

October 12, 2022

**INVESTIGATION OF COMPLAINTS AGAINST RALPH LEBLANC
FINDINGS OF FACT AND CONCLUSIONS**

I. SCOPE OF INVESTIGATION

Town of Westminster (hereinafter “Town”) Police Sergeant Amy Nelson (hereinafter “Sgt. Nelson”) reported to Town Administrator Stephanie Lahtinen (hereinafter “Ms. Lahtinen”) that Police Chief Ralph LeBlanc (hereinafter “Chief LeBlanc”) has been treating her unfairly and Sgt. Nelson shared with Ms. Lahtinen a document outlining her concerns. (Exhibit 1) Her claims are gender-based, and concern adverse work action taken during or after her pregnancy and/or FMLA leaves. During this investigation, Chief LeBlanc’s administrative assistant, Stephanie Fay (hereinafter “Ms. Fay”), reported that Chief LeBlanc has caused her to feel uncomfortable in the workplace. (Ms. Fay did not file a written complaint.) She reports that Chief LeBlanc asked her to not get pregnant and told her that he described her as a young, attractive female to the former Police Chief. The Town retained this investigator to determine whether, in his interactions with Sgt. Nelson and/or Ms. Fay, Chief LeBlanc violated the Town’s Policies and Procedures or the Police Departments Rules and Regulations¹.

II. SUMMARY OF THE ALLEGATIONS

Sgt. Nelson alleges that Chief LeBlanc treats her unfairly because she is a female, has chosen to have multiple children, and requested FMLA to address a complicated pregnancy

¹ Chief LeBlanc was placed on administrative leave pending the outcome of this investigation. (Exhibit 5)

and her daughter's cancer diagnosis. She alleges that Chief LeBlanc has taken adverse and discriminatory action against her. More specifically, Sgt. Nelson alleges the following:

- Chief LeBlanc did not allow her to apply for the lieutenant's position that was awarded to Jason Tamulen (hereinafter "Acting Chief Tamulen") in March 2021. At the time, Chief LeBlanc chose not to call for a new list of candidates that would have included Sgt. Nelson. Additionally, she had just received her master's degree, and Sgt. Tamulen had earned only his associate's degree. She alleges that Chief LeBlanc (1) did call for a new list when looking to promote candidates to the new sergeant position; and (2) then changed the department's promotion guidelines to diminish the effect of her academic accomplishments. (Exhibits 13 and 14)
- Sgt. Nelson alleges that Chief LeBlanc has treated her unfairly by requesting that she move her locker into the sergeant's office, which was occupied by the two male sergeants.
- Sgt. Nelson alleges that when her daughter was diagnosed with leukemia in November of 2021, and she was running out of FLMA time, Chief LeBlanc purposefully failed to inform Sgt. Nelson that her colleagues had offered to donate vacation time for her use. Instead, she claims he told her that if she ran out of FLMA time, she would be terminated, would have to reapply, and he could not guarantee her position.
- Sgt. Nelson alleges that Chief LeBlanc instructed her to provide medical notes if she were forced to work an overtime shift while taking FLMA to attend her daughter's medical appointments.

- Sgt. Nelson alleges that Chief LeBlanc disregarded her seniority when he set a new work schedule.
- Sgt. Nelson reports that after she challenged Chief LeBlanc on changes made to the forced overtime policy, he retaliated against her by removing her from her specialty assignments (i.e., firearms and dispatch).

Ms. Fay alleges that she was mistreated and felt uncomfortable by Chief LeBlanc because he made comments about his wife being jealous of her. (There is no evidence, nor any allegation, that Ms. Fay and Chief LeBlanc had a personal relationship.) Ms. Fay also contends that Chief LeBlanc told her not to get pregnant and commented that expressing milk for more than a year was “weird.” In addition, Ms. Fay claims that a male employee was asked to review the sexual harassment policy after speaking with Ms. Fay in a non-sexual manner. Ms. Fay also reports that Chief LeBlanc informed her that he told the former police, Chief McDonald, that he was not accustomed to having a young and attractive colleague in the office. Ms. Fay notes that this comment made her feel uncomfortable.

Sgt. Nelson also reports Chief LeBlanc treats other females in the department unfairly, including Ms. Bonk and Ms. Chapman. She has also witnessed Chief LeBlanc treat male colleagues harshly. These male officers include Ofc. Porpora, Ofc. Shampine, and Ofc. Loescher.

Chief LeBlanc denies some of these allegations outright and asserts that others have been misconstrued as discriminatory at a time when the department was significantly short-staffed. He denies discriminating against women or women that take pregnancy/FMLA leave. He

points to his recent hire of multiple female officers and that a male employee (dispatcher Nick Aveni) recently took paternity leave.

III. EVIDENCE CONSIDERED

A. WITNESSES INTERVIEWED

1. Amy Nelson
2. Stephanie Fay
3. Andrew Loescher
4. Nicholas Auffrey
5. Connor Furey
6. Jason Tamulen
7. Kim Bonk
8. Patrick Porpora
9. Jeffrey Shampine
10. Nick Aveni
11. Nate Hawkins
12. Ralph LeBlanc

B. DOCUMENTS RELIED UPON

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| Exhibit 1 | Sgt. Nelson's Notes (her written Complaint) |
| Exhibit 2 | Town's Policies and Procedures |
| Exhibit 3 | WPD Rules and Regulations |
| Exhibit 4 | Chief LeBlanc's Contract |
| Exhibit 5 | Administrative Leave Letter |

- Exhibit 6 June 28, 2022 email exchange between Sgt. Nelson and Chief LeBlanc regarding July work shifts
- Exhibit 7 January 20, 2022 email exchange between Sgt. Nelson and Chief LeBlanc regarding firearms
- Exhibit 8 Packet of documents from Ms. Bonk
- Exhibit 9 Packet of documents from Ofc. Shampine
- Exhibit 10 Text from Chief LeBlanc to Ofc. Furey
- Exhibit 11 December 15, 2021 email from Sonjia Fichtel to Sgt. Nelson
- Exhibit 12 November 19, 2021 email from Sgt. Hawkins to Lt. Tamulen
- Exhibit 13 2016 Promotions Policy
- Exhibit 14 2021 Promotions Policy (with changes)
- Exhibit 15 Mr. Aveni emails with Chief LeBlanc
- Exhibit 16 Emails from officers donating time to Sgt. Nelson

IV. SUMMARY OF EVIDENCE

The following evidence was considered as part of this investigation:

1. Interview of Amy Nelson

Amy Nelson was hired by the Westminster Police Department (“WPD”) in the fall of 2002. She was hired full-time on January 9, 2005 and was recently promoted to sergeant in January of 2020. Sgt. Nelson reported concerns about Chief LeBlanc’s behavior to Ms. Lahtinen and followed up with notes regarding her concerns. (Exhibit 1)

Sgt. Nelson reports that while her direct supervisor is Acting Chief Tamulen, Chief LeBlanc oversees “everything” in their small department. As such, she interacts with him often, mostly during shift changes. She reports that their day-to-day interactions vary;

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sometimes, he is “fine;” and sometimes, there are volatile exchanges. She describes him as having a quick trigger. Although she has experienced troubling interactions with Chief LeBlanc in the past, she was hesitant to report her concerns. In the past year, however, his conduct has become more problematic.

Sgt. Nelson reports that Chief LeBlanc made negative statements about Ofc. Loescher, who was expecting a second child at the time. Chief LeBlanc said to her that Ofc. Loescher was going to have a hard time functioning with two children, as he was already having a difficult time with just one. Sgt. Nelson alleges that Chief LeBlanc has a problem with Ofc. Loescher prioritizing his family over work and Ofc. Loescher’s reluctance to pick up overtime shifts. At one point, Ofc. Loescher commented to Sgt. Nelson that Chief LeBlanc told him if his wife had “issues” with him working overtime, he should lie to her and tell her he is being forced to work those shifts; this upset Ofc. Loescher.

Sgt. Nelson alleges that she told Chief LeBlanc about her recent pregnancy; however, she did not disclose she was having twins until late in her pregnancy. She was reluctant to tell Chief LeBlanc about the twins because of his disapproval of large families. Sgt. Nelson reports that in January of 2021, she was told by Dispatch Supervisor Kim Bonk (hereinafter “Ms. Bonk”) and Chief LeBlanc’s assistant, Ms. Fay, that Chief LeBlanc had issues with her (Sgt. Nelson) being pregnant again. On separate occasions, they told her that Chief LeBlanc had questioned her ability to be an effective supervisor and the mother of additional children.

Sgt. Nelson alleges that Ms. Bonk resigned as Dispatch Supervisor and now works part-time as a dispatcher. She told Sgt. Nelson that she retired earlier than planned due stress and the lack of support she was receiving from Chief LeBlanc. Ms. Bonk was frustrated by being ignored by Chief LeBlanc. She was also frustrated that Chief LeBlanc made accommodations

for a new dispatcher, Shelbi Poulin, which negatively affected the dispatch schedule. After she retired, Sgt. Nelson alleges that Chief LeBlanc enacted Ms. Bonk's suggestions. Sgt. Nelson further reports that other supervisors, civilian employees, and subordinates have reported hostile or inappropriate behavior by Chief LeBlanc.

One of Sgt. Nelson's concerns involve the woman's locker room. Chief LeBlanc had requested that she move her belongings out of the women's locker room and into the sergeant's office so that the new female hires would have more space. Chief LeBlanc wanted her to move to make room for what he called the younger "ladies." The women's locker room had eight high school-type lockers and one large locker. There were three new female hires--two full-time and one part-time. Sgt. Nelson feels that Chief LeBlanc's request was inappropriate because she was the senior female officer, and she felt uncomfortable having her personal items displayed in front of the male sergeants. Because of this, she chose to ignore Chief LeBlanc's "request" and has remained in the women's locker room. Sgt. Nelson was reluctant to approach Chief LeBlanc about her decision because she wanted to avoid another verbal altercation. As a result, the issue has quietly returned to status quo.

Sgt. Nelson reports that her firearms responsibilities were removed when she argued with Chief LeBlanc about the force policy. She and Chief LeBlanc had discussed changing the department's force policy, which dictates how shifts are filled involuntarily. Sgt. Nelson believed that the current policy was fair, and she did not want it to be changed. She sent Chief LeBlanc an email outlining how the policy change would affect certain employees unfairly. (Exhibit 6) Chief LeBlanc allegedly said to her, "I saw your email. I don't disagree with that. So, what I'm going to do is have your specialty hours, all the specialty overtime that you have to do, that will then be added to the force list. So, when you're running trainings or

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you have to re-certify, all of that will be accounted for and added to the force list.” Sgt. Nelson felt vindicated at the time, yet when the policy was released, it did not reflect his “promises.”

Sgt. Nelson reports that following the release of the new policy, she called Chief LeBlanc because she did not want to have a volatile conversation with him in person. She notes that he often gets red in the face and starts shaking when he is angry. During the phone conversation, Chief LeBlanc allegedly told Sgt. Nelson that he had the Union VP, Sgt. Nathan Hawkins (hereinafter “Sgt. Hawkins”), look over the policy and said it was “fine.” He then told Sgt. Nelson that whatever problems she had with the revised policy were reflective of her career choices, and she must live with the changes. In response, Sgt. Nelson told him, “I couldn’t have predicted how drastically our department was going to change over the past two years,” and her responsibilities are “not reflective of what our agency is and how it’s running today. So, I would’ve chosen differently if I would’ve known this is how things were going to be.” Sgt. Nelson sensed that the conversation was becoming unproductive and ended the call. Sgt. Nelson denies that she was argumentative because “she had her daughter in the car,” and she was trying to stay as calm as possible for her sake.

