

RECOMMENDATIONS

Investigation by Henry County Human Resources

R. J. Doleman, Employee Relations Manager

Alleged Sexual Harassment

May 5, 2015

Claimant:

Alleged Harasser: Jim Walker, County Manager

Governing Policy: Henry County Personnel Policy Manual, Article III, Section I – VII

Laws, Regulation & Guidance: Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended, as it appears in volume 42 of the United States Code, beginning at section 2000e.

Allegation:

The claimant alleges two counts of specific harassment involving intentional physical touching of her body, which makes the claimant uncomfortable in the work environment; in addition to a pattern of unwanted and/or unwelcomed behavior for majority of the time she has been located in the Budget Office within the County Manager Suite of Offices.

Alleged Harasser Denial:

Jim Walker is passionate about his defense. He feels the facts, as he sees them, will totally exonerate him. He emphatically denies ever being alone with the Claimant or subjecting her to any form of unwelcome sexual advances which create an intimidating offensive work environment.

The Facts:

Undisputable. The accused had the phone belonging to the claimant in his hand.

Undisputable. The claimant was seen distraught at the time of the allegation and moments (two to three minutes) later by the same witness.

Undisputable. The claimant, during times of emotional distress, and through facial expression and tears directly accused Jim Walker of being the cause of her discomfort.

Undisputable. The claimant voiced concerns to a superior about the accused making her uncomfortable in her work environment (shortly after Easter, April 5, 2015) prior to any claims of physical contact. A

superior states [redacted] did not want the attention she was getting, which was part of a pattern of unwanted attention.

Undisputable. Jim Walker came frequently to the Budget office to obtain a powder energy drink called Spark and to obtain Jelly beans. The Jelly bean jar was removed; and he was sold an energy drink packet by [redacted] (both, to limit reasons for visitations). The superior instigated the Jelly bean removal to eliminate specific reasons for the accused to frequent the area. [redacted] initiated the drink sale to do the same.

Undisputable. A couple of witnesses stated from personal observation that if [redacted] is in the immediate area and Jim Walker is free, he would be there...

Disputable. Witness to the cell phone incident:

1. The claimant indicates [redacted] was not at her desk (work station) when the phone was lifted from her pocket, in addition to no one else being in the County Manager suite.
2. [redacted] indicates she was at her desk, but did not "see or hear any type of conversation in reference to a cell phone...nor did she notice anything inappropriate".
3. [redacted] when questioned and asked was there anyone present besides the claimant and the accused, her answer was that she did not remember seeing anyone else.
4. An eye witness, [redacted]; initially told [redacted] ([redacted] Supervisor) Jim 'copped a feel' as it relates to taking the phone from [redacted] pocket. [redacted] also indicated he was present during the phone incident, but when questioned specifically, he says he only saw Jim Walker 'lean forward and when he held the phone up in the air'. He did not see the removal of the phone from the pocket.
5. [redacted] did not recall who else might be in the suite, but indicated Jim Walker immediately began to talk to him once he was noticed, so [redacted] followed him into his office and engaged in a conversation that was "jumpy" and about nothing in particular for about two to three minutes.
6. [redacted] did not recall seeing [redacted] during the period he was witnessing the phone removal or while he was in the suite.
7. Jim Walker has never mentioned [redacted] being in the suite concurrently while transitioning from the phone incident to general conversation with [redacted]
8. Jim Walker insists [redacted] was in her office.
9. [redacted] indicates uncertainty whether Jim Walker was aware he ([redacted]) saw him holding the phone in the air prior to beginning their multiple conversation.
10. [redacted] indicates Jim Walker did not acknowledge his ([redacted]) pre-occupation with [redacted] facial expressions for which he ([redacted]) had just witnessed.

Disputable. The claimant's accusation that Jim Walker touched her breast with his glasses while pointing out a tea stain.

1. Both the claimant and the accused acknowledge that the stain existed.
2. The claimant indicates the accused used a circular motion to define the stain area.
3. The accused indicates he pointed to the area up near her collar without touching her breast or any part of her blouse.
4. [redacted] supervisor acknowledges that she was told by [redacted] about the tea stain, blouse bodily touching incident of April 23, 2015 prior to the April 27, 2015 incident.

Recommendations:

There are three areas believed to have implications on the culpability of the accused, as follows:

- Specific acts of sexual harassment
- Denial and general untruthfulness
- Other incidence of inappropriate conduct and behavior

Each of which represent an opportunity for a punitive finding.

- Moreover, during the investigation, we witnessed an inexcusable amount of intimidation of witnesses participating in the investigation from an individual whose key focal areas are leadership, ethics and values.

