

TO: Duane D'Andrea, Human Resources Director and Lynn Gelin, City Attorney

FROM: Suzanne Fisher

DATE: June 10, 2020

RE: Bullying, harassment, hostile work environment, FMLA interference, and retaliation complaint – Particulars – Attachment to PER6 Appendix 1 Form

I feel that I have been the victim of bullying, gender discrimination and harassment, a hostile work environment, and now retaliation by City Manager George Gretsas, commencing in March 2020 and continuing to the present time, and includes Mr. Gretsas' current actions and false, trumped up, and defamatory allegations of unethical behavior and dishonesty as being in retaliation for my internal complaint about him and my recent option to take FMLA leave due to the mental and emotional distress he has caused me.

I made Human Resources Director aware of my complaint about Mr. Gretsas via phone call with Duane D'Andrea, Human Resources Director, on Friday May 15, 2020 at 6:53 am, and we spoke for 8 minutes. I made Mayor Petrolia aware of the extent of my complaint on Sunday May 31, 2020 via an in-person conversation. I made City Attorney Lynn Gelin aware of my complaint on Tuesday June 2, 2020 via an in-person conversation. I have been out on approved FMLA medical leave since May 15, 2020, due to the mental, physical and emotional trauma resulting from the extreme negative mistreatment from Mr. Gretsas that I experienced on May 14, 2020, as well as his extreme antagonism toward me (and to other female employees) on dates and incidents prior to May 14, 2020 as detailed below.¹.

In my meeting with Ms. Gelin on June 2, 2020, she indicated that she would begin an internal investigation with the involvement of outside counsel into the severe and pervasive mistreatment that I have been receiving from Mr. Gretsas. I asked her if I could wait until Friday June 5th to speak with the counsel and she indicated that was fine. On Friday June 5th, I texted Ms. Gelin and asked her if we could delay the meeting with outside counsel until the following Monday (June 8th) as I had a medical issue with another family member that I needed to deal with on Friday. Ms. Gelin replied via text the same day that it was fine to move my meeting to the following Monday June 8th. I contacted Ms. Gelin on Monday June 8th and she replied via text after 5:00 pm that I needed to submit this official complaint letter with the attached cover sheet. I then received a text message from Mr. Gretsas at 7:40 pm Monday June 8th indicating that he sent an email to me on Friday June 5th regarding his intent to terminate me for alleged unethical conduct, conflicts of interest, and dishonesty dating all the way back to 2014. I did not receive the email on Friday as I am on FMLA and not checking City email or doing any City related business. I received a copy of Mr. Gretsas's complaint and termination intention decision via FedEx on June 9, 2020, some time between 10:00 am and noon.

The details of my complaint of bullying, sexual harassment, gender discrimination, hostile work environment, and retaliation are as follows:

THE MOST RECENT INCIDENT: On May 14, 2020, at 11:32 am, I received a call on my cell phone from City Manager George Gretsas that lasted approximately 6 minutes. I was at Public Works when I received the call. Mr. Gretsas began asking me about an email that we (he, I, the City Commission, and others) had received from the Mayor regarding an update on the reclaimed water issue. I had spoken with Missie Barletto, Assistant Public Works Director, about the Mayor's email at 8:32 am the same morning and discussed with her the ways to get the information needed to address each question. I informed Mr. Gretsas that I had spoken with staff (Bryan Hellar and Victor Majtenyi – Assistant Directors of Utilities) that same morning and they were gathering the answers so we could provide the information to Mr. Gretsas to reply to the Mayor. During his call to me, Mr. Gretsas asked where Missie was and I informed him that she was in her office at Public Works. He instructed me to go to her office and that he would then call us. I walked to Missie's office to let her know that Mr. Gretsas would be calling, and when he did call, she answered and put him on speaker phone. The office door was open the entire time. Mr. Gretsas began screaming at both of us. I perceived his tone of voice to be irrational, very irate, belligerent, and profanity laden. A few things that he screamed about were difficult to hear so we asked for him to repeat himself. On this call, I remember that he asked us how I was going to explain myself to McNamee...and what have you done in 3 months." I reminded Mr. Gretsas that staff have been working hard to solve the reclaimed problem and have been working every day and even weekends for months to get the problems identified and fixed. I found his tone (irate screaming, accusatory, and with the undertone of his opinion that neither I, nor any staff have been working to address the issues or keep the City running) and questions to be very humiliating, condescending and demeaning to me, as Missie, who was in the same room with me, on the call, and is my subordinate.