At its essence, Sgt. Nelson believes that the new force policy negatively affects staff with specialty positions because some of their overtime is not applied to the forced overtime list. Sgt. Nelson also explained to Chief LeBlanc that she needed to be able to get to her daughter’s doctor’s appointments and that she had been “forced a fair amount in the month of July.” Sgt. Nelson reports that she spoke with Sgt. Auffrey about the policy changes, who told her that Chief LeBlanc said “this [was] how it was going to be.” Sgt. Nelson reports that after this phone conversation with Chief LeBlanc, he took away her specialty responsibilities

without her asking. (Exhibit 6) Sgt. Nelson feels that this was retaliatory because she had disagreed with Chief LeBlanc over the policy.

Sgt. Nelson reports that she made a request for FMLA in the Spring of 2022 to take intermittent time to care for her daughter. Sgt. Nelson was allegedly told by Union President Jason Wetherbee (hereinafter “Ofc. Wetherbee”), who spoke with Chief LeBlanc about her FMLA, that if she was using FMLA on a day she was being forced, then she would have to find someone to work her shift. Sgt. Nelson reports that she then spoke to Chief LeBlanc about the issue. He told her that if she needed to use FMLA on a force day, the department would be responsible for filling her shift, but she would need to provide a doctor’s note. He asked for medical documentation to prevent those taking her forced shift from “bitching about me.”

Sgt. Nelson further alleges that several people have reported hostile, inappropriate, or unnecessary behavior from Chief LeBlanc, including Ofc. Loescher, Ms. Bonk, and Ofc. Shampine². She notes that Ofc. Shampine retired early because he felt that he was being targeted by Chief LeBlanc. She alleges that Chief LeBlanc reacted to him in a manner he would not take with other employees. Sgt. Nelson also reports that Chief LeBlanc targets Officer Patrick Porpora, who is still within the new employee probationary period. She reports that “no one knows why Chief LeBlanc has such an issue with Officer Porpora,” who is “one of the nicest kids.”

² Chief LeBlanc’s treatment of Ofc. Loescher, Ms. Bonk and Ofc. Shampine is beyond the scope of this investigation. Ms. Bonk and Ofc. Shampine both report that they resigned from their positions because of the way they were treated by Chief LeBlanc. Ofc. Loescher reports that Chief LeBlanc was critical of his commitment to family and encouraged him to lie to his wife by saying he was forced to work overtime when he was not.

Sgt. Nelson also reports that Chief LeBlanc is “pretty hostile” to Ms. Fay. He would sometimes accuse Ms. Fay of being AWOL.

On December 10, 2021, Chief LeBlanc sent out the notifications of the new work schedule and Sgt. Nelson learned that he had changed her group rotation. When she inquired about this change, Chief LeBlanc informed her that if he changed her group rotation as she requested it would negatively affect everyone else. Sgt. Nelson explained that as the senior sergeant in the department, she could pick both her preferred shift and her group rotation (the latter of which would affect which holidays she had off). She explained to Chief LeBlanc that all the senior sergeants prior to her, including him, had been granted this privilege. In response, Chief LeBlanc got very angry, saying, “the world does not revolve around you, Amy.” Sgt. Nelson explains that Chief LeBlanc was “very hostile almost to the point of yelling at me over the phone about it.” Sgt. Nelson acknowledges that Chief LeBlanc has a right to make these changes in policy; nevertheless, she believes these changes were a personal attack on her. Chief LeBlanc allowed Sgt. Nelson to take off Christmas Eve and Christmas Day, one of her immediate concerns with the new policy. He told her that she could use administrative days. During this conversation, however, Sgt. Nelson alleges that Chief LeBlanc did not offer her the opportunity to use vacation time donated by her colleagues.

Sgt. Nelson alleges that Chief LeBlanc has taken an adversarial attitude mostly with females. She has seen him behave this way with Ms. Fay, Ms. Bonk, and custodian Sue Chapman. She alleges that he makes many gender-related comments, including one about former police officer Holly Doyle, who resigned to take a full-time job with the Princeton

Police Department. At the time, Chief LeBlanc approached Ms. Nelson, asking whether she knew that Officer Doyle had decided to leave. He then made a comment about her controlling husband and something like, “what business does she have popping out another kid if she can’t even handle her schedule and the two kids that she has.”

Sgt. Nelson explains that when she was pregnant with twins, she was placed into dispatch when she was no longer able to work the road. Officer Michael Ray took Sgt. Nelson’s 11:00 PM to 7:00 AM shift in the department. On February 23, 2021, Officer Ray sustained an injury when he crashed his cruiser. As a result, Chief LeBlanc assigned Officer Furey, who was working in dispatch, to the 3:00 PM to 11:00 PM shift as a police officer. At that time Sgt. Nelson asked Chief LeBlanc if she could take the now open 3:00 PM – 11:00 PM dispatch slot. He declined her request and stated, “you're gonna work 11:00 PM to 7:00 AM for the remainder of your pregnancy.” Officer Ray, who had been employed by the Town for approximately a year, was assigned the 3:00 PM to 11:00 PM slot she had requested. Sgt. Nelson believes that Chief LeBlanc took exception to the fact that she was having more children and did not want to accommodate her.

However, Sgt. Nelson also notes that Chief LeBlanc can also have a challenging and hostile attitude toward male employees, including Ofc. Loescher, Ofc. Shampine, and Officer Porpora. Sgt. Nelson notes that there are two new female patrol officers, both of whom Chief LeBlanc seems to like.

Sgt. Nelson describes an incident where Dispatcher Erin O’Kane applied for a full-time police position. She reports that Chief LeBlanc was concerned about Ms. O’Kane’s

diminutive stature. Chief LeBlanc allegedly had made several comments to people about Ms. O’Kane’s size and whether she should be hired.

Sgt. Nelson reports that the department suffers from poor morale, and she does not think anybody is having a “good time.” Conditions are considerably worse than under Chief McDonald and have improved now that Chief LeBlanc is on leave.

In December 2021, Sgt. Nelson was told by Chief LeBlanc that if she ran out of time off due to missing work for her daughter’s appointments, then she would have to separate her service with the department. Her job would be reposted, and she could reapply, but he could not guarantee her position. Chief LeBlanc told Sgt. Nelson that this was the “Town’s decision;” however, when she went to discuss the issue with Ms. Lahtinen, she was surprised and denied that this scenario had been discussed. Ms. Lahtinen told her that they discussed doing everything they could to keep her employed. Further, Sgt. Nelson says that Chief LeBlanc never informed her that many employees offered to donate their vacation time; he indicated only that he and Lt. Tamulen had donated time. This was addressed in an email from Ms. Fichtel advising that 64 hours of vacation from Acting Chief Tamulen and Chief LeBlanc was moved to her account. (Exhibit 11)

Sgt. Nelson reiterates that Chief LeBlanc has been hostile to her. She believes that Chief LeBlanc did not allow her to bid on the lieutenant’s position and appointed Acting Chief Tamulen, the only person on the list. In addition, Chief LeBlanc has changed the department’s promotional process and eliminated factors such as education (Sgt. Nelson received her master’s degree in March 2021) and longevity, reducing the likelihood that she will be promoted. Sgt. Nelson believes Chief LeBlanc is trying to force her to leave.

2. Interview of Stephanie Fay

Ms. Fay has held the civilian position of executive assistant for approximately three years. She had been the assistant to Chief McDonald, with whom she had a positive relationship. She is now currently assistant to Chief LeBlanc. She describes their relationship as “not fantastic.”

Mr. Fay reports that while Chief LeBlanc was working as an administrative sergeant and a lieutenant, they had a good “professional work friendship.” Since he has become Chief, however, she believes that he has begun to “cut her out of the loop” due to issues with his wife. Ms. Fay claims that there have been “weird jealousy issues” and she has been told that Chief LeBlanc’s wife is jealous of her, even though there has never been anything remotely romantic between them. He has asked her not to text him work messages and has encouraged her not to attend certain public events.

Ms. Fay reports that when Chief LeBlanc was first instated as acting chief, he told her he wanted Ms. Fay to become friendly with his wife, so that “things wouldn’t be weird.” Ms. Fay alleges that this seemed very odd to her because there was nothing going on between her and Chief LeBlanc. Ms. Fay reports that when one of her children got the stomach bug, she texted Chief LeBlanc to inform him that she would not be attending work that day. He called her later in the day and asked her to resend the message. When she asked why she needed to resend the text, Chief LeBlanc said that he believed his wife deleted it. Ms. Fay then asked why she would delete their messages. He replied that his wife does not like him talking to her. Chief LeBlanc also told her to keep communications professional, and that she needed to stop calling him “Ralphie” and sending him emojis. Ms. Fay alleges that since then, Chief

LeBlanc has pretty much stopped answering her texts or calls. They communicate mainly by email.

Ms. Fay reports that Chief LeBlanc did not want her to go to the ceremony when he was sworn in as Lieutenant. He kept telling her that she “did not have to attend,” despite her insistence that she was going to be there with her fiancé. A similar situation happened twice more, during the commendation ceremony for some of the officers and when he was sworn in as Chief. During the commendation ceremony, Chief LeBlanc did not speak to her and did not invite her to be included in the group photo.

The department organized a “paint night” for the women of the WPD and the wives of the male employees. Chief LeBlanc said to her, “I just want all the wives to know there’s not a threat at work.” Ms. Fay assumes he was referring to her.

Ms. Fay reports that when she first started working at the department, Chief McDonald asked her whether she wanted a uniform. Ms. Fay told him that she was fine wearing civilian clothes. She later relayed the conversation to Chief LeBlanc, who at the time was the sergeant, asking whether she had done something wrong. Chief LeBlanc then apologized, saying that it was probably his fault that she had to wear a uniform because of a comment he made to Chief McDonald about her being young and attractive compared to the older woman who had held Ms. Fay’s position. The comment made Ms. Fay feel “weird.” She believes that Chief McDonald was trying to protect her from Chief LeBlanc, who had made inappropriate comments about her appearance.

Ms. Fay explains another incident that occurred during her first few months with the department. She notes that people were very friendly when she first started working; they would check in with her and “say hello.” However, this suddenly stopped. Ms. Fay thought

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this was odd until Ofc. Loescher told her that after “saying hello” to her, Chief LeBlanc told him to review the sexual harassment policy. She and Ofc. Loescher found this very strange, since Ofc. Loescher had not said anything offensive.

Ms. Fay reports that no one crosses Chief LeBlanc for fear of retaliation. He does “anything he can to get back at people.” Chief LeBlanc gets extremely angry; she once witnessed him screaming at Ms. Chapman for getting upset at one of the dispatchers. Following this incident, Chief LeBlanc attempted to justify his actions by claiming that he was sticking up for the dispatcher; however, Ms. Fay believes his behavior was unwarranted. Ms. Chapman left the meeting crying. She reports that Chief LeBlanc will get very shaky and purple in the face when he is angry.

Ms. Fay also reports that Sgt. Nelson was afraid to say anything about being pregnant, because Chief LeBlanc had made comments about not getting pregnant again. She reports that the following colloquy occurred one day:

Chief LeBlanc: “You’re moody. Do you have anything to tell me?”

Ms. Fay: “No.”

Chief LeBlanc: “Just don’t get pregnant.” (Ms. Fay tries to laugh it off.)

Chief LeBlanc: “No, seriously, don’t get pregnant again.”

Ms. Fay also reports that Chief LeBlanc said that Holly Doyle (a former officer who transferred to another department because of a more favorable schedule) should “stop popping out kids that she can’t handle” and that “I don’t know how [Sgt. Nelson] is going to be sergeant and have all these kids” and said something to the effect “all you can handle is two kids.”

After Ms. Fay gave birth to her son, she would express milk on her lunch break. Chief LeBlanc asked how long she intended to pump. She replied six months to a year. Chief

LeBlanc said that pumping for more than a year was “weird.” This conversation was unduly intrusive, she thought, and made her feel “uncomfortable.”