Recommendation Discussion _____

QUESTIONS FOR THE COMPLAINANT

1 4.29.15

1. Identify specific events and dates which compromise the harassment/hostile environment. Unless otherwise noted, "she" refers to

Event #1 – Removal of cell phone from left back pocket on April 27, 2015 in main entry/exit doorway of the County Manager's suite of offices. Shocked her and made her feel uncomfortable. Turn around and grabbed her phone and walked out the door not knowing what to do. Didn't say anything, but rushed out of the suite and went straight to the mail room, while just sitting there thinking what am I going to do. Felt as if she would lose her job. Later [redacted] came by and asked her if she was OK. [redacted] gave her a copy of the policy. She followed up with a text message to [redacted], who was in with [redacted]. Returned from mail route and went to her desk in County Manager's suite to have lunch and received a call and asked to come to [redacted] office. She believes [redacted] witnessed the event. She told [redacted] and she and [redacted] discussed the event. She explained it to her fiancé, [redacted] when you got home (doesn't exactly remember when she told him, but he knew when she got home). She told her family.

Event #2 – Touching left breast with reading glasses while pointing out spot of spilled tea on blouse hallway outside of the Budget Director's office. Made her feel weird, shocked and uncomfortable. Pretended that it didn't happen. Walked straight out while feeling uncomfortable and went straight to the mail room. No one was in the office to witness the event.

Event #3 – Suggesting wearing of a night gown like Vanna White while assisting with game show planned for Employee Appreciation Day inside of the Budget room. Present were [redacted] and Jim Walker. She sensed he knew the difference between evening and night gown, but was fishing for her response to night gown. Just looked at him with wide open eyes feeling the whole thing was creepy.

Event #4 – Miscellaneous comments over a period of time that were offered about make-up, hair, suntan and clothing that makes individual feel uncomfortable in his presence. Jim came to desk while [redacted] and/or [redacted] were present during most of the comments. Felt them to be inappropriate and that he didn't do it to anyone else, but her. Tried to just brush it off and not react to the comments or situation, which possibly made it worse.

For each event, identify who, what, when, where, and how: Who committed the alleged harassment? Jim Walker, County Manager. What exactly occurred or what was said?

When did it occur and is it still ongoing? Where did it occur? How often did it occur? How did it affect you?

Purpose: to elicit complainant's facts

How did you react?

What response did you make when the incident(s) occurred or afterwards?

2. How did the harassment affect you? Mad and feel uneasy. She feels like he shouldn't be here. Feels violated. She would not feel comfortable being in this building with him. Has your job been affected in any way? Didn't want to go into her normal office. She feels like he would be angry. She feels he thought he could get away with it. had to do her UPS packages and labels. Basic job content has not changed.

3. Did others witness these events? Who, how, what events were witnessed and on what dates were these events witnessed?

4. Did you tell anyone about the harassment? [Refer to question 1].

5. Who did you tell, when, and what did you tell the person? Text [to _____]: I need to talk to you as soon as possible; and she [] said she was in a meeting; she : [] said OK; and she asked what's wrong; I said someone put his hand in my back pocket and I'm freaked out; and she said Jim ?; and I said "yes"; she [] said calm down and I will try to get out of this meeting; and on top of that walked in as it happened and I have already left for the mail run; asked where was _____ and _____ said it happened by the door. No one was upfront and he was giving me some of his mail (if that camera records that's on _____ ask, it saw it....)

6. Did the person who harassed you harass anyone else? Don't know. Do you know whether anyone complained about harassment by that person? No

7. Are there any notes, physical evidence, or other documentation regarding the incident(s)? Not known.

8. Did you complain or make known your rejection of the alleged discriminatory conduct? No. Just ignored him whenever he said anything. She gave him no reason to continue any conversation with her. Who did you tell, when, what did you tell the person? There was not a specific point of telling anyone of the accused advances—everyone in the office area seemed to know and understand that his conversations were out of the ordinary.

9. Are you aware of the agency's anti-harassment policy? She had never read that section until brought it to her. How are you aware?

Did you complain pursuant to that policy? No

10. Did you complain about the harassment/hostile work environment? She told [redacted] about the incident with the sweet tea. [redacted] looked shocked and amazed. Who did you tell, when, and what did you tell the person? Same day.

11. What happened as a result of your complaint? Told to stay out of the County Manager's suite and to stay in HR and or the mail room. Did the harassment/hostile work environment stop? Yes, she indicates that she never saw him afterwards. When did it stop? As soon as I walked out of there. I never saw him again from that point. Promptly? Yes.

12. Did you take any action to avoid further harm by the perpetrator? Just stayed away and did what everyone told her to do. She did not go back in there.

