

**REPORT OF INVESTIGATION
PHASE I:

WORKPLACE HARASSMENT, DISCRIMINATION AND RETALIATION**

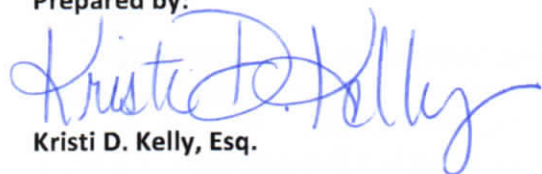
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I. INTRODUCTION

On October 22, 2018, Richard Ives, Chairman of the Board of Directors of Northeastern Connecticut Council of Governments ("NECCOG") and First Selectman of the Town of Brooklyn, and received a written formal complaint via regular mail from Melissa Frink, formerly a Kennel Maintainer for NECCOG's Animal Services Division from November 4, 2012 to June 25, 2018 (**Attachment A**). Ms. Frink claims that the same letter was sent by regular mail and/or email not only to Mr. Ives, but also the political leader and Chairman of Board of Finance of 23 towns receiving services from NECCOG, as shown on a spreadsheet that she provided to NECCOG (**Attachment B**).

Ms. Frink's complaint is best organized into three (3) primary categories of complaint: (1) potential workplace discrimination, harassment and/or retaliation; (2) issues with general policies and managerial decisions; and (3) the treatment of animals by NECCOG employees; while, generally speaking, Ms. Frink claims NECCOG management (including its Board), despite knowing of the poor work environment, takes no actions to improve the workplace or address employee concerns, calling NECCOG "a dictatorship with no accountability."

Upon receipt of Ms. Frink's complaint, Mr. Ives promptly contacted counsel for NECCOG to discuss the complaint and determine immediate steps for addressing the allegations raised. As a result, NECCOG's Executive Director, John Filchak, and Fiscal Director, Maureen Adams, were directed to provide a written responsive explanation to each of the allegations contained in Ms. Frink's complaint. On October 23, 2018, Mr. Ives received written explanations from both Mr. Filchak and Ms. Adams (**Attachments C and D**).

Subsequently, on October 30, 2018, Mr. Ives received a written complaint, via email, from Janis Smith, former Animal Control Officer ("ACO") of NECCOG from December 5, 2016 to July 17, 2018 (**Attachment E**). Mr. Filchak was promptly directed by Mr. Ives to provide a written explanation to each of the allegations contained in Ms. Smith's complaint, and on November 1, 2018, Mr. Ives received such written explanation from Mr. Filchak (**Attachment F**). Ms. Smith's allegations fall within the first two (2) categories of complaints, related to the conduct of NECCOG employees and managerial decisions (i.e. pay rates) in the workplace. She makes no allegations with respect to the treatment of animals by NECCOG employees.

Mr. Ives then received two additional complaints (**Attachments G and H**) on or about November 1, 2018 from Ms. Briana Ford and Ms. Eva Longo; both are former NECCOG ACOs. Ms. Ford was a part-time ACO from June 9, 2014 to July 19, 2016, and Ms. Longo was an ACO for NECCOG from February 16, 2007 to August 19, 2009. While Ms. Ford's complaint expresses her disagreement with general policies and managerial decisions, Ms. Longo's complaint spanned all of the categories of allegation. These employees, however, have not been present in the workplace for quite some time and NECCOG has undergone substantial changes in its Animal Services Division over the past two years, such as new management, new personnel, upgraded computer system, and revised operating policies and procedures.

The Board of Directors of NECCOG ultimately determined it necessary for a formal investigation to commence into the allegations raised. As the law firm of Suisman Shapiro serves as general counsel for NECCOG, undersigned counsel was asked by Mr. Ives to assist him and Ms. Maureen Nicholson, Member at Large of the Executive Committee of NECCOG's Board of Directors and First Selectwoman of the Town of Pomfret, in the conduction of the investigation, focusing on whether the alleged workplace conduct

occurred and, if so, whether it violated any NECCOG policy and/or law. This report sets forth the findings made with respect to categories (1) and (2) of allegations, relating to the workplace conduct of NECCOG employees and the current state of the work environment. It was determined that the allegations of animal cruelty and/or any ancillary allegations regarding the actual facility, and the nature and scope animal control services would be better investigated by someone with subject-matter expertise.

Therefore, at the direction of Mr. Ives and Ms. Nicholson, following a verbal request made on or about November 16, 2018, on December 5, 2018, I submitted a formal written request to the Connecticut Department of Agriculture (“DOAG”), the state agency charged with regulation and investigation of kennels, such as NECCOG, to DOAG’s Commissioner, Steven Reviczky, for a complete, independent investigation of the kennel environment and Animal Services provided by NECCOG, including the allegations pertaining to the treatment of animals by NECCOG employees (**Attachment I**). By letter dated December 14, 2018, DOAG’s staff attorney, Carol Briggs, responded that DOAG has accepted the investigation of the Animal Services operations and allegations of animal cruelty (**Attachment J**).

In November and December, Mr. Ives, Ms. Nicholson, and I met with three of the four complainants, Ms. Frink, Ms. Smith and Ms. Longo to discuss their complaints in order to obtain more specific details relating to the general allegations that they assert. We determined that we did not need to meet with Ms. Ford regarding her allegations because her written complaint was sufficient to understand the specifics of her complaint. Moreover, it was determined that Ms. Ford’s allegations related to her dissatisfaction with managerial decisions and/or processes, and she did not make any allegations of a violation of any workplace policy, rule or regulation, or any state or federal statute or regulation.

Following interviews with Ms. Frink and Ms. Smith, on November 20, 2018, Mr. Ives, Ms. Nicholson, and I determined, in light of the allegations that were made, two employees should be placed on administrative leave until it was determined whether or not certain allegations could be substantiated. On November 22, 2018, we met with the two current employees of NECCOG that had been placed on administrative leave and made a determination as to whether or not the work environment at NECCOG was compromised by having those employees in the workplace. We determined that their presence was not detrimental to the operations and environment at NECCOG and they were returned to work on November 26, 2018.

Thereafter, on December 3, 2018, we interviewed Ms. Longo, a complainant who last worked for NECCOG in August of 2009 to get a better understanding of her complaints and whether or not she had any knowledge of any issues arising at NECCOG more recently than 2009. On that day, we also interviewed current employees, Ms. Dianne Collette, ACO (June 10, 2017 to present) and former Director of Animal Services(August 4, 2004 to June 9, 2017), and Mr. George Keeling, current part-time ACO since 2017. Then, on December 7, 2018, we interviewed Mr. Filchak regarding all of the issues that had been identified by the former and current employees.

On December 20, 2018, following the investigation panel’s briefing of the NECCOG Board regarding the status of the investigation and additional work to be performed, we also interviewed all additional current employees of NECCOG regarding the work environment generally, but also more specifically regarding observance of sexual or other harassment or retaliation in the workplace, perceptions of retaliation and/or hostility by Mr. Filchak. On that day, we also personally observed the work environment of both Animal Services and NECCOG, in general, and witnessed a cohesive, inclusive environment as all employees came together for a holiday potluck.

Notably, on December 14, 2018, Mr. Ives had called a meeting of local legislators at the Pomfret School to apprise them of the progress of the investigation. Present were State Representatives Pat Boyd, Anne Dauphinais, Danny Rovero, Ricky Hayes, Brian Lanoue, Doug Dubitsky and State Senator Mae Flexer and staff from Heather Somers' office.

In the course of that meeting, as well as after by telephone, Representative Anne Dauphinais raised concerns that several individuals were dissatisfied either with their initial interview or that they had not been interviewed, and she indicated that others claimed they were not forthcoming with information for fear of retaliation and/or bias by interview panel. In response to these concerns, Attorney Bryan Fiengo of Suisman Shapiro attempted to arrange additional interviews with Ms. Frink, Ms. Smith, Ms. Longo, Ms. Ford, Ms. Collette, Ms. Rita Aguiar (another former employee who left employment with NECCOG in 2018), and a former volunteer, Ms. Pat Cunningham (note: these individuals were identified by Representative Dauphinais as desirous of an opportunity to be heard (or heard again)).

The NECCOG Board advised the investigation panel to allow these additional interviews to occur, and both Representative Dauphinais and Attorney Fiengo's office reached out to the individuals in January to schedule time to meet. Ms. Smith and Ms. Longo expressly declined the opportunity to speak with Attorney Fiengo, per telephone conversations with Attorney Fiengo's assistant. Ms. Frink spoke with Attorney Fiengo's assistant to arrange a meeting on January 16, 2019, but failed to respond further to contact by Attorney Fiengo's office, despite being informed that Attorney Fiengo would meet with her in Plainfield for her convenience. Ms. Cunningham contacted Attorney Fiengo's assistant with a voicemail but failed to respond to further contact to schedule a time for an interview. Therefore, the only individual who met with Mr. Fiengo for an additional interview opportunity was Ms. Dianne Collette, a current ACO who was previously interviewed by the panel on November 20, 2018. She was interviewed again on January 17, 2019, by Attorney Fiengo at the Law Offices of Kaplan & Brennan in Plainfield, for the locational convenience of Ms. Collette. On January 25, 2019, Mr. Fiengo's office ceased its attempts to arrange interviews with these individuals.

As set forth more fully below, upon completion of the investigative process, the facts do not substantiate a finding that any employee, including Mr. Filchak, has engaged in conduct that constitutes unlawful employee harassment, discrimination, and/or retaliation that violates NECCOG policy, and/or any State or Federal law prohibiting the same. Nonetheless, the investigation panel identified a variety of steps which NECCOG should consider taking to improve the provision of services to members, the work environment and employee access to grievance processes.

Note: This report may be supplemented with any findings and conclusions rendered by the DOAG upon completion of that investigation, which shall become an addendum to this report.