Ms. Fay alleges that the week before Chief LeBlanc was put on leave, his attitude completely changed--he was “super nice.” Ms. Fay suspects that he knew about Sgt. Nelson’s complaint. During that time, Chief LeBlanc walked into her office and asked, “why do you hate me?” Ms. Fay responded, “what are you talking about?” He replied, “well, you never talk to me anymore.” Chief LeBlanc then asked Ms. Fay whether she had gone to the “other side.”

Ms. Fay has concerns with how Chief LeBlanc treats Sgt. Nelson. Sgt. Nelson’s daughter has cancer. The department came together to donate vacation time so that she would be able to care for her daughter without losing her job. However, Chief LeBlanc said that he did not want to inform Sgt. Nelson of all the donated time “because he thought she was taking advantage of the situation”; she was being selfish because she also received money from a GoFundMe account. Ms. Fay responded by saying, “if my kid had cancer, you could give me millions of dollars and I wouldn't care. I would need time and I would need flexibility and understanding.” Ms. Fay kept Chief LeBlanc updated on the time officers donated to Sgt. Nelson but later learned that he did not relay this information to Sgt. Nelson. (Exhibit 16)

When Sgt. Nelson wanted to bid her shift, which sergeants are typically allowed to do, she heard Chief LeBlanc say these are “different circumstances because she is pregnant.” Ms. Fay believes that Chief LeBlanc treats Sgt. Nelson more harshly than other people. She does not know why; she finds Sgt. Nelson to be a hard worker who still shows up and does extra work, despite her daughter’s sickness. Ms. Fay has never reported her concerns, except recently to Ms. Lahtinen.

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Ms. Fay finds Chief LeBlanc to be very controlling and undermines his supervisors. She also alleges that she is a bit concerned about his [REDACTED]; she has smelled [REDACTED] on him in the mornings. She alleges that he has made comments about not being able to sleep at night unless he has a few [REDACTED]. She does not believe he is [REDACTED] during work hours.

Ms. Fay feels that if Chief LeBlanc knew she was being interviewed, he would retaliate against her. She believes that he has retaliated against her after returning from maternity leave by changing the differential rate for her overtime. She was working as a matron and was receiving the police differential, but he took this away from her. Chief LeBlanc said that he spoke with “Town Hall” and since she is a Town administrator (and not a police department employee) she is not entitled to the differential overtime rate (approximately an additional \$1.50/hr.).

Ms. Fay reports that Ms. Bonk, one of the dispatchers, made a few suggestions to Chief LeBlanc to move shifts around to make things easier. Chief LeBlanc continued to ignore her requests and would not respond to her. Ms. Fay believes that he did this because he did not like her and wanted her to leave. After she left, some of her proposals were enacted. Ms. Fay finds it odd that he will accommodate some people, and not others.

Ms. Fay believes that his treatment of her violates the Town’s policies.

3. Interview of Andy Loescher

Ofc. Loescher has been a patrol officer for about twelve years. Acting Chief Tamulen is his immediate supervisor. Ofc. Loescher describes their relationship as “pretty good.”

Ofc. Loescher worked with Sgt. Nelson on the midnight shift a few years ago. He has known her his entire career and describes their relationship as “good.” He notes that she is a

“fair” police sergeant who “sets her expectations of you and kind of lets you go do whatever it is that you need to do. But at the same time, kind of guides you, gives you direction.”

Ofc. Loescher reports that he first met Chief LeBlanc eighteen years ago when he was hired as a dispatcher. Ofc. Loescher reports that his relationship with Chief LeBlanc is “hit or miss: there are times where we get along and there are times you don’t.” He reports that their relationship has become more problematic since he was appointed Chief.

Ofc. Loescher alleges that when he was first in the police academy, there was a rumor circulating that he would not graduate. When he did graduate, Chief LeBlanc, who was a patrol officer or sergeant at the time, approached him and said, “I doubted you.” He reports that they would often “butt heads” and not agree with each other. Ofc. Loescher further reports that he has been written up several times by Chief LeBlanc after trying to have “a civil conversation” with him. He was once written up for not responding properly to a domestic violence victim. Ofc. Loescher provided a rebuttal and “several others” apparently agreed that he had done the right thing. Nevertheless, Chief LeBlanc told him that the reprimand would stay in his file for the entirety of his career.

Ofc. Loescher reports that there were issues last year with the lack of overtime he took. Chief LeBlanc had asked him if he was going to accept more overtime because they were short-staffed. Ofc. Loescher replied that he was having some family issues. He also explained that his family is more important than his job. Ofc. Loescher claims that Chief LeBlanc told him to tell his wife that he was getting forced onto the shifts and to blame him (i.e., Chief LeBlanc). Ofc. Loescher was “shocked” that Chief LeBlanc suggested he lie to his wife.

Ofc. Loescher recalls having a conversation with Ms. Fay about the sexual harassment policy. He was speaking to her by her office door when Chief LeBlanc came by and asked whether Ofc. Loescher had read the sexual harassment policy or “something along those lines.” He did not fully understand Chief LeBlanc’s comment, as he and Ms. Fay were having a “general conversation.” He and Ms. Fay talked about how “weird” the comment was.

Ofc. Loescher reports that Chief LeBlanc put together a “paint night” for the department’s families and spouses. Chief LeBlanc made a comment to him about “getting the wives together to realize that they’re not a threat to each other or the people that we work with are not a threat.” Ofc. Loescher found Chief LeBlanc’s comment odd.

Ofc. Loescher heard a rumor that when Sgt. Nelson’s daughter was sick, she may run out of time and would lose her job. Ofc. Loescher spoke with Sgt. Nelson, who was very upset about the entire situation. He reports that a lot of officers, including himself, had donated vacation time to help Sgt. Nelson. He is shocked that Sgt. Nelson was never made aware of all the donated time and that she was basically told come to work or you will lose your job.

Ofc. Loescher reports that in December 2021 he had COVID, and since then he has had health issues that require him to see different doctors. He heard from Sgt. Nelson that Chief LeBlanc told her something to the effect of, “I told Andy [Loescher] if he doesn’t get his answers from the doctor and get his health figured out, then he should reevaluate his home life because that’s what’s stressing him out. That’s the problem.” Ofc. Loescher was “pissed” by this comment.

Ofc. Loescher is aware that the force policy was recently changed. He reports that the change impacts everyone, especially people that do not volunteer for overtime.

Ofc. Loescher never reported his concerns about Chief LeBlanc's comments regarding his family life because he figured "it wouldn't really go anywhere." Ofc. Loescher further alleges that he has heard Chief LeBlanc give Ofc. Porpora a hard time. He has no knowledge of any issues concerning Chief LeBlanc's wife.

4. Interview of Nicholas Auffrey

Sgt. Auffrey became a sergeant in March 2021. He has known Chief LeBlanc for his entire life; they coached baseball together when their kids were younger. Chief LeBlanc grew up with his two brothers. For the past four or five years their relationship has been solely professional.

Sgt. Auffrey manages firearm duties with Sgt. Nelson. He alleges that Chief LeBlanc told him he removed those responsibilities from Sgt. Nelson through the end of the last summer because she had too much on her plate (with everything going on at home with her daughter). He also reports that Chief LeBlanc complained that Sgt. Nelson was not getting her work done. Sgt. Auffrey opines that "it is hard to say whether Sgt. Nelson wasn't getting the work done." He understands that she had a lot going on at home and this may have impacted her work. He does not believe that her firearms responsibilities were affected because it is not a daily task and there was not much firearms work going on during the summer. At the time, he thought Chief LeBlanc was trying to help her, but he now thinks it was not the right thing to do. When Sgt. Auffrey spoke to Sgt. Nelson about the situation, she seemed upset and thought it may have been retaliation for an argumentative email she had sent Chief LeBlanc.

(Exhibit 6)

Chief LeBlanc has complained to him about Sgt. Nelson's work ethic. He notes that Sgt. Nelson and Chief LeBlanc would often butt heads and that Chief LeBlanc takes things personally when you disagree with him.

Sgt. Auffrey is aware of a situation involving Ofc. Porpora. Another officer who was hired after Officer Porpora was told she should take Ofc. Porpora's badge number and that he would be issued a lower number. Officer Porpora came to him upset that Chief LeBlanc had asked him to switch badges. Sgt. Auffrey then contacted Chief LeBlanc to ask about the situation. Chief LeBlanc left him a curt voicemail saying that if Officer Porpora did not like it, then he could go to a different department.

Sgt. Auffrey alleges that Chief LeBlanc treats certain officers differently. He reports that Chief LeBlanc seems to stick with first impressions--once you are on his bad side, you stay on his bad side. Sgt. Auffrey agrees that Officer Porpora and Ofc. Champine are not treated well by Chief LeBlanc. He agrees that Sgt. Nelson is also one of these employees.

Sgt. Auffrey reports that Chief LeBlanc has made comments about Sgt. Nelson not being able to do her job with so many kids. He has never heard Chief LeBlanc talk about Ms. Fay's pregnancy. He acknowledges that many people, including Chief LeBlanc, have made comments about Ofc. Loescher's reluctance to pick up overtime shifts. However, Sgt. Auffrey never heard Chief LeBlanc suggest that Ofc. Loescher lie to his wife about overtime.

Sgt. Auffrey reports that he donated money rather than vacation time to the fund created for Sgt. Nelson. He wanted to donate sick time, but this was not allowed. The Town would only allow the transfer of vacation time (apparently because unused sick time was not paid out).

Sgt. Auffrey confirms that Chief LeBlanc required Sgt. Nelson to bring in documentation if forced to work an overtime shift on a day that she took FMLA. However, he does not know if this was a normal departmental practice.

Sgt. Auffrey alleges that picking rotations and shifts are based on seniority. Chief LeBlanc changed the policy this year, and it impacted all of the supervisors. Sgt. Auffrey reports that he does not know why Chief LeBlanc implemented this change.

There is an email chain among Chief LeBlanc, Sgt. Nelson, and himself, where Sgt. Nelson is reprimanded by Chief LeBlanc. (Exhibit 7) Sgt. Auffrey did not reply to these emails because the responsibilities mentioned in the email mostly pertain to Sgt. Nelson's duties, including ordering supplies for training.

Sgt. Auffrey reports that Chief LeBlanc has told him that his wife is jealous of the female officers in the department, including Ms. Fay. Chief LeBlanc mentioned to him that he had to get another phone because his wife did not want any female officers calling him.

Sgt. Auffrey reports that he does not think the change in the force policy was done to implicate Sgt. Nelson.

Sgt. Auffrey agrees that Chief LeBlanc targets people, especially individuals who have disagreed with him. Sgt. Auffrey is aware that Chief LeBlanc offered to work overtime for certain officers, but notes that at the time, they were very short staffed.

Sgt. Auffrey believes that Chief LeBlanc complained about Sgt. Nelson's work ethic prior to her having twins and her daughter getting sick. From what he has heard, Chief LeBlanc gets frustrated with people who put family first. Sgt. Auffrey recalls Chief LeBlanc said that Ofc. Loescher needs to put his family aside. He notes, however, that Chief LeBlanc often leaves work to attend his son's practices or games.

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Regarding Ms. Bonk, Sgt. Auffrey describes her as a very dedicated person--a great employee who “puts a lot on herself.” She did a lot of work to get things organized in the dispatch department and was extremely thorough. He reports that Ms. Bonk told him that she went to Chief LeBlanc multiple times asking that Ms. Poulin, a new employee who was granted days off to coincide with her boyfriend's work schedule, change her schedule because it was creating a staffing issue. Sgt. Auffrey went to Chief LeBlanc to ask if he would reconsider allowing Ms. Poulin’s schedule request and he refused. When asked why he thinks Chief LeBlanc allowed Ms. Poulin to keep her schedule, Sgt. Auffrey said Chief LeBlanc “picks favorites.” In addition, Ms. Bonk asked for a part-time dispatcher, so that she could do more administrative work and Chief LeBlanc denied her request. After Ms. Bonk resigned as Dispatch Supervisor, she continued to work as a part-time dispatcher and Nick Aveni was promoted to her position. At that time, Chief LeBlanc changed the schedule to coincide with Ms. Bonk’s requests.