13. How would you like to see the situation resolved? She doesn't feel a week with pay is sufficient. No one else should have to go through what she went through. He thought he could get away with it. He should not be allowed to come back here. If it is swept under the rug, it would be an injustice to the county, the public and the employees.

14. Do you have any other relevant information? No.

4/29/15

QUESTIONS FOR ALLEGED HARASSER Jim Walker 4.30.15

1. What is your title/role in the organization? County Manager.

The County Manager is responsible for all administrative and management functions of County government. Under the supervision of the Board of Commissioners, the County Manager directs, administers, coordinates and implements the activities of the County to ensure compliance with County policies, ordinances, goals and objectives established by the Board. The Manager provides administrative support for the Board, develops the annual budget, and oversees grants and major projects, and supports the Board by attending meetings and assisting in preparation of meetings. The Manager provides visionary innovative leadership, supervision, coordination and general direction for the County and all County departments. As an at-will employee, the County Manager serves at the pleasure of the Board.

What is your work relationship with the complainant? There is no direct working relationship or line of supervision; only proximity in location. The individual has dual offices—one in the mail room and one in the office of the Budget Director within the suite of offices that house the County Manager.

2. Recite events and dates claimed by complainant as harassment.

April 27th 2015 incident ():
9:00 a.m.

I walked into my office to check emails as I do every morning. As I was walking out of my office into the front of the county manager's office Jim Walker approaches me to give me some personal bills for me to put in the outgoing mail. He made a joke about how they were important and it would be my fault if something happened to them. I turned around to walk out of the front door of the county manager's office into the major hallway and as my hand reached the door handle I felt him put his hand down into my left, back pocket of my pants. [redacted] was not up front to this and [redacted] was gone also. As he pulled his hand out of my pocket he pulled my phone out also. Held the phone up in front of his face and laughed. He said, "your phone was about to fall out of your pocket". My phone was at the very bottom of my pocket not about to fall out. I immediately took my phone out of his hand, opened the door and walked out of the office. When I went to leave [redacted] was standing there as if he had seen the whole thing. I walked past [redacted] and went straight to the mail room. I was in such shock and felt so violated. [redacted] came into the mail room and asked if I was ok. He informed me he witnessed it happen. He gave me and hand book and he went back in his office.

2.a. Jim Walker response: record details of events and dates, as recited by alleged harasser.

2.a.1. [redacted] was at her desk when the alleged incident took place. [redacted] s she was not.

2.a.2. states, "I immediately took my phone out of his hand." This statement is not true. was carrying papers and documents, probably mail, in some type of tray using both hands. I placed the cell phone between the thumb and forefinger of her right hand so she could secure it while she held the tray and/or documents.

2.a.3. states after the alleged incident she, "opened the door and walked out of the office." This statement is not true. When the alleged incident occurred, she was pushing against the door opening it with the tray of documents and the left side of her body and already exiting the door.

2.a.4. states, "My phone was at the very bottom of my pocket not about to fall out." If that were so, how would I have known whether or not she had anything in her pocket, yet alone a cell phone, particularly if nothing could be seen?

2.a.5. states, "I felt him put his hand down into my left, back pocket of my pants." Please determine how she believes my hand made this physical movement -- palm facing her?, back of the hand facing her?, in front of the cell phone against her body?, behind the cell phone not against her body? And remember, I provided you documents from my medical records and the Veterans Administration, that, in 1982, as a result of a military service injury, the in my right is diminished. The and in the of my right area were by a wooden stake. The limited range of I've had in my right and since 1982 render me unable to perform any of the above mentioned movements without considerable effort, and possible assistance from my other . It would not be reasonable to expect me to attempt I've been to perform for over 30 years.

2.a.6 Jim indicates phone was in her Right pocket. Phone was practically out of her pocket [he would not specify what percentage it was out when asked repeatedly, but would illustrate an amount that approximates ~75%]. He further indicates he removed the phone as "an immediate reaction". As stated above, Jim produced military papers outlining a in his due to , as part of an overall of total . The only for that is a and a fist. He indicates she is alleging something that he is unable to do. Jim is handed. When removing the phone, he indicated his thumb on the partially was down and facing backward towards him, and with his limited motion, he could not have retrieved a phone buried deep in her pocket because he that type of to his where his are facing backwards. He insists was in her office; and asks if a reasonable person with premeditation knowingly would go into a woman's pocket with a camera behind them?

April 23rd-2015 incident ():

No one was in the county Manager's office except Jim and I. He was walking out of his office while I was walking out of mine. I was walking out to leave and he approached me and looked down at my chest and said, "Curly you've got a stain". As I looked down at my shirt he touched my breast with his glasses and circled around where the stain was. This made me feel very uneasy. I responded "I was trying to drink sweet tea and drive". He laughed and I just walked away. I sat in the mail room until I knew the other people in the office returned. At that point I didn't think I should be alone in the office. also saw that I was upset that day.

