

Booze, Bombs and Porn

Water Works employees could use a cold shower, ex-employee's federal civil rights suit suggests

By Geoff Davidian

Milwaukee -- On March 12, 1984, Nancy E. Grider was 35 years old and on top of the world; her divorce was finalized four days earlier, she had recently earned a two-year degree in environmental science and water and wastewater technology from MATC, and it was her first day on a new a job with the Milwaukee Water Works.

Grider had no car so she borrowed a Trek bike from her sister and welcomed spring with a daily ride from her East Side residence to Lake Drive, through Lake Park and down to the shore to report at the Linnwood Water Treatment Plant. She was feeling good.

"I was proud to work for the biggest water plant in the state," she recalls in an interview.

But soon her rides to and from work had a different character.

"I felt the tears freezing on my face," she says now. "I was thrilled to do the job but within two weeks I was scared to death. I was afraid of violence."

On April 10, the Common Council agreed to settle for \$5,000 plus legal fees the lawsuit NANCY E.

GRIDER, Plaintiff, v. CITY OF MILWAUKEE, et al. Grider sued the city, the then



public works chief and several employees who worked at the Water Works.

Grider, now 52, alleges she suffered debilitating psychological damage because of the treatment she received as a city employee. In her complaint, Grider asked for \$48,000 in back pay and \$1 million for "medical expenses, disability and for pain and suffering,

humiliation, embarrassment, mental distress, emotional distress and other damages."

The settlement, which may include workers comp payments, was the first step in the city's effort to compensate Grider for what she alleges in court documents were years of management-tolerated, on-the-job threats, masturbation, sex-based discrimination, drunkenness, bomb-making, pornography viewing, animal skinning and urination in the city's water supply by the people employed to purify it.

Grider said she agreed to settle the case because "I'd rather not repeat myself over and over.

"There is no amount of money that can adequately compensate me for this."

Her lawyer, Lawrence Zieger, said Grider's stories show there's no accountability in middle management.

"She just wants it to go away, but she doesn't want them to go unnoticed," he says.

Yet despite the Common Council's approval of the settlement, Assistant City

Attorney Miriam R. Horwitz wants to keep the public from inspecting material relating to public employee behavior that may threaten the safety and health not only of city employees but the public in general.

Horwitz refused a *Shepherd Express* request to view documents relating to the case that were arbitrarily stamped “CONFIDENTIAL” by the city to secure them from public inspection under a local rule of the federal court.

According to Rule 7.11 of the local rules, a party may designate material presented during discovery as “CONFIDENTIAL” only “when such person/entity in good faith believes it contains trade secrets or nonpublic technical, commercial, financial, personal, or business information.”

Asked to explain why the file would not be released, Horwitz says the public interest was served by not releasing it.

On April 20, District Judge Thomas J. Curran denied a request to have the “CONFIDENTIAL” stamp removed from the material.

Regardless of the court’s order, what the *Shepherd* has learned already is if nothing else, embarrassing.

“Nancy’s story is a tale of liquor, pornography, drunken, incompetent, unproductive employees and everyone tolerated it,” attorney Zieger attests. Although Grider told her supervisors time and again about instances of sexual harassment and discrimination, there seemed to be no procedure for dealing with complaints.

The problems weren’t restricted to the Linnwood Plant, Grider says she learned when she was transferred there soon after taking the job.

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“My first assignment was underground at Linnwood flushing out the sludge from large tanks with a big fire hose. It was a recovery basin that collects spent wash water—the backwash from the filters. You had to climb down a ladder, about 16 or 18 feet into a huge, cavernous place about a quarter the size of a football field. It has a musty smell, but you can smell the chlorine, too. You shiver; it’s real cold. You have to wear warm clothing. We wore a lot of gear, like yellow rain gear—it had a jacket and bib. I was at the front end of the hose and I was all of 120 pounds. It was all I could do to hold onto the hose. I had to wrap it

around me. Another person holds the hose behind to help move it. I turned around to see why it wasn’t moving and the other guy was standing on the hose with his bib down and his hands in his pants making masturbation gestures. There were about eight of us down there, and the others were standing around watching and laughing.

“I ran up the ladder, looking for Top Man; that’s what they called him. I was peeling off all my gear and another worker came up and told Top Man, “So and so was jacking off on Little Girl.” He was laughing.

“Then, the masturbator came up and Top Man told him to apologize. He came up and put his hands on me after they had just been there and said, “I’m sorry.”

“I wanted to complain but they told me I could have an accident.”

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“The very first thing that happened at the Howard Avenue plant was on my very first day. There weren’t any women there so they only had three men’s rooms. They took a piece of tape and put it over “Men” on one of the doors and wrote “Woman,” and they said my locker would be in there. When I went in there was a guy there on the toilet with

his pants down. They did it as a joke.”

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“ [One of the men working there] kept pictures of body parts pasted to the inside of his locker doors. They were double doors, and they opened out from the middle. He had these body parts, vaginal areas and he pasted pictures of his children inside the pictures of the vaginal areas. At lunchtime, he’d open the doors, and pull out a pornography magazine and sit in front of it and eat his lunch.”