Sgt. Auffrey is concerned that Ms. Bonk was working 500 hours of overtime a year, pleading for help, and ultimately had to resign because of the stress. He further explains that he tried to counsel Chief LeBlanc on these issues, but it became clear to him that Chief LeBlanc was going to make the decisions for “his department.”

Sgt. Auffrey is not sure if Ms. Bonk’s gender played a role in the way she was treated; he thinks it is more likely that they disagreed on work-related matters. Regarding Ms. Bonk’s claims that she was forced to return her issued cell phone, Sgt. Auffrey is not familiar with the department’s policy.

Sgt. Auffrey alleges that when Chief LeBlanc is around, people are “walking on eggshells.” However, since he has been on leave, he finds it enjoyable to come to work again. He notes that many people come to him and vent and that he is generally sympathetic.

5. Interview of Connor Furey

Officer Furey reports that the department has had staff shortages and Chief LeBlanc has explained to him that he needed to volunteer for more overtime. On one occasion, Ofc. Furey told Chief LeBlanc that he was trying to help and was being forced for the next two weekends. Chief LeBlanc texted him a few days later, offering to take his shift, to which Ofc. Furey responded with words like, “no, it’s okay.” (Exhibit 10)

Ofc. Furey reports that the department is noticeably more relaxed since Chief LeBlanc has been put on leave. He believes that work is still getting done and people are more motivated.

Chief LeBlanc has never spoken to him about Sgt. Nelson or Ms. Fay. From what he can observe, Chief LeBlanc is consistent in his treatment of colleagues; however, he has heard differently. Some have complained that they are not being treated fairly.

Officer Furey reports that he does not have any concerns with the change in the force policy. Further, he had a good working relationship with Ms. Bonk, and he never witnessed any issues with the way Chief LeBlanc treated her.

6. Interview of Jason Tamulen

Jason Tamulen is currently the Acting Chief for the WPD. He began his career with the department in 1993 when he was 18 years old. He was hired full-time in June 1999.

The Acting Chief notes that Chief LeBlanc has been with the department for as long as he has worked there. He reports that they are friendly with each other, but do not socialize outside of work.

Acting Chief Tamulen reports that Sgt. Nelson was their first female hire almost eighteen years ago. He has always liked her and thinks she is “a great officer.” Acting Chief Tamulen alleges that Sgt. Nelson has expressed concerns to him about the way she has been treated by Chief Leblanc. He notes that they are mostly operational-related concerns, such as issues with the force policy. (Acting Chief Tamulen also finds the new force policy to be unfair.) He understands that there were emails exchanged between Chief LeBlanc and Sgt. Nelson about the policy, but he has not read them.

The Acting Chief alleges that Chief LeBlanc came into his office and said something to the effect of, “well, [Sgt. Nelson] doesn’t have to worry about being ordered anymore because she’s not going to do firearms anymore and she’s not going to be a dispatcher anymore.” These comments followed an exchange between Sgt. Nelson and Chief LeBlanc about proposed changes to the force policy. Acting Chief Tamulen does not know why Chief LeBlanc took away Sgt. Nelson’s responsibilities; he does not think it was fair. He alleges that she gets all her work done and she continues to meet the firearms qualifications.

Acting Chief Tamulen alleges that Chief LeBlanc treats Sgt. Nelson differently. He does not understand why Chief LeBlanc fixates on certain people; there are certain employees that irritate him. He cites as an example that Chief LeBlanc told then-Lt. Tamulen to contact Ofc. Shampine about not completing his ACA training and remind him that if it was not completed, he would not be rehired. This seemed particularly harsh. He notes that another officer had not completed the training but did not receive the same threat.

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Acting Chief Tamulen has never heard Chief LeBlanc make comments about people being pregnant or about Ofc. Loescher' s family life.

The Acting Chief confirms that many employees offered vacations days to Sgt. Nelson. (Exhibit 12) However, he understands that Sgt. Nelson did not know about these donations until months later. This surprised him.

Acting Chief Tamulen reports that he sometimes discussed Sgt. Nelson with Chief LeBlanc. During these conversations, Chief LeBlanc seemed frustrated. He notes that he (Lt. Tamulen) was often stuck in the middle, acting as mediator. However, Acting Chief Tamulen reports that he never saw an interaction between Chief LeBlanc and Sgt. Nelson that caused him concern.

Acting Chief Tamulen recalls the situation between Chief LeBlanc and Ms. Chapman. He notes that the two had a "louder conversation," and Chief LeBlanc was expressing that he did not appreciate how she spoke to a dispatcher. Chief LeBlanc was not yelling, although the conversation went on longer than it should have and Ms. Chapman ended up crying.

Acting Chief Tamulen reports that he has never heard Chief LeBlanc make comments about his wife being jealous of other women in the department. He did not hear that the purpose of "paint night" was to ease any developing jealousy. He does note that Ms. Fay has expressed concerns to him about Chief LeBlanc. Ms. Fay told him Chief LeBlanc had asked her not to text him because his wife did not like it. No employees other than Sgt. Nelson and Ms. Fay have complained to him about Chief LeBlanc.

Acting Chief Tamulen alleges that Sgt. Nelson is back on firearms and dispatch duties. He is also aware that Chief LeBlanc asked Sgt. Nelson to move her locker. He does not know

why she was asked to move. He believes that the path Chief LeBlanc and Sgt. Nelson are on is “unsustainable in general.”

Acting Chief Tamulen never heard Chief LeBlanc express frustration about Sgt. Nelson having children or her daughter being sick. But he believes that Chief LeBlanc would not speak to him about these things. The Acting Chief also reports that while he finds the force policy unfair, he does not think it was changed to single out Sgt. Nelson. Acting Chief Tamulen does not know if Sgt. Nelson was treated unfairly during the recent shift bidding.

Acting Chief Tamulen does not know whether Chief LeBlanc’s negative comments about Sgt. Nelson started before or after she gave birth to the twins and her daughter became sick.

7. Interview of Kim Bonk

Ms. Bonk works part-time for the Town as a dispatcher. She worked full-time until February 25, 2022 as the Dispatcher Supervisor. She has been employed by the Town since April 2016. Ms. Bonk alleges that she left her full-time duties because Chief LeBlanc did not address her complaints about staffing. She believes that he was trying to push her out of the department.

The department was always shorthanded. She alleges that Chief LeBlanc preferred to hire people who also wanted to be part-time police officers. Sometimes new hires would come in for dispatch training, but “they really wanted to be police officers,” so they would quit. Ms. Bonk alleges that she was doing a lot of work “above her pay grade,” so she suggested that the department create a second position to help. She reports that Chief LeBlanc dismissed all

her suggestions. She further reports that they ultimately hired an additional person, but she had no say in the hiring decision.

Ms. Bonk further reports that a new dispatcher, Ms. Poulin, came to her and requested to switch shifts to coincide with her boyfriend's days off. Ms. Bonk declined her request because it would have required rearranging the entire schedule. Ms. Poulin "went over her head" and spoke to Chief LeBlanc, who allowed her to switch shifts. This increased Ms. Bonk's overtime responsibilities. She was overwhelmed and reported this to Chief LeBlanc. (Exhibit 8) In response, Chief LeBlanc allegedly told her that she should have talked to him in-person instead of sending an email. He then told her to "get over it." Ms. Bonk does not know why Chief LeBlanc agreed to accommodate Ms. Poulin, a junior dispatcher.

Ms. Bonk reports that she sent Chief LeBlanc several more emails pleading for help. She allegedly never heard back from him. Ms. Bonk reports that she had intended to work for two or three more years (and max out her benefits), but after her interactions with Chief LeBlanc she decided to retire. She notes that about three weeks after she left, Chief LeBlanc changed Ms. Poulin's schedule as she had requested him to do. Ms. Bonk believes that Chief LeBlanc forced her out.

Ms. Bonk reports that she has not heard Chief LeBlanc make a lot of comments about Sgt. Nelson. She does recall one time when he said something like, "I don't know what she's doing, having more kids. You don't need any more than two, then you can have one with each hand." Ms. Bonk further reports that Sgt. Nelson and Ms. Fay expressed their concerns about Chief LeBlanc to her; however, she did not make first-hand observations of how he treated them.

8. Interview of Patrick Porpora

Officer Porpora was hired by the Town on May 10, 2021. He is a probationary employee until October 13, 2022. He had been a dispatch officer. Ofc. Porpora reports that his relationship with Chief LeBlanc is strictly professional; he does not socialize with him outside of work.

Ofc. Porpora reports that he feels targeted by Chief LeBlanc in “certain situations,” but reiterates that he is Chief LeBlanc, so “what he says, goes.” He explains that there was a seniority issue when he got out of the Police Academy. He was hired on May 10th, given WPD badge No. 13, and sent to the Police Academy. A new female police officer (who had already graduated from the Academy) and he were sworn in as WPD police officers on the same day approximately six months later. Chief LeBlanc ordered Ofc. Porpora to return badge No.13 so that it could be given to the new police officer. Ofc. Porpora was given badge No. 14. He believes that since he was hired before the other officer, he should have badge No. 13 and seniority. When he complained, Officer Porpora was told by his supervisor that Chief LeBlanc said, “if he doesn’t like it, then he could go to a different department.”

Officer Porpora alleges he was once called into Chief LeBlanc’s office and reprimanded for lounging in the dispatch chair. He was surprised that Chief LeBlanc called him out for this—something he considers commonplace.

Officer Porpora has a “very good” relationship with supervisor Acting Chief Tamulen. He has not heard Chief LeBlanc make any comments about Sgt. Nelson directly, but he has heard “rumblings” throughout the department.

9. Interview of Jeffery Shampine

Ofc. Shampine is presently a reserve officer for the WPD. He was a full-time officer until June 19, 2021. Ofc. Shampine retired from full-time duty because of concerns with Chief LeBlanc. He believes that after he returned from injured on duty (“IOD”) status, Chief LeBlanc started to criticize his work performance. Ofc. Shampine was reprimanded in LeBlanc’s office shortly after his return.

Ofc. Shampine reports that he has worked with Chief LeBlanc for most of his career; he trained LeBlanc as an officer when he first started. Ofc. Shampine alleges that Chief LeBlanc likes to “show his power.” He believes that Chief LeBlanc targets him because he does not blindly adhere to his authority. Ofc. Shampine provided a timeline of interactions he has had with Chief LeBlanc. (Exhibit 9)

Ofc. Shampine alleges that during the COVID epidemic his father passed away. At the time, he was still a full-time field training officer (“FTO”). He approached Chief LeBlanc to ask if he could suspend his FTO duties because he was struggling with his father’s passing. Chief LeBlanc denied this request, telling Ofc. Shampine that he needed to stay in the FTO position. Ofc. Shampine explains another incident when Chief LeBlanc questioned him for not turning his chair around to acknowledge his presence. Ofc. Shampine notes that the chair incident was the final straw; he was done being “treated like a child.”

Ofc. Shampine alleges that no other supervisor has targeted him like Chief LeBlanc. He notes that there were several occasions when Chief LeBlanc accused him of undermining his authority. Further, Ofc. Shampine alleges that he requested time off for three different medical appointments after he put in for retirement. He submitted all of the necessary

paperwork, yet Chief LeBlanc asked that he provide a doctor's note to prove he was at the appointments. When he asked Chief LeBlanc why he needed the notes, Chief LeBlanc replied that he thought Ofc. Shampine was abusing the sick time policy.

Ofc. Shampine reports that on May 23, 2022, Chief LeBlanc requested that he complete all of his "ACA" training by the end of June. While he did not have a problem with the request, Ofc. Shampine took offense to the tone of the warning. He was threatened with non-reappointment.