This call lasted approximately 20 minutes in this manner, until Mr. Gretsas eventually said that he was on his way to Public Works. Upon his arrival, Missie and I walked with him to the front conference room. Missie sat at the head of the table, I sat midway on the west side of the table, and Mr. Gretsas sat on the east side of the table approximately one chair north and directly opposite of me. Once in the conference room, Mr. Gretsas continued to rant, yell, and scream at Missie and me, and even hit/pounded his hands on the table demanding to know the percentage of the water that has been turned on. This was the same question that he had screamed and yelled about on the earlier phone call. I calmly noted to Mr. Gretsas that I had asked staff to provide the updated map -- the same answer that I had given him on the phone call. On the earlier phone call, Mr. Gretsas had said that the Mayor didn't "give a crap" about the map and that "her boy McNamee" didn't care about the map (this map notes reclaimed service turn-on locations in the City and is a visual representation of areas within the City with activated service). While in the conference room, I recall telling Mr. Gretsas to please stop yelling at me. Missie even noted that I said this when she and I spoke briefly about the incident later that day, after Mr. Gretsas had left the Public Works building.

Both on the call and in the conference room, Missie and I tried to explain that the percentage included numerous variables which we had requested updates on that morning. These variables include items such as total meters versus customers (not the same number due to master meters, etc.), new customers found during the investigations, customers with approved submittals waiting to be

reconnected, customers with paperwork that has been submitted to DOH and not yet approved, commercial customers that Christine hadn't inspected yet, and customers that had already reverted back to potable water. These are variables that have been explained many times to Mr. Gretsas by not only me, Missie, and Utilities staff, but also by a contractor that Mr. Gretsas hired to "get to the bottom" of who is responsible for the reclaimed malfunctions. Mr. Gretsas did not like the answer that Missie and I provided him, and he requested that Victor Majtenyi, Assistant Director of Utilities, come to the conference room. When Victor arrived and sat down, Mr. Gretsas' demeanor dramatically changed, and the volume and tone of his voice became calm, subdued, and lower than during the time, when it was just Missie and I in the conference room alone with Mr. Gretsas. Mr. Gretsas even attempted to exchange niceties with Victor before asking about the reclaimed update. I remember that Mr. Gretsas asked Victor how he was doing and how was everything going. Victor left the conference room numerous times throughout the day to retrieve more information and it was very evident to me that the way the Mr. Gretsas communicated with Missie and I – female employees -- was just the opposite of how he was communicating with Victor – a male employee.

A short time after lunch the same day, Mr. Gretsas asked to speak to me alone in my office. I guided him back to the Public Works Director's Office where we sat on opposite sides of the table. At this point Mr. Gretsas again raised his tone of voice and accused me in a menacing fashion of meeting with Mr. McNamee and the Mayor to deliberately discredit him. I assured Mr. Gretsas that I had not met with or spoken to Mr. McNamee in many years and that the last time I actually saw or spoke to him was during the City Manager citizen interviews that took place on the 2nd floor of 32 East in 2015. These were the interviews when Mr. Cooper was hired. I told Mr. Gretsas that I had been supporting him since he arrived at the City and have done my best to help him with every task and issue. Mr. Gretsas told me that he had heard about the supposed meeting between Mr. McNamee, the Mayor, and I from "some people." He did not disclose the names of the people. I told him that people in Delray always "talk" and that you can't believe everything that you hear. That I have been the subject of "talk" before as have my other staff.

Mr. Gretsas then told me that he could not trust me because I did not come to him when I learned of the sexual harassment complaint against the prior Interim City Manager. I told Mr. Gretsas that the attorney (outside counsel) who had interviewed me during the internal investigation of that complaint had told me not to speak with anyone about the matter and that I had followed her directive. I also told Mr. Gretsas that I did not feel very welcomed by him, because before he began working with the City, the previous Interim City Manager had told me that Mr. Gretsas was bringing on his own Assistant City Manager who he wanted to be close to him (so I moved offices across the hall to accommodate this request). I told Mr. Gretsas that the previous Interim City Manager had also told me to remove my application for the position of City Manager because the new City Manager that was coming in was going to fire me. Mr. Gretsas asked me further why I didn't ask Neal about the alleged sexual harassment if I had seen something questionable. I told him that I did not feel comfortable bringing that question to Neal seeing as how he had treated others who had questioned him and also because what I saw took place after work hours and wasn't confirmed until weeks later, when the individual disclosed the issue to Ms. Gelin and I, as well as to others. I also told Mr. Gretsas that the relationship that he had

with Neal (Neal in his office every day until he resigned) was uncomfortable. I told Mr. Gretsas that if he didn't want to me work for him, then I wouldn't and that he just had to let me know. Mr. Gretsas then received a call on his cell and I excused myself from the room. I went back to the Public Works Conference room. Mr. Gretsas excused himself a few minutes later stating that his great aunt had just died of Covid-19. I received a text message from Mr. Gretsas later that evening at 8:24 pm stating: "Let's talk tomorrow. I feel badly that you sat on that information for 4 months. It was never a consideration and never discussed. Was unnecessary anxiety."

