SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MEMBERS:

SEN. CHRISTOPHER K. JOHNSON
SEN. DAVID C. BURNS
SEN. PAUL T. DAVIS, SR.
SEN. BILL DIAMOND
SEN. STAN GERZOFSKY
REP. MICHAEL D. MCCLELLAN
REP. RICHARD H. CAMPBELL
REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
May 8, 2015

CALL TO ORDER

The Chair, Rep. Kruger, called the Government Oversight Committee to order at 9:05 a.m. in the Cross Office Building.

ATTENDANCE

Senators:	Sen. Johnson, Sen. Burns, Sen. Davis, Sen. Diamond and Sen. Gerzofsky Absent: Sen. Katz
Representatives:	Rep. Kruger, Rep. McClellan, Rep. Campbell, Rep. Duchesne and Rep. Mastraccio Joining the Meeting in Progress: Rep. Sanderson
Legislative Officers and Staff:	Beth Ashcroft, Director of OPEGA Wendy Cherubini, Senior Analyst, OPEGA Lucia Nixon, Analyst, OPEGA Etta Connors, Adm. Secretary, OPEGA
Agency Officers and Staff Providing Information to the Committee:	Matthew Dunlap, Secretary of State

INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS

The members of the Government Oversight Committee introduced themselves for the benefit of the listening audience.

SUMMARY OF THE APRIL 24, 2015 GOC MEETING

The Meeting Summary of April 24, 2015 was approved. (Motion by Rep. Mastraccio, second by Sen. Burns, unanimous vote 10-0).

82 State House Station, Room 107 Cross Building
Augusta, Maine 04333-0082
TELEPHONE 207-287-1901 FAX: 207-287-1906

Information Brief on DHHS Workplace Culture and Environment

- **Public Comment Period**

Chair Kruger asked if anyone wished to address the GOC regarding OPEGA's Information Brief on DHHS Workplace Culture and Environment.

Sam Adolphsen, Chief Operating Officer, Department of Health and Human Services. Mr. Adolphsen did not provide his written testimony.

Mr. Adolphsen said DHHS has over 3,000 employees, 16 regional offices across the State with many in Augusta. The employees represent a broad range of skill sets, and DHHS is a complex organization that covers a large amount of topics and many services. Those services cover more than 400,000 individual Maine people.

Mr. Adolphsen said an organizational culture is not a simple thing to put your finger on, and everything that occurs within the organization has an impact, one way or another, in the way it is structured, the daily operations, etc. When DHHS employees show up for work every morning they are focused on the mission of the Department which is to help all Mainers lead safe, healthy and independent lives.

Management at DHHS is focused on the environment and the culture of the Department. They have a major initiative built around continuous quality improvement. In an organization the size of DHHS there are always areas that need improvement and that is why, from the top to the bottom, the Department tries to instill a mindset of continuous quality improvement throughout DHHS.

Mr. Adolphsen said DHHS appreciated the OPEGA Information Brief because it starts to get at some of the above issues and what is being done to improve employee morale, efficiency, productivity and all the things that are important to build a quality organization that can provide critical services to Maine people. DHHS appreciated that the survey they had done over the last couple of years was highlighted in the Brief. The employee surveys started in 2013, and were done to give management a better view into what employees thought about how management was handling the issues in the organization. DHHS wanted an open line of communication to all staff, not just executive and senior management. They received a tremendous amount of participation with their survey effort and he thought people were very eager to talk to management and that management was clear on where they stood and where things could be improved. Mr. Adolphsen said the survey has been a tremendous management tool and it was to inform DHHS about how management teams across the Department could do a better job of helping their employees be efficient and effective in their work. He said DHHS plans on doing the survey every two years.

Mr. Adolphsen said DHHS had difficulty with benchmarking their survey against anything similar because they could not find one across Maine State Government. Before 2013 DHHS had not done a survey so they were not able to look back 10 or 15 years ago to compare. OPEGA did a great deal of leg work in finding surveys in other public sector departments across the country and, as stated in the Information Brief, DHHS compares very well with the other surveys that were reviewed.

Mr. Adolphsen said management regularly meets with all staff and things heard helped them with the decision to do the survey to see where improvement was needed the most. Prior to the survey, DHHS was certainly doing things to address those areas. They heard from staff early on in the Administration that there was a top down approach to management and that is something reflected in OPEGA's Brief. The Commissioner made the decision that she did not want the organization to be run that way and had various office visits, open office hours, and met directly with frontline staff.

One of the areas to be improved on is communication and Mr. Adolphsen said in any organization, public or private, when you have 3,000 employees in your purview, communication is a challenge. You have regular

daily tasks to keep up with and open effective communication is often something that organizations struggle with. He said that is an area DHHS feels strongly about and continues to address by holding town halls with staff, sending regular Department-wide emails on various topics and have ongoing meetings. He acknowledges, however, there is a great deal of room for improvement. Mr. Adolphsen noted that the recommendations OPEGA outlined in the Brief are valid and that DHHS was already planning to do some of them, but some recommendations are difficult for DHHS because of its structure. An example he gave was awarding employee accomplishments. They do it in the best way that they can and said it was pointed out in one of the surveys that DHHS made a big improvement from 2013 to 2014 in the area of recognizing good work of employees.

Mr. Adolphsen said DHHS is unique in State government because the Department is thrust into the limelight often. When you have the press regularly reporting on staff and various changes in staff, that has an impact across the Department on the staff's morale.

Mr. Adolphsen thanked OPEGA for the review and said they were professional and courteous of DHHS's time. He said DHHS is accepting of the recommendations in the Information Brief.

Rep. Duchesne asked Mr. Adolphsen to explain why the structure of the Department makes it difficult for rewarding employees. Mr. Adolphsen said in some parts of the private sector you might give somebody a target to have a task completed, you may be able to reward that individual with a $2,000 bonus, but unfortunately DHHS is not able to do that.

Rep. Duchesne said there probably would be a history of grievances which could be measured department-by-department and if pockets of grievances could have been seen that would be a signal related to culture. He asked if DHHS made any effort to look at patterns of grievances. Mr. Adolphsen said OPEGA covered that pretty extensively in their Brief and he is sure they could help elaborate on some of the differences that they saw. Grievances are a regular occurrence and range from an employee who did not like an oral reprimand and wanted it stricken from the record all the way up to an employee who disagreed with DHHS changing his/her supervisor. He thinks one of the things that was not really covered in depth in the Brief is a description of the barrier of entry for a grievance because if you are looking at the number of grievances filed, and anybody could file one at any given time, he is not sure that is the best data point to look at.

Sen. Burns said he heard Mr. Adolphsen say some of OPEGA's recommendations were difficult and asked if DHHS was saying they were difficult to implement, are going to take more work, or that the Department would not be doing anything with them. Mr. Adolphsen said DHHS is in alignment with all the recommendations in the Brief and, as they had discussed with OPEGA, they were already doing many of them. The one specific area where they felt strongly that they have little control over is rewarding accomplishments. He noted it was difficult, not impossible, because DHHS can, to some degree, reward employees using the merit structure in the current employment contract where if an individual achieves their merit they get an increase in pay. What they found is that in the past that was mostly on auto pilot so it was hard to distinguish between one specific person really going above and beyond from everyone else. What they cannot do is award a bonus. Promotion structure is another example. Some DHHS employees are under a particular structure where you can only be promoted based on your seniority, so that makes it difficult to promote someone based on exceptional work or accomplishment over someone else because that is not allowed. That particular area of the Recommendations is where DHHS agrees with OPEGA, but do not have a definitive way to attack that issue.