Ofc. Shampine has never heard Chief LeBlanc say anything about the allegations of Sgt. Nelson or Ms. Fay.

Based on the way he was being treated, Ofc. Shampine believes that Chief LeBlanc was trying to force him out of the department.

10. Interview of Nick Aveni

Mr. Aveni is currently the Dispatch Supervisor and a part-time patrolman. He alleges that he was previously offered the position of supervisor, but he declined. He was asked again by Chief LeBlanc after Ms. Bonk retired in October 2021. He accepted, although he was worried about the added workload. (Exhibit 15) Chief LeBlanc assured him he would be able to stay on his current schedule.

Mr. Aveni alleges that he has a "fine" relationship with Ms. Bonk (who still works part-time). They do not talk outside of work, but they get along well. Mr. Aveni confirms that Ms. Bonk was "struggling" with the position of full-time supervisor. He alleges that she made the job seem like a "nightmare," and that is one of the reasons he was reluctant to take

it. He reports that Ms. Bonk was denied administration days to complete the extensive grant applications and quality assurance reviews that were required of the position.

Mr. Aveni has not asked for administration days because he is “a little bit different than Kim [Bonk].” He can focus on the administration work during times of the day when there is “nothing else going on.” However, he alleges that Ms. Bonk is a “perfectionist” and it “killed her that she would try to be getting things done and other stuff would happen.”

Mr. Aveni alleges that Chief LeBlanc has final say in dispatch department hires. He confirms that Chief LeBlanc made extraordinary accommodations for Ms. Poulin when she was hired. He alleges that this change did not really affect anyone because the empty shifts were filled by part-time dispatchers; however, Ms. Bonk argued that people could now be forced to fill night shifts. Ms. Bonk took a lot of shifts because she felt bad telling someone that they needed to come in on their day off.

Mr. Aveni reports that Ms. Bonk indicated to him that she was trying to get Ms. Poulin’s schedule changed. He notes that after Ms. Bonk left, another woman was hired, and the schedule changed. Mr. Aveni alleges that they were all allowed to rebid their shifts and Ms. Poulin chose to take a different schedule.

Mr. Aveni acknowledges that Chief LeBlanc accommodated Ms. Poulin by changing the schedule to make it work for her and not necessarily to help the department. He reports that “everybody here knows” that it’s “kind of weird” with Ms. Poulin. For example, she does not wear a uniform (unlike all the other dispatchers). He alleges that she often goes to Chief LeBlanc to complain and Chief LeBlanc, inexplicitly, does nothing about her attire.

Mr. Aveni reports that things “are the same or maybe a little bit better” since Ms. Bonk is no longer the supervisor. He alleges that he is not as “OCD” about things. However, he

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“really liked” Ms. Bonk and she was “extremely thorough.” When Ms. Bonk was leaving, Chief LeBlanc told him not to ask her any questions because he did not want her “putting in for overtime.” Mr. Aveni reports that this made the transition more difficult because “I had no idea what I was doing,” especially with grant applications. It would have been very helpful to have Ms. Bonk’s institutional knowledge. Mr. Aveni believes that Chief LeBlanc did not like Ms. Bonk. He believes that his treatment of her was a “hundred percent part of the reason why she left early, because I think she just got so frustrated with how everything went here.” Mr. Aveni reports that he does not know all the details, but Ms. Bonk compiled statistics showing why the department needed another dispatcher and Chief LeBlanc denied her request. Mr. Aveni acknowledges that Chief LeBlanc is a “controlling person.”

Mr. Aveni alleges that Chief LeBlanc may treat a couple of people better than others, but it is more “nitpicking.” For example, Chief LeBlanc picks and chooses “how hard he wants to hammer people based off of maybe what benefits him.”

Mr. Aveni has never heard Chief LeBlanc making comments about people being pregnant; however, Chief LeBlanc has made “locker room” comments about “yummy mummies and just stupid stuff,” and that he does not know if Chief LeBlanc “thinks it’s funny because he’s around guys and what not.”

11. Interview of Nate Hawkins

Sgt. Hawkins acknowledges that the senior sergeant traditionally picks both his/her preferred shift and crew rotation. Sgt. Hawkins took over the scheduling responsibility in January. He never heard Chief LeBlanc mention that the scheduling changes were an attempt “to screw Amy.” He notes that Chief LeBlanc did allow Sgt. Nelson to pick her preferred

crew rotation in January (when he was in charge of scheduling), but Chief LeBlanc said that the schedule would need to stay permanent.

Sgt. Hawkins understands that many in the department donated vacation time to Sgt. Nelson, but he did not have any conversations with Chief LeBlanc or Town Hall about the details. Similarly, he has not spoken with Chief LeBlanc about any of the changes to the promotional practices of the department.

With respect to the forced policy, Sgt. Hawkins notes that the department was short staffed and that employees who were volunteering for overtime were being forced at the same rate as those who did not volunteer. Chief LeBlanc discussed this issue with the Union, which ultimately voted on the proposed changes. As he understands it, under the new rules, if Sgt. Nelson volunteers for overtime “onsite” those overtime hours would be credited to her for the purposes of applying the forced policy. However, if overtime is performed “offsite,” these hours do not apply toward the forced overtime credit. This applies similarly to all specialty practices, including SRO-related work. The overtime performed offsite does not apply because the intent of the new forced policy is to get officers to commit to fill shifts in Westminster. It does not reward time spend elsewhere.

Sgt. Hawkins has not heard derogatory comments made about Sgt. Nelson for having a large family or for getting pregnant.

12. Interview of Chief LeBlanc

Chief LeBlanc has been employed by the WPD for many years. He was appointed Acting Chief in September 2020. He became permanent Chief in March 2021. (Exhibit 4)

Chief LeBlanc reports that he does not have concern about employees getting pregnant, nor has he ever asked any of his employees not to get pregnant. Chief LeBlanc and Ms. Fay

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talk at work about their family lives. He claims that if he ever said to her “please don’t get pregnant,” it would have been a joke because she is “essential to him and does an amazing job.” In fact, she recently told him that she was pregnant and wanted to take twelve weeks off. He gave her a pragmatic response, saying “we’ve gotta figure it out.” He notes that they handled her maternity leave before.

Chief LeBlanc denies that he changed Ms. Fay’s pay rate regarding her overtime work and refused to compensate her appropriately for matron work.

Chief LeBlanc does not remember making a comment about Holly Doyle to the effect of “what business does she have popping out another kid.” He may have shared with others that her husband is controlling. But this was no surprise; Holly herself told him this.

Chief LeBlanc does not remember making a comment about not having more kids than you have hands. He does say that his personal preference is having two children. This is based on his life experience.

Chief LeBlanc alleges that others in the department complain about Ofc. Loescher’s reluctance to pick up overtime. Chief LeBlanc asks everybody in the department to “share the burden.” Ofc. Loescher has expressed some concerns about his family and Chief LeBlanc offered to take the blame if he agreed to pick up overtime. Chief LeBlanc does not recall whether he asked Ofc. Loescher to lie to his wife about being forced into working overtime. Chief LeBlanc does not remember telling Sgt. Nelson that Ofc. Loescher needs to reevaluate his home life.

Chief LeBlanc alleges that Sgt. Nelson told him “late in the pregnancy” that she was having twins. He further alleges that it was not for him to determine whether Sgt. Nelson was running out of FMLA; that was a Town Hall decision. Chief LeBlanc reports that several

people donated vacation time, including himself, which the Town documented. He notes that many people covered her shifts, but he does not know who volunteered vacation time and was reluctant to inquire. He was concerned the Union might oppose anything coming from him that sounded like a directive. Chief LeBlanc alleges that he did tell Sgt. Nelson that people were donating time and others were working her shifts. It was Chief LeBlanc's understanding that Town Hall was not comfortable with people donating too much time in case Sgt. Nelson did not return to work. In that case, she might be able to cash out other people's donated vacation time after her termination. Chief LeBlanc alleges that he never retaliated against anyone because of a pregnancy.

Sgt. Nelson returned the week before Christmas. She came to him upset because she was being forced to work Christmas Eve and Christmas Day. Chief LeBlanc gave her two extra administration days to cover the holidays. Chief LeBlanc further alleges that Sgt. Nelson was upset over the new work schedule. She asked for revisions, which he claims would have altered the entire schedule that had already been published. Chief LeBlanc acknowledges that if she had been given the choice of shift and crew, Sgt. Nelson would have had the Christmas holidays off. Chief LeBlanc reports that historically there have been only two sergeants who were allowed to pick their shift and their preferred group, but things were complicated with three sergeants. He does not remember whether the senior sergeant could pick his/her shift and group when there were three sergeants in the past.

Chief LeBlanc reports that over the past year, there have been several schedule changes due to various reasons. This can be disruptive. Accordingly, the department now tries to limit shift rebids to once a year.

Chief LeBlanc alleges that he was concerned about Sgt. Nelson and her FMLA. Town Hall oversees FMLA, and to his understanding if one exhausts FMLA without returning to work, he/she might be terminated as a matter of Town policy. He alleges that the conversation he had with Sgt. Nelson about reposting her position was a “misunderstanding.” He did not want a termination to occur; therefore, he raised the issue with Sgt. Nelson as a concern. He recalls telling Sgt. Nelson something to the effect of, “if you run out of time and things go on too long, there could be something as far as having to reapply.” Chief LeBlanc did not refer Sgt. Nelson to HR during this conversation because he assumed she was already talking with them. He acknowledges that the Town Administrator never told him that Sgt. Nelson would be separated from service or that she might have to reapply for her position. Chief LeBlanc was concerned about Sgt. Nelson being forced to work shifts that conflicted with her daughter’s treatment schedule. He told her that if she were forced, she could use her FMLA. He alleges that he told Sgt. Nelson that he did not know whether she would need medical documentation in case someone “bitches” about being forced in her place. He then consulted with the Town Administrator and the Fire Chief, who said, “unless it’s three days or more, don’t even think about it.” In the end, Sgt. Nelson’s forced shift was filled, and nobody complained; Chief LeBlanc never asked for a medical note.

Chief LeBlanc reports that the force policy has been an issue for everyone in the department and unavoidable because they were short-staffed. He confirms that the force policy was changed this year. The impetus to change the policy emanated with a request from the Union. While Chief LeBlanc had the final say, he was trying to “make as many people happy as possible” with the change. Chief LeBlanc understood that the force policy would affect most of the department.

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Sgt. Nelson sent Chief LeBlanc an email disagreeing with the new force policy. (Exhibit 6) He interpreted her email as “she was being overstressed and overworked.” Accordingly, he removed her from firearms responsibilities for the remainder of the summer. (Exhibit 6) He wanted to “give her some room because I felt like she was telling me she was being overworked and I did not want to do that because she’s still dealing with a stressful situation.” Nevertheless, he acknowledges that Sgt. Nelson never expressed a desire to be removed from firearms duty. Chief LeBlanc denies that he told Sgt. Auffrey he was taking Sgt. Nelson off firearms duty because he was concerned about her performance. He denies that his action was retaliatory, and he does not recall telling Sgt. Nelson that the “world doesn’t revolve around you.”

Chief LeBlanc does not recall telling Sgt. Nelson that she should have given him advanced notice on her daughter’s recovery and expected release from the hospital. Chief LeBlanc was “counting on” the rest of the department to update him on her daughter’s prognosis. He stopped checking in on Sgt. Nelson when she called and became upset; he did not want to cause her further distress. This phone call occurred sometime before the revised schedule came out.

Chief LeBlanc alleges that the department ran out of room in the women’s locker room. He first realized this when a new female officer arrived and claimed there were no available lockers. Chief LeBlanc thus asked Sergeant Nelson if she would move her locker into the sergeant’s room, but he did not force her to do so. He also suggested she move upstairs to the empty sergeant’s desk (because her current office is not well ventilated). These were not orders; they were suggestions. Accordingly, when she chose not to move lockers or her office, he did not follow up.