2.b. JW for his response: record details of events and dates, as recited by alleged Harasser.

2.b.1. You have seen my schedule for 23 April. Please get a copy from . It would be all but impossible for my office to be empty on that day, where only and I would be there alone. I deny I was alone anywhere in my office complex with i.on 23 April. Jim further insists that he has never been alone with

2.b.2. states, "He was walking out of his office while I was walking out of mine." This is not true. I was standing at the corner of s desk and i was walking back in to her and office, presumably from lunch because even she states, "I was trying to drink sweet tea and drive." I've already described the alleged incident to you. I will categorically deny again that I made any contact with person --not with my eyeglasses or anything else.

2.b.3. lifted a portion of her blouse near the neckline to see the tea stain, and to touch the stain to determine if it was still wet the stain was on the left side of her neck just below her collarbone.

Previous comments:

I feel as if he likes to approach me when no one is around. When people are around he has made comments such as how he likes my makeup, my hair, my suntan or what I'm wearing. I do not think this [sic] appropriate. He has never called me by my name; he calls me "Curly". He has made a comment about how I should wear a "night gown" to the Employee Appreciation Day and that he wanted me to be "his Vanna" [White of Wheel of Fortune] when we played Family Feud. and i were present during that comment.

I have felt uncomfortable for a while, I feel like with each incident or comment it intensifies. The first time he touched me was the incident on Thursday the 23rd of April and he was out of the office the following Friday. That Monday he returned he put his hand in my back pocket. I feel as if he waited for a chance. I feel as if this was thought about. He makes me extremely uncomfortable.

2.c. Jim Walker response: details of events and dates, as recited by alleged Harasser.

2.c.1. states, "I feel as if he likes to approach me when no one is around." I deny that I've ever approached her when no one else is around. Every time I can recall even speaking to between 1 and 3 other people were within earshot or part of the conversation a number of us were having. Please find out how many times she thinks I approached her when no one is around. What did I say? What did I do? Where did these approaching events take place? The fact is it never happened. The next sentence in her statement is, "When people are around he has made comments.....How come she makes no mention of anything I said or did when no one is around? The answer is because it never happened.

2.c.2. I've explained the night gown incident. I meant evening gown. Typical guy mistake. Concerning Vanna White -- When and I were discussing family feud during Employee Appreciation Day, i said Family Feud was her favorite television game show and she knew everything there is to

know about the show. I did suggest she could be one of my helpers (or Vanna White's). I also said I need either 2 or 3 additional helpers (Vanna White's) because our stage set would not be electric or digitized. I asked [redacted] if any of his workers wanted to be one of my helpers for Family Feud. Please confirm this statement with [redacted] if you want. [redacted] was not being singled out as the only helper, and was only included because, as she stated, she is very familiar with the show and format.

2.c.3. [redacted] states, "I feel like with each incident or comment it intensifies." Please clarify what it is that intensifies, and specifically what comments were made that she feels were a cause for the increased intensity she alleges?

2.c.4. [redacted] states, "I feel as if he waited for a chance." A chance for what? Please find out what this "chance I waited for is? And what chance did I reportedly take? And what does she believe this chance taking would accomplish for me? Put another way, what does she feel I was looking to accomplish or gain by taking any "chance?" Go figure. I work in a high stress complex time consuming adult office knowing every decision I make and every action I take is going to be overly scrutinized, analyzed, and criticized. Certainly [redacted] is not suggesting I'm going to put aside everything I am doing, everything I have, every constant distraction, and everything I've worked for in my life to "take some unspecified chance" in my office complex during busy work hours with anything having to do with her.

2.c.5. [redacted] states, "I feel as if this was thought about." What is "this?" Please get an explanation of what "this" is. I would like to comment on whatever "this" is once you find out. I find it very difficult to conclude a tea stain would be pre-meditated, or that a random encounter, at the front door to my office at approximately 9am under the watchful eye of a camera and my executive assistant would yield a pre-meditated "chance opportunity" for her to be burdened with papers and documents in both hands pushing a heavy door open with her body and her cell phone all but falling out of her pocket, thereby affording an opportunity for whatever she considers as "this."

2.c.6. [redacted] states "He makes me extremely uncomfortable." How? When? For how long? What specifically makes her uncomfortable? Did she tell anyone prior to filing a report she was extremely uncomfortable? If so, who? She never told me, and no information concerning any concerns she had were ever expressed to me by anyone at any time. I've had very few interactions with [redacted] and cannot conceive that any interaction I've had with her could or would cause any concern or uncomfortable feelings for anyone, especially her.