Rep. Mastraccio appreciated Mr. Adolphsen's comments, but she thinks what she had heard from the testimony she followed last year is that sometimes the employee is just feeling that they were not appreciated and that just a thank you, or a general appreciation would be nice. That does not cost anything. She thinks supervisor training is an area that might be important to put money into because she is concerned about the people being trained and then leaving because of poor supervision. Mr. Adolphsen said he agreed with her and that is an area that DHHS works hard on. Treating people with respect does not cost a thing and is not governed by any contract. He said treating people with respect is a regular topic in the various management

meetings and one-on-one, with executive and senior staff, as well as staff meetings. He also agreed that there is a lack of supervisory and management training which goes back a long way and is something the Department is dealing with. He just signed a contract amendment with the Muskie School to build a new training program for DHHS's supervisors in the Office of Family Independence. What they found, partially through the survey, was that most of the supervisors had worked their way up to a supervisor and did not have the type of management background, or training, in those positions that you would expect if a supervisor were hired directly into a management type position. It was a clear area of need that had not been addressed and DHHS is moving to try to provide the type of training necessary.

Sen. Diamond said he gets involved in a lot of child abuse cases and one of the things that seemed to be consistent in the child protective area at DHHS has been the inconsistency and that it seems likes many times the cases come down to an individual philosophy as opposed to a Department philosophy. He asked Mr. Adolphsen to speak to that. He said DHHS found what Sen. Diamond described to be true across the whole Department really. He also noted another area was in eligibility in the Office of Family Independence where there was little standardization of how each case was processed. It varied from person-to-person and also from office-to-office across the State. There were a lot of judgment calls going on where the process called for more of a check list. He said it was also the same way in contracts and each contract was a special snowflake. The Department had to take on the effort of standardizing some of the processes so there was less room for poor interpretation, or somebody's opinion, when there should be a structured process.

Mr. Adolphsen said he could not speak specifically to the child welfare area because he does not directly oversee it, but he did know that historically it has been more of an approach of a narrative based view of the situation by a worker versus the more standardized list of this is occurring and if so, this is what the decision should be. That is something they are moving toward across the Department, but you still need to rely on the expertise of employees to make decisions within that framework, but it is building a structured framework that takes some of that judgment and variation of the process out of the system. He said he would be happy to connect Sen. Diamond with the Director of the Child and Family Services for more detail. Sen. Diamond said perhaps child welfare should have more immediate attention because of the children involved and sometimes it has become a personality conflict between the DHHS person and the parents. He would like the name of the Director of that Department for further discussion.

Sen. Johnson referred to written comments the GOC received that echoed some of the observations in the Report regarding communications and how workers are treated by their supervisors. Some of the situations described in the written testimony ranges from abusive behavior to something that is off putting and doesn't motivate people. He asked what DHHS was planning to do besides training people who are unsuited to be supervising people when they are abusive and seem to enjoy it. Mr. Adolphsen said he had not seen the written comments so could not answer. Sen. Johnson gave examples in the written testimony of a supervisor that would, on a frequent and regular basis, go into a conference room with someone else and yell at them. Mr. Adolphsen said that behavior is despicable. He said they do get occasional reports and complaints of that type of behavior from supervisors or other staff. Mr. Adolphsen gave the example of employees who might come to work somewhat regularly inebriated and that is also unacceptable. Demeaning other people for no reason is completely unacceptable.

Mr. Adolphsen said that what begins when you learn about that type of behavior is a long, complicated, arduous and often unfruitful attempt to remove that person from that position. If that person had done that in the past, but no one put a written report in their file, DHHS cannot take steps to fix that situation unless the twenty years of prior inappropriate activity was documented. Mr. Adolphsen said DHHS finds that to be a major barrier in addressing those types of situations. The Department is committed one hundred percent to dealing the best way they can with that type of inappropriate activity. If you need to work with an employee to fix some type of behavior it would be done calmly, in an organized way, in writing if necessary. The first goal is to train employee to understand what needs to be done to be an effective employee and then move on from there. Mr. Adolphsen said there are behaviors that he has heard of that sound similar to the ones Sen. Johnson referred to and said probably that person is not fit to be a supervisor, but DHHS is often unsuccessful in having them move on even if they have not improved through training or other efforts.

Sen. Johnson said that was not acceptable and said he thinks part of the problem is a lack of communication and a culture of people feeling under fire is inhibiting DHHS from actually hearing and having on record those occurrences. Employees feel that their security is being under minded and are afraid to respond truthfully to the surveys because they will be retaliated against. DHHS has to ensure that there is a place for people to go where they are not threatened so the Department gets them on the record and things start to improve. It is true of every large organization that you will have this type of challenge, but other organizations successfully deal with it. Sen. Johnson said he would expect to hear back as to what DHHS's plan is to address what Mr. Adolphsen described as unacceptable behavior situations that DHHS has not been able to deal with effectively.

Mr. Adolphsen said he did not think he said that DHHS was not able to deal with culture problems, but said it was difficult. As OPEGA's Information Brief outlines and he could confirm, some areas in the Department had to be aggressively dealt with because there were those problems, but he noted there were eighteen complaints out of an organization of 3,000 employees. He said there is a great deal of open communication that goes on at all levels of staff. In his office alone, management staff receive hundreds of emails weekly from all levels of staff talking about various issues and suggestions. They have quality circles implemented across the State, they have ideas teams based on the book "Ideas are Free" and have had the author work with DHHS's organization to help understand that frontline staff have some of the most valuable ideas. DHHS is about to implement an idea that came from frontline staff that is going to completely change travel reimbursement for them and make it more effective. Mr. Adolphsen said there are a lot of positive things going on, but there are areas that they need to improve. He agreed that some of the open communication from staff is stifled. He thinks the reason is because the employees know under DHHS's current structure that the only thing that is going to happen if they complain about being mistreated by a supervisor it is the initiation of a very long process for corrective action. The process calls first for DHHS to try to train and help the supervisor understand what they did wrong and then if that behavior continues you move into progressive discipline which is another lengthy process. If the behavior continues through all of that, the Department eventually would move to terminate that supervisor. In some cases the whole process can take years and even if the supervisor who is mistreating employees is ultimately terminated, there is likely going to be a grievance, a grievance appealed if it is overturned, and a human rights complaint. All the while, the worker who first reported the issue is still there, the supervisor is still there and still responsible for the work that is going on with the staff. If a worker knows that whole process is going to have to take place, it might be difficult for them to speak up about their problem.

Sen. Johnson noted that what Mr. Adolphsen was describing was a situation in which wherever DHHS has a bad supervisor they have employees working for the supervisor who are better off simply leaving their job and that doesn't fix the problem. That seems to be a structural issue. Quality programs that accept people's ideas and figure out which ones the Department should implement is a good thing, but there is a problem with not having a quality program around how DHHS promotes people being supervisors. Although some were created by decisions in the past, it is a problem you have to find a way to fix because it is what creates the employees who are untrusting of surveys to share their real thoughts. He said DHHS has 3,000 employees and the Department's asset is their employees. If those employees are being undermined every day, then there is a flawed implementation of delivery on what DHHS's mission is. He would consider it a high priority to find ways to fix that whether it is having supervisors, or people being considered for supervisor positions, go through personality assessments as well as skills training.

Mr. Adolphsen wanted to make sure that all of DHHS's staff was not being characterized as being disgruntled and having to leave. He said they have a tremendous frontline staff and many have been employees with the Department for a long time. DHHS monitors turnover daily and in their largest Departments have hired dedicated recruitment and retention specialists. Mr. Adolphsen said an organization cannot be successful if people are coming in and leaving constantly and that is not the case at DHHS. There are those issues previously talked about, but he thinks focusing on training is going to help.