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Regarding the firearms email that both Sgt. Nelson and Sgt. Auffrey were copied on (Exhibit 7, email dated 1.11.22), Chief LeBlanc says that he addressed Sgt. Nelson solely in the follow up email (Exhibit 7, email dated 1.19.22) because she is “mainly in charge of this type of stuff.” Sgt. Nelson has always been his “go-to-person for getting that information.”

Chief LeBlanc reports that the “paint night” was an opportunity to get all the wives and female members of the department together. He wanted the women “to get to know each other.” He confirms that one of the “dozen” reasons he organized the activity was to get the wives and female employees to realize that they were not a threat to each other. Chief LeBlanc thought it would be “great” if his wife could get to know some of the new people in the department.

Chief LeBlanc confirms that he has two phones. He alleges that his wife does not like his work phone next to the bed because it rings often. Accordingly, he acquired a second phone and instructed the department to call it only in case of a true emergency. He keeps this second phone by his bed at night. He denies that he got a second phone to avert female callers.

Chief LeBlanc told Ms. Fay that his wife was jealous of her. His wife does not know Ms. Fay but she is concerned that they spend so much time together. Chief LeBlanc told Ms. Fay it would be nice if she got to know his wife at paint night to alleviate his wife’s concerns.

Chief LeBlanc denies that he told Ms. Fay that she was “young and attractive compared to the old woman who used to hold Ms. Fay’s position.” However, he may have said something like this to Chief McDonald.

Chief LeBlanc denies telling Officer Loescher--or anyone else--to read the sexual harassment policy after seeing him speak with Ms. Fay. Chief LeBlanc told Ms. Fay that if he ever made her feel uncomfortable, she should let him know because that is not his intent.

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Chief LeBlanc confirms that he uses the term “ladies” commonly, not just at work. He never instructed the staff to call the younger women “ladies.”

Chief LeBlanc denies that he would get red in the face or shake his hands in a confrontational and accusatory way when speaking with Sgt. Nelson or Ms. Chapman. He claims he was not upset with Ms. Chapman; he was “annoyed” at her.

Chief LeBlanc alleges that he did not notify Sgt. Nelson that she was being moved off her shift in December 2021 because he did not recognize the changes that affected her until she called him about it.

Chief LeBlanc confirms that he had a conversation with Sgt. Nelson about Selectman Albert “snooping around.” He heard from the Fire Chief that the Selectman had asked whether there was a “morale issue” at the police department. Chief LeBlanc then summoned his three sergeants to ask whether there was “something going on that he did not know about.” Sgt. Nelson said that she was not aware of anything significant.

Chief LeBlanc alleges that he has never complained to Sgt. Auffrey about Sgt. Nelson’s performance. He admits that he may have mentioned that she was doing less patrol because she was preoccupied, but he never said her performance was unsatisfactory.

Chief LeBlanc denies that he told Ms. Fay that his supervisors are incompetent. He alleges that the supervisors have come to him to complain, and he said they should document the problems.

In a follow-up interview, Chief LeBlanc explains that there was a conversation about scheduling and adding a new officer in January 2022. There were two different schedule changes because of the third officer being added to the rotation--one in December and one in January. Sgt. Nelson was not allowed to pick her group rotation in December, but she was

allowed to choose in January. Chief LeBlanc further alleges that there have historically been only two sergeants, but by adding a third officer, the schedule became much more complicated. This was a “new dynamic,” and to the best of his memory, he cannot recall a time when there were three sergeants on a rotation. Chief LeBlanc alleges that he did not think to ask Sgt. Nelson about what rotation she preferred. When creating the schedule, Chief LeBlanc was not checking particular days; he was just trying to “get things to flow.” When asked whether the senior Sergeant usually gets to pick rotations first, Chief LeBlanc answers that this was the case when there were two sergeants. He cannot recall the situation when there were three sergeants.

Chief LeBlanc reports that Ms. Fay’s having to wear a uniform went into effect when Chief McDonald was still head of the department. He denies having anything to do with this decision. Chief LeBlanc denies that Ms. Fay wears a uniform because of his wife’s jealousy. He denies telling Ms. Fay that she could not text or call him at night. Chief LeBlanc does not recall a conversation with Ms. Fay about the police pay differential. Chief LeBlanc reports that he does not make payroll adjustments and that he had nothing to do with her pay rate being changed. This is Town Hall’s responsibility. He reports that he did not have any conversations with the Town Administrator about Ms. Fay’s pay rate.

Chief LeBlanc confirms that he had a conversation with someone about Ms. Bonk being upset about the dispatcher schedule change. Lt. Tamulen “made comments to him” about Ms. Bonk wanting to hire another full-time dispatcher. At that time, Chief LeBlanc did not think it was practical to hire more dispatchers; he was trying to hire full-time officers. Chief LeBlanc alleges that Lt. Tamulen did not necessarily agree with Ms. Bonk; as he recalls, the Lieutenant was merely relaying her request to him. Chief LeBlanc alleges he was “doing the

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best he could” to hire people because there were so many staff shortages. Further, Chief LeBlanc believes that allowing one dispatcher to change her shift did not affect Ms. Bonk’s schedule.

Chief LeBlanc reports that he learned the Town’s IT department was allowing retired or leaving employees to keep their Town phones. When he learned of this, he sent out an email to the department stating that the phones must be returned upon termination per Town policy.

Chief LeBlanc alleges that he did not reply to all of Ms. Bonk’s emails because he asked her supervisor (the Lieutenant) to follow up. He reports that he followed up with the Lieutenant several times, who reported that Ms. Bonk was “a lot to handle” and that he had received many complaints. Nevertheless, Chief LeBlanc does not deny that Ms. Bonk is hardworking and does a good job.

Chief LeBlanc does not remember Sgt. Nelson asking to change on Officer Ray’s dispatch shift.

Chief LeBlanc denies telling Ms. Fay and Sgt. Auffrey that he was going to require Sgt. Nelson to bring in a doctor’s note if she needed to use FMLA on a day she was forced.

Chief LeBlanc confirms that there have been changes to the promotional policy. To his understanding, Chief LeBlanc has the final say over whether people are promoted under both the old and new policy. He alleges that he would have to review the new policy to see if education is no longer a factor in the promotion process. Chief LeBlanc is not certain whether education and seniority are considered under the new policy. Chief LeBlanc does confirm that he wrote the new policy.

Chief LeBlanc alleges that Sgt. Tamulen was the only person on the list at the time of his promotion to lieutenant. He did not think there was a need to call for more candidates.

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However, when the sergeant's list was pulled, he felt it was prudent to have another list because many people were eligible for a promotion. Chief LeBlanc denies that having Sgt. Nelson as a potential candidate played into his decision to not call for a new lieutenant list. Chief LeBlanc understood that Sgt. Nelson was working toward her master's degree at the time of Sgt. Tamulen's promotion.

Chief LeBlanc reports that the Union never gave him a list of who had donated time or how much time had been donated to Sgt. Nelson. Chief LeBlanc "didn't think it would be right" to ask for a list. He did not want to be perceived as requiring donated time; therefore, he asked the Union to handle the situation. Chief LeBlanc learned that there was some type of Town emergency fund in addition to FMLA, but he was not made aware of this fact until February or March 2021.

Chief LeBlanc denies saying Sgt. Nelson was being selfish because of her GoFundMe website. He notes that other people were making negative comments, but he did not agree with them.

Chief LeBlanc does not remember telling anyone Sergeant Nelson could not be a supervisor with four children.

Chief LeBlanc reports that in July 2022, he was looking to hire three new officers because the department was severely understaffed. Ofc. Porpora was a backup candidate who was accepted into the Police Academy. After July 1st, Chief LeBlanc was authorized to hire an additional officer named Miranda Hamel. At the time, Ofc. Hamel was already an Academy trained officer working for UMass. He notes that Ofc. Porpora and Ofc. Hamel started at WPD on the same day. He alleges that when someone is hired with experience, he/she should be given seniority over a rookie like Ofc. Porpora. Chief LeBlanc reports that Ofc. Porpora

needed a badge for the Police Academy, so he was asked to return the badge he was initially given and accept a higher numbered badge. Chief LeBlanc denies that he has treated Ofc. Porpora differently since this incident. In fact, a few weeks ago, he complimented Ofc. Porpora on an assignment.

Chief LeBlanc recalls talking to Ofc. Porpora about his posture. Early in Ofc. Porpora's training, Chief LeBlanc saw him slouched in his chair. Chief LeBlanc told him that he should present himself more professionally in a public space. He did not document the incident; it was more of "a coaching thing."

Chief LeBlanc reports that he may have offered to work a forced overtime shift for Ofc. Furey, but he denies it was favoritism. If he can help and make it work with his schedule, he will try and help officers. Chief LeBlanc volunteered to take patrol shifts approximately three times; they were all day shifts. Sgt. Nelson did not workdays.

Chief LeBlanc recalls having a conversation with Ms. Chapman where his voice was a "little bit more elevated." He was annoyed that Ms. Chapman was overstepping a project on which he had worked. He does not recall talking to Ms. Fay about this incident, but it might be possible that she told him he was "out of line" by speaking to Ms. Chapman in a harsh tone.

Chief LeBlanc alleges that the diminutive Ms. O'Kane is an "exceptional dispatcher." She is "a very nice person, like almost overly nice." Thus, when Chief LeBlanc was considering whom to hire for the full-time officer position, he questioned whether she would be able to handle herself on patrol. Chief LeBlanc spoke about Ms. O'Kane to one of the firearms instructors, who noted something to the effect of, "I think she'd be fine." Chief

LeBlanc further reiterates that, “as far as physical size, it doesn’t matter if she was a girl or a guy...the ability to handle themselves is what I was concerned about.”

Ms. Bonk was a “very good dispatcher,” but was “always very nervous on the radio and in general.” She was “exceptional” at the paperwork, but there had been complaints from employees that she was too “motherly.” Because the dispatch staff was so depleted, he told new hire Shelbi Poulin that he would make a one-time exception for her schedule to entice her to accept a full-time position. This caused Ms. Bonk to become concerned about filling the two part-time dispatch shifts. Chief LeBlanc, however, decided it was more important to secure this full-time position. When asked about the unanswered emails Ms. Bonk had sent to him, Chief LeBlanc alleges that he delegated responsibility for the dispatch operation to the Lieutenant. He also reports that Ms. Bonk wanted to hire another full-time dispatcher, which he did not think was necessary. Chief LeBlanc reports that he is “not sure” whether he changed the scheduling policy after Ms. Bonk left, but it was not done out of spite. Chief LeBlanc says that the Lieutenant handled the scheduling changes. He alleges that it was not his intention to force Ms. Bonk out.

Chief LeBlanc reports that Ofc. Shampine has been a “challenge” even for prior administrations. He believes Ofc. Shampine does a “fabulous job;” however, he is “very opinionated” and “challenging to authority.” Chief LeBlanc recalls questioning Ofc. Shampine about whether his in-service training was up to date. He advised Officer Shampine that if he did not complete his training, then he could not be reappointed. All other officers had already completed their training at the time of this conversation.

Ofc. Shampine asked to step out of his role as an FTO. To Chief LeBlanc’s understanding, Ofc. Shampine no longer wanted to be an FTO; it was “more of a preference

thing” that had nothing to do with family matters. Chief LeBlanc reports that he asked him to stay in the role because they needed the help. If he had known about any family concerns, he would have had other officers rotate through the position.

Chief LeBlanc reiterates that he does not take someone being female or being pregnant into consideration when he is making his decisions. Chief LeBlanc alleges that he would only tell Ms. Fay “to not have any more kids” in a joking manner and because he values her work. He claims that Ms. Fay “has a right to have a family just like everybody else.” Regarding Sgt. Nelson, Chief LeBlanc believes that her family situation is entirely her decision. He notes that a male employee recently took paternity leave. Chief LeBlanc is “insulted” that staff believe he would discriminate against anyone.