II. SUMMARY OF INVESTIGATION

A. NECCOG PERSONNEL POLICIES

At all times relevant to the complaints made by these four (4) former employees, NECCOG has maintained written policies that prohibited workplace harassment, discrimination and retaliation, provided for an open door policy, and contained formal complaint procedure. NECCOG's written personnel policies, which are contained in its Employee Handbook, were most recently updated in November, 2016 (**Attachment K**). In 2016 when the Employee Handbook was updated, all then-current employees were provided with a copy of the Handbook, were directed to review the policies, and acknowledge receipt thereof in writing. Thereafter, all new employees, upon hire, are directed to do the same. Contained in the Employee Handbook are the following relevant policies:

1. Employee Relations/Open Door Policy

NECCOG employees have the freedom to speak for themselves and discuss their concerns, suggestions and problems, and are encouraged to raise all problems, complaints or concerns they may have regarding employment with NECCOG with the Executive Director and/or his/her designee. NECCOG assures its employees, through this written policy, that they will not be subjected to any form of discrimination or reprisal for identifying issues or raising a problem. (Employee Handbook, p. 7).

2. Business Ethics and Conduct

NECCOG is committed to operating according to the highest standards of business ethics and conduct. Employees have the responsibility to be alert and sensitive to actions by others that may be improper, unethical or illegal. If, or when, it appears that a fellow employee may be in violation of NECCOG's rules or regulations, employees have the obligation to bring that situation to his or her attention and, if not corrected, to the attention of the Executive Director and/or his/her designee. Keep in mind that while employees are encouraged to report known or suspected violations to NECCOG, information obtained through rumor or hearsay should be handled with care and good judgment. (Employee Handbook, p. 7).

3. Workplace Harassment Policy

NECCOG depends upon a work environment of tolerance and respect. Workplace harassment including, but not limited to, verbal slurs, negative stereotyping, overt hostility and the distribution of written or graphic material intended to attack someone based on their race, color, sex, age, disability, religion, national origin, ancestry, citizenship status, marital status, or sexual orientation is prohibited. NECCOG will respond promptly to complaints of workplace harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to put an end to the conduct and take any action necessary, including discipline where appropriate.

The Rule: It is against the policies of NECCOG for any individual, male or female, to harass another individual sexually, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature.

NECCOG "employees are expected to demonstrate and maintain a professional level of conduct at all times when representing the Council and in dealing in general with the general public and other employees."

Each employee of NECCOG is personally responsible for:

- Ensuring that his/her conduct does not harass any other person with whom he/she comes in contact on the job, such as a vendor, customer, or member of the general public;
- Actively participating in efforts to prevent and eliminate harassment and to maintain a working environment free from such discrimination;
- Ensuring that an individual who files a harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal;
- Any individual who believes he/she has been the subject of any form of harassment may object directly to the individual about the offensive nature of the conduct or action or bring the alleged incident or situation to the attention of EEO Grievance Officer or the Alternate Grievance Officer.

(Employee Handbook, pp. 10-12).

4. Anti-Retaliation Policy

Retaliation against an individual for filing a complaint of workplace harassment or cooperating in an investigation of a complaint is against the law. NECCOG will take appropriate disciplinary action, up to and including termination, against employees who retaliate against those who object to or report harassment or participate in an investigation. (Employee Handbook, p. 12).

5. Procedures for Complaints

NECCOG has designated the Executive Director and/or the Finance Director as the EEO Grievance Officer. If any employee believes he/she has been subjected to workplace harassment, the individual should initiate a complaint by contacting the EEO Grievance Officer as soon as possible. The individual should file the complaint promptly following any incident of alleged harassment. The longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for NECCOG to reconstruct what occurred. The individual may be requested to write out his/her complaint to document the charge. If the individual is uncomfortable contacting the EEO Grievance Officer for any reason, the individual may contact the Chair of NECCOG.

Upon receipt of the complaint, the EEO Grievance Officer or the Alternate EEO Grievance Officer will promptly conduct an investigation into the matter. (Employee Handbook, p. 12).

6. NECCOG Property

NECCOG equipment, supplies and facilities are the sole property of NECCOG and may only be used for conducting NECCOG business or for other purposes expressly authorized by the Executive Director and/or his/her designee. Employees are responsible for what information is transmitted over the

Internet and for ensuring that the Internet is used in an effective, ethical and lawful manner. The transmission or downloading of any sexually explicit materials including abusive, profane or offensive language and/or images is prohibited. NECCOG reserves the right to access and monitor all messages and files. (Employee Handbook, pp. 6, 30).

7. Employee Passwords

Employees are expressly prohibited from sharing their passwords. (Employee Handbook, p. 30).

8. Standard Operating Procedures – Animal Services

With respect to Animal Services operations, NECCOG operates in accordance with certain operating procedures; however, such procedures are in the process of being reduced to writing as set “Standard Operating Procedures” and, as of December 2018, had yet to be distributed to all Animal Services staff and volunteers for review and compliance.

B. INVESTIGATION CHRONOLOGY

On October 21, 2018, the undersigned received a telephone call from Mr. Ives indicating that he had received a written complaint from Ms. Frink and that NECCOG requested assistance from my firm in the investigation of the matter. Within the first few days of Mr. Ives receipt of the written complaint, the radio and newspaper media also began reporting the allegations contained in the complaint. Because the reports in the media were suggesting that NECCOG’s Board perhaps was not aware of previous allegations relating to the workplace, it was determined that it would be most appropriate in this situation to have members of the Board of NECCOG participate fully in the investigation, along with legal counsel, to alleviate any misconception that the Board was not apprised of the investigation, findings and recommendations, in this instance.

At the initial stage of investigation, I reviewed NECCOG's written personnel policies, state and federal law regarding hostile work environment and retaliation, and the written complaints as they were filed, together with written explanations provided by Mr. Filchak and Ms. Adams. Moreover, because Ms. Frink’s written complaint appeared to encompass allegations similar to those raised by Ms. Smith in her unemployment compensation appeal, I reviewed prior sworn statements and other information presented by Ms. Frink and Ms. Smith to the Department of Labor, Unemployment Compensation Commission, Appeals Division (“DOL”) in August and September, 2018, in order to compare the information presented to that state agency in that formal process, to the information that was provided in their written complaints here. Then we took the following steps:

1. On or about October 21, 2018, Mr. Ives and I discussed relevant background information relating, generally, to the employment of the two complainants, Ms. Frink and Ms. Smith. Both had resigned from employment with NECCOG in June and July 2018, respectively, and both had recently been denied unemployment compensation by the DOL because that agency determined that they had voluntarily quit employment with NECCOG without good cause attributable to the employer. Both had raised allegations with the DOL substantially similar to those in their written complaints at issue here but the DOL found that neither Ms. Frink nor Ms. Smith (who was represented by an attorney) established the existence of good cause attributable to the NECCOG. Essentially, the DOL found that neither employee raised their concerns to anyone at NECCOG (i.e. Mr. Filchak, his designee, or the Board) before quitting.

2. Also on or about October 21, 2018, Mr. Ives and I discussed the fact that August, 2018 was when Ms. Smith had first raised allegations regarding (1) sexual harassment in the workplace and (2) pornographic images being viewed in the workplace during her unemployment compensation hearing. At that time, Mr. Filchak immediately questioned the individuals she alleged were involved in such conduct and the behavior was denied. Mr. Filchak learned then that the computer to an employee upon hire, which had been used by the employee previously holding his position, contained some images of naked females on it but he deleted those images without having reported them to Mr. Filchak. Based on the information gleaned from Ms. Smith's testimony before the DOL and from the employees questioned, Mr. Filchak directed his information technology specialist to investigate the contents of NECCOG's computers assigned to the Animal Control Services employees. This investigation did not reveal any inappropriate images or files contained on NECCOG computers.
3. That same week in October, 2018, I reviewed an investigatory file from 2016 regarding an investigation requested by Mr. Russell Gray, former Chair of NECCOG's Board, which had been conducted by Attorney Eileen Duggan of this office and reported to Mr. Gray. The fact that a similar investigation was conducted in 2016, as well as its findings, appeared relevant to the allegations asserted by Ms. Frink in 2018. Specifically, Ms. Frink alleged (1) that NECCOG is a dictatorship that has no accountability for their actions; (2) there have been no actions by NECCOG management to improve the workplace environment or to address employee concerns; and (3) that workplace conditions are unacceptable; yet 2016 the Board of NECCOG, through Mr. Gray, was made aware of certain allegations that John Filchak made comments that were perceived by an to be "verbally abusive, vulgar and/or intimidating" and he was referred to as a "tyrant." The 2016 investigation included an interview with Ms. Frink and all employees at that time in 2016, and the findings made after full investigation did not paint Mr. Filchak as a "tyrant." Nonetheless, certain precautionary measures were taken to improve the workplace in 2016, including an updated handbook, modifications to the physical layout of the offices to improve communications, and Mr. Filchak took the initiative to enroll himself in managerial training focusing on personnel relations.
4. On October 21, 2018, John Filchak and Maureen Adams were both directed to provide a written explanatory to the broad allegations that Ms. Frink raised, and both did on or about October 22, 2018.
5. On October 30, 2018, Mr. Ives received a formal written complaint from Ms. Smith. Mr. Filchak was directed to provide a written explanation to the allegations raised by Ms. Smith, and he provided the same to Mr. Ives on November 1, 2018.
6. Mr. Ives scheduled a meeting with Ms. Frink to discuss the specifics of her broad allegations on October 31, 2018; however, Ms. Frink was unable to attend because she suffered a residential fire in the early hours that morning.
7. Mr. Ives rescheduled Ms. Frink's interview for November 15, 2018 and scheduled Ms. Janis Smith for an interview immediately following Ms. Frink's. Each appeared for their individual interviews and were accompanied by Julie Crouch, Principle Officer of Pet Pals, Inc. as an observer for moral support. Each recorded their investigatory interview for their own records.