Chair Kruger referred Committee members to the two pieces of written testimony received regarding OPEGA's Information Brief on DHHS Workplace Culture and Environment. He said one is from a retiree

who has specific recommendations and the other is from an employee who was at DHHS's Drinking Water Program.

Rep. Campbell referred to the difficulty DHHS has in removing someone from their position and asked why a job review could not be done on the person. Mr. Adolphsen said generally the process he described is a rough outline of what occurs and, in the absence of proper historical documentation, there are other things you can work with the employee on. They may want to move into different positions that they are better suited for, but that will require the person working with you on that. Other than that you have to stick with the process he previously outlined. Mr. Adolphsen said he would be happy to get the GOC more information that they have in partnership with the HR Service Center on the various processes required in training, discipline and removal of an employee.

Rep. Campbell asked if the training DHHS has in place is sufficient to make an employee being promoted to a supervisory positon a good member of the management staff, or do they lose twice sometimes because the person was not a good manager. Mr. Adolphsen thinks the Department's training regimen is moving in the right direction to accomplish that and he has a tremendous amount of faith in the executive management team, which includes office directors and their senior management teams. They know their staff's strengths, weaknesses and are working with them on fixing problems and improving situations and they go through a very structured regimented hiring process within the flexibility they have in promoting employees. There are instances through the hiring process when you would like to move a person up, but you cannot because there were candidates within the structured process that are deemed the more worthy candidate.

Rep. McClellan suggested that while DHHS was working on system changes, they have employees focus on their vision of why they are doing this work. He said sometimes people forget why they were doing their job and about the individuals they are serving. Mr. Adolphsen said DHHS has a strategic plan and part of the plan lays out the type of vision Rep. McClellan mentioned. As part of strategic planning process they would like all staff to give feedback on the vision and mission of the Department.

Rep. Mastraccio said she is a firm believer that you model behavior of what you want to see in employees and thinks it starts from the chief executive all the way down. She is disturbed that Mr. Adolphsen seems to be blaming a negotiated contract, collective bargaining agreement, on an inability for supervisors to document so that the Department can remove a few bad apples. She agreed that it had to be somewhat prescribed because otherwise you would be able to accuse any worker of something and then remove them. It is a protection for everyone. Rep. Mastraccio said it has been her experience that when people document properly and do their jobs, you don't have a problem removing someone from their position. It is about training and training supervisors to document events the right way. By doing things the right way, you are teaching everyone that there is a reason why it is done, which is to treat people fairly. She did not want to hear that the collective bargaining agreement is why they have the problem. That is not why they have the problem, it is because people are not doing what they are supposed to be doing. Rep. Mastraccio said some of the complaints received are about people not doing their job and she thinks that is a lot easier to document. Mr. Adolphsen agreed and said he would not blame the contract on all the organizational challenges you can have in a large organization because all types organizations have issues regarding proper training, and people treating each other well. That is basic management and human decency. He said what he was previously explaining was that it is a barrier to how quickly and effectively you can deal with certain problems. He gave the example of management in DHHS at the senior executive level with some supervisors being in the position for twenty-five years. If a supervisor had a pattern of mistreating employees that dates back ten or fifteen years and at that time it was never properly documented, but they now know, based on a series of current or recent actions, that that person needs to go, the improper documentation from ten or fifteen years ago does not allow for it. Mr. Adolphsen said that is difficult and if he had appropriate proof that a supervisor cursed out an employee on the floor in front of other employees using vulgar language, he would fire them, but that does not happen on step one. If it was not documented that that person did those types of things over the years, it would be difficult to prove.

Rep. Mastraccio said she has been in those positions and there are activities and actions that allow you to skip steps. She said this is about a supervisor knowing how to do their job and how to do it the right way. There are

rules which protect everyone and Mr. Adolphsen can call it a barrier, but she calls it a process. It is a process, everyone should know what it is and they should be aware of documenting bad behaviors so that they do not continue.

Mr. Adolphsen asked what options are available in the case of ten year old missing documentation of poor performance. Rep. Mastraccio said in her experience you lay out your expectations of an employee and if a problem arises you document the misappropriate actions and within a year you remove the individual without having to go to court. Contracts are to protect everyone and it is an agreement you have to live with and work within what you have.

The members of the Committee thanked Mr. Adolphsen for his public testimony.

Carla McPherson, Augusta, Maine. Ms. McPherson had provided written testimony regarding her employment at the Drinking Water Program at the MECDC. She said she was fired, harassed, sexually harassed, demoralized, and demeaned and the supervisors and directors had fun doing it at MECDC. Ms. McPherson said it was the darkest four years of her life. She thanked the Committee for their time.

Chair Kruger asked if there was anyone else wishing to speak on OPEGA's Information Brief. Receiving no response from those in attendance, he closed the public comment period at 10:10 a.m.

- **Committee Work Session**

Chair Kruger suggested the Work Session be done at a future meeting and other members of the Committee agreed.

- **Committee Vote**

No vote taken.

NEW BUSINESS

None

UNFINISHED BUSINESS

• **GOC Consideration of Recommendations on Records Retention and Management From Working Group Report**

Director Ashcroft said at the last GOC meeting there was discussion about the Report from the Working Group on Records Retention and Management and the recommendations for improving the records retention program and framework for State agencies. The Committee had requested that the Secretary of State bring back any thoughts the he might have about whether it is worthwhile to have the GOC introduce legislation this session to define a different makeup for membership of the Archives Advisory Board and to clarify the roles in the approval of retention schedules between that Board and State Archives.

- **Status of GOC Letter to Chief Executive Regarding Agency Action on Records Retention and Management**

The Committee had asked Director Ashcroft to draft a letter to the Chief Executive from the GOC with regard to what the agencies themselves need to be prepared to take action on and do. She said she has not drafted that letter because she thought it would be helpful to first talk with someone in the Governor's Office and make sure everyone was aware of what was in the recommendations and to try to get specific about what should be in the letter in terms of what actions the GOC would ask the Chief Executive to take. Director

Ashcroft said that the contact she was given in the Governor's Office is reviewing the Report and she is planning to meet with her in the next week or so to go over the information. She hopes to have the draft letter for the Committee's review at their next meeting.

- Report Back From Secretary of State Dunlap on Recommendations Related to Archives Advisory Board and the Creation of a Stakeholder Group

Secretary Dunlap distributed the First Interim Report to the Government Oversight Committee on Implementation of the Report on Records Retention and Management. (A copy is attached to the Meeting Summary).

Secretary Dunlap said this is an ongoing process with a fair number of moving parts and at the GOC's request they do plan to be at meetings with some frequency as they go through the elements of the redevelopment. He said the State Archives comes under the Department of the Secretary of State and is charged with maintaining permanent records and nonpermanent records of State government. The nature of the nonpermanent records, in particular, has changed dramatically over the last twenty years. The circumstances that initiated OPEGA's Report revolve around paper records, but also the nature of how records are maintained and made public, retained or not retained around things like working papers and drafts. The issue here caused considerable dyspepsia in many areas of government. Archives is charged with providing guidance to State agencies on the records they retain themselves as fulfilling the law around maintenance and access to public records.

Secretary Dunlap said in statute there is an Archives Advisory Board which is not fully staffed and has not been fully utilized as pointed out in the Working Group's Report. The Secretary of State's staff are working internally and externally to bring recommendations to the GOC to implement in law and in rule. They are going to work as quickly as they can to move forward.

