue with him and he completely dismissed her and blew her off. The meeting was interrupted because another employee, , entered Mr. Richard's office to discuss an unrelated issue.

Soon after, Mr. Richard approached in her office to continue the previous conversation about the promotion. was in office when Mr. Richard entered the office. stated during the conversation Mr. Richard insisted she touch his arm to make him feel better. stated she refused to touch his arm. She stated Mr. Richard insisted again and moved toward her. stated she backed away then Mr. Richard left the office.

confirmed he was present during the conversation and stated Mr. Richard insisted touch his hand. confirmed refused to touch Mr. Richard's hand, but Mr. Richard continued to insist touch his hand. After second refusal Mr. Richard left the office. stated it was clear was very uncomfortable by Mr. Richard's actions and stated backed away from Mr. Richard and crossed her arms across her body.

When Mr. Richard was interviewed, he stated he wanted to promote an employee from to be his Executive Assistant. Mr. Richard stated he and did not agree on the promotion decision. Mr. Richard stated he knew was not happy with him so he was trying to repair any damage to the working relationship

with ██████████. Mr. Richard stated he was trying to get ██████████ to shake his hand, essentially “shaking on the deal.” Mr. Richard stated ██████████ was angry and refused to shake his hand. When asked if he thought ██████████ might have been objecting to the physical contact, Mr. Richard insisted ██████████ was not upset about the handshake. Rather, he stated she was upset that she did not get her way. Mr. Richard stated the next day ██████████ apologized to him and stated, “I don’t like Black men who dismiss me.”

██████████ was asked if she told Mr. Richard she did not like it when Black men dismiss her. ██████████ denied making this statement, but repeated that she had told Mr. Richard she had tried to work the issue out directly with him, but he blew her off and dismissed her concerns. ██████████ admitted to stating she does not appreciate when managers do not listen when she expresses her concerns, but denied making the comment, “I don’t like Black men who dismiss me.”

Allegation Four:

██████████ stated she was dismissed on the day of Mr. Richard’s promotion from Deputy Assistant Director to Assistant Director. ██████████ stated the dismissal was retaliation for rejecting Mr. Richard’s sexual advances.

Finding:

On June 21, 2016, an investigation was completed by the DES Office of the Inspector General (OIG) Internal Affairs. The investigation focused on the management styles of ██████████ and ██████████. The OIG findings indicated DCSS ██████████ staff felt ██████████ and ██████████ were bullies and retaliated against ██████████ who spoke to Director Jeffries.

On June 27, 2016 both ██████████ and ██████████ were advised their services with DCSS were no longer needed. Both were provided the option of resignation or dismissal. Both employees selected resignations, which were effective June 27, 2016. The separations appear to be due to the report findings. It is unclear who made the decision to separate ██████████ and ██████████.

Allegation Five:

██████████ alleged Mr. Richard also subjected other women in the office to similar behaviors.

Finding:

██████████ stated he witnessed an incident where Mr. Richard got down on one knee, told ██████████, how good she looked, then kissed ██████████’ hand. ██████████ reported directly to ██████████. ██████████ stated Mr. Richard also frequently complimented ██████████ on the way she looked. ██████████ stated ██████████ and Mr. Richard went to college together and are good friends. ██████████ indicated ██████████

did not appear uncomfortable by Mr. Richard's comments or touch. [REDACTED] stated although [REDACTED] did not appear offended, [REDACTED] was offended and found Mr. Richard's behavior inappropriate for the office.

When interviewed, Mr. Richard admitted to kissing [REDACTED]' hand and stated he and [REDACTED] are friends. Although [REDACTED] was not a subordinate employee of Mr. Richard at the time he kissed her hand, Mr. Richard was the Deputy Assistant Director for the division at the time and had delegated authority over the division whenever the Assistant Director, Scott Lekan, was unavailable.

[REDACTED] stated Mr. Richard is overly friendly, to the point of inappropriateness. [REDACTED] stated an incident when [REDACTED], Mr. Richard, [REDACTED] and [REDACTED] were having a work-related conversation. [REDACTED] said Mr. Richard stated "these are two of the finest dressed ladies in the office." [REDACTED] felt the comment had a sexual tone to it and stated the comment "felt creepy."

[REDACTED] was interviewed and she stated she has seen Mr. Richard tell women they look good and he has also told her she looks good. [REDACTED] stated when Mr. Richard made these comments they came across as sexual in nature. [REDACTED] stated she told Mr. Richard he should be careful. She stated she told him she was not offended but other women might be, so he should be careful what he says and how he says it. [REDACTED] also stated she heard Mr. Richard had kissed the hand of [REDACTED] from the information technology group. [REDACTED] said she did not witness the kiss but heard [REDACTED] was offended.