Finally, I want a full investigation into the hiring of [redacted]. I was not involved in the interview process. I was not involved in her selection. Did HR recommend her? If not, who did HR recommend? I did not know [redacted] future [redacted] was [redacted] in the [redacted]; until two days ago. Nor did I know her live in fiancé worked at the [redacted] department. Who did know? It may

not be a true violation of the personnel policy, but it is sketchy. Was any favoritism or providing favors involved in hiring and selection over any other candidate? Was a background check on performed? If so, by whom? In less than 20 minutes my reviewed Facebook page and twitter account. These social media sights have postings of picture and videos showing the following:

- engaging in underage drinking (as early as per the dates of the posts)
- wearing scantily clad bikinis showing off a variety of tattoos
- boasting about cheating on an exam in high school
- dancing provocatively with another woman
- in a liquor store commenting on her lack of sobriety while being held and hugged by a number of different men while wearing a skimpy bikini.

Remember, these are just a few of the posts chose to post about herself on social media sites. My sticking point is not these posts, although they do provide for a review of character and judgment. My sticking point is who in HR made the decision to recommend and hire this young lady in the first place? Not just as a county employee, but as an employee assigned to the County Manager's office? From a simple review of social media posts about herself how did we determine she was the right person to occupy a position in the County Manager's office?

3. Did the complainant notify you that the conduct was unwelcome? No. Never.

What form did this notification take? N/A

What did the complainant say or write to you? N/A

4. What was your reaction? N/A

What did you do? N/A

5. If alleged harasser asserts that the complainant's claims are false, ask why complainant might lie.

Alleged harasser explanation of events. [2.a.b.c.]. Jim insists she is immature; seeking attention; sending a message to her fiancé that other men find her desirable; and again, maybe she just wants attention.

6. Are there any persons who have relevant information? Not known.

7. Do you know of any other relevant information? records that relate to any in restrictive movement of. Jim indicates he has a history of "setting an example" and "doing what's right". He indicates he has purchased an Advocare Healthcare Energy Drink from He

also mentioned an attempted sales connection to _____ on behalf of his _____ who makes labels for a Lip Balm product.

8. Are there any notes, physical evidence or other documentation regarding the incidents? Witness affidavits and statements.

1. Recite events and dates claimed by the complainant as harassment/hostile work environment.

Identify specific events and dates which compromise the harassment/hostile environment. Unless otherwise noted, "she" refers to [redacted] statement of Event #1 immediately follows:

Event #1 -- Removal of cell phone from left back pocket on April 27, 2015 in main entry/exit doorway of the County Manager's suite of offices. Shocked her and made her feel uncomfortable. Turn around and grabbed her phone and walked out the door not knowing what to do. Didn't say anything, but rushed out of the suite and went straight to the mail room, while just sitting there thinking what am I going to do. Felt as if she would lose her job. Later [redacted] came by and asked her if she was OK. [redacted] gave her a copy of the policy. She followed up with a text message to [redacted], who was in with [redacted] and [redacted]. Returned from mail route and went to her desk in County Manager's suite to have lunch and received a call and asked to come to [redacted] office. She believes [redacted] witnessed the event. She told [redacted] and she and [redacted] discussed the event. She explained it to her fiancé, when you got home (doesn't exactly remember when she told him, but he knew when she got home). She told her family.

Ask witnesses to recite details of events and dates.

Monday before 9:00 am. Walking towards the County Manager's suite. As he was about to walk in the door, [redacted] was about to exit the door. Jim was walking behind her, he pulled the phone from her pocket (I think the left pocket, without certainty). Could you see any portion of the phone prior to him pulling it from her pocket? No. Only saw him lean forward and come up with a phone.

What did you see or hear? A look of shock on [redacted] face as they locked eyes—did not appear to be happy. And, Jim said I have your phone, it's about to fall out of your pocket (paraphrase). They were located in front of the double doors inside the county manager's suite. Jim's expression — Don't recall; felt a little uncomfortable. Was locked in to [redacted] expression.

When did this occur?

Describe the alleged [redacted] behavior toward the complainant and toward others in the workplace. I have no experience towards [redacted]. Nothing stands out in my mind as a reaction.

2. Does witness know if complainant told alleged harasser that conduct was unwelcome? I don't know.

How does witness know? Recite dates, details of observable events, conversations. None that wouldn't require conjecture.

3. Did witness and complainant discuss the harassment/hostile work environment? -Yes.

When/what was substance of conversation? After heading back to his office, He could tell that she was visibly upset, He asked if she was ok, and she asked "did you see what he did to me?" Responded that he did see him remove her phone from her pocket. She asked "what am I going to do"? Upset. He told her she had rights as an employee and gave her a handbook. Appeared demoralized. Asked him not to tell anyone anything until she had a minute to think about it. Advised her to seek the counsel of a more seasoned employee. Had heard that she was engaged to a couple of months ago. He wanted to make sure she was able to take care of herself.