8. On November 16, 2018, I contacted the Department of Agriculture by telephone to discuss a formal investigation into the allegations regarding the Animal Services and treatment of animals.
9. On November 20, 2018, Mr. Ives, Ms. Nicholson and I interviewed Jennifer Hutchins and Kristian Hernandez, individually.
10. On November 30, 2018, I spoke with Carol Briggs, Staff Attorney for DOAG, and Assistant Director, Wayne Kasacek regarding the commencement of a formal investigation.
11. On December 3, 2018, we interviewed Ms. Longo, who appeared with Ms. Frink as an observer for moral support. She recorded her investigatory interview for her own records.
12. On December 3, 2018, we also interviewed ACOs, Dianne Collette and George Keeling, individually.
13. On December 5, 2018, I submitted a formal, written request to the Commissioner of Department of Agriculture for an investigation of the allegations made regarding the Animal Services and treatment of animals.
14. On December 7, 2018, Mr. Ives, Ms. Nicholson and I interviewed John Filchak.
15. On December 15, 2018, Mr. Ives called a meeting of local legislators to brief them on the investigation progress.
16. On or about December 17, 2018, I conducted a telephone interview of former employee, Katie Britt. Note that Ms. Britt originally declined an interview with Mr. Ives; however, in light of a specific allegation by Janis Smith that Ms. Britt was a witness to her allegations, Ms. Britt was asked a second time for an interview.
17. On December 20, 2018, we interviewed Maureen Adams (Finance Director), Hoween Flexor (Regional Services Director), Jim Larkin (Associate Director), Syl Pauley, Jr. (Regional Engineer), Rayann Sheerin, ACO, Jared Ricci, ACO, Mickey Mounsombath (Administrative Assistant) and Debra Flagg (Administrative Assistant/Dispatcher).
18. On January 17, 2019, Attorney Bryan Fiengo conducted a second interview of ACO Dianne Collette.
19. On January 30 and 31, 2019, Mr. Filchak, Mr. Hernandez, and Ms. Collette provided additional information to the undersigned by telephone.

III. SUMMARY OF FACTUAL INFORMATION

As is typical in an investigation, the investigator receives a written complaint and/or interviews the complaining party to ensure a clear understanding of the nature of the allegations. Here, an initial complaint (i.e. Ms. Frink's complaint) was made in writing; however, the media coverage of the initial complaint sparked a significant amount of public comment on all matters of NECCOG. As a result, Mr. Ives encouraged individuals to make a formal complaint to him, in order to establish whether an individual had first-hand knowledge of factual information relating to the matter(s) at hand, or if they were simply offering their opinion.

Ultimately, four (4) complainants lodged formal complaints and their complaints form the basis of this investigation.

A. COMPLAINTS AND STATEMENTS OF COMPLAINANTS

1. Ms. Frink's Complaint

Ms. Frink lodged a written complaint by letter dated October 19, 2018, wherein she indicates that was employed with NECCOG Animal Services for "seven" years (employed from November 4, 2012 to June 25, 2018) and has witnessed and endured inappropriate actions and behaviors during her service at NECCOG. She indicated that her letter was brief, but that she had detailed information and witnesses to support the statements made in her complaint. Furthermore, she stated that the purpose for writing the letter was to effect change in the policies and behavior of personnel and management at NECCOG for the betterment of existing and future employees and the animals.

In her letter, Ms. Frink lists a number of bullet pointed allegations, discussed below, but generally states that workplace conditions are unacceptable. NECCOG management is aware of all of these issues and there have been no actions by NECCOG management to improve the workplace environment or address employee concerns; this is a dictatorship that has no accountability for their actions.

Ms. Frink refers to the recipients of her letter as contractors with NECCOG.

Ms. Frink's allegations are quite general, as she notes at the outset of her letter, so an in-person interview was necessary in order to obtain a clearer understanding of the specifics of her allegations. The interview panel of me, Mr. Ives, and Ms. Nicholson met with Ms. Frink on the morning of November 15, 2018 at the Brooklyn Town Hall to sit with her and discuss the first-hand information that she has pertaining to the general statements she makes in her letter. Note that originally Ms. Frink was scheduled to meet with the panel on October 31, 2018, however she suffered a house fire that morning and the interview was postponed for a couple of weeks to accommodate her personal matters.

Mr. Frink appeared on the morning of November 15, 2018 and immediately indicated to the panel that she did not have a lot of time to devote to the interview that morning because her mother was ill. Ms. Frink was allowed accompaniment by Ms. Julie Crouch, as an observer and for moral support. Ms. Frink recorded her interview, as did the panel.

- **Workplace harassment policy is not enforced. Complaints are ignored and mocked.**

Mr. Ives commenced the interview with Ms. Frink with asking her about the first bullet point in her letter, relating to her claim that the workplace harassment policy is not enforced, and complaints are ignored and mocked.

Ms. Frink relayed that in the Spring of 2017 she complained to the Town of Killingly Town Manager regarding the fact that there was no washer for two weeks, and employees and volunteers had to take home dirty laundry claiming "there was no laundry money" in the NECCOG budget. She alleges that Mr. Filchak found out that she had gone to the Town Manager of Killingly, called her into his office, and told her "you are not allowed to talk to town officials." Immediately thereafter, Dianne Collette, who according to Ms. Frink was the Director of Animal Services, informed her that she was no longer the Kennel Manager; her title was Kennel Maintainer. She alleges that was "taken from her" because she has a mouth.

She further alleges that the new Director of Animal Services stated to her that you will never receive a raise because you went to the Town Manager: "you will never get a raise because you went above John's head." Ms. Frink indicated that Mr. Hernandez was stating this not as an opinion, but as a fact, in that he was very adamant when he stated it.

Ms. Frink believes that her contact with the Town Manager was a confidential conversation and that Mr. Filchak "must have" filled Kristian in, although she claimed it was none of the new Director's business.

Ms. Frink provided no other information or clarification as to her allegation that the workplace harassment policy is not enforced, or that complaints are ignored and mocked.

- **Fear of retaliation for speaking up about something you do not agree with.**

First, the information provided by Ms. Frink immediately above tends to fall in line with this bullet point, as opposed to being factual allegations supporting the claim that the workplace harassment policy is not enforced, or complaints are ignored or mocked. She reiterated when asked by Mr. Ives about a fear of retaliation that she could not go to Mr. Filchak and she knew this because her title was taken.

- **No one of authority above the Director position.**

She alleged that Mr. Filchak made it clear that there is no one above him. She further stated that no one could go to the "Selectman" either because she had heard that some girls had done that a few years prior and nothing got done as a result.

Mr. Ives inquired as to whether she meant there is actually no one above Mr. Filchak, or whether she meant you cannot go above him without repercussions. She clarified that she meant "if you went to someone else besides Mr. Filchak, there are repercussions."

The instance of retaliation she provided was that her title was taken, as noted above.

- **Several past legal issues barring public disclosure or discussion indicates problems within the council.**

Ms. Frink indicated that she made this allegation because (1) she called an attorney (unable to provide name when asked) who indicated he had issues with NECCOG in the past; and (2) she is aware of a prior legal claim against NECCOG, by the same woman who spoke at the Killingly Town Council meeting on November 13, 2018, in which “she got paid off to shut up.” Ms. Frink also indicated that she “is not doing legal counsel because people need to know what’s going on in NECCOG.”

Ms. Frink indicated that she had no knowledge of the basis of any legal claims against NECCOG, as the woman would never talk about it. No additional information was provided.

- **Private health information of employees being discussed and mocked; no confidentiality, breach of HIPAA privacy rule.**

When questioned about this allegation, Ms. Frink revealed to the panel that she suffers from a specific disability and claims that she does not have a job with NECCOG today because of her disability. She claims that it “got around the office” but does not know who “leaked it out.” She stated that one particular employee has made fun of her for it, which caused Ms. Frink to stand there and laugh it off because “what else is she supposed to do – it’s embarrassing.” She claims the reason she has no job now is because she refused to provide NECCOG with medical information to prevent it from happening again (presumably meaning the mocking could happen again).

Ms. Frink indicated that in May 2018 she had been bitten by a rabid cat and suffered anxiety from the incident. She filed a worker’s compensation claim but was verbally told the anxiety was not covered by worker’s compensation insurance (nothing provided in writing, she stated). She was out of work and when asked by Mr. Filchak to provide medical documentation of the need for medical leave, she did not provide the medical documentation requested, and her employment ultimately ended.

Ms. Frink claims that an employee stated “I don’t care if she has a doctor’s note or not, we are going to make it really hard for her to come back.” Ms. Frink did not witness this statement.

When asked if she had ever provided medical documentation to NECCOG that had been leaked, she indicated that “it must have been leaked because there is no way [this particular employee] would have known that I suffered from [...] without it being leaked – I’m not friendly with her.” She admitted that she herself had disclosed her medical condition to several others at work, who she considered to be friends.

She also indicated that Mr. Filchak at one point (around the same time as the washer thing) indicated that she could become an ACO but then Dianne Collette told her no, she couldn’t become an ACO because of her medical condition, which rendered her unable to fulfill the requirements of the job (i.e. driving outside of Killingly). Ms. Frink admitted that her medical condition prohibits her from fulfilling the requirements for an ACO but she does not believe that this inability is the reason for her being denied a position of ACO; it is because she went to Sean (Killingly Town Manager) about the washers that was reason.

No other indication was made that she had provided medical documentation to NECCOG and that it was mishandled.