V. APPLICABLE POLICY PROVISIONS (Copied from Exhibits 2 and 3)

3.0 Introduction.

The standard of conduct expected of law enforcement officers is often higher than that demanded of other municipal employees. We recognize this in accepting appointment to our chosen profession. When the needs of public confidence require, we are held to a high ethical standard which dictates the avoidance of even the appearance of impropriety.

Rule 4.02 - CONDUCT UNBECOMING AN OFFICER

Officers shall not commit any specific act or acts of immoral, improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the officer, upon other officers or upon the police department. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and its members.

RULE 7.2 - DISPARAGING REMARKS

Officers shall not speak slightingly of any minority, race, nationality, gender, or religion, nor make derogatory remarks about individuals on account of their marital status or sexual preference while on duty or while off duty in a public place.

RULE 7.3 - COURTESY

Officers shall not be discourteous or inconsiderate to the public, to their superior officers, or to their fellow officers and employees of the police department as well as other law enforcement

and governmental agencies. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

RULE 10.10 - COOPERATION WITH INVESTIGATIONS

Officers shall answer questions truthfully, respond to lawful orders, and render material and relevant statements, in an internal department investigation when such orders, questions and statements are directly related to job responsibilities or fitness for duty. Nothing in the Section shall be violative of... Federal or State constitutional rights.

RULE 12.4 - SURRENDER OF DEPARTMENT PROPERTY

Officers are required to surrender all department property in their possession upon separation from service, or when otherwise ordered.

2.1 EQUAL OPPORTUNITY AND NON-DISCRIMINATION STATEMENT (Handbook)

Federal and State laws prohibit discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment on the basis of race, color, religion, sex, national origin, ancestry, disability, genetic information, sexual orientation, gender identity, pregnancy or pregnancy-related conditions, veteran status, or age except where age and sex are essential bona fide occupational requirements, or where a qualified disabled individual is unable to perform the essential requirements of their job with or without reasonable accommodation. The Town commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

All employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based solely upon merit, fitness and such occupational qualifications as each individual might possess. No personnel decisions shall be based upon race, color, religion, sex, national origin, ancestry, age, genetic information, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, veteran status, or other non-job related criteria. The Town, recognizing the right of an individual to work and to advance on the basis of merit, ability, and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, ancestry, age, genetic information, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, or veteran status resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training programs, and all terms and conditions of employment. Employees are encouraged to report all violations of this practice to their Department Head or the Town Administrator.

4. **Sexual Harassment**

It is the goal of the Town to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in conjunction with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and a procedure by which inappropriate conduct will be dealt with if encountered by employees is established below.

Because the Town takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

While this policy sets forth the Town's goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the employer's authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment as outlined below.

Definition

In Massachusetts, the legal definition of sexual harassment is as follows:

Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- b. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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6.2 FAMILY MEDICAL LEAVE ACT (FMLA) In accordance with the provisions of the Federal Family and Medical leave act of 1993 (FMLA), employees having completed at least twelve (12) months of continuous service and who have worked at least 1,250 hours during the preceding twelve (12) months, are entitled to take up to twelve (12) weeks of unpaid leave annually due to: (1) the birth of the employee's child; (2) the placement with the employee of a child for adoption or foster care; (3) a serious health condition that makes the employee unable to perform the functions of their job; (4) to care for the employee's spouse, son, daughter, or parent who has a serious health condition; or (5) the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. An employee eligible to take FMLA leave is entitled to take up to twenty-six (26) weeks of unpaid leave to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, or next of kin of the service member. The Town may require the use of all applicable earned time, as per the Family Medical Leave Act. While on FMLA, employees are responsible for the payment of all withholdings (i.e. insurance) in accordance with the Town's payroll schedule. A copy of the Family and Medical Leave Act (FMLA) policy is available in the office of the Personnel Administrator or on the Town website.

6.6 EXTENDED OR EMERGENCY LEAVE OF ABSENCE An employee may request an extended or emergency leave of absence without pay. Such requests shall be made in writing to the employee's Department Head and Town Administrator. Upon recommendation of the Department Head and Town Administrator, the Appointing Authority may grant the employee's request for extended or emergency unpaid leave for a period not to exceed sixty (60) days. Any employee requesting an extended or emergency leave of absence shall designate a specific period of time which the leave of absence is to cover, and in the event such leave of absence is requested for reasons of physical disability, it shall be required that the employee's physician submit to the Town an indication of the nature of the disability and the time for which such leave of absence is requested. While on extended leave of absence, employees who remain enrolled in group insurance plans shall be responsible for the payment of all withholdings (i.e. insurance, dependent care etc.) in accordance with the Town's payroll schedule.

Certification (FLMA Policy)

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the Town shall require certification in support of the leave from a health care provider. The Town may also require second or third medical opinions (at the Town's expense) and periodic recertification of a serious health condition. The certification form must be returned to the Personnel Administrator within the prescribed time (15 calendar days from date of receipt of the notice). Upon receipt of the Certification form, the Designation Notice will be issued.

Job Restoration (FLMA Policy)

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Employees on FMLA due to their own serious health condition must submit a fitness for duty certificate from their health care provider specifying that the employee is able to resume work. The date of return and any accommodations and/or restrictions must be addressed in order for the department to comply. Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. The employee does not have a right to be returned to the same position. The Town may deny restoration to a “key employee”, one who is salaried and among the highest paid 10% of employees, if it is necessary to prevent substantial and grievous economic injury to the operations of the Town. If an employee fails to return from leave on the agreed upon date, except for reasons beyond their control, the Town will assume that the employee resigned, unless the leave can be extended under some other statute or Town policy.

4.4 WORKPLACE CODE OF CONDUCT

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times, showing regard for their responsibilities, the interests of the Town, and the welfare of its residents.

Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and to maintain specified standards of performance; to comply with reasonable employer instructions and policies and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties. The intent of this provision is to ensure that: 1) employees meet the Town’s legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town’s expectations; and 3) disciplinary action initiated against an employee is fair and appropriate. Violation of this policy may result in disciplinary action being taken by the Town, up to and including termination.

4.5 WORKPLACE HARASSMENT

It is the Town’s practice to provide a workplace free from ridicule, slurs and harassment either relating to distinctions based upon race, national origin, sex, age, genetic information, sexual orientation, religion or disability. In addition to this practice, if any employee feels that he or she has been subjected to any form of harassment, they may file a complaint with their department head, the Personnel Administrator, Town Administrator, or Chief of Police.

We will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. Discipline for violation of this policy may include, but is not limited to reprimand, suspension, demotion, transfer or discharge. If the Town determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment or discrimination. As necessary, the Town may follow up on any incident of harassment or discrimination to assure the inappropriate behavior has ceased. In all cases, the Town will follow

up as necessary to ensure that there is no retaliation for making a complaint or cooperating with an investigation.

A copy of the Town's Anti-Discrimination and Harassment policy is available in the office of the Personnel Administrator or on the Town website.

VI. FINDINGS AND CONCLUSIONS

Having considered all the evidence and drawing the appropriate inferences therefrom, based on a preponderance of the evidence, I make the following findings of fact and conclusions:

It is often helpful to start with a bit of context. During the relevant timeframe, the WPD was undergoing significant change. New leadership was appointed in 2020, Ralph LeBlanc was named lieutenant and Amy Nelson was promoted to sergeant. Further in 2021, then Lt. LeBlanc was promoted to Chief, Jason Tamulen was promoted to lieutenant, and Nicholas Auffrey was promoted to sergeant. Additionally, staffing shortages put significant pressure on the department, including officers being forced to cover shifts (and complaining that some were not stepping up). Overtime hours increased dramatically, and the force policy was reevaluated (and debated throughout the department). COVID, of course, was compounding the pressure.

Morale in the department during this period was low. For example, Ofc. Shampine notes that morale was poor, and employees were "walking on eggshells." Both he and Ofc. Loescher claim the department had become "more problematic" under Chief LeBlanc. Sgt. Auffrey says, "morale is bad when [Chief LeBlanc] is here" and that it has been "enjoyable to come to work again" now that he is on leave. Ofc. Furey also says the building is "notably more relaxed since Chief LeBlanc left," "work is getting done," and "people are more motivated." Ms. Bonk also described low morale during the Chief LeBlanc era.

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Many opined that Chief LeBlanc's abrasive attitude and quick temper contributed to the morale problem. Sgt. Auffrey describes Chief LeBlanc's attitude as "if they don't like it, they can leave." Ms. Fay says Chief LeBlanc becomes agitated very quickly, then turns "purple and starts shaking." Ofc. Shampine comments that Chief LeBlanc "gets agitated very quickly." Similarly, Sgt. Nelson preferred to talk to Chief LeBlanc by phone so that she could extricate herself quickly if he became angry. Some witnesses were understandably neutral about Chief LeBlanc's attitude; significantly, none were enthusiastic about his performance.

With that sense of background, it is now appropriate to address the specific complaints of discrimination and harassment. In short, I find that Chief LeBlanc made discriminatory remarks about pregnancy, and this has created an uncomfortable work environment for Sgt. Nelson and Ms. Fay. I also find that Chief LeBlanc has made sexually offensive remarks to and about Ms. Fay that have adversely impacted her work environment. Further, I find that Chief LeBlanc retaliated against Sgt. Nelson for utilizing pregnancy leave and/or FMLA. I do not find, however, that Chief LeBlanc generally discriminates against women or has "a problem" with women in the workplace. I will discuss each finding in turn.

With respect to pregnancy, which is expressly included as a protected class in the Town's policies (referenced above), Chief LeBlanc has made offensive comments. Sgt. Nelson and Ms. Fay complain that Chief LeBlanc remarked that former officer Holly Doyle should stop "popping out kids" because she could not manage the children she has. I credit Ms. Fay's statement that Chief LeBlanc told her not to get pregnant again, and that when she tried to laugh off the statement, Chief LeBlanc replied, "no, seriously, don't get pregnant." I also credit Ms. Fay's statement that Chief LeBlanc said, "I don't know how [Sgt. Nelson] is going to be a sergeant and have all these kids," and two kids is all you can manage. Sgt. Auffrey

corroborated the claim that Chief LeBlanc once said he did not think Sgt. Nelson could do the job with “as many kids as she had.” Ms. Bonk also corroborated that Chief LeBlanc said, “I don’t know what [Sgt. Nelson’s] doing having more kids. You don’t need any more than two.”

I do not credit Chief LeBlanc’s denials of these claims. First, as mentioned, some statements are corroborated by other witnesses. Second, Chief LeBlanc’s denials are not absolute. He acknowledges that he noted his preference for two children to Sgt. Nelson and that he might have asked Ms. Fay not to get pregnant. He explains that “if” he ever said this to Ms. Fay, he was joking. However, these explanations are not definitive.

These comments were enough to interfere with the work environment unreasonably. Sgt. Nelson noted that Chief LeBlanc’s views about pregnancy made her afraid to tell him that she was expecting twins. Ms. Fay confirms Sgt. Nelson’s apprehensions, and she too feared Chief LeBlanc’s reaction. Given what Chief LeBlanc has said in the past about having more than two children, I find that the hostility felt by both Sgt. Nelson and Ms. Fay about becoming pregnant was objectively reasonable.

In addition to hostility surrounding her pregnancy, Ms. Fay endured sexual harassment. I credit Ms. Fay’s statement that Chief LeBlanc “confessed” that he told Chief McDonald that “it’s really weird to see a young, attractive female [in the office] instead of [the previous administrator].” I also credit the statements of Ms. Fay and Ofc. Loescher that Chief LeBlanc asked Ofc. Loescher to review the sexual harassment policy after having a “normal” conversation with Ms. Fay. I credit that Chief LeBlanc questioned how long Ms. Fay would continue pumping milk and opined that anything after a year “gets weird.” Lastly, it is undisputed that Chief LeBlanc told Ms. Fay that his wife was jealous of her (even though they

had no personal relationship outside of work) and that it would be nice if she and his wife became friends.