[REDACTED] was interviewed and confirmed when she sees Mr. Richard he usually shakes her hand. On one occasion, after he shook her hand, he pulled her hand to his mouth and kissed her hand. [REDACTED] stated she was offended by the gesture, but did not say anything to Mr. Richard about her discomfort. [REDACTED] also indicated on one occasion she was in the office next door to where Mr. Richard's [REDACTED] sat. [REDACTED] stated she heard Mr. Richard enter the area and kiss [REDACTED]. [REDACTED] did not witness the kiss, but thought it sounded like Mr. Richard had kissed [REDACTED] on her cheek.

During her interview, [REDACTED] referenced a recent incident when she witnessed Mr. Richard watch [REDACTED], walk away from the room after a meeting. [REDACTED] stated Mr. Richard leaned back in his chair, dropped his jaw, and looked [REDACTED] up and down as she walked out of the room. [REDACTED] stated after the meeting she told Mr. Richard she saw how he looked at [REDACTED]. She stated she told Mr. Richard his behavior was inappropriate and offensive and told him he better "knock it off." [REDACTED] stated Mr. Richard told her it was not how it appeared, to which [REDACTED] repeated it appeared very inappropriate and she was sure [REDACTED] would not appreciate being objectified in that manner. [REDACTED] stated she has not seen Mr. Richard act inappropriately since the conversation.

Additional Information:

Each person interviewed stated Mr. Richard is a physical person, and most used the term “touchy feely.” All stated he shakes the hand of every man or women he sees or gives them a hug. At least two of the employees interviewed stated the times they have seen Mr. Richard make inappropriate comments or touch women inappropriately, Mr. Richard seems completely oblivious to the women’s reactions.

Mr. Richard admitted he is a friendly person and usually hugs or shakes the hands of everyone he sees. Mr. Richard also stated he regularly compliments women, telling them their hair or nails look nice. He said the comments are never sexual and he would never make a comment to any woman which he felt would not be acceptable for someone to say to one of his daughters.

Mr. Lekan stated he was aware that Mr. Richard tended to hug and shake the hands of employees. Mr. Lekan stated although he never saw any inappropriate touch by Mr. Richard, he cautioned Mr. Richard that he should be careful as some people could be offended by his hugs. Additionally, two of the witnesses interviewed stated they cautioned Mr. Richard about his interactions with women. However, Mr. Richard denied ever being cautioned that his actions toward women were inappropriate or could be offensive.

Mr. Lekan and Fred Burk, former DES Chief Human Resources Officer, were both questioned if they were aware of any inappropriate behavior prior to their departures from DES. Both indicated they were unaware of any inappropriate behavior by Mr. Richard and had received no complaints about Mr. Richard. Both Mr. Burk and Mr. Lekan stated they would have immediately addressed the situation had they been aware.

Two of the witnesses stated during the inappropriate interactions they witnessed by Mr. Richard toward ██████████ was clearly very uncomfortable and was trying to get away from Mr. Richard. Both witnesses stated Mr. Richard seemed oblivious to ██████████ ██████████ uncomfortableness and her attempts to get away from him.

Ms. Ashley asked both ██████████ and ██████████ if they brought their concerns with Mr. Richard’s behaviors to the attention of management. Both ██████████ and ██████████ stated Fred Burk had already left DES and neither of them trusted Mr. Greenidge. They both stated they knew Mr. Lekan would not tolerate Mr. Richard’s behavior, but they were still fearful of bringing their concerns forward because they were afraid they would be dismissed and they believed Director Jeffries already perceived ██████████ negatively.

██████████ also stated she planned on addressing her concerns with Mr. Greenidge and Mr. Lekan, but first she was examining her own actions to ensure she was not unintentionally giving Mr. Richard any mixed signals that might have encouraged his behavior. ██████████ stated she was separated prior to having a chance to report her concerns.

██████████ stated he advised ██████████ on several occasions she should file a complaint. ██████████ stated ██████████ assured him she would address the issue soon; therefore, he did not elevate the issue to management.

Findings:

1. ██████████ allegation that Mr. Richard frequently made inappropriate comments about how she looked, stared at her with an open mouth, leered at her with “hooded” eyes, looked her up and down, and bit his bottom lip while looking at her is substantiated.
2. ██████████ allegation that while looking her up and down and biting his bottom lip, Mr. Richard took his wedding ring off, placed it in his pocket, and made a comment about how the way ██████████ looked made him wish he was not married is substantiated.
3. ██████████ allegation that while discussing the qualifications of an employee Mr. Richard wanted to promote, Mr. Richard insisted ██████████ “touch him” to make him feel better is substantiated.
4. ██████████ allegation that she was dismissed in retaliation for rejecting Mr. Richard’s sexual advances is inconclusive.
5. ██████████ allegation that Mr. Richard also subjected other women in the agency to similar inappropriate treatment is substantiated.

Prepared by: Michelle Ashley, Human Resources Officer