Secretary Dunlap said the statutory framework is fairly simple, they are looking at possible changes to the statute. Whether something can be ready for this session may be tight because they want to do things right. Part of what they are thinking about regarding the statutory authority of the Archivist and the Archives Advisory Board, is understanding how they were contemplated to work together in a compliment to each other, looking at how other agencies use such advisory capacities and if they were to have rule making authority to establish records retention schedules. Because of the different nature of records and what faces the agencies, it may be helpful to have a statutory reference around the records piece where the Archivist's authority occupies the field in terms of records retention schedules and the Archivist would have rule making authority with the advice and consent of the Archives Advisory Board. Secretary Dunlap said that might be a change that they would want the Legislature to consider, but he would like to discuss it further.

Rep. Duchesne asked which branch of government the Archivist was under. Secretary Dunlap said the cultural agency as a whole is under the Department of the Secretary of State, the Secretary of State is elected by the Legislature. He has had discussions with colleagues about whether his Department comes under the Executive or Legislative Branch. He believes legally his Department is part of the Executive Branch, but the Archivist occupies a rather unique position in government. The Archivist is nominated by the Secretary of State, is confirmed by the Legislature and has his or her salary set by the Governor. Rep. Duchesne said he asked the question because the GOC is talking about giving authority to the Archivist in an administration that is not always necessarily happy with having authority exerted on the executive branch that is not personally overseen by the Executive. Secretary Dunlap said, in answer to that, that is what is lacking on the Archives Advisory Board is representation from the Executive Branch.

Secretary Dunlap said his staff has yet to focus on the maintenance and support of the records officers to make sure they have the training and information they need. He said that will come next.

Chair Kruger thanked Secretary Dunlap for his interim report.

Director Ashcroft wanted to make sure the GOC was clear that the purpose of having the report back from Secretary Dunlap was to flush out whether there was action needed by the GOC to move legislation forward. The Secretary thought it was premature to get done in the timeframe left for this session and Director Ashcroft wanted to make sure that the Committee was on board in leaving that action until later. Sen. Johnson did not think there was any way they could move it forward any quicker, but hoped follow-up would continue.

Chair Kruger said the GOC wanted to continue its follow-up so perhaps in a month they could receive a report back. Sen. Johnson asked if Executive Branch staff could come to a GOC meeting and give their thoughts about an effective transition for the Archive function. Director Ashcroft said some of that information might come out in her discussions with the Governor's Office and what comes in terms of the letter the GOC will be sending.

• **Review and Adoption of Potential Revisions to GOC Rules**

Not discussed.

• **Status of Actions Related to OPEGA Report on Healthy Maine Partnerships**

- **Status of LD 6 and LD 1347**

Director Ashcroft said **LD 6** is the ethics legislation and that has been passed by the House and is currently on the Senate Calendar as unfinished business. **LD 1347** adds the term grant to the existing procurement statutes governing competitive bidding. It has had both a public hearing and a work session. The Committee voted unanimously ought-to-pass on the LD. It has not yet been reported out of Committee.

- **DHHS Response to GOC Questions From Prior Meeting**

Director Ashcroft said a couple of GOC members had asked questions regarding Healthy Maine Partnerships at a prior meeting. DHHS has responded to those questions. She directed the Committee to the information in their notebooks. A copy is attached to the Meeting Summary.

• **Quasi-Independent Agencies' Annual Reports to Legislature**

- **Status of Legislation to Add a Review Requirement to 5 MRSA §12023**

The GOC wanted to introduce legislation to add a review and report requirement for joint standing committees receiving the annual reports from quasi-state entities and Director Ashcroft said that has gone to the Revisor's Office. Rep. Mastraccio said it is now LD 1395. Chair Kruger will be introducing the bill in the House.

- **Enabling Statutes for Quasi-Independent Agencies That Appear to Have no Review by a JSC via Budget or Government Evaluation Act**

Director Ashcroft reviewed the enabling statutes for the six quasi-independent entities to see if some of the had an annual reporting requirement where they have to submit an annual report to a joint standing committee of jurisdiction. She said of the six agencies talked about the **ConnectME Authority** does have an annual report to the Energy, Utilities and Technologies Committee. **Maine Port Authority** does not have any annual report to the Legislature, but it appears to be connected to the Maine Department of Transportation since the Commissioner of DOT is the Chair of the Board and President of the Maine Port Authority. Director Ashcroft can ask DOT more questions about what the situation results in. The **Loring Development Authority,** the **Midcoast Regional Redevelopment Authority** and the **Washington County Development Authority** do have an annual report required to be submitted to the Governor and the Legislature. The **Small**

Enterprise Growth Board is a Board associated with an economic development program and there is no annual report required. Director Ashcroft was not exactly sure why it is set up as a quasi-independent state agency unless it has something to do with the ability to take in funds, bonds, etc.

Director Ashcroft said many of the agencies do have annual reports that come to the Legislature so the question is what does get done with the reports.

- **Update Status of Bills of Interest**

  - **LD 237 – An Act To Address Recommendations From the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission**

    The LD has passed to be enacted in both the House and Senate and will be moved on for the Governor's consideration.

  - **LD 941- An Act To Improve Tax Expenditure Transparency and Accountability**

    The Taxation Committee held a work session on LD 941 on May 4th and directed Director Ashcroft to have further discussions with Maine Revenue Service and representatives from the Maine Chamber toward getting revised language in the draft that would address concerns about OPEGA's access to and ability to disclose confidential tax payer information. Director Ashcroft said OPEGA has done that and next week will be working on whether an agreement can be reached and report back to the Taxation Committee.

  - **LD 1349 –An Act to Establish the Office of the Inspector General in the Department of Health and Human Services**

    OPEGA is monitoring because it would give them the authority to review, if so directed, complaints about the Office of the Inspector General that they are looking to establish in DHHS. A public hearing was held and a work session has not been scheduled

REPORT FROM DIRECTOR

- **Status of Projects In Progress**

Director Ashcroft noted that the only change in the progress of projects is with regard to the **Office of Information Technology** Review. The consultant hired has completed their work and OPEGA is working toward a final report from them within the next week or so. OPEGA will include its own report describing what has happened over the last two year period and making any recommendation they may have for the GOC's consideration. Depending on what Committee members' schedules look like in June, the Report from this review may not be issued until July.

Rep. Campbell asked if there would be any discussion in that report about the increase in Department budgets to cover their IT costs. Director Ashcroft said that was not in the scope of OPEGA's review to look at specifically, but she has heard a number of times and, from a number of legislators, about the agencies' concerns. OIT is set up to be funded as an enterprise account which means all of its funding is from billing to agencies. She did not know, by virtue of that, whether anybody gets a clear insight into OIT's budgets, but that might be an appropriate question to solve some of the answers. It seems people having a lack of transparency around costs going up in OIT and that should be a simple question to someone from OIT. Rep. Campbell said the clarity comes when OIT says you will increase your budget by whatever percentage when everyone is concerned about the budgets coming down.

Sen. Johnson said what is being seen is per person, computer or application costs allocations at a share, but what is not being seen is what is underlying that. What is the cost structure and initiatives within OIT that is determining those rates charged to Departments?

Rep. Mastraccio said what LCRED is seeing is a bill coming in requesting a change in information they want to get from unemployment insurance comes with a million dollar fiscal note that is associated with what it will cost because of the OIT charges. When LCRED asks where the amount is from they receive a convoluted response. Director Ashcroft said tangentially the report that OPEGA releases to the GOC will address some things that are fundamental about the agencies and OIT, how they meld together and the way the model for funding is set up. The Report will not get into how OIT puts their budget together. Director Ashcroft said a couple of years ago she thinks there was a review done by an accounting firm on OIT's rate structure and it may have an explanatory piece that will help the GOC understand how OIT is putting together its rate structure.

