



March 31, 2023

William Spencer, M-NCPPC Human Resources Director
Maryland-National Capital Parks and Planning Commission
6611 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Montgomery County Council Investigation Request

Dear Mr. Spencer:

Per your request, we investigated the Montgomery County Council's concerns regarding alleged complaints of a toxic and misogynistic workplace, a hostile work environment, witness tampering, and overall workplace culture within the Montgomery County Parks & Planning Departments including former members of the Montgomery County Planning Board. A summary of our findings and recommendations for the complaint are included in this letter. Several merit employees asked that we not use their names in our investigation because they feared for their jobs, felt they could not trust anyone in leadership including former planning board members, and worried about retaliation in both the workplace as well as potential litigation against them for participating in the investigation. As independent investigators, we performed sixteen interviews including:

1. [REDACTED] - Former [REDACTED]
2. [REDACTED] - Former [REDACTED]
3. [REDACTED] - Former [REDACTED]
4. [REDACTED] - [REDACTED] for the Maryland National Capital Parks & Planning Commission (M-NCPPC)
5. [REDACTED] - [REDACTED] Montgomery County [REDACTED]
6. [REDACTED] - Montgomery County [REDACTED]

7. [REDACTED] - [REDACTED] for Montgomery County Parks
8. [REDACTED] - [REDACTED] for the Montgomery County Planning Board
9. [REDACTED] - [REDACTED] for the Montgomery County Parks & Planning Departments
10. Seven other merit employees from the Montgomery Parks and Planning Departments asked not to be identified as mentioned earlier.

Observations and Concerns

Alleged Toxic and Misogynistic Workplace

One concern that the Montgomery County Council asked us to investigate was the toxic and misogynistic workplace reported by Person A and Person C that Person B allegedly created. Based on our findings, we did not find any facts that support the idea that Person B created a toxic or misogynistic workplace. After hearing others and by Person B's own admission, we conclude that Person B has a strong personality, is passionate about his work, and enjoys arguing and debating with others who do not share his views. We learned that some of the examples highlighted in the complaint were taken out of context or were misrepresented, and in some cases the witnesses asked Person A and Person C not to include them because they did not have an issue that needed to be reported. The [REDACTED] representative said that she had never received complaints about Person B creating a toxic or misogynistic workplace. Furthermore, most of the witnesses shared that Person B had historically encouraged the advancement of women in his departments.

Alleged Hostile Work Environment

We also investigated the alleged hostile work environment that was reported by Person A and Person C. We found nothing that supported the idea that Person B had created a hostile work environment. Those who were interviewed confirmed that Person B felt strongly about the programs that were created under his leadership and that sometimes conversations were direct and intense, yet no one characterized his behavior as creating a hostile work environment. Person A indicated that he had experienced harassment from Person B, but no one mentioned seeing Person B harass Person A, and none of the people we

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interviewed ever reported seeing or experiencing harassment of any type from Person B directly or observing these behaviors towards Person A or anyone else. One person mentioned that, while he may have said what could be perceived as an inappropriate comment in front of her, she had not been personally offended. She also emphasized her view that one inappropriate comment does not create a hostile work environment.

On the other hand, the witnesses with whom we interviewed reported that they felt that Person A and Person C were reaching out to people in the department to try to build a case against Person B. They reported that it seemed as if Person A and Person C were fishing for something and trying to stir up trouble by telling people how they should be feeling about interactions with Person B. More than one person mentioned that Person A sought them out and seemed to be collecting information to use against Person B. Some mentioned that Person C misused her experience working in the planning department to take advantage of people. They felt that she knew they were in crisis because of the recent investigations coupled with the media leaks and used it as an opportunity to ask questions like they were friends. They felt that she was asking these questions to help build an agenda. Some of the people with whom we spoke said that Person A contacted them several times because he wanted them to report Person B's behavior even though they repeatedly told him that they either had not been offended or that they did not characterize the behavior the same way that he did. It sounded as if Person A was badgering these employees to report something that they did not feel needed to be reported, which ironically could have been perceived as creating a hostile work environment.

Potential Witness Tampering

The Montgomery County Council also asked us to look into potential witness tampering. Witness tampering is the act of attempting to improperly influence, alter, or prevent the testimony of witnesses within criminal or civil proceedings. [REDACTED] wrote a letter of support for Person B and asked her direct reports to sign it with her. [REDACTED] confirmed that Person B did not ask her to do this, and that it was her effort to support him and help one of her employees who felt misrepresented in the media communication about the alleged toxic and misogynistic workplace. Even though she acted independently and she

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told her direct reports that it was completely voluntary, it could have been perceived as a misuse of power, especially because someone may have felt coerced to sign it for fear of retaliation . While likely a brief lapse in judgement by someone who was described as having a stellar career, this was potentially a misuse of power (rather than witness tampering).