Upon returning home on the night on May 14, 2020, I was very anxious, having trouble breathing, shaking, and crying. I called and left a message at the City Wellness Clinic regarding an appointment for the next morning. I could not sleep at all the night of May 14. I arose by 6:00 am and went to the City Wellness Clinic in hopes that they could fit me in with an appointment first thing upon opening. I met with the doctor on duty who advised that I would need to be out of work for 4 days and to seek additional care and diagnosis. I have since been in receipt of regular physical and psychological care for the medical issues associated with this ongoing trauma.

At 6:56 pm on Friday May 15, 2020, I received a text message from Mayor Petrolia asking if I was available to talk. I replied to her stating that I wasn't feeling the best and asked if we could talk on the following Monday, May 18, 2020, if what she needed wasn't urgent. She replied: "Oh, no – nothing urgent- talk with you on Monday." Mayor Petrolia then called me on Monday May 18th at 3:14 pm and we spoke for 24 minutes. During this call, the Mayor told me that Mr. Gretsas had approached her on Friday May 15, 2020 and had mentioned that he had heard about a meeting between her, Mr. McNamee, and me. The Mayor told me that he mentioned it to her in an offside manner and that she was taken aback by the comment. She also told me that she had informed him that nothing of the kind had happened. I do not remember the details of the rest of the discussion that we had that night.

The mentioning of the incident with the Interim City Manager on May 14 was not the first time that Mr. Gretsas has asked why I did not tell him my knowledge of the incident regarding the sexual harassment complaint. I did share with him the information that I knew earlier in the month when he came into my office at City Hall and asked me direct questions about the investigation and what I knew. He had asked similar questions in a meeting in his office with Allyson Love, Assistant City Manager, present. I do not remember the date of the meeting that included Ms. Love, but I do remember that it was before the meeting in my office.

I had also met with Mr. Gretsas the morning of April 28, 2020, at my request, when he was coming up the stairs from the parking lot upon his arrival to work and informed him that I had been called by C. Ron Allen (message received Sunday April 26, 2020 at 5:30 pm – I returned the call the following day at 5:46 pm – call lasted 6 minutes) asking for details of the investigation into the supposed sexual harassment involving the interim City Manager. I did not give him any information and reminded C. Ron Allen that it was a Human Resource issue. During this meeting that took place in my office at City Hall,

Mr. Gretsas asked me if I was party to or knew about any sex parties that included Neal, the complainant, and others. I told him that I had no knowledge of what he was asking about. I also told him that C. Ron Allen asked if Neal and I were having an affair and I quickly said “No” as this is a rumor. The article in the Boca Tribune regarding this incident, which also included my name, came out a few days after this meeting that I had with Mr. Gretsas and days after C. Ron Allen had contacted me. In this same meeting, Mr. Gretsas asked me if I thought that Neal and Jessica Cusson, previous IT Director, had a sexual relationship. I told him that I was not aware of any relationship between the two and that Jessica had provided quality work when IT was one of the departments that I supervised. The conversation and questions asked by Mr. Gretsas made me feel very uncomfortable, as I had just wanted to inform him that C. Ron Allen has called me and what my response to him had been.

The above noted incident that took place on May 14, 2020 was not the first incident of this nature, but rather the one that scared me the most. The screaming, yelling, profanity, unmitigated rage, and striking the conference room table with his hands was physically threatening, frightening, and intimidating, and caused me to have extreme panic issues. I truly felt as if Mr. Gretsas was going to physically come across the table toward me and become physically violent. His rage was something that I have seen before as I was at the time a victim of domestic violence with a previous husband, and the actions of Mr. Gretsas on May 14 reminded me of similar instances of previous abuse I had to endure and try to recover from.

As a result of my mental and emotional trauma directly caused by the actions of Mr. Gretsas and that culminated on May 14, 2020, I applied for and was approved to take FMLA leave. Mr. Gretsas was aware of my request for an approval of the FMLA leave.