Rep. McClellan said back when the Education and Culture Affairs Committee was doing Education's budget the Committee asked OIT to come talk with them, and he believes they said they were too busy.

Director Ashcroft will make some inquiries to see if there is existing information on OIT's budget and what is behind the increase in costs that can be shared.

Riverview Psychiatric Center is ongoing and there is no specific work being done on the **State Lottery**.

DHHS Licensing and Regulation of Child Care Providers is suspended, but the GOC has been receiving regular updates from that Department on the status of its planned actions. OPEGA plans to go back in and do a detailed review that is focused on how DHHS has implemented its planned actions and whether it has resolved the issues that led to the topic being on OPEGA's Work Plan. Prior to OPEGA doing that, Director Ashcroft will come back to the GOC to make sure it is still something they want to proceed with given the follow-up reports they have been getting from the Department.

DHHS Audit Functions, Northern New England Passenger Rail Authority and **Public Utilities Commission** are in the Planned mode. Director Ashcroft noted that OPEGA has heard rumblings regarding the NNEPRA review being tied, or related, to the site location for the layover facility in Brunswick and she wanted to say publicly, as previously discussed with the GOC, that the siting of the Brunswick facility is not in the scope of review.

Rep. Campbell said if the State decided to expand NNEPRA then it is especially important that it is being operated right and the review has nothing to do with the location of the layover facility specifically.

NEXT GOC MEETING DATE

The next Government Oversight Committee meeting was scheduled for May 22, 2015. Chair Kruger noted that the Legislature was going to starting meeting on Fridays starting May 29th and the GOC will have challenges in June scheduling meetings. A reminder to the Committee that they had requested that Commissioner Gervais, Department of Economic and Community Development, come to the meeting to discuss the open action items and evaluation on Maine Economic Development Programs.

Rep. Mastraccio requested that members of the LCRED Committee also be invited.

ADJOURNMENT

Chair Kruger adjourned the Government Oversight Committee meeting at 11:58 a.m.

RECEIVED APR 30 2015

Carol Riemer Coles
335 Sawyers Mills Road
Starks ME 04911

April 27, 2015

Government Oversight Committee
82 State House Station
Room 107, First Floor
Cross Office Building
Augusta ME 04333-0082

RE: DHHS Workplace Culture and Environment

I retired from DHHS/MCDC effective April 1, 2014 at age 69 after 13 years with the Partnership For A Tobacco-Free Maine for a variety of personal reasons. I was a committed and compassionate employee and was proud to work for the State of Maine. I received a Dedicated Service Award signed by Commissioner Mayhew and then MCDC Director Dr. Pinette upon my retirement and was awarded the Maine Public Health Association's Pamela M. B. Studwell Award at the Quality Counts Conference the following day, April 2nd, 2014 for my work to reduce involuntary exposure to secondhand smoke. I worked to support Maine statutes as well as to work with an initiative that is now known as the Breathe Easy Coalition to develop voluntary policies and implementation methods to protect Mainers in their homes, colleges and health care settings from toxic secondhand and third-hand tobacco smoke.

It saddens me to report that over my years at MCDC communication of the values, philosophy and mission of Maine CDC by both Senior and Midlevel Management declined to the point of non-communication. Many on the staff became afraid to voice their ideas for projects to improve public health to senior staff. Many, myself included, found it necessary to work "under the radar" with outside committees and groups to promote a collaborative approach that could result in significant improvements to the public health. Many DHHS/MCDC employees became afraid over the past few years to respond to MCDC employee surveys believing that they either would not be "heard", or worse, that the promise of anonymity was a fake one and that they would be retaliated against for offering their opinions.

To assure that talented public health professionals continue to want to work for DHHS/MCDC it is vital:

A. That the current communication gap between administrators and line staff be closed and that the mission and vision of Maine CDC be clear and aligned with research results and best practice.
B. That all employees are valued and provided with opportunities to respectfully and directly share their ideas, frustrations and solutions with upper level staff.

C. That supervisory training is once again absolutely mandatory for all those who supervise others. Note that while it was mandatory in the past this requirement has been allowed to wither away in recent years resulting in misunderstandings and lack of protection for employees and managers alike.
D. That training for all employees at all levels on the use and intended purpose of the annual Performance Evaluation form and process be instituted, which ideally is to encourage personal growth and development at all levels.

As noted in your Information Brief from current research; (please see page 14 of the IB)

"Effective performance management practices have been found to increase employee engagement. As described in one study, communication, connection and courage are the foundation...specifically, 'communicating openly and honestly with employees, connecting with them as people to build strong working relationships, and demonstrating the courage to address and resolve problems' ".

There is much mistrust at DHHS/MCDC and much of this is due to very real and difficult events that have saddened me and others who are now or who have been employees committed to this work.

Sincerely,

Carol Riemer Coles

My email is carolrcoles@gmail.com
My phone is a cell 207 631 8460

RECEIVED MAY - 7 2015

May 5, 2015

Workplace & Culture at the MECDC - DHHS

Senator Roger Katz, Representative Kruger, Members of the Government Oversight Committee

My name is Carla McPherson – I was fired from the MECDC – Drinking Water Program

I am writing today to let you know how badly I was treated and also tell you what I observed and experienced over my four-year period in the **Drinking Water Program at the MECDC.**

I'd also like to thank you for this opportunity to speak to this matter.

I began working at the **Drinking Water Program (DWP)** as an Office Specialist I, in the Fall of 2009 - after 4 years as an Office Associate II at the Office of Substance Abuse, time in Child & Family Services and also Dept. of Conservation.

This was a promotion for me - I was excited for the pay raise - as the economy was failing and prices were escalating.

I have always been an overachiever - exceeding expectations - due to the high standards I set for my personal self.

When I came to the Drinking Water Program - I felt the tension and displeasure of so many - right off the bat! It wasn't a Team environment - instead it was very territorial and I felt like I had to watch my back and what I said and how I said it.

The data was very technical (Lab data) - and I was as green as the grass! I knew I had challenged myself to the extreme - but I knew I would exceed the challenge and become fluent in knowledge in the Water World of State Government - this I did.

There was so much to learn and it became very clear that the information would not come to me easily.

Ami Stillings, Information Coordinator, was to teach me what I needed to know in order to understand the data so I could review, research, advise Labs of errors - preparing the data for entry into a database known as SDWIS; a free oracle-based application that many States use for data collecting concerning water quality. **Ami** went as far as to give me erroneous data to use when determining where to associate well heads when creating new water systems in SDWIS. She would not change the "cheat sheet" data until others were pulled in to work with the data. Not only was the data difficult to learn – **Ami** tried her best to outsmart me in an effort to see me fail.

I sat just a few feet away from both **Ami Stillings** and **Robin Frost. Robin** was Supervisor of both **Ami** & I - although - it appeared more like **Ami** gave guidance to **Robin** in making decisions regarding SDWIS data.

I struggled with **Ami** and spoke to my Supervisor (**Robin Frost**) - early on - about the hard time I was having interpreting what Ami was telling me. Every time I asked a question - **Ami** would start speaking very fast and I found myself jumping for a pen and paper - this happened so many times...while my learning curve was pretty extensive.

I ended up passing my 6-month probationary period - but shortly (within a couple of weeks) - was handed my first reprimand. Telling me that I could no longer to the 5th floor break room (I used for ice & water) unless it was on my break time and that I was to sit at my desk and work. (You will see this written document sent to me by **Robin Frost** in the 2010 stack of emails).
I was terrified by this document...and knew I was in trouble in this environment. I was then invited to my first "Work Progress" meeting - for which I had no idea was was happening or why.
This meeting involved **Robin,** Robin's boss **Norm Lamie** and **Lynn Hadyniak - Lynn Hadyniak,** Personnel Officer for the MECDC. I didn't know what was happening or why she was involved. I was diligent in learning and I felt I was jumping through hoops to pull the information out of **Ami.** I did this with a smile and determination every day.