- **Personal mail being opened by office employees and shared with others.**

Ms. Frink states that she has witnessed every single person who works there have their mail opened and passed around, such as a card. Mr. Ives specifically asked Ms. Frink to describe her perception of personal mail received at work. Ms. Frink stated that an employee received a letter from her insurance company at work and it was opened and thrown around and then put on her desk. Ms. Frink states that all mail is opened when it arrives at NECCOG but she has no knowledge of whether or not any mail being opened is marked personal and confidential. Mr. Ives asked whether it is NECCOG's policy to open all mail received at NECCOG, and Ms. Frink said she did not know what the rules are.

- **Wage discrimination and favoritism with jobs for some employees**

Ms. Frink stated that while she worked there, she made \$12.50 an hour after being there for seven years. She indicated that others would start at \$13.00 to \$14.00, but those were ACOs, not kennel maintainers. She was the only kennel maintainer; she was not an ACO. She indicated that after she left employment all of the ACOs made the same, but that is not how it was when she was working there.

- **Punishment of certain employees; bullying.**

Ms. Frink stated that one day, a member of the public called to complain that an ACO was speeding one day on the highway so she was punished. Ms. Frink alleges that the supervisor spoke to this employee and made her go out and clean the van in the freezing cold as her punishment for speeding. She stated that she heard him say it was punishment. When asked if she witnessed the conversation between the employee and supervisor, though, Ms. Frink stated no.

She claimed that it was wrong for the supervisor to make the employee clean the van that day. Admittedly, however, she confirmed that the vans are supposed to be cleaned every day when the ACO is done with the van.

Ms. Frink also indicated that Rita Aguiar, a former employee who left employment in 2018 also, emailed Mr. Filchak once that the environment was hostile there and he moved her out of the office into a closet-like space. Ms. Frink claims that was punishment. Ms. Frink claims that Mr. Filchak "literally pulled Ms. Aguiar out and put her in this little office that looked like a closet and that's where she was for two or three months."

Ms. Frink stated that Mr. Filchak made the environment hostile and that she felt physically and mentally ill to go to work.

- **Pornographic images and sexual conversations frequently shared with office employees.**

Ms. Frink alleges that all day long, whenever she would be in the office, an employee and a supervisor "would talk dirty in front of 'us' and we'd have to get up and walk out. They flirted. The employee discussed genitalia piercing with the supervisor, and would state that the employee is going to go under the supervisor's desk on the employee's knees" according to Ms. Frink.

Ms. Frink also alleges that the employee used her work computer to "pull up" images using the phrase "twat waffle", which results in pictures of distorted vaginas. She alleges that this employee also "pulled

up" images of a penis once. Ms. Frink claims she did not know what a "twat waffle" was because she does not talk like that.

- **Many instances of animal cruelty within the shelter.**

In her years there, Ms. Frink claims to have witnessed a lot of different "stuff." She alleges that kittens have been thrown in the dumpster when they passed instead of being disposed of at the vet. She states that she has seen cats suffer because employees refuse to take them to the vet.

She indicated that she took a video of a cat suffering, stating that the cat had come in the prior evening after having been hit by a car. Ms. Frink states that the cat was in its cage screaming in pain with its head in the food dish. When asked who put it in the cage the evening before, Ms. Frink said whoever was on call the night before, but speculated that it must have been the Director of Animal Services because he has made comments in unrelated situations that "I am tired, it can wait until morning." She also alleged that the Director of Animal Services also stated on one occasion that there is probably going to be a dead cat in the shed because the night before he was tired and he just put it in the shed; and there was, according to Ms. Frink, a dead cat in the shed.

Ms. Frink was the Kennel Manager/Kennel Maintainer. When asked if she brought these issues to anyone's attention above the Director of Animal Services, such as to Mr. Filchak, and she indicated that she did not because she feared that she would be reprimanded.

Finally, she indicated that she took pictures of a dog that had been caught up on the door between the inside and outside kennels. Ms. Frink was asked on multiple occasions to provide the pictures of the dog and the video of the cat, which would establish a date frame of reference for her allegations; however she did not provide the photos or videos to the panel.

- **Animal adoption process is not followed; favoritism in several cases.**

Ms. Frink characterizes the adoption process as corrupt. In particular, she indicated that in the winter of 2017-2018 timeframe a batch of kittens came in and various employees' family members had "dibs" on the kittens. According to Ms. Frink, when the kittens were posted on Facebook, within 15 minutes of the posting, members of the public arrived to adopt these kittens and were told that the kittens were not available.

She further alleges that an ACO currently employed there was permitted to adopt two orange kittens, despite being an employee there. The policy, according to Ms. Frink, is that volunteers and employees are unable to adopt. She claims the process to adopt is unfairly applied.

Ms. Frink indicates that that Administrative Assistant gets to "pick" the recipient of the animal up for adoption, after a meet and greet is held with the family and the pet but that the Administrative Assistant is not involved in the meet and greet.

In conclusion, Ms. Frink indicated that there is so much that she could tell the panel hours of stories that went on at NECCOG. In particular, though, when asked if she wanted to add anything further, she indicated that there is no recognition for the volunteers who "bust their asses" there.

She also indicated that none of the employees from Animal Services were invited to the 2017 Christmas party; that they were forced to sit behind while everyone else in the building went. She claimed that the Director of Animal Services and the Administrative Assistant were invited, and of the remaining Animal Services employees had to choose amongst themselves which one of them would attend, and one ACO decided she would attend.

Ms. Frink also stated that it was NECCOG's fault that she was bit by a rabid cat. Specifically, Ms. Frink indicated that the cat required a six-month quarantine but NECCOG did not do that. Neither she, nor volunteers were supposed to be handling that cat but they were.

2. Ms. Smith's Complaint

Ms. Smith was employed by NECCOG as an ACO from December 5, 2016 through July 18, 2018, when she resigned and she makes the following allegations in her written complaint:

- **Different staff members told her never to go to Mr. Filchak regarding anything. If you do not ask his Administrative Assistant to book a meeting, you will be harshly reprimanded.**

Ms. Smith claims that if anyone went to speak to Mr. Filchak unannounced they would be verbally "whacked." Ms. Smith indicated that she did not attempt to speak with Mr. Filchak because, early on when she first started there, she was told by the Administrative Assistants that at you cannot just walk right into his office; you have to check first to see if he is available.

- **Mr. Filchak has "favorite" employees and has outwardly stated that Animal Services is his least favorite program; that his office and team are on the nice side of the building and then there's the "lowlifes" out in animal control.**

Ms. Smith stated that one morning, she, and two other ACOs were in the Animal Services office across the hall from Mr. Filchak's office and he came into the office with one pastry for the Administrative Assistant. Ms. Smith states that he asked "how's my girl doing here? How do you like working over here with the 'misfits.'" Ms. Smith admits that he meant it as a joke but she perceived Mr. Filchak not really caring for animal services. She states that she perceives him as not making small talk with her, such as "good morning," "how are you guys doing today" or "have a great day."

- **Ms. Smith claims she was ridiculed, mocked and harassed on a daily basis, causing a hostile work environment for her.**

Ms. Smith claims that the new Director of Animal Services picks on her saying things like "Smith has it? Oh God!" or "Oh, Smith did that – what do you expect?" She found his comments to be demeaning and figured he just did not seem to care for her. She also indicated that she perceived the Administrative Assistant to make all of the decisions and that she would tell the supervisor to "Shut up, Shut the F up. I'm doing it." According to Ms. Smith, if you were not in their clique, you get treated poorly. By clique, she was referring to Mr. Filchak's staff.

- **On July 17, 2018, an employee brought up pictures of diseased genitalia on her work computer while comparing the images to the genitalia of a fellow employee, which made Ms. Smith feel targeted and harassed.**

It appears that Ms. Frink and Ms. Smith identify the same situation in their complaints; however, Ms. Smith alleges she, not Ms. Frink, witnessed the event. She stated that she and another employee were in the office while a third employee was discussing a co-worker being in trouble for going above Mr. Filchak's head regarding a sexual harassment case she had going because she jumped the chain of command. According to Ms. Smith, the co-worker said this co-worker would be fired if she ever says another word to anyone outside this place again.

Ms. Smith then said the employee, in front of both Ms. Smith and another employee, used her work computer to search for "Blue Twat Waffle" and disgusting pictures of diseased genitalia appeared on the computer. Ms. Smith felt targeted because of a recent medical condition, claiming that was the last straw for her. According to Ms. Smith, the supervisor was in his office with the door opened and heard everything. Ms. Smith did not report this information to anyone when it happened.

- **On July 18, 2018, she learned that both she and another ACO received raises bringing them to the same pay level (but hers was less than his). She alleges that ACO George Keeling stated to her that he "knows" Mr. Filchak and does work for Mr. Filchak at his residence, such as building a deck and other construction. Ms. Smith views this as favoritism of ACO Keeling by Mr. Filchak and is the reason ACO Keeling received the same rate of pay as her.**

Ms. Smith worked at NECCOG from December of 2016 to July 2018. Ms. Smith states that she was appalled in July 2018 when her salary was raised from \$14 per hour to \$15 per hour; and ACO Keeling's salary was also raised to \$15 per hour. According to Ms. Smith, she worked there for three years and it took her three years to go from \$12.00 per hour to \$15.00 per hour. She claims the other ACO stated it was because he knows Mr. Filchak and performs work for Mr. Filchak at his home. She assumes that the difference in the amount of the raise (\$1 versus \$2) was also because ACO Keeling is male and she is female.

She did not speak with Ms. Adams (Finance Director) or Mr. Filchak about the reason for the raise.

- **On July 17, 2018, Ms. Smith alleges that she wore a dress because she was on light duty and not required to wear her ACO uniform. An employee asked her if she was going "commando" so that the supervisor could look up her dress, all while the supervisor was in his office with the door opened. According to Ms. Smith, she asked the employee why the employee would say that and both the employee and supervisor laughed. Ms. Smith alleges the employee and supervisor engage in sexually charged discussions all day every week.**

Ms. Smith indicated that when the supervisor was hired and the employee was assigned to the Animal Services Division the environment became unbearable. Ms. Smith claims that those two were hand-picked by Mr. Filchak and they get along extremely well; a little "too well" sometimes for the office. She stated that there is sexual innuendo banter between the two of them on a daily basis (such as discussions of husband and wife's piercings in private areas). Ms. Smith claims that the employee has said that she was going to crawl under the supervisor's desk at lunch for a nap.