The witnesses with whom we spoke were more concerned that Person A and Person C were soliciting meetings with the merit staff. They reported that the Planning Board members did not previously make direct contact with staff concerning personnel matters , but that Person C and Person A were contacting various staff, especially those who did not always agree with Person B, to gather information against him. Several staff members corroborated that this occurred. When staff reported this to ██████████, the ██████████ ██████████, he contacted Person C and Person A and told them that he did not want them to approach staff directly. ██████████ indicated that he believed that Person A tried to lead staff to say what he (Person A) wanted them to say because of what Person A was trying to prove. ██████████ felt this was a misuse of power, that resulted in staff members being confused about the Board members' involvement, especially because they had never had not previously contacted employees in situations like this . One person described it as a fishing expedition and said that he believed the claim of a toxic workplace was a red herring because the investigation of allegations of workplace consumption of alcohol did not result in the dismissal of Person B. He also thought the ██████████ used Person C as a proxy to get the ██████████ dismissed. When someone tries to lead staff to say something to fit their agenda and pressures them to report incidences that they do not remember happening the same way, it may be improperly coercive.

Conclusion

Based on our investigation, we did not find evidence to support the claim that Person B created a toxic or misogynistic workplace or a hostile work environment. We also did not find that he participated in ██████████ request for support from her direct reports, so we conclude he did not participate in coercive behavior. In fact, he recused himself when the Planning Board discussed her actions because he did not feel he could be objective because they involved her effort to support him. The only hostile work environment that the people

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whom we interviewed mentioned is that Person A and Person C were working very hard to collect information against the [REDACTED]. This conduct seems to have been extremely disruptive to the Commission's work. It is also concerning that so many employees were sufficiently worried about leaks and potential retaliation that they urged that their names are not included in this report. We also conclude that leadership issues within the Montgomery County Planning Board, especially activities that occurred in the second half of 2022, created distrust, instigated fear, and impaired merit employees' sense of organizational stability.

Recommendations

Anti-Harassment and Anti-Bullying Training

- Some employees did not remember whether they had harassment training recently, so we recommend providing sensitivity training for all merit employees of the M-NCPPC and the Montgomery County Planning Board during when they begin employment and an annual refresher training. This training would ensure merit employees and Planning Board members are aware of the policies and guidelines to help prevent conflict, including bullying and harassment.

Policies and Procedures and Human Resources Department Role

- The Corporate Human Resources Department should continue maintaining the process by which a claim can be submitted by merit employees in a confidential manner. Requests and/or complaints made by employees outside of their departments or by someone who is not an employee of M-NCPPC should first be directed to the appropriate level of management and, subsequently, if applicable, to Corporate Human Resources.

- Policies and procedures should be developed to provide more guidance within the Montgomery County Planning Board relating to clarifying responsibilities, defining expectations for employees' roles, identifying their spheres of influence and authority, and outlining a process for managing conflict within the Board.

- M-NCPPC HR Director should liaise with the Council President and his/her Administrative Officer before a decision is rendered or a final action is taken as to department heads within the Parks and Planning Departments.

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Reporting a Claim Process

- We recognize the importance of having a strong process in place by which employees can report incidents, without feeling threatened about repercussions or intimidation for reporting the incident. We recommend establishing guidelines for the Planning Board similar to those provided to merit employees regarding reporting any alleged harassment claims or other employment concerns.

Clarity Regarding Communication Guidelines

- In order to create effective communication, we recommend that guidelines are established so that the Planning Board has appropriate procedures relating to contacting and/or interacting with merit employees.

- We recommend establishing a Central Public Affairs department that would be responsible for giving clear directives to and developing guidelines for department heads and merit employees about responding to inquiries from the media, other external organizations, and/or M-NCPPC employees who work in other Commission departments when speaking on behalf of any part of the M-NCPPC about any current or former employee of M-NCPPC. We acknowledge that such a department would need to be mindful of the First Amendment rights of persons employed by governmental entities to speak about matters of public concern when doing so in their individual capacities.

- We also recommend that the Central Public Affairs department, under the direction of the Executive Director, establish rules that provide guidance regarding a Planning Board members' authority to speak to media outlets in their official capacities and/or on behalf of the Planning Board.

Sincerely,

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