Did you observe any actions by the complainant regarding harassment? She was doing her job sorting mail standing near the mail slots then turned to talk to him. Cried a little as she talked (assumption) she felt shocked.

If so, what, where, when did you observe? N/A

4. Do you know of any other relevant information? No.

5. Are there other persons who have relevant information? or Jim.

6. Describe relationship with Jim. Has a good relationship, he treats him with respect and professional. Not personal. Just business. He always limit his access; says hello.

7. Did not recall who else may have been in the suite. Followed Jim into his office as Jim was talking about his (picture on the internet). Was there for two or three minutes. Conversation was jumpy, nothing in particular. felt strange all the while due to the Phone Incident.

8. She told I that he placed his hand all the way in to the bottom of her pocket. The phone was, I think, on the left because the door was on their right. Entry to the right side door. She was coming out of the left side door, both of them. There were no other times when there was a discussion about Jim's behavior. No one has ever shared with any concerns about Jim's behavior.

1. Recite events and dates claimed by the complainant as harassment.

Identify specific events and dates which compromise the harassment/hostile environment. Unless otherwise noted, "she" refers to [redacted]. Statement of Event #1 immediately follows:

Event #1 -- Removal of cell phone from left back pocket on April 27, 2015 in main entry/exit doorway of the County Manager's suite of offices. Shocked her and made her feel uncomfortable. She indicates that she turned around and grabbed her phone and walked out the door not knowing what to do. She didn't say anything, but rushed out of the suite and went straight to the mail room, while just sitting there thinking 'what am I going to do'. Felt as if she would lose her job. Later [redacted] came by and asked her if she was OK. [redacted] gave her a copy of the policy after listening to her account. She followed up with a text message to [redacted], who was in with [redacted]; and [redacted]. When she returned from her mail route and went to her desk in County Manager's suite to have lunch, she received a call and was asked to come to [redacted] office to discuss the matter. She believes [redacted] witnessed the event. She told [redacted] and she and [redacted] discussed the event. She explained it to her fiancé, when she got home (doesn't exactly remember when she told him, but he knew when she got home). He knew something was wrong because he kept calling her cell phone. She told her family.

Event #2 -- Touching left breast with reading glasses while pointing out spot of spilled tea on blouse in hallway outside of the Budget Director's office. Made her feel weird, shocked and uncomfortable. Pretended that it didn't happen. Walked straight out while feeling uncomfortable and went straight to the mail room. No one was in the office to witness the event.

Event #3 -- Suggesting wearing of a night gown like Vanna White while assisting with game show planned for Employee Appreciation Day inside of the Budget room. Present were [redacted] and Jim Walker. She sensed he knew the difference between evening and night gown, but was fishing for her response to night gown. Just looked at him with wide open eyes feeling the whole thing was creepy.

Event #4 -- Miscellaneous comments over a period of time that were offered about make-up, hair, suntan and clothing that makes individual feel uncomfortable in his presence. Jim came to desk while [redacted] and/or [redacted] were present during most of the comments. Felt them to be inappropriate and that he didn't do it to anyone else, but her. Tried to just brush it off and not react to the comments or situation, which possibly made it worse.

Ask witnesses to recite details of events and dates.

What did you hear? She was not present for the cell phone incident. Indirectly, I received notification from reading what happened in a text message. [redacted] recalls that it was said by [redacted] that Jim put his hand in her pocket and pulled out her cell phone. She further indicated that she did not see the "tea on the blouse" event, but was told by [redacted] that had happened. She was party to the discussions concerning events #3 and #4. While [redacted] didn't want the attention she was getting, these events were viewed as part of a pattern of unwanted attention.

When did this occur? Event #1 - Monday morning, April 27, 2015

Describe the alleged Harasser's behavior toward the complainant and toward others in the workplace. He would come into the Budget area and speak to me and "Curly", the name he created for [redacted]. I had to ask him why he didn't greet [redacted], then he later started to do so. He seemed to gravitate towards [redacted] and she generally was very limited in what she had to say to him.

2. Does witness know if complainant told alleged harasser that conduct was unwelcome? No.

How does witness know? Recite dates, details of observable events, conversations. N/A

3. Did witness and complainant discuss the harassment? Shortly after Easter, [redacted] began to say she thought he came around frequently and there was something about him that made her uncomfortable, as described in #4.

When/what was substance of conversation?

Did you observe any actions by the complainant regarding harassment? Jim seemingly always sought her out to say something to her whenever he came into the Budget area.

If so, what, where, when did you observe? He came frequently to get an energy drink and Jelly Beans.