- **While on medical leave, she did not receive flowers or a card from NECCOG, but did so from volunteers.**

Ms. Smith felt that NECCOG did not give a “shit” about her when she did not receive flowers or a card from NECCOG. She alleges that she questioned the Administrative Assistant about it when she returned and the answer was she “must have forgotten.”

- **Her personal mail that was addressed to her at NECCOG from a client was opened and she was verbally reprimanded for receiving a thank you card by Director of Animal Services.**

Ms. Smith states that she received a thank you note for her work as an ACO and the Director of Animal Services picked on her for having received such praise. Moreover, she claims that the mail was opened by NECCOG administrative staff before it was distributed to her and it was read by others, before her, and tossed on her desk.

3. Ms. Ford's Complaint

Briana Ford lodged a written complaint with Mr. Ives on November 1, 2018. Ms. Ford is a former ACO who worked for NECCOG from June 9, 2014 to July 19, 2016 when she resigned. Given that Ms. Ford had no first-hand knowledge of the operations of NECCOG since July, 2016, and since Ms. Ford's written allegations did not require an in-person interview to understand the factual allegations that she was asserting, the panel did not question Ms. Ford. Nonetheless, Ms. Ford claims she is involved in animal welfare because it is her passion, and she states:

- In May of 2016, Mr. Filchak met with each staff member of Animal Services to go over questionnaires that the employees had completed regarding the job and the position. The issue of an increase from \$12 per hour to \$15 per hour was discussed. However, Ms. Ford's request to become a full-time ACO was dismissed because Mr. Filchak did not want to pay benefits.
- A full-time ACO position opened up in June, 2016 and two part-time ACOs (Ms. Ford and the other part-time ACO) both applied for the position. Then Director of Animal Services, Ms. Collette, conducted the interviews for the position, along with Associate Director Jim Larkin and Hoween Flexer (Regional Services Director). The other part-time ACO was selected for the position. Ms. Ford states she was denied the position because she had applications pending elsewhere, and disagrees with NECCOG's choice to have Mr. Larkin and Ms. Flexer conduct the interviews because they were not from the Animal Services Division.
- The Kennel Manager had her responsibilities pulled and merged into a full-time ACO position.
- The senior ACO was pulled from certain duties because they were not handled to Mr. Filchak's liking.
- NECCOG did not have a reliable van.
- The ACO has to leave road calls because the Kennel Manager is no longer able to do adoptions.

- The ACOs did not have enough working equipment, no safety precautions are in place for when ACOs are out on the road and Mr. Filchak reprimands the officers to do their job accordingly and has indicated to them that they are not cops.
- There is very little sense of professionalism in regards to animal control by NECCOG higher ups and decision makers.
- Mr. Filchak does not go down to the shelter to see how it operates or what it needs.
- Volunteers are not recognized.

4. Ms. Longo's Complaint

Ms. Longo was an ACO at NECCOG from 2007 to 2009. She states that she submitted her letter and complaint strictly to validate the accusations by Ms. Frink. Ms. Longo claims that she left her employment with NECCOG because of her inability to adequately perform her duties within the law, as well as morally. Ms. Longo states that she made a complaint to the state ACO, Denise Alix and life at NECCOG became unbearable for her, wherein she was no longer receiving back up for calls and she was shamed by Mr. Filchak who stated "next time, tell me before you run to the state." She also complains that the state ACO "verbally beat" her at state-level meetings regarding NECCOG's shortcomings, and when she revealed the issues at NECCOG to the state ACO, she was deemed a "snitch" at NECCOG.

Ms. Longo lodged a formal written complaint with the Department of Agriculture in October 2009, after she had resigned from NECCOG, which, according to Ms. Longo, was also provided to the towns of Brooklyn, Killingly, Pomfret, Canterbury, Woodstock and Sterling at that same time. Likewise, another ACO Kathy McNeil also filed a complaint with the State ACO, per Ms. Longo.

Ms. Longo states that she wrote to the "selectmen" under which she worked as an ACO and met with Canterbury's selectman, Mr. Cyr. Mr. Filchak scheduled a meeting with her but failed to follow through. She states that she was constantly reminded that if she was ever to speak directly to a town official she would be fired. She goes on to list 15 items of animal mistreatment in her letter, which have been turned over to the Connecticut Department of Agriculture for investigation.

Ms. Longo appeared for an in-person interview to determine what, if any, first-hand information she had regarding the operations of Animal Services at NECCOG currently, since it has been approximately nine years since she worked there. Moreover, Ms. Longo's complaint was unclear as to who she believed were committing acts of cruelty and it appeared she had lodged a complaint with the Connecticut DOAG in 2009. Ms. Longo was asked what happened with complaint she filed with the DOAG in 2009 and she stated "literally nothing. No one responded."

During the interview with Ms. Longo, she spoke of situations that she deemed to be animal cruelty between the period of 2007 and 2009. Those allegations were relayed to the State Department of Agriculture for investigation. Mr. Ives asked her why her allegations from 2007 to 2009 are important today, and she responded "it is important because it was important 10 years ago and nothing changed. Nothing changed there." Mr. Ives asked, "so I will find the same situation today?" Ms. Longo stated "more than likely you would – maybe not now." Ms. Longo says she bases her knowledge on the fact that she is a tax payer and she goes down to the shelter and lives right down the road. She could walk

down there on any given day and there could be the scenario on a Wednesday and a month later there could only be four dogs in there.

Ms. Longo took offense to Mr. Ives questions regarding the relevance of her report of situations occurring 10 years ago because the same people are still at NECCOG operating the same way. She wished that her issues had been addressed back then because then it would not be occurring there today. She admitted that she was “assuming” it was still occurring today.

I asked Ms. Longo when she went to the shelter recently and witnessed a similar situation to that of 10 years ago. She said early spring 2018 she witnessed a dog in a kennel on the outside with the guillotine door shut when she drove by. It is unclear whether Ms. Longo actually witnessed a dog on the inside of the kennel and on the outside on any particular day in 2018.

Ms. Longo assumes that because of the number of towns served, and the number of kennels at the shelter currently, that there is an inadequate number of kennels for dogs and that NECCOG is violating laws with its current practices. This, too, was referred to the State Department of Agriculture for investigation.

She indicated that her direct supervisor was the individual who harassed her and badgered her when she was employed at NECCOG for speaking with the State ACO. Ms. Longo also accuses her direct supervisor, not Mr. Filchak, of issuing directives that were contrary to state ACO statutes and regulations regarding the euthanization and quarantine of animals, and of improper record keeping. Ms. Longo made no indication that during her employment she raised concerns about hostile work environment or harassment by her supervisor to Mr. Filchak.

Ms. Longo expressed dissatisfaction with the organizational structure of the ACO shifts and assignments during her time there, which was made at the direction of Jim Larkin, Associate Director.

Finally, Ms. Longo described a situation for the panel in which she personally had interaction with the new Director of Animal Services in which Ms. Longo made a complaint about a neighbor's animal and she believes that NECCOG did not respond. She indicates that she knows that no one responded because her mother sat on the porch and looked at the neighbor's property for days, but saw no one from NECCOG arrive. According to Ms. Longo, she lodged a complaint with NECCOG, and the Director of Animal Services personally contacted her and asked her to contact him directly if she had any further issues or complaints, which she took to mean she was not to complaint to anyone else but him.

B. FACTUAL INQUIRIES OF NECCOG, NECCOG RECORDS AND OTHER INTERVIEWEES

All current employees, including Mr. Filchak, were interviewed during this investigation, as set forth above. All current employees were reminded that their participation and/or statements were not confidential, in that they would become factual statements of record, but that their participation and statements could not lead to retaliation by any NECCOG employee, including management. If they believed they were being subject to retaliation they were directed to immediately report the same to Mr. Filchak, Ms. Adams, or if either of them were perceived to be the source of the retaliation, to the Chair of the Board of NECCOG. All current employees indicated that (1) they received a copy of the Employee Handbook; (2) they were aware of the policies relating to workplace harassment and retaliation; (3) they know to whom to report such harassment and/or retaliation, if it ever occurs; and (4) if they lost a copy of their Employee Handbook, they knew how to obtain a new copy.

No current employee reported feeling that the workplace environment at NECCOG is harassing in any way, including sexually harassing. With the exception of one employee, all current employees indicated that they did not experience and/or fear retaliation in any way by Mr. Filchak, or any other supervisor or employee of NECCOG. With the exception of one current employee, all others indicated that they regularly use Mr. Filchak's open door policy, which is outlined in the Employee Handbook, to ask questions or raise concerns. This included all employees of animal services. Moreover, all current employees indicated that their understanding with respect to Mr. Filchak's open door policy is that, as a courtesy, an employee is to ask the Administrative Assistant first to see if Mr. Filchak is free at that moment to see them (e.g. is he on the phone or heading into a meeting, working on a deadline, etc.) but that normally they are able to walk in and speak to him. If he is not available at that moment, employees may make an appointment to see him.

Current employees describe the work environment at NECCOG as calm and inclusive, and generally a nice place to work. Several current employees described the environment as a "family" environment. They feel valued.

