



DRAFT COPY

CONFIDENTIAL ATTORNEY - CLIENT WORK PRODUCT

May 24, 1999

To: Melanie Swank  
Assistant City Attorney, City of Milwaukee

From: Michael J. Armitage  
Armitage & Associates

Re: City of Milwaukee Water Department Harassment Claims  
Our case no. 99-1291

## GENERAL SUMMARY

This investigation was predicated upon receipt of information concerning a series of workman's compensation complaints filed by various individuals within the Water Department. It appeared that the general theme of these complaints was "sexual harassment oriented". It was decided that a thorough interview process of Water Department employees was in order. An overall summary of those interviews follows.

1 complaints were a series of incidents spanning her entire work career in the Water Department. She claimed to have been harassed, humiliated, threatened, and forcibly exposed to explicit sexual material and comments without effective actions by the Department or City when she complained. Her primary focus for legal action were the bathroom wall writing matter, her concern for personal safety and the Department's and City's lack of a proper or timely response. Her complaint against 3 and the City came more as a last straw than a singular harassment incident. Coupled with the explosives incident and the known past violent retaliation by 3 when confronted, she felt it necessary to employ an attorney since the Department and City seemed unwilling and unable to help or protect her.

2 complaints were similar to 1, though a couple of her incidents involved males with whom she had initial consensual relationships with, but who refused to leave her alone when they broke up. She had the same list of complaints regarding pornography, harassment, worries of personal safety, unwanted sexual comments and innuendo, and the lack of management's help. Her legal focus seemed to be on 4 and 10's constant unwanted attention and harassment, and neglect by management and the City to address the situation. \*

Temporarily Redacted until August 8, 2001  
to allow judicial review ("TR")

TR

TR

retaliate in violent ways to the property (vehicles, homes, etc.) of anyone he had problems with. There was the possibility that the other employees, feeling they had nothing to gain, did not want to become an enemy of Mr. 3 by making negative remarks concerning him. 1's concern for her safety regarding 3 was possibly genuine as was her frustration with the lack of response from management. This was shown by 12 admitting she did not as a general practice report problems brought to her. There was also strong evidence, through numerous interviews, that pornography, alcohol consumption/drunkenness and unproductive/incompetent employees were a major problem in the Water Department. It also appeared management tolerated these conditions.

## INTERVIEW SUMMARIES

1 said the problems she experienced at the Water Department began at the beginning of her employment (1984) with