Chief LeBlanc's denials are not entirely satisfactory. He does not deny that Ms. Fay "might" have heard him say that he was not accustomed to having an attractive assistant in the office. He admits to sharing his wife's jealousy with Ms. Fay and that one of the reasons for "paint night" was to show female members and female spouses that they were not threats to one another. Ofc. Loescher corroborates the request to consult the sexual harassment policy.

I find that these comments were sufficient enough to adversely impact the work environment for Ms. Fay. Specifically, she said she felt "uncomfortable" after Chief LeBlanc referred to the sexual harassment policy during her innocuous conversation with Ofc. Loescher. Afterwards, the two discussed the oddness of his remark. She also noticed that staff members stopped saying "hello" to her at her desk. The comments about her pumping were perceived by Ms. Fay as "uncomfortable" and "none of his business." She found the comments about his wife's jealousy "odd," particularly because she had no interest in a romantic relationship with Chief LeBlanc. She was confounded about the significance of these remarks. Taken together, along with his plea that she does not get pregnant again, Ms. Fay is uncomfortable in the office and doubts that she can continue working for Chief LeBlanc. I find that these sentiments are objectively reasonable and have adversely impacted the work environment for Ms. Fay.

Further, Sgt. Nelson contends that certain actions taken by Chief LeBlanc constitute discrimination and/or retaliation for taking pregnancy and/or FLMA leave. They include: (1) his decision to promote then Sgt. Tamulen to lieutenant and change the promotion policy; (2) changes made to the work schedule; (3) changes made to the force policy; (4) failure to

inform her of vacation time that other officers volunteered; (5) his “request” that she relocate her locker; (6) his “insistence” that she provide a doctor’s note when being forced onto a shift while on FLMA; and (7) that her firearms duty was “taken” from her. However, I do not sustain all of these complaints.

At the outset, I find that some, but not all, of the incidents identified by Sgt. Nelson demonstrate a pattern of retaliation taken by Chief LeBlanc against Sgt. Nelson. I will address each of these incidents separately.

With respect to the changed work schedule, Sgt. Nelson took offense that she, as senior sergeant, was not allowed to select the group rotation (which dictated the holidays she would be off). There is no dispute that in December 2021, while Sgt. Nelson was absent from work to care for her sick child, Chief LeBlanc permitted Sgt. Nelson to select her preferred shift for when she returned to work. Sgt. Nelson assumed he did not ask for her preferred group rotation because he was not planning to change group rotations. However, days later, Sgt. Nelson learned that Chief LeBlanc did not ask for her preference because he changed the longstanding practice of allowing the senior officer to pick the group rotation. Of great concern to Sgt. Nelson was that this change caused Sgt. Nelson to lose her scheduled days off for Christmas and Christmas Eve. Chief LeBlanc’s claim that he was not aware that the change to the group rotation stripped Sgt. Nelson of having the Christmas holidays off, and his insistence that this change is necessary because there are now three sergeants, is not credible. In fact, both the timing of the change in practice, days after she requested time off to care for her sick daughter, and the direct impact it had on her holiday schedule, cannot be understated.

Next, I find Sgt. Nelson credible that Chief LeBlanc requested she move her belongings out of the women's locker room and use the sergeant's office that she shared with two male sergeants as a locker room. I also credit Sgt. Nelson that this request upset her, and she felt that it was unfair because she was the senior officer, and consistent with the department's past practice, she was entitled to the larger locker. Chief LeBlanc does not deny that he proposed the idea to Sgt. Nelson. He did not ask any of the other sergeants to use the sergeant's office as their locker room. I credit Sgt. Nelson that when Chief LeBlanc asked her to move her belongings out of the locker room, she was upset and felt singled out knowing no other senior officer had ever been asked to do this in the past.

Next, I credit Sgt. Nelson that Chief LeBlanc told her she would need a doctor's note when she used FMLA when being "forced" to work overtime. Further, I find that although Sgt. Nelson never produced a medical note, Chief LeBlanc told her that she would need to have a note in case someone "bitches" about it to him. I credit Sgt. Nelson that Chief LeBlanc's request for a medical note for a single absence was unique to her. Ms. Fay and Sgt. Auffrey corroborate this request by Chief LeBlanc. The Town's policy provides: "When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the Town shall require certification in support of the leave from a health care provider." Sgt. Nelson's FMLA was approved, yet by requiring additional medical documentation on forced shifts, Sgt. Nelson believed she was being held to a different standard from her colleagues.

Next, I find that Chief LeBlanc intentionally failed to inform Sgt. Nelson of the amount of vacation time donated by her peers after she shared with him that she was out of FLMA time and running out of sick/vacation days to care for her sick daughter. Although in December

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2021, the Town notified Sgt. Nelson that 64 hours of time donated by Chief LeBlanc and Lt. Tamulen was available to use effective immediately (Exhibit 11), Chief LeBlanc knew other officers offered vacation time and he intentionally withheld this information from Sgt. Nelson. Chief LeBlanc's explanation that he was taking a limited role in administering the donated vacation hours (so that employees and the Union did not think he was forcing the issue) and that "Personnel" was the approving authority is not credible. I credit Ms. Fay, who reports that when she kept Chief LeBlanc informed of the donated time off from employees, he responded that Sgt. Nelson was taking advantage of the situation and was being selfish because she also received money from a GoFundMe account. Ms. Fay produced multiple emails showing that officers were donating time, and Chief LeBlanc is included on the emails. (Exhibit 16)

Next, I find that Chief LeBlanc responded to Sgt. Nelson that if she ran out of time off, she would be terminated and would have to resign from the WPD. I also credit Sgt. Nelson that she later learned from Ms. Lahtinen that the Town had no intention of terminating Sgt. Nelson and they wanted to assist her in any way as she dealt with her tragic situation.

Chief LeBlanc's decision to promote Lt. Tamulen in March 2021, while Sgt. Nelson was pregnant, is also problematic. Chief LeBlanc gave no reason for not calling a new list of candidates for the lieutenant position but understood that Sgt. Nelson would have been a candidate for lieutenant had he called a new list. He claimed that Sgt. Tamulen was the only candidate on the list, and he was thus promoted. Chief LeBlanc, however, called a new list for the sergeants, opening up the position to new officers.

These aforementioned actions taken by Chief LeBlanc establish a pattern of unfair treatment of Sgt. Nelson. I find that Chief LeBlanc retaliated against Sgt. Nelson for taking

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pregnancy and/or FMLA time. I find Sgt. Nelson credible that this treatment by Chief LeBlanc impacted her ability to do her job and made her feel uncomfortable in the workplace.

Sgt. Nelson's additional claims of harassment based on pregnancy and/or FMLA time off are not sustained. Unlike many of these disputes, Chief LeBlanc's decision to remove firearm duty from Sgt. Nelson is documented in written emails. (Exhibit 6) On June 26, 2022 (at 11:15 PM), Sgt. Nelson wrote to Chief LeBlanc: "I am currently on track to work between 300-400 hours of overtime this year. I have a full plate with my current workload and treatments for my daughter's cancer. I am frustrated at best [with the new force policy]...." On June 28th, Chief LeBlanc responded, saying that the Union has vetted the force policy, and "will stay as is," unless there are "further suggestions" from the Union. He explains that the Town has approved two new officer hirings that "will greatly relieve much of the staffing issues...." He then writes: "Understanding that you have a lot going on and that you have a 'full plate' I have asked Nick to handle all firearms related issues for the remainder of the summer and we will not schedule any department wide training until after the summer. If you do not wish to go to your training on Wednesday in New Hampshire, please do not feel obligated.... I will also no longer require you to be certified in dispatch. Lt. Tamulen overseas dispatch and we have enough former dispatches who can put in there if needed. The department and I sympathize with your families [sic] situation surrounding your daughter and her courageous battle with cancer. None of us can imagine what she and your family is going through. Whatever the town can do to help you utilize FMLA, please let us know and please cc me with all communications with Human Services. I would like to make sure all is being done to assist you in your family." (Exhibit 6) I find that this exchange is not discriminatory or retaliatory.

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Regarding Chief LeBlanc's change to the Candidate Ranking provision of the Promotions Policy from largely objective criteria (i.e., 30% written exam score, 10% seniority, etc.) to entirely subjective criteria (compare Exhibits 13 and 14), Sgt. Nelson alleges that these changes were directed at her and reduced her chances of being promoted. Additionally, Sgt. Nelson had recently acquired her master's degree, which had previously contributed to the promotion policy. Chief LeBlanc noted that he could not recall the changes to the policy, even in a general way; however, this explanation does not ring true. One would expect someone in Chief LeBlanc's role to have some recollection of significant changes he made to the department's Promotions Policy fifteen months earlier. The new policy considers educational achievements but is no longer weighted at 20% of a candidate's total score. (Exhibit 13) Further, the most significant change is the elimination of the written exam, which formerly accounted for 30% of a candidate's total score and gives Chief LeBlanc more discretion in the hiring process. However, whether the policy change was directed against Sgt. Nelson cannot be sustained at this point.

With respect to the new force policy, recall that the department was short-staffed and was trying to encourage employees to volunteer for the growing number of overtime shifts needed to police the Town. Chief LeBlanc, in coordination with, if not instigation from, the Union, advanced a new force policy that would credit an officer's volunteered overtime to decrease his/her likelihood of being forced. This was an incentive for staff to volunteer for overtime shifts and was applied to everyone who could be forced. Sgt. Nelson objected because some "specialty overtime" was not credited in the new policy. Essentially, overtime spent onsite was credited; training off-site was not. However, while this change affected Sgt. Nelson, it also affected other officers with specialty obligations. Sgt. Hawkins explained that off-site

overtime incurred by other specialty positions, such as SROs, was not included as a credit against overtime. This was consistent with the policy's intent, namely to incentivize officers to volunteer for *onsite* shifts that needed coverage. Accordingly, I do not find this policy was designed to retaliate against Sgt. Nelson.

Lastly, Sgt. Nelson alleges that Chief LeBlanc has a problem with women and discriminates against them. Excluding the aforementioned comments about pregnancy and Ms. Fay, I do not sustain this complaint. Ms. Nelson herself acknowledges that Chief LeBlanc has problems with some of the male officers in the department, including Ofc. Shampine, Ofc. Porpora, and Ofc. Loescher. When asked directly if his unfair treatment applies to males, she answers affirmatively. She acknowledges that he speaks in a hostile tone to both males and females in the department and seems to have problems with "people who challenge him." This sentiment is consistent with the views of other interviewees. Sgt. Auffrey says Chief LeBlanc is sarcastic toward Ofc. Porpora and will butt heads with Ofc. Shampine (who can be "a little difficult"). He believes that Chief LeBlanc treats people differently when they challenge his authority. Acting Chief Tamulen notes that Chief LeBlanc "fixates on certain people; Amy [Nelson] is not the only one." He does not believe that his conduct is gender-based; Chief LeBlanc "struggles with people who challenge him." More specifically, he does "not think [Chief LeBlanc] singled [Sgt. Nelson] out because she's a woman." Furthermore, I take notice that Chief LeBlanc hired two full-time female officers. Accordingly, I do not find that Chief LeBlanc discriminates against women generally.

Based on the above, I find that Chief LeBlanc violated the Town's EEO and Non-Discrimination Statement, Workplace Harassment Policy, Code of Conduct Policy, Sexual Harassment Policy and WPD Rule 4.02 by exhibiting conduct unbecoming an officer, Rule *Confidential*

7.2 by making disparaging comments about colleagues, and Rule 7.3 by acting discourteous or inconsiderate to colleagues.

If I may provide you with any additional information, please feel free to contact me.

Very truly yours,

Regina M. Ryan

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