I immediately pulled in a Union Steward (**Kate Cassidy**) because I still wasn't sure just what was happening and I definitely didn't trust the outcome to be in my favor. One meeting, in particular, I was sitting at the table with my **Kate & Robin** and in walked **Norm** - slamming his file on the table - enough of a noise that I jumped. **Norm** had also showed his managerial power with me during these weeks by stepping into my space (close enough so I could feel his breath on my face) - I couldn't believe this was happening - all the while I'm diligently working hard to meet their expectations. I was being watched very closely which - all in itself - was extremely uncomfortable for me - I felt "under fire" every day.

These meetings continued - my work was discussed - and I was required to email my comings and goings every day - all day. I had to fight for bathroom time...as it was discussed as time "not working" and away from my desk. (This information you will see in a grievance outcome).

While I sat so close to **Robin & Ami** and could hear all that was being said - they started talking about me - in front of me....and the discussions were not good. I felt like an animal that they were trying to train.

Robin would frequently work from home and call **Ami** on the phone and I could tell by what **Ami** was saying - they were talking about me...I remember **Ami** saying "She's a feisty one"...I complained to **Norm (Robin's Supv.)** about this and repeated asked him to speak with them so this behavior would cease. They ended up - removing me from **Robin's** Supervision and putting me under the direct support of **Norm Lamie.** The worse of the two evils...**Norm** displayed his authority with me on several occasions.

One day, **Norm Lamie** came out of his office while I was speaking with a Compliance Officer - **Dani Obery** - at her cubicle - he strolled up to me and put his arm around me...holy smokes! I couldn't believe he had the gall to do this...after he had already violated me by standing too close to me more than twice - slamming his folder on the meeting room table...wow - I immediately emailed **Holly Pomeleau** (Equal Rights Officer) and reported "Sexual Harassment". I met with **Holly** and another Personnel person - and showed them how things happened...**Holly** launched an investigation and the outcome was her asking me what I wanted - and I requested NOT to be under his direct supervision.

Andy Tolman, Assistant Director, came to my cubicle (while **Robin & Ami** were sitting at their desks) said to me "Carla - come to **Roger's** office (I wasn't sure why or what was going to happen) - it was frightening...he took me into **Roger's** office - closed the door and said "Because of your friction with Norm - you will now report to me and **Lynn Hadyniak**" - you will email your comings and goings to both of us. Me - I said - "I will do no such thing until I hear this from **Norm**" - and I opened the door and went back to my desk.

I ended up under the direct supervision of the Director - **Roger Crouse**. I fought to be moved...because **Robin & Ami** were so demeaning toward me - placing unrealistic demands on me and for sure - they were not respectful or kind in my regard. I finally got to move my work space (about a year later) to a cubicle beside **Roger's** office. I was so happy to be away from them I was actually happy and thought it was all going to be better. I remember it was Christmas time in 2010. While I was putting Christmas lights up around my cubicle, Roger said to me (with an odd look on his face) - "You're decorating?" I thought this was a weird thing for him to say...a few days later I said thank you to **Roger** for letting me move my work space - he said "Well - don't thank me just yet". Yikes!!! I just kept moving...thinking positive that soon things would turn around for me in this Program. I was truly mistaken!!!

Now under the direct support of **Roger Crouse** - I would continue to email my comings and goings to him and **Lynn Hadyniak**. This went on for about a year. **Roger** would remind me that I forgot to email a few times. I actually thought they would never relieve me of this task.

I started applying for jobs almost immediately - but never had any success leaving this Program. I got on the Transfer list & the Demotion list. I heard that Management at DHHS get these lists - I also heard from another co-worker that **Lynn Hadyniak** had - in the past - used her authority to prevent people from moving on. In fact, a gal (who worked at the State Lab) accepted a job - had already started in the new office - and **Lynn** intervened - and told the hiring Agency that she could not be hired and that she was to go back to the old Agency. I thought to myself - do these things really happen? I emailed her boss **Don Williams** and asked if this level of authority was in her scope of responsibility. He wrote back to me saying that she was not authorized to interfere in this way. (you will see **Don's** email in the stack - year 2012). **I truly believe that Lynn Hadyniak has interfered or prevented me in some way from getting out of the Drinking Water Program.**

Since reporting directly to **Roger Crouse**, I thought that a good way of staying on track and true to my expectations would be to have bi-weekly Supervision meetings with him to discuss workload and a general overall "check-in" so I could prevent myself from future reprimands. These meetings started pretty well, but then he started saying things like "**Robin** sent me an email". This used to get me all worked up - to the point I would start shaking...knowing full-well that she's complaining about my work and he won't hear any differently from me. My work has always been my pride and joy - a sense of accomplishment for me personally. Those (2) - **Robin and Ami** - were not going to ease up on me - even now that I report to **Roger**. And they never did.

Since then I've received reprimands over and over - about small things. The workload that I was expected to maintain was more than any one person could keep up with - I did my best. But it got to be more than just the workload - I believe **Ami & Robin** manipulated my data and then reported to **Roger** that I had made a mistake. This I couldn't prove...but I knew better - that my work was excellent and they were trying to find ways to get me in trouble. **Roger** would send me an email just before a holiday weekend or a holiday. I found this to be very cruel – I had worked very hard and should have been able to enjoy my time off without worry.

It was my understanding - told to me by **Robin & Ami** - that before they were put in their current positions - the data was handled very sloppy and it was their goal to tighten up the data to be consistent in format and language. So - as I worked with the data - I was expected to fix existing data that had been entered by others - sometimes - years before. It was also told to me that my predecessor (who I believe was not happy there) left behind all her finger nail clippings in my top drawer - discovered by **Robin & Ami,** after she had left (taking an early retirement).

I didn't think much of this - but knew that she probably wasn't well liked or liked it there herself. I found a chewed piece of gum under the plastic ring in my tape dispenser...and thought - wow - who would do that?

Still new in this Program...I witnessed used printer ink cartridges being taken out of the building by **Martha Nadeau** - a contracted employee - and donated to the Winthrop School System. Back in 2010 - folks in General Services were being layed off - due to budget constraints - I couldn't understand why it would be any different at the MECDC. I was told - when I first started with State Government - back in 1993 - that all agencies send these back in their original boxes - marked "Recycle" - because General Services had an agreement with vendors that they would get a monetary return for these used cartridges. I watched and watched - brought this to the attention of our Office Manager - **Gaye Mullen** - and told her that this was theft of State Property - and that we had a program in place for recycling these through General Services. Nobody seemed to care or listen...and then - it ended up that **Robin, Ami & Martha** had the entire building bringing down their used ink cartridges to the Drinking Water Program and cart after cart of these were taken out of the building by Robin, Ami & Martha and loaded into **Martha's** van to be delivered to the Winthrop School System - for a monetary return. So - on a day that an entire cubicle was filled with these - ready to be taken away by Martha - I said "loudly" to Gaye on the floor - in front of people still in their cubicles..."Gaye - this is THEFT of State Property"...I said it a couple of times. This practice stopped...not sure if - today - they are recycling property through General Services - I couldn't say for sure. You might call me a Whistle Blower - yes - that is me.