One current Animal Services employee indicated that there have been instances when Mr. Filchak has yelled at her or been upset with her at times thorough out her tenure at NECCOG, which has caused her workplace stress and rendered their relationship strained. She confirmed that he never swore at her or called her names, just that he raised his voice and had a bad temper when upset. She indicated that the reasons for doing so were related to the manner in which she performed her job, such as in 2005 when the two of them got into an argument about the then-immediate need for a vehicle for the Animal Services Division, as she was required to use her personal vehicle. The exchange was heated between the two of them and he stated "look you said you would do whatever you had to to make this program work when you took this job." The exchange greatly upset her and she was sobbing. According to this employee, Mr. Filchak apologized to her and they shook hands but the relationship was never the same after that. She indicates that she no longer has a direct reporting relationship with Mr. Filchak so she no longer has to deal directly with him and that is good for her.

This employee also indicated that since approximately 2016, when an investigation was conducted into allegations that Mr. Filchak yells in the workplace, she has had no instances in which Mr. Filchak has raised his voice or subjected her to workplace stress. She reports that things have improved in that respect, especially in the last few years. Specifically, this employee stated that she met with then-Chair, Mr. Gray, in 2016 and knows that Mr. Filchak was aware that she and others did; she indicated that no one, to her knowledge, including her, was subjected to retaliation by Mr. Filchak as a result of speaking with Mr. Gray. This employee also provided an interview in 2016 in the course of the investigation, in which she relayed these very concerns with the instance that happened in 2005.

This current employee indicated that she feels as though she could go to Mr. Filchak if she had a concern but that it is clear that employees are to try to work it out with their supervisor before going to Mr. Filchak. This current employee also reports that when the new Director of Animal Services began in 2017, he came in strong, making a lot of changes to the organization and operations of the Animal Services Division. This current employee does not agree with all of the changes or believes all of the changes were necessary but operations and morale seem to be improving. They have a professional working relationship and he is friendly to her, as he is with others. This current employee noted that several of the employees who were there when the new Director was hired were upset that a new

Director was brought in and he was changing things; the perception was “what was the matter with the way it was?”

Overall, employees feel the morale at NECCOG and in Animal Services in particular, has improved over the last two years; except that since the allegations that the complaints precipitating this investigation have made, and the complaints were reported by the media, morale has been strained and stress levels of all NECCOG employees have risen. A review of the specific areas of concern raised by the subject complaints under investigation is as follows:

1. Misuse of Work Computer/Pornographic Images on Computer

Ms. Smith asserts that in July 2018, she witnessed a co-worker use a work computer to retrieve pornographic images on a work computer.

A current employee admitted to using a workplace computer to look up the phrase “twat waffle” (which apparently is a genital disease) indicating that she did not know the meaning of the phrase which was used by Ms. Frink in a conversation in the workplace. The employee stated that she did not do this with anyone else present, as she did it on her lunchbreak, and she denied ever making reference to any third person’s genitalia, as Ms. Smith alleges. Ms. Smith stated that a conversation with the employee about this phrase took place with another employee present, and included reference to a third employee’s genitalia by comparison; however, the former employee who Ms. Smith claims was present denied every witnessing such an event. Additionally, the supervisor denies witnessing the situation Ms. Smith describes and all current Animal Services employees deny witnessing any such situation or porn in the workplace.

During the course of the investigation, when questioning employees about the whether they witnessed any pornographic images stored on work computers or being accessed with work computers, one employee of Animal Services stated that he found images of naked women on the Director’s work computer issued to him when he first commenced employment there in 2017 but he did not report those images to Mr. Filchak. He mentioned it to the Administrative Assistant but decided to just delete them without any further reporting because he was there to create a fresh start within Animal Services and the last thing he wanted was to start his employment there causing an issue for any of the then-current employees. Using a NECCOG computer in such a manner is prohibited by NECCOG’s policies.

Notably, Mr. Filchak learned of the accusation that an (unnamed) animal serviced employee had pornographic images on their computer in September 2018, during an unemployment compensation hearing for a former employee, and he immediately requested the information technologist for NECCOG to review all of the Animal Services computers for any inappropriate material. None has been identified.

In addition, in the course of the investigation it was determined that employees in the Animal Services Division are not safeguarding their computer passwords and/or are sharing passwords or using computers under other employee logins. This, too, is a violation of NECCOG’s written policies.

2. Sexual Harassment in Workplace

Ms. Smith made allegations that a co-worker made sexually inappropriate statements to her when she was wearing a dress in July 2018, and did so in front of a supervisor. Both the co-worker and the supervisor deny the allegations; and all other employees indicated that they have never witnessed any such behavior in the workplace.

Ms. Frink and Ms. Smith also allege that a co-worker and supervisor engage in sexually inappropriate conversations in the workplace, which is harassing to other employees. Ms. Frink and Ms. Smith have alleged that the employees in question discuss spouses' private piercings at work. Both employees in question deny any such conversations, and one employee indicated that the only piercings their spouse has are earrings, which are certainly not private or of a sexual nature, if such piercings were being discussed. All other employees questioned indicated that they have never witnessed any conversations that were sexually inappropriate in the workplace, specifically including any such conversations between the two employees in question. The interactions between the employees in question have been described as playful, flirty, and clearly friendly; but when asked specifically if they interact sexually inappropriately in the workplace, all current employees denied witnessing any such behavior.

One current employee indicated that the only instance of potential work-related sexual harassment that was experienced with this employee's employment at NECCOG was when a former employee texted inappropriate photographs of herself, after hours, to the employee's personal cellphone.

Notably, no allegations were made that Mr. Filchak ever sexually harassed any employee of NECCOG, and there is no indication by the complainants or any other employee that Mr. Filchak was ever made aware of any behavior the complainants considered to be sexually harassing at any time during their employment with NECCOG.

NECCOG maintains a written, zero-tolerance policy relating to harassment of any kind, including sexual harassment, which all employees received when they received the Employee Handbook upon employment with NECCOG or in 2016 when it was updated. The policy clearly indicates to whom complaints of harassment are to be made and clearly states that each employee has an obligation to report violations of the policy to the Executive Director or his designee.

3. Hostile Environment/Retaliation/Bullying

The complainants allege that Mr. Filchak fosters a workplace environment of hostility and retaliation at NECCOG, particularly if an individual speaks out to him with concerns or speaks out to public officials with concerns relating to NECCOG. In addition, at least one complainant indicated that NECCOG "pays people off to shut up." Ms. Frink's complaint called NECCOG a dictatorship with no accountability. Presumably, Ms. Frink is referring as Mr. Filchak as a dictator with no accountability.

The investigation panel notes that in 2016, allegations regarding Mr. Filchak's demeanor in the workplace was thoroughly investigated, which included input from Ms. Frink and Ms. Ford, who lodged a complaint, and a copy of that investigation report was provided to the Chair of NECCOG's Board at that time (**Attachment L**). Therefore, the focus of this investigation tends to be the time period since that 2016 investigation, when Mr. Filchak and NECCOG took actions to eliminate concerning conduct. All current employees, including many who participated in the 2016 investigation, confirm that the work environment at NECCOG is calm and free from harassment and/or retaliation.

Specifically, Ms. Frink indicated that she spoke out to the Town Manager of Killingly regarding washing machines being broken in the spring of 2017 and, as a result, her title of kennel manager was stripped of her and her position became kennel maintainer. In addition, Ms. Frink claimed that she was told she would never receive a raise for going to the Town Manager.

The Director of Animal Services explained in his interview with the panel that Ms. Frink went to the Killingly Town Manager on two occasions since he became the Director in 2017 regarding: (1) the broken washer at NECCOG; and (2) the NECCOG Annual Meeting in December, which she refers to as the Christmas party. The Director states that the "washing machine" issue was initially thought to be an issue with the water at NECCOG (not the machine itself) and it was initially expected to cost \$70,000 and time to repair. He indicated that he spoke with the Town Manager himself and the issue that Ms. Frink had was a disagreement with Mr. Filchak's directive to throw soiled blankets and towels away, and purchase new ones, if necessary (which was not a directive to deny animals blankets or kennel workers towels to care for the animals, or a directive for staff to bring linens home). The Director explained that he spoke with Ms. Frink following Ms. Frink's contact with the Town Manager regarding the laundry at NECCOG because Ms. Frink did not raise her concern to him, nor did she raise her concern to Mr. Filchak or the Finance Director, Ms. Adams, before contacting the Town Manager. He directed her utilize the supervisory chain of command, before taking her employment-related issues outside of NECCOG. According to the Director, his expectation is for his staff to bring issues to him to resolve, and if he cannot resolve them, to work with Mr. Filchak to resolve the issue, before seeking assistance elsewhere.

Despite that conversation, Ms. Frink went directly to the Killingly Town Manager a second time in December 2017 regarding her attendance at the NECCOG Annual Meeting. The Director explained that the Annual Meeting takes place on a Friday in December during lunchtime and the employees of NECCOG are invited to attend. Ms. Frink claims that she was not invited; however, the Director states that it was a work day and there was work that needed to be covered, even though there was an annual meeting. "We have a job to do and it does not stop because of 'Christmas Party'." With respect to the meeting in question, the Director states that two employees had indicated that they did not want to go, but one ACO wanted to attend the Annual Meeting so she did. The Director indicated that the work that needed coverage was covered by those employees who indicated that they did not wish to attend. He believed that Ms. Frink had no desire to attend, just as others had no desire to attend.

The Director's description of the process for determining the attendance at the Annual Meeting differs from Ms. Frink's, in that he believed those individuals who wished to attend were in attendance and those who did not wish to attend, stayed behind and covered the workload. The Director indicated that there was no malicious reason, on his part, as to why Ms. Frink did not attend the Annual Meeting in 2017, and that it was his intention to make sure that all staff had the opportunity to attend on varying years so long as the work was being covered.

The Director did state that after Ms. Frink went to the Town Manager a second time without utilizing the "chain of command" first, that he tried to explain to her that it is a reflection on her performance that she disregards the supervisory chain and that she could be impacted in terms of raises for performance for example. He explained to the interview panel that he was trying to get Ms. Frink to understand that NECCOG was her employer and employees should raise these issues with the employer.