It is important to note that I received the following text messages from Mr. Gretsas following the May 14th incident:

Message noted above received at 8:24 pm

Message received at 4:51 pm on May 15 = “How r u feeling?” - I did not respond

Message received at 7:22 pm on May 16 = “How r u feeling/” – I responded: “Struggling”. To which he responded: “Anything I can do to help?” – I responded: “Not right now. Thanks for the offer” – He responded: “Ok. If you feel you need to take some time off to recover, please do not worry about your job. It will be here for you when you get back. Take as much time as you need. (7:51 pm, May 16)

Message received at 2:58 pm om May 25 = “How are you doing?” – I responded: “Following the treatments that my doctor has set. Good days and bad days” – He responded: “Need anything?” – I responded: “No. Thank you for asking. I appreciate you checking in on me.” – He responded = “Don’t hesitate to take more time if you need it. The job is here for you when you get back.” (4:01 pm, May 25)

On Tuesday May 26 at 7:29 am I sent Mr. Gretsas the following text = “Just a reminder that I will be out and under physician care until at least June 8. Dot and Duane have sent me the approved FMLA for that time period. I see my healthcare team multiple times a week and they are continually assessing my condition. I appreciate your previous text and hope to be back healthier and ready to assist you and your team to ensure that the city s functioning effectively and efficiently.” – Mr. Gretsas replied: “Great!” (8:26 am, May 26)

On Monday June 9 at 7:40 pm I received the text from Mr. Gretsas that was a copy of the email he sent to my City email address the previous Friday. He sent two subsequent texts that both said: “I am texting you because I haven’t heard from you” (7:41pm and 7:42pm). I replied at 7:50 pm: “Haven’t check email bc of FMLA. Just received.”

It is important to note that I received a copy of an approved FMLA leave extension request dated June 3, 2020 from Sue Radiq, Benefits Manager, via mail). This extension of my FMLA leave was to begin June 9 and continue through June 22, 2020. I received this letter via US Postal Service mail on June 5, 2020. It is noted on the letter that a copy was sent to the City Manager’s Office; thus Mr. Gretsas has knowledge that my FMLA leave would continue to June 22, 2020.

Previous incidents leading up to May 14th, happened on the following days:

On Friday April 10, 2020. I was at the blackbox theater at the Arts Garage at the request of Mr. Gretsas (who was outside on the phone) for the daily filming of the Delray Covid-19 webcast and I received a call from Missie noting that Mr. Gretsas had called her and was irate and yelling and screaming about the reclaimed water. I picked up my belongings and went immediately over to Public Works to better understand what the issue was and how it needed to be addressed. Mr. Gretsas called when I was walking into Public Works. He was yelling and screaming at me and stated that I was not managing the project appropriately and that it was moving too slowly. I worked all day with the utilities staff, Victor, Bryan, Missie (PW), and Christine, to amend the previously submitted schedule to 5 ½ weeks. After this point, I also called in the assistance of other departments to help with administrative paperwork and inspections. Missie also assisted by providing engineers to assist with inspections and paperwork to meet this new schedule.

On Tuesday April 14, 2020, while on a conference call with Missie and Fred Bloetcher, a reclaimed water forensic contractor -- on speaker phone in Missie’s office -- Mr. Gretsas again became extremely irate and was yelling and screaming at us about the speed that the process was taking and why Mr. Bloetcher had not yet submitted a proposal. I had noted in basecamp each time that I had spoken with Mr. Bloetcher and inquired about the proposal that he and Neal had spoken about prior to my coming on board the reclaimed project. I also noted all of the email correspondence that I had with Mr. Bloetcher. I told Mr. Gretsas that we had received a proposal from Fred late Monday afternoon April 13, 2020 and that it had been uploaded into basecamp for his approval. After Missie and I concluded the call, Brian

Heller, Assistant Utilities Director came to me and stated that he could hear the yelling by Mr. Gretsas from the hallway even though the door was closed and expressed his shock as to how Mr. Gretsas spoke to me.

On April 23, 2020, I received a text message from Missie saying that "GG came straight to our office this morning. He took [told] Utilities that they are effing disgraceful. Victor told me that if you want him to leave too, he will." (4:09pm). At 6:26 pm Missie texted "FYI as of this afternoon, GG wants me to work with Duane to keep Vic on until new director starts."