4. Do you know of any other relevant information? He calls her Curly all the time. Jar of Jelly Beans – She had to remove them because Jim frequently came in to get some.

Spark – Powder energy drink. Jim kept coming into her office to get some, so [redacted] sold it to him.

5. Are there other persons who have relevant information? [redacted] observed things as well.

1. Recite events and dates claimed by the complainant as harassment.

Identify specific events and dates which compromise the harassment/hostile environment. Unless otherwise noted, "she" refers to [redacted]. Statement of Event #1 immediately follows:

Event #1 – Removal of cell phone from left back pocket on April 27, 2015 in main entry/exit doorway of the County Manager's suite of offices. Shocked her and made her feel uncomfortable. She indicates that she turned around and grabbed her phone and walked out the door not knowing what to do. She didn't say anything, but rushed out of the suite and went straight to the mail room, while just sitting there thinking 'what am I going to do'. Felt as if she would lose her job. Later [redacted] came by and asked her if she was OK. [redacted] gave her a copy of the policy after listening to her account. She followed up with a text message to [redacted], who was in with [redacted] and [redacted]. When she returned from her mail route and went to her desk in County Manager's suite to have lunch, she received a call and was asked to come to [redacted] office to discuss the matter. She believes [redacted] witnessed the event. She told [redacted] and she and [redacted] discussed the event. She explained it to her fiancé, [redacted] when she got home. (doesn't exactly remember when she told him, but he knew when she got home). He knew something was wrong because he kept calling her cell phone. She told her family.

Ask witnesses to recite details of events and dates.

What did you hear? Received a text from [redacted] that someone had stuck their hands in her back pocket and she was freaked out. Reply: was it Jim? Heard that he put his hand in his pocket, and walked in as it happened. As she was coming out, [redacted] was coming in. She indicated [redacted] saw it, because he saw the look on my face. She mentioned that the camera up front would have recorded it.

When did this occur?

Describe the alleged Harasser's behavior toward the complainant and toward others in the workplace.

When [redacted] indicated someone had put his hand in her pocket and pulled out her phone, what did you ask her?

Why did you ask if it was Jim (considering all of the other men in the county)? Because she knows that she only works in the county manager's office and the mail room. [redacted] was at a meeting room in the 911 bldg. There was an assumption that she was in the county manager's suite. To calm her down, [redacted] expected to talk to her more about the issue.

2. Does witness know if complainant told alleged harasser that conduct was unwelcome? Have no idea.

How does witness know? Recite dates, details of observable events, conversations

3. Did witness and complainant discuss the harassment? Curly, Vanna -- but no other person.

When/what was substance of conversation?

Did you observe any actions by the complainant regarding harassment?

If so, what, where, when did you observe?

4. Do you know of any other relevant information? He calls her Curly all the time. Jar of Jelly Beans – She had to remove them because Jim frequently came in to get some. It was mentioned by another unknown person that if [redacted] is in the immediate area, it's often observed that Jim would be there.

Spark – Powder energy drink. Jim kept coming into her office to get some, so [redacted] sold it to him.

5. Are there other persons who have relevant information? .

AFFIDAVIT

April 27th 2015 incident:

9:00 a.m.

I walked into my office to check emails as I do every morning. As I was walking out of my office into the front of the county manager's office Jim Walker approaches me to give me some personal bills for me to put in the outgoing mail. He made a joke about how they were important and it would be my fault if something happened to them. I turned around to walk out of the front door of the county manager's office into the major hallway and as my hand reached the door handle I felt him put his hand down into my left, back pocket of my pants. [redacted] was not up front to this and [redacted] was gone also. As he pulled his hand out of my pocket he pulled my phone out also. Held the phone up in front of his face and laughed. He said, "your phone was about to fall out of your pocket". My phone was at the very bottom of my pocket not about to fall out. I immediately took my phone out of his hand, opened the door and walked out of the office. When I went to leave, [redacted] was standing there as if he had seen the whole thing. I walked past [redacted] and went straight to the mail room. I was in such shock and felt so violated. [redacted] came into the mail room and asked if I was ok. He informed me he witnessed it happen. He gave me a hand book and he went back in his office.

April 23rd 2015 incident:

No one was in the county Manager's office except Jim and I. He was walking out of his office while I was walking out of mine. I was walking out to leave and he approached me and looked down at my chest and said, "Curly you've got a stain". As I looked down at my shirt he touched my breast with his glasses and circled around where the stain was. This made me feel very uneasy. I responded "I was trying to drink sweet tea and drive". He laughed and I just walked away. I sat in the mail room until I knew the other people in the office returned. At that point I didn't think I should be alone in the office, [redacted] also saw that I was upset that day.