I've seen so much at the DWP - so many bad things happen day to day - there's just so much that goes on. My personal things were stolen off my desk – my print jobs were taken off the printer and given to **Roger**. Specifically – one email that had dialogue with my Union Steward. My Union Steward – **Kate Cassidy** told me I needed to hire a lawyer after **Lynn Hadyniak** filed a Worker's Comp on my behalf. I received a letter in the US Mail – from Worker's Comp – stating that I had filed a complaint.

I've filed grievances on every reprimand I've received. We used to have an Office Associate working a few feet away from my cube that was so dirty - she would only have her hair clean when she had it cut - I calculated - about once p/year. I contracted conjunctivitis (first time in my 51 years) - so bad that I had to stay out of the office for 4 days - not clearing up enough to even be seen in public until the weekend was over. I saw (2) doctors for this and a couple of prescriptions. We have an imaging station with daily "in common" use - so - chances are - I contracted this after this girl had used the keyboard. Since I didn't have enough sick-time on the books - and they didn't let me use any vacation time to cover my lost time - I went off payroll and received another written reprimand. These reprimands just never stopped.

Lynn Hadyniak didn't seem to take these hearing very seriously – she would always arrive late – on one occasion she left the hearing and never came back. She just left. **Lynn** lied twice in an early hearing – I was shocked.

Snippets of Happenings at the MECDC - Drinking Water Program:

Norm Lamie (Chief Engineer) – Sexual Harassment
In my personal space more than twice – close enough I could feel his breath on my face
Slammed down his folder as he entered a meeting in front of my Union Steward Kate Cassidy
Sent me more than 2 emails insisting I attend their annual summer retreat at the beach (of course I didn't want to go)
Put his harm around me in front of **Dani Obery** as I stood speaking with her at her cubicle
Would walk toward me and pulling up the front of the pants

Nate Saunders (Field Staff Mgr.)
Took Haig Brochu (Field Staff) into a conference room by on a regular basis and screamed at him with door closed, loud enough so program staff could hear the anger. After four years of this – I had finally decided to report it to **Holly** via email. My cubicle had two short walls – and a counter – I SAW EVERYTHING.

Robin Frost (SDWIS Coordinator)
Would gossip over email to the Staff – turning them against me.
A particular email, telling me I couldn't go to get water until it was break time, etc. went viral throughout the building. I learned of this when people started telling me they had seen the email – which I never shared with them.
Would send **Roger** emails complaining about my work.
One day I forgot to stamp "imaged" on lab reports after they had been scanned & data entered into Orbit – I quickly went to retrieve the many bundles of reports to take them back to my cube and stamp them...**Robin** said – "oh don't worry – we'll get that". I received a written reprimand saying that I was causing **Robin and Ami** more work because I had forgotten this step.
Helped **Martha Nadeau** steal hundreds of used printer cartridges

Ami Stillings (Information Coordinator)
Manipulated my data so it would appear I had made a mistake.
Gave me erroneous information so I would enter bad data into SDWIS.
Made it very difficult for me to learn
Helped **Martha Nadeau** steal hundreds of used printer cartridges

Roger Crouse (Director)
Said to me one day - "I want you to apply for Family Medical Leave – get the Union involved and fight **Lynn Hadyniak** on it.
I witnessed a drowning at the boat launch – while on a break down by the river one day – I came back to the office – told **Roger** what what I had just witnessed (I was shaken) – **Roger** said "Well - Don't go on break then" and walked away.
Gave me written reprimands over very small – sometimes things that just weren't true.
Asked me to be a snitch on other staff – I said never would I be involved in that.
Interrogated **Yvette Munier** at the copier one day about the slacks she was wearing – in front of everyone.
Would creep around the floor listening in on my conversations.
Said to **Andy Tolman** one day – after **Andy** explained he wasn't getting something from another Agency - "It's time to toss someone under the bus".
After requesting Supervisory meetings with **Roger** – we started meeting bi-weekly – so I could stay on track.

On several occasions – **Roger** started the meeting with "**Robin** sent me an email" - that meant she was reporting to him that my work performance wasn't meeting expectations.
I never received my annual performance review. I got one after my 6 month probationary period ended and then never had another until 2.5 years later – the outcome was that I didn't meet expectations.
Sent me numerous emails – telling me that my voice was too loud. As much as I tried to lower my voice – it was never soft enough for **Roger** – as I sat just outside his office – 5 feet away from his door.
Invited me to a meeting regarding **Fran Simard** – posting Narcissist on her bookshelf. My co-worker **Doris Labranch** told me that **Fran** taped it to her shelf so she could refer to it for spelling while she typed an email. **Fran** told **Doris** and the others that sat in that area that I was a Narcissist. I informed **Roger** of this – **Roger** went over to **Fran's** cube and saw it – he then asked her to take it down. **Roger** scheduled a meeting with me and **Fran** regarding this. I needed a Union Rep – asked if he would reschedule so I could have my Rep present – **Roger** said - "Oh – it's not that kind of a meeting" - "This is a meeting between you and **Fran** to resolve this issue". Well – little did I know – also in the room besides Roger, myself and Fran was **Norm Lamie, Carlton Gardner, Andy Tolman, and Nate Saunders** - 5 men and Fran & I. I was certainly tricked into attending this meeting without representation – **Fran** said some pretty terrible things about me in front of all of these men – outcome – I received an email as reprimand that my body language was disrespectful. I was again – in trouble over my body language.
Roger would sleep at his desk – I observed on many occasions

Roger appointed me liaison of the Drinking Water Program (DWP) and the Health Inspection Program (HIP) – but forgot to tell me about it. **Roger** invited me to attend a meeting on the new Health Inspection Program Application (I really didn't know why I was invited – since it really had nothing to do with my work). I attended the meeting along with DWP Field Staff. I sat through the demonstration without saying much – it was a nice application and I knew they had been working on this for quite some time.

One day – **Roger** sent me an email – asking me if I forgot something. I returned the email – asking what I had fogotten. **Roger** then invited me to a meeting with himself, **Nate Saunders, Carlton Gardner** (Compliance Staff Mgr.). In that meeting I found out that I was supposed to review applications and determine if the water source should be looked at by the appropriate Field Staff for that area. At this meeting **Nate Saunders** spoke up aggressively toward me saying -you were at the meeting (the application meeting) – you could have asked questions. I said very calmly to **Nate** that if he wished to speak at me – it would be with respect not anger. The outcome of this meeting was that I was the new Liaison of the two programs – I would review all new applications that **Carol Gott** would sent me via email - I would manage a spreadsheet – inform the field staff via email to schedule a site visit and follow-up as necessary if the establishment was to become a Public Water System. This was such a large undertaking for me – the process was complicated but I managed to master the process and went on to write the Standard Operating Procedure for this task.

Holly Pomerleau (EOE Human Resources) – when I met her at her office - regarding Sexual Harassment of **Norm Lamie** – and the fact that I fully understood what Sexual Harassment was - **Holly** said - "Things are different here in State Government".

Holly turned over an email I sent her - to **Lynn Hadyniak** - regarding Haig Brochu (Field Staff) being taken into a conference room by **Nate Saunders** (Field Staff Mgr.) on a regular basis and screamed at with door closed, loud enough so program staff could hear the anger. After four years of this – I couldn't watch this happen any longer – I decided to report it to **Holly Pomerleau** via email. My cubicle had two short walls – and a counter – I SAW and HEARD EVERYTHING.