On April 24, 2020 Missie texted me "Just had round 2 of what is the City's responsibility argument with CF [Christine Ferrington], GG had round 1 with her yesterday. Call when you get off all your conference calls, please." (3:24 pm)

It is also important to note that I have been on numerous Go-To Meeting, Teams, etc., that Mr. Gretsas has been extremely antagonistic and irate toward other female staff members (these include Purchasing Director Jennifer Alvarez and Development Services Director Anthea Gianniotis.) I have also witnessed him become overly irate toward Brenda Vega, Administrative Assistant to the City Manager, when she was initially having problems setting up the online "Task Force Meetings" that he began at the beginning of Covid-19 but after the first meeting or two then transferred them to me or other staff (I ended up meeting weekly via online call with Clergy, Youth, Non-Profits).

In the meeting prior to Covid-19 and City Hall closing to the public, where Department heads were called into the Commission Chambers to discuss their staffing plan, Mr. Gretsas made an obnoxious statement in front of the whole group about Anthea Gianniotis (development services) not having sense after she asked a few questions. Anthea stood up and exited the meeting at this time. Upon her exit, she made a statement about "going to get some sense". She was visibly upset when she exited the room. Mr. Gretsas made statements in the office later about her being emotional and asked me to go downstairs to her office to help her with the staffing plan for her department. It was obvious when I entered Anthea's office that she had been crying. It is my understanding that he had a one-on-one meeting with her some time later, but I cannot confirm that and do not know the outcome of the meeting. I do not remember the date of this meeting, but I have a text message from Missie on Friday, March 20 at 1:51 pm, that says: "Anthea is in tears." This time frame would be appropriate as the meeting was related to staffing during COVID-19 and previous messages that week were related to developing staffing plans.

I have also been in meetings where Mr. Gretsas has regularly made negative statements about Jennifer Alvarez in Purchasing not being "on his team." I remember that these conversations occurred after meetings or calls about the fire station or agenda review meetings where she noted that policy had to be followed regarding specific projects and documents. There also have been Executive Leadership Team meetings where Mr. Gretsas has confronted Jennifer in a very aggressive manner. I'm sure that

she remembers more of the details, but I remember one meeting that took place in the first floor conference room that made many people in attendance, including myself, very uncomfortable.

Delores Rangle, Assistant to the City Commissioners, has come into my office and called me to ask me questions that should have been addressed to Mr. Gretsas. Delores is not a direct report to me. When I have asked her why she didn't go straight to Mr. Gretsas, she responded that it was because she was scared of him. A few incidents of this nature that I can recall were about calling in sick/having to go home early because of illness, signing her timesheets, and about the lapel pins that Commissioner Boylston had requested that she purchase.

I have also been in meetings where Mr. Gretsas has spoken very negatively about the complainant, Gina Carter, who made the sexual harassment complaint. I have heard him make statements about not believing her and that she just made it all up. He also asked me to see if she would accept a settlement to leave. She was not my direct report but since we had a congenial relationship, I did as he asked, but she refused any settlement for resignation. I have also heard him make statements about terminating her, which clearly would be retaliation for her internal complaint, which was substantiated. Mr. Gretsas has reassigned her to the Director of Intergovernmental Affairs so that she no more reports to Assistant City Manager Love.

I do not feel that I am the only female who has been bullied and harassed by Mr. Gretsas nor was the incident on May 14, 2020 to which I and Missie were directly exposed an isolated incident. I have never seen him become argumentative, irate, or ridicule any male member of the staff. In fact, when a male employee like Victor (see incident above) is present, his demeanor completely changes to one of friendliness, geniality, and calmness. He is not the same when dealing with and confronting his female subordinate employees.

I feel that the proposed termination by Mr. Gretsas, as noted in the attachments and the demand for a pre-termination hearing on June 10 and subsequently June 15 have been made while I am on FMLA leave and after I notified the Mayor and City staff of the bullying that I have endured, is retaliatory. My contract with the City of Delray Beach specifically states that I "shall be given ninety (90) calendar days written notice of intent to dismiss, upon expiration of the 90 days you will be provided payment equal to ninety (90) working days pay at the then prevailing rate of pay....." (Item 12).

The accusations made against me by Mr. Gretsas are false, defamatory, and a trumped-up effort to get me fired for internally complaining about him. I believe that Mr. Gretsas is retaliating against me because I am on FMLA leave for medical issues related to his conduct and because I have internally complained about him to the Mayor. Mr. Gretsas is violating my due process rights, breaching my contract with the City, and doing this to intimidate and further harass me.