NECCOG records reveal that in 2015, Ms. Frink's rate of pay was \$12.00 per hour. On July 1, 2016, Ms. Frink was given a 2.5% raise which brought her rate of pay to \$12.30 per hour for FY16-17; and on July 1, 2017, Ms. Frink's rate of pay was again increased to \$12.61 per hour. Ms. Frink was expected to receive a three percent (3%) raise on July 1, 2018, for FY18-19; however she resigned in June prior to the effective date of that raise. Ms. Frink's statements that she would never receive a raise for going to the Town Manager appears to be unsupported by the fact that she was consistently receiving annual raises, as approved by NECCOG's Board. It does not appear that NECCOG ever denied Ms. Frink a raise in retaliation for her speaking to the Killingly Town Manager.

In addition, the Director commenced working at NECCOG in 2017 and he states that he handled the telephone communication with the Killingly Town Manager and Ms. Frink regarding the laundry issue, as well as the Annual Meeting issue. Mr. Filchak does not recall the Town Manager contacting him directly about either of these issues, nor does he recall speaking with Ms. Frink regarding them but the Director likely spoke with him about the laundry issue and he believed he learned of the telephone call regarding the Annual Meeting from another employee who had spoken with the Town Manager the day of the meeting. The Director indicated in his interview that he spoke with Mr. Filchak at least about the contact regarding the laundry issue and that Mr. Filchak was upset, and according to Mr. Hernandez, rightfully so because the employee did not provide NECCOG the opportunity to resolve the matter. NECCOG records reveal however that Ms. Frink's position title change from Kennel Manager to Kennel Maintainer took place in June 2016, as a result of an organization-wide change in multiple position descriptions and modification of positions based on the needs of the organization. This change in position description and title was not a result of Ms. Frink's contact with the Town Manager. Furthermore, NECCOG records revealed that Ms. Frink had been previously warned in 2017 by the prior Director that her position of Kennel Maintainer did not authorize her to contact the political official of a Town *on behalf of* NECCOG, to discuss particular animals and/or their contracted services with NECCOG; that was beyond the scope of her position description.

Ms. Frink also indicates that another former employee, Ms. Rita Aguiar, sent an email to Mr. Filchak complaining of hostile work environment and immediately yanked her out and moved her office to a small closet. Mr. Filchak has no recollection that this employee sent an email regarding hostile work environment; however, he does recall she has used his open-door policy to discuss with certain policies as well as the Trap, Neuter, Release program, which she directed. Mr. Filchak reports that the only change he recalls to Ms. Aguiar's assigned offices was in connection with her appointment as the Director of the TNR program (grant funded), which commenced in 2014, when he offered her a private cubicle to use to conduct that work because the Animal Services office was crowded. In April of 2017, Ms. Aguiar was reassigned back to regular ACO duties when the funding for that program ceased, at which time she returned to the regular Animal Services office and no longer needed that cubicle.

Next, Ms. Frink indicated that the Director of Animal Services punished an employee for speeding by making the employee clean a vehicle in the freezing cold. The Director stated that he did, in fact, receive a complaint that an employee in Animal Services had been speeding and he spoke with the employee in person on the day in question. According to him, the employee admitted that she may have been speeding and he reports that he relayed his expectation that it not occur again to the employee in a conversation and recalls ending the conversation with "so go clean the van and put this one behind us" or words to that effect. The employee went and cleaned out the van, removing any trash and items that did not belong in the van. The Director admits that his expectation was that speeding would not occur again, and that the employee would, in fact, clean the van as directed. He concedes that the cleaning of the van could be perceived as punishment for the speeding.

Finally, in the course of the investigation the interview panel learned from a current employee that she only experienced a hostile work environment at NECCOG that she experienced was being down at the kennel in 2017 and witnessing Ms. Frink's comment to volunteers as a supervisor approached, walking through the parking lot, in which she stated "would you look at that [vulgar language]." The supervisor was questioned in the course of this investigation and she confirmed that the employee did, in fact, report this conduct to her but that she, the supervisor, did not act upon the information that she received.

4. Favoritism

Generally speaking the allegations appear to have a recurring theme of “favoritism” in the workplace at NECCOG and both Ms. Frink and Ms. Smith raise these allegations with respect to the adoption process; in connection with wage rates of Animal Services employees; and the assignment of an Administrative Assistant to Animal Services that is perceived as a promotion to management.

Adoption Process

Both Ms. Smith and Ms. Frink accuse the current Director of Animal Services of breaking protocol of the adoption process to give a current ACO or other family members kittens instead of placing the kittens up for adoption to the public. Ms. Frink specifies that in the winter of 2017-2018 timeframe a batch of kittens came in and various employees’ family members had “dibs” on the kittens, despite the policy that volunteers and employees are unable to adopt. According to Ms. Frink, when those kittens were posted on Facebook, within 15 minutes of the posting, members of the public arrived to adopt these kittens and were told that the kittens were not available. She claims the process for adopt is unfairly applied.

Ms. Smith asserts in her complaint that she believes a co-worker was shown favoritism in the adoption process because he “knows” Mr. Filchak and “has done construction work at Mr. Filchak’s house, including building a deck.” Both the employee in question and Mr. Filchak adamantly deny knowing each other at any time prior to the employee coming to work for NECCOG in 2017, and Mr. Filchak described the limited number of construction projects including decks or other contracted construction work that took place on his property in the last 15-20 years, none of which, to Mr. Filchak’s knowledge, did this employee work on.

Ms. Frink indicated that she believes that one employee is assigned to “pick” the recipient of the animal up for adoption, after a meet and greet is held with the family and the pet, even though the employee does not witness the meet and greet. She also states that the employee has made negative comments about applicants she was denying.

According to current employees, including Mr. Filchak, the adoption process in general, prohibits volunteers or employees from adopting animals specifically to avoid any appearance of favoritism or bias. The policy against volunteers and employees adopting is waived on occasion for special circumstances, such as for an animal that has been in the shelter a long time with no interest or other reasons. An exception to this policy must be granted by Mr. Filchak.

The Director of Animal Services confirmed that a current employee was permitted to adopt two kittens that the employee had fostered and hand-fed since infancy but calls this a “special circumstance.” He also confirmed that the adoption policy has been amended a few times since he began as the Director in order to refine the process even further to maintain the objectivity of the process. Currently, each application is date and time stamped when it is submitted and the first applicant, if they meet the suitability criteria, is able to adopt the pet. A meet and greet is only required at this point, is if the candidate to adopting a dog has another dog; then a meet and greet to determine whether the animals get along will take place.

Wage Favoritism

Ms. Smith claims that a co-worker received more of a raise than she did in July 2018, and she viewed this to be, at least in part, because he is a man and she is a woman. In July 2018, NECCOG raised the pay for ACOs to \$15.00 per hour so all ACOs rates of pay were adjusted to \$15.00 per hour. For some, it took less of a “raise” to bring them to \$15.00 per hour, than others. Mr. Filchak explains that the disparity increase is due to an across-the-board adjustment of wages to bring NECCOG’s ACOs more in line with the wage data for ACOs in surrounding areas.

Nonetheless, Ms. Smith also claimed she believes wage favoritism exists because the co-worker told her that he “knows” Mr. Filchak and “has done construction work at Mr. Filchak’s house, including building a deck.” Both the employee in question and Mr. Filchak adamantly deny knowing each other at any time prior to the employee coming to work for NECCOG in 2017, and Mr. Filchak described the limited number of construction projects including decks or other contracted construction work that took place on property in the last 15-20 years, none of which, to Mr. Filchak’s knowledge, did this employee work on. Again, Mr. Filchak explained that the disparity in increase is due to an across-the-board adjustment of wages upward make the ACO salary more competitive in the current market.

One other current employee stated that she suspected wage disparity between her wages and another male employee’s wages based on position and years of experience; however NECCOG records reflect there is no such disparity exists, particularly a disparity in favor of the male employee.

Animal Services Employees are Misfits of NECCOG

Ms. Smith and Ms. Frink both allege that Mr. Filchak treats the employees of Animal Services Division less favorably than he treats the other employees of NECCOG, indicating that he refers to them as “lowlifes” and “misfits.” Furthermore, Ms. Smith indicated that Mr. Filchak favored an Administrative Assistant by bringing her a pastry but not bringing the others in the office a pastry too, referring to the employees in the office as “misfits” when he delivered the pastry to her. Neither Mr. Filchak nor the employee in question recall a specific instance in which he brought one pastry for the Administrative Assistant; and Mr. Filchak denies calling the Animal Services employees misfits or lowlifes. Ms. Smith did state that she thought Mr. Filchak called them “misfits” in a joking manner (albeit not a well-received joke, if it did occur), she did not appreciate the statement.

All current employees indicated that they have never heard Mr. Filchak refer to any employee as a lowlife or a misfit. Moreover, Mr. Filchak states that he is very proud of the Animal Services Division of NECCOG and has publicly sung their praises to other organizations or entities who have modeled their programs after NECCOG’s Animal Services program.

5. NECCOG’s Management Is Aware But Does Nothing

Complainants believe that NECCOG’s management, to include the Board of NECCOG, know of the allegations they make but have done nothing in the past to address the issues. The allegations not only point to Mr. Filchak as having knowledge of workplace conditions, but also to members or past members of NECCOG’s Board. In the course of this investigation, it was determined that a group of employees when to the NECCOG Board Chair (Russell Gray) and Killingly Board member David Griffiths several years ago (approximately 2015) with allegations of a hostile work environment but that nothing was done. It appears that the fact that a complaint was made to the Board Chair or member was not

disclosed to the other members of the NECCOG Board at that time, at the request of the individuals making the complaint.