After the email was sent – **Roger Crouse** put high walls around my cubicle so I couldn't see anything.
Lynn Hadyniak – lied in a grievance hearing more than twice – then lied to Dept of Labor when I was fighting for unemployment benefits – for which I did not receive – I could have lost my home...
My instincts tell me she prevented me from leaving the DWP – I had numerous interviews within State Government
Would not grant me Family Medical Leave
Said to me "You're not that funny" (Thank goodness for my sense of humor....probably the only thing that saved me)
I told **Lynn** that **Roger** had appointed me Liaison of DWP & HIP – **Lynn** said "He must trust you" (I found that to be a very odd thing to say)
After I sent the email to **Holly Pomerleau** regarding **Nate Saunders** taking **Haig Brochu** into a conference room and fiercely – with anger – shouted at him – **Lynn** put me under investigation (see attached notice.
Lynn then sent a second notice saying a 2nd Investigation was taking place regarding Sexual Harassment.
Shortly after the 2nd notice – I was sent home because I had tampered with witnesses

First of all – I had decent working relations with everyone in the Program. My work revolved around their input – as my work too, was important to the Field & Compliance Staff when working with Public Water Systems.

I was out on paid Admin leave from April to September 2012. Then **Lynn** called me in with my Union Rep **Janine Bonk** – for a meeting regarding **Lynn's** investigation.
Lynn interrogated me for 2.45 hours. I was a basket case leaving this meeting!!!

Lynn Hadyniak conducted a Kangaroo Court – twisted and turned information she got from my co-workers. She had not 1 good thing to say about me in the 2.45 hour interrogation.

These 4 years were the darkest time of my life. I have never been treated with so much hate and disrespect as I endured in the **Drinking Water Program at the MECDC**. I finally reached out to **Sheila Pinette** – and ended up being fired. I tried to get out of this program....but I believe that **Lynn Hadyniak** prevented me from moving on.

One would think that working for the Maine Center for Disease Control would be a healthy place to be. For me – I was sick all the time – mentally – emotionally – and physically.

I have attached – letters of recommendation that I have received over the years – as I have worked at several professional office environments. These certainly do not warrant the vicious acts of hatred and disrespect that I received at the MECDC. I have also attached emails, notices and reprimands from Lynn Hadyniak – Roger Crouse – Robin Frost – Don Williams – etc.

The following list represents what I encountered over 4 years at the Drinking Water Program of the MECDC:
Sexual Harassment, Harassment, Interrogation, Desparate Treatment, Demeaning, Abuse, Mental Abuse, Emotional Abuse, Demoralizing, Hostility, Retaliation, Public Humiliation, Barbaric Actions, Disturbing.

The best way I can describe my time at the **MECDC** – was like being in a **CULT** – once they knew you didn't agree with the culture or had something to say against something – you would then face consequences. This environment was **Toxic** – the entire building breeds **Toxic**.

As a State Employee, Servant of the Governor, I deserved a safe place to work. To do my very best for whatever Agency I would work for – and in serving the people of the State of Maine. I had 10.5 years toward my retirement in State Government and could have lost my home. Never in my wildest dreams did I ever think I could be fired from any job. I've always done my very best and have been noted for doing so in every office I've ever worked in. I had never received a reprimand until I got to the **Drinking Water Program at the MECDC** – where I received them one right after another.

Thank you for your time and I do apologize for the length of this document. There was so much more that went on – on a daily basis – I thank God that I survived this traumatic time in my life. This was not an easy essay to write and the occurrences were not easy for me to revisit. This makes me sick to think I was in such a hell of a work place at I was at the **Drinking Water Program at the MECDC**. I have tried to forget about this time – it does get easier for me as time goes by.

Sincerely,
Carla McPherson

MATTHEW DUNLAP
SECRETARY OF STATE

STATE OF MAINE

OFFICE
OF THE
SECRETARY OF STATE

FIRST INTERIM REPORT TO THE GOVERNMENT OVERSIGHT COMMITTEE ON IMPLEMENTATION OF THE REPORT ON RECORDS RETENTION AND MANAGEMENT

OFFICE OF THE SECRETARY OF STATE

MAY 8, 2015

This is the first of a series of reports on activities within the Department of the Secretary of State to modernize the state's records management policies as overseen by the State Archives within the Department.

Because many of these activities are nascent and ongoing, these reports are intended for high-level review. If you require additional detail, we will insure you are provided that information promptly.

Our activities to date, since our meeting on 24 April:

- We are developing the framework for an *ad hoc* stakeholder group that, ideally, would include a small number of people who have enough exposure to the problems we face to help us determine:
    - The overall scope of the issues facing the Archives in Records Management
    - What the general pathways are for remedies to those issues.

We will be reaching out to a number of participants soon to execute that process; we will be in discussions with the Executive, Judiciary, Legislative and internal resources to determine those vectors.

- We are working with the Governor's office on a series of nominations to fill current vacancies on the Archives Advisory Board (AAB). One in particular had been submitted previously, and the individual has a detailed professional background in records management, so we are proceeding with that appointment.

- We are inquiring of the current incumbents as to their willingness to continue to serve. Of the five members currently serving on the AAB, they represent two county-wide elected officials, a town clerk, a retired librarian, and a retired teacher.

148 STATE HOUSE STATION • AUGUSTA, MAINE • 04333-0148 • TELEPHONE: (207) 626-8400 • FAX: (207) 287-8598

- In addition to the pending nomination to the AAB and the outreach to the current appointees, we are examining the possibility of further diversifying the AAB by customer demographic and by expertise. That process will be informed more greatly by the examined attrition of the board.

- We are contemplating, as we move through this process, the current statutory framework around records retention and the roles of the Archivist and AAB, and are making observations and engaging in comparative analysis in areas of rulemaking, statutory authority, education and training, and deployment of resources.

As noted in our previous meeting, many elements of our remediation will move concurrently, and as each element develops we will gain a better understanding of the solutions we all seek to these issues. We will endeavor to maintain lines of communication with the Committee.

DHHS Responses to Government Oversight Committee Questions
from the meeting on April 10, 2015

The questions, as they were relayed to DHHS by OPEGA, and DHHS responses are:

A. We understand there was a reorganization of the contract management office within DHHS. Senator Johnson has heard concerns that the new structure of the function lacked controls to help prevent corruption, fraud and abuse in the contracting process. Could you please describe how that function is structured and what controls are in place to minimize risk of corruption, fraud and abuse?

   DHHS Response: The contract management office reorganization is linked to contract processing reform, both of which employ greater consistency, controls, and scrutiny than was in place previously. For instance, we now include reviews from legal, audit, program, leadership, and finance before moving contracts into the sign-off phase. This ensures that the language of contracts is more enforceable and direct to better hold both the state and its vendors accountable.

B. Rep. Campbell has heard concerns that the funding that goes to the lead HMPs is not finding its way to the other organizations in the community that are providing HMP services. Is DHHS aware of any issues with how lead HMPs are handling the funding they receive in terms of distributing it to other organizations that are doing HMP work? Are there systemic issues of this kind in the current structure for the HMP program with Leads, sub-grantees and others?

   DHHS Response: The Lead HMP contracts are specific in the expectations for funds distribution. Rider A includes a chart that lists what the Lead agencies can spend for administration of the funds, what they can spend for prevention services, and how much must be directed (equally) to each of the sub recipients in their districts. The quarterly reporting process is intended to provide regular insight into the spending trends and use of resources for not only lead agencies, but their partners. The Department is aware of the situation that Rep. Campbell is likely referencing. Although the agency with complaints did not fall within the realm of the Lead HMP's contractual obligations, the Department has been working with that agency to explore other avenues for some of their activities and has contracted with a mediator to assist the two agencies in addressing the situation. Clearly, the HMP initiative needs revamping, which is why the Department employed a Request for Information process to include written responses and facilitated community forums across the state to help develop a more equitable and successful community based health coalition model for the next procurement cycle (beginning July 1, 2016).