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“I remember my first Christmas at the plant. I had small children and I had taken them to church. I had a camera with me to take pictures of them at church, then afterwards I took them home and went to work. When I walked into the plant, there’s a guy on the floor completely drunk, booze bottles on the table and pornographic movies on the TV. I started to take pictures. Eventually, the fellow who was on the floor got up.

“The guy started doing a strip tease. I kept begging him to leave because his wife was calling. When he woke up he was mad at me for turning off the pornography.

“He said, ‘I’ll show you a striptease.’ “

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“The common thing is that what you see in the plant stays in the plant. This is our business. I was a person of authority and they didn’t like that.

“I was their union representative and I called OSHA because I thought there were safety issues. But the OSHA people said the men had to shave their beards. That made them all mad. They said, ‘We didn’t elect you to think, we elected you to get us out of trouble.’ I know there are a lot of excellent, dedicate people there who take their job seriously. But others don’t belong there.”

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“I saw guys stand in front of me and urinate in the water filters. I think they did it just to expose themselves.

“When I said I saw these people urinating in the water, my supervisor said, ‘Dilution is the solution to pollution.’”

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“One of the employees was making explosives in the plant. It did cause property damage. He bragged to me. I didn’t believe him. It blew the flashing off. One day I came in and the windows were broken. So I called police. I thought maybe it was a drive

by shooting. But police came and said, ‘No this happened inside the gate.’

“[The person allegedly making explosives] was told that it was inappropriate to keep materials such as those found in his locker in the workplace. I also told him that we must have a clear understanding that he was to bring no explosives or weapons of any kind ever on the job.”

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Despite the work environment, Grider ultimately became Water Plant Operator in Charge.

“I was more educated than the others,” she said. “I wasn’t a Ph.D. It was only a two-year degree. But some of them couldn’t even read.”

Although she was promoted and changed the physical location of her work, the Water Works culture stayed the same, Grider says. The men resented a woman coming into their domain.

Grider finally saw the writing on the wall—literally—and decided to take action.

On Nov. 14, 1998, someone had written, “N.G. is a Cunt” on the men’s room wall, her complaint alleges. “The next time she looked, it was written three times.

Finally, when she saw “You outta here” written behind her desk, she couldn’t take it any more.

“I was crying and flipping out about it,” she says.

On Nov. 16, 1998, after 14 years of employment in the male-dominated Water Works culture, Grider filled out a City of Milwaukee Employee Complaint Form in which she said someone wrote on the men’s room wall “N.G. is a cunt,” and that she believed she was discriminated against because she was a woman in authority.

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“After I filed my complaint, [someone] came up to me screaming, ‘Tell me what you told them. I’m not leaving until you do.’ I was intimidated. I was real scared. I hadn’t eaten or slept for a week.”

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On May 27, 1999, Grider filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission. On Oct. 25, 1999, the EEOC determined that “[b]ased upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes.”

However, the finding added that the EEOC did not certify that “respondent is in

compliance with the statutes” and notified Grider of her right to file a federal lawsuit against her employer.

Meanwhile, the city was defending itself in court:

- stating that persons other than “the answering defendants” caused the “injuries and damages sustained by [Grider], if any;”

- that Grider didn’t properly serve papers on some of the defendants;

- that Grider waited too long to bring some of the charges;

- that Grider could have reduced her damages but didn’t;

- that Grider did not adequately “state a claim upon which relief may be granted;”

- that the public officials are protected by immunity because of their government status;

- that if Grider suffered it was not because of an official policy;

- that all employment actions taken “with respect” to Grider “were predicated solely upon lawful and legitimate business concerns;” t

- that the defendants “took prompt and effective remedial measures” in response to Grider’s “allegations” of sexual harassment;

- that she welcomed some of the behavior.

The city asked that Grider receive nothing from defendants, and make her pay for costs and other expenses.

But while the City Attorney’s office was denying any liability for what may or may not have happened to Grider, the government had already spent \$28,813.96 to investigate the Water Department, invoices obtained through the state public records law show. Rather than depend on the Milwaukee Police Department’s bomb squad, drug and vice details or in-house investigators, money was spent to hire Armitage & Associates Investigative Services, “a member society of former special agents of the FBI.” Their fee: \$100 an hour.

Carrie Lewis, Water Works Superintendent, acknowledged that her department and the City Attorney’s office acted together to hire Armitage, but she said that because the city attorney has stamped “confidential” on their report under federal court’s local rules in the Eastern District of Wisconsin, she was not sure she could reveal its contents.

Grider's lawyer, a former Milwaukee Police Officer, said he would not jeopardize his client's case by revealing the character of the material obtained in discovery, even though the material may cover the behavior of government employees not legitimately "confidential" under the court's rules.

Horwitz refused to provide *Shepherd Express* with 334 pages of depositions paid for with more than \$1,000 in public money, which is Grider's accusations against city management under oath.

A spokesman for Mayor John Norquist says Norquist takes the City Attorney's advice on what claims to settle, and he did so on this one.

The Grider suit tears the scabs off city sores that oozed filth for more than a decade, but Cecilia Gilbert, the communications manager for the water works, says, "The city takes these allegations seriously."

Asked whether the city's water supply could be contaminated by drunken employees urinating in the filters at the plant after the water was chlorinated—as Grider's suit alleges—Gilbert was unable to answer without knowing exactly where in the purification process the urination had occurred.