It was also determined that in 2016 when then-Chair, Mr. Gray, received a complaint of harassment filed by a now-former employee, a full investigation was conducted and steps were taken within NECCOG, namely, revamped and reissued employment policies, changes to office layoff, and Mr. Filchak enrolled himself in relevant training; however, the Board of NECCOG was not apprised by Mr. Gray or Mr. Filchak of the matter or the administrative complaint that was filed.

These two instances appear to create the perception to both employees and the public that NECCOG's management is aware of issues. Importantly, however, with respect to the latter, it was determined through the statements of current employees that the issues in the workplace that may have existed in 2016, have been remedied and no longer exist at NECCOG. Moreover, no instances of retaliation for having contacted Mr. Griffiths or Mr. Gray, or for having participated in the 2016 investigation or since have been identified by any former or current employee in the course of this investigation. It appears, therefore, that any precautionary remedial actions implemented in 2016, improved the workplace for the employees of NECCOG.

6. Animal Cruelty

All allegations of animal cruelty have been referred to the DOAG, State Animal Control Division for full investigation, as set forth in the attached letter (**Attachment G**). Upon receipt of the findings from that investigation, this report may be supplemented with additional factual findings and recommendations, based thereon.

7. Private Medical Information of Employees

Ms. Frink claims that her private medical information was disclosed to employees at NECCOG, which violated her right to privacy. Additionally, she claims that she was ridiculed and mocked for having a disability.

Ms. Adams and Mr. Filchak deny that NECCOG improperly maintains and/or protects employee medical information. NECCOG does in fact require proper medical documentation for various reasons, including absences and/or to substantiate fitness for duty, medical restrictions or the need for reasonable accommodations; but the records are maintained and protected in accordance with law. All current employees interviewed stated that they have not witnessed anyone at NECCOG being mocked or harassed because of a medical condition, and deny they have done so.

Neither Mr. Filchak nor Ms. Adams have received any complaints that this is happening in the workplace. In addition, multiple current employee confirmed that Ms. Frink discussed her own medical condition with co-workers and made comments about it herself so the knowledge of her medical condition, if known by others, was because Ms. Frink discussed it herself with co-workers and volunteers. No one interviewed indicated that they ever witnessed Ms. Frink being mocked or harassed by others because of her medical conditions; however one employee witnessed another employee "gossiping" about medical conditions, which is detrimental to morale.

8. Past Legal Issues Barring Public Disclosure or Discussion

Ms. Frink indicates that NECCOG has had legal issues in which NECCOG has “paid people off to shut up.” In her interview, she indicated that was referring to a legal issue brought against NECCOG in 2016 by a former employee who, through her legal counsel, had filed a complaint with the Connecticut Commission on Human Rights and Opportunities (CHRO) naming NECCOG as the Respondent. The matter that Ms. Frink was referencing was one that was handled by the attorneys for NECCOG’s insurance carrier. Notably, no tribunal rendered a determination as to the truth and accuracy of the allegations made by that employee, or whether such allegations were a violation of policy or law, because the parties, through counsel, reached a written settlement of the matter. The written settlement agreement contained a non-disparagement clause which prohibits disparaging statements to be made about NECCOG. Presumably, this non-disparagement clause is what Ms. Frink calls a “gag order.”

Ms. Frink also states that an attorney indicated that he has had past issues with NECCOG, but did not provide the name of the attorney or any context as to the statement “past issues.”

NECCOG, as well as its insurance carrier, retain the right to determine how best to resolve legal issues, or potential legal issues, including the right to resolve such issues at the lowest possible level. Resolution of legal issues “out of court” is not an indication that liability or “guilt” exists and no such conclusion should be drawn.

9. Personal Mail

The individuals interviewed indicated that all mail that arrives at NECCOG is opened and stamped received before it is distributed. Ms. Smith specifically alleges that the Director of Animal Services mistreated a thank you card that she had received and mocked her for it, and the Director denied mistreating anyone’s mail received, as alleged, and indicated that he encourages his employees to do good work warranting such recognition.

Another current employee indicated that a personal insurance letter that was received had been opened, but when she asked why, she was informed that all mail received is opened and stamped received. That explanation was sufficient, according to her.

Mr. Filchak indicated that personal mail should not be received at NECCOG, as this is a place of employment.

III. FINDINGS AND RECOMMENDATIONS

1. The facts do not substantiate a finding that any employee, including Mr. Filchak, has engaged in conduct that constitutes unlawful employee harassment, discrimination, and/or retaliation in a violation of NECCOG policy, and/or any State or Federal law prohibiting the same.
2. One employee admitted to using a work computer to access images inappropriate for the workplace (i.e. diseased genitalia) on one occasion, which is a violation of NECCOG policy regarding computer use. All employees of NECCOG would benefit from review of NECCOG policies regarding use of computers and other NECCOG property.
3. Employees of Animal Services have shared computers and passwords in a manner that violates NECCOG's computer use policies. All employees of NECCOG would benefit from review of NECCOG policies regarding use of computers and protection of passwords.
4. The authority of employee positions may be exceeded, creating perception of promotion or increased authority outside the realm of that actually granted. As a result, job titles and job descriptions should be reviewed to ensure that the titles and descriptions are commensurate with actual job duties.
5. Instances of workplace "gossip," "incivility," "sarcasm," and/or "overly-friendly, playful and joking" interactions among Animal Services Division employees appears to have led to perceptions of favoritism within that division of NECCOG. See recommendation 8 below.
6. New Director of Animal Services in June 2017 brought changes in policies and procedures, computer systems, guidelines for volunteers, new standards/expectations, and system of management that was not necessarily appreciated and accepted by all then-current employees. The facts did not reveal that the new Director's decisions were illegal or unsatisfactory in any way; the current employees simply did not welcome the changes.
7. NECCOG's Animal Services Division appears to have a new set of appropriate, written standard operating procedures; however they should be promptly finalized and issued to all employees and volunteers.
8. As a preventative measure, all employees and volunteers of NECCOG must immediately review all NECCOG's written policies regarding workplace conduct and harassment to gain an understanding that each employee and volunteer, from the Executive Director on down, is responsible for adherence to the policies and expectations set forth therein, and each employee and volunteer has an obligation to report any such conduct if and when it occurs, in accordance with the policies.
9. As a preventative measure, all employees and volunteers of NECCOG should be trained or retrained on topics of workplace harassment, civility and professionalism, to include Connecticut and Federal laws and internal policies and procedures relating to workplace conduct training, provided by an outside training resource. Supervisors of other employees should receive training specific to supervisors.

10. NECCOG Animal Services employees, where appropriate, should receive on-going job-related training, in areas of safety and procedure, necessary for their job. The new Director of Animal Services, as well as any other NECCOG employee supervisors should attend managerial training specifically related to management of public-sector employees, in the areas of performance review, disciplinary actions, handling employee grievances and/or complaints, etc.
11. NECCOG's Board should establish a Oversight Committee responsible for monitoring the implementation of these recommendations and progress on an on-going basis.
12. Likewise, NECCOG's Board should consider implementing a formal grievance procedure at the Board level for use by the public who have had an unsatisfactory experience with a NECCOG service, and NECCOG employees, to submit formal complaints after fully exhausting internal complaint procedures already contained in Employee Handbook.
13. NECCOG's Board should implement quarterly reports from the various divisions of NECCOG presented to directly to the Board for questions and comment, as well as updates in executive session by counsel for NECCOG with regard to pending claims and/or litigation.
14. NECCOG's Board should implement reporting procedures for Board members who receive complaints directly regarding NECCOG and/or its services.
15. Findings and recommendations to be supplemented, if necessary, based on findings of DOAG investigation.

V. CONCLUSION

This investigation was thoroughly completed over a four-month period and included interviews and/or written statements from seventeen current and/or previous employees. Furthermore, at the request of State Representative Anne Dauphinais, the investigation was extended to ensure additional parties who wished to be heard had the opportunity.

On the basis of the information gathered, and the application of State/Federal law and NECCOG policy to the same, the panel finds that no employee, including Mr. Filchak, has violated State or Federal law, or NECCOG policies prohibiting workplace discrimination, harassment or retaliation. Furthermore, it is concluded that neither Mr. Filchak nor Ms. Adams (his designee) were made aware of any allegations of sexual or other harassment or other misconduct by employees occurring in the workplace.

NECCOG Animal Services Division provides animal control services, in accordance with Connecticut General Statutes, for numerous towns in Northeastern Connecticut. Contrary to public perception, NECCOG Animal Services Division does not operate an animal rescue shelter. This investigation revealed that the work environment in NECCOG's Animal Services Division has positively evolved over the past two years with changes in management, organizational structure, policies and procedures, and equipment, such as an upgraded computer system.

A complete investigation involving all employees of NECCOG in 2016, which pertained to the work environment and, in particular, Mr. Filchak's demeanor toward employees, reviewed and addressed a significant portion of the over-arching complaints raised by the former employees raising complaints

now. In fact, the one long-time employee who expressed difficulty with Mr. Filchak in 2016 confirmed in this investigation that the employee has not experienced nor witnessed any similar issues with Mr. Filchak since, nor has the employee felt retaliated against by having participated in such investigation in 2016. The sentiment of current employees is that NECCOG is calm, pleasant place to work, calling it a "family environment."

Despite these positive changes, however, the investigation panel confirmed that in July 2018, an employee did, in fact, use a NECCOG computer to Google diseased genitalia on one occasion. In addition, at least one employee has shared a computer password and allowed others to work under the employee's computer login.

Moreover, it appears that instances of workplace "gossip," "incivility," "sarcasm" and/or "overly-friendly interactions" among Animal Services Division employees appears to have led to the perception of workplace cliques, favoritism and animosity among co-workers, which should be addressed through various types of training, re-training and voluntary mediation opportunities.

Finally, it appears that NECCOG's Board should review its Board policies and procedures for employee and public complaint in-take and review, as well as of its opportunities for direct input from NECCOG department heads, at least quarterly.