Previous comments:

I feel as if he likes to approach me when no one is around. When people are around he has made comments such as how he likes my makeup, my hair, my suntan or what I'm wearing. I do not think this appropriate. He has never called me by my name; he calls me "Curly". He has made a comment about how I should wear a "night gown" to the Employee Appreciation Day and that he wanted me to be "his Vanna" when we played family feud. [redacted] and [redacted] were present during that comment.

I have felt uncomfortable for a while, I feel like with each incident or comment it intensifies. The first time he touched me was the incident on Thursday the 23rd of April and he was out of the office the following Friday. That Monday he returned he put his hand in my back pocket. I feel as if he waited for a chance. I feel as if this was thought about. He makes me extremely uncomfortable.

April 27th 2015

AFFIDAVIT

Statement for the Record

On Monday, 27 April 2015, between approximately 0830-0900 hours I was walking between the budget director's office and my office. As I approached the door leading out of my office into the foyer of the Administration Building I noticed _____, exiting the door leading out of my office complex. She appeared to have papers and documents in her hands and was leaning into the door with her body to exit. I noticed in her back right pocket a multi-colored cellphone that, in my opinion, was about to fall out of her back right pocket. I instinctively reached out with the thumb and forefinger of my right hand to retrieve the cellphone to prevent it from falling out of her right back pocket. After retrieving the phone, I immediately handed the phone to _____ saying: "Your phone was about to fall out of your pocket." No other words were spoken and I kept walking into my office. The entire incident did not last more than 3-5 seconds. --Nothing Follows--



Jim Walker

AFFIDAVIT

On April 27, 2015, I was at my desk, engaged in normal work activities. Various people came in/out of the front door to the common area including _____ and Jim Walker. I noticed _____ come in/out a few times, which is not out of the ordinary. Jim walked back and forth between his office, the Budget area, and the copier area a few times, which is not out of the ordinary either.

I did not see, or hear, any type of conversation in reference to a cell phone, nor did I notice anything inappropriate. There was no significant exchange of words, no raised voices, and no displays of heightened emotion or any other activities that would have raised my attention.

AFFIDAVIT

At approximately 9:00 AM on Monday, April 27, 2015, I was walking from my office in the Purchasing Department to the County Manager's office suite to say good morning to my co-workers and ask them if they had a nice weekend. As I was approaching the double doors to the office suite, [redacted] was walking toward the door to exit the office and Jim Walker was walking right behind her. Both [redacted] and Jim were coming from the general direction of the Budget and Assistant County Manager's offices. As [redacted] began to exit the double doors, Jim Walker leaned forward and removed her mobile phone from her rear pocket. After removing the phone, Jim Walker held it up and stated that her phone was about to fall out of her rear pocket. After Jim made that statement, [redacted] looked at me and appeared to be upset.

On my return to my office in the Purchasing Department, I passed by [redacted] office in the mail room. As I walked by her office she looked at me and appeared to still be upset. I stepped into the mail room and asked [redacted] if she was OK. [redacted] responded by asking if I saw what Jim Walker did to her. I responded that I did see him remove her mobile phone from her rear pocket while she was walking out of the office suite. [redacted] was still visibly upset and asked me not to discuss this subject with anyone until she had taken a moment to think about how she wanted to handle it. [redacted] stated that she was concerned about discussing this issue with anyone because of Jim's position as the County Manager related to her position as the newly-hired [redacted]. I told [redacted] that if she did not feel comfortable discussing this with me in more detail then she should seek the opinion of another trusted co-worker, and I also told her to refer to the Henry County employee handbook in order to read the policy on this type of situation and to become aware of the prescribed protocol.

At approximately 12:00 Noon on April 27, 2015, I was approached in my office by [redacted]. [redacted] asked me to come with him to the conference room in the Human Resources department, where [redacted] and Bob Doleman were also present. At this time, I was asked for my statement related to the issue.

4/27/15

AFFIDAVIT

On Monday April 27, 2015 I went into the purchasing office around 10 am to talk with . During our conversation states that as he was walking into the County Manager's Office suite he sees Jim taking phone out of her back pocket. He then states when Jim notices him there he immediately rushes him into his office. On his way back to his office states he stops by the mail room to check on to see if she is ok and she states to him did you see that while she is visibly upset. I walk back to my office to get a copy of the policy manual in which I print out pages 6, 7, and 8 to take to . When I got back to his office with copies he stated that he had already given . a copy of the policy manual. At 11:32 am I sent a text telling her I needed to speak with her. She later called and stated for me to come to my office. When I got to my office she and were there telling me that they had about the situation between Jim and from I told them to call over and I called Nedra. Nedra advised us to take over to HR where she would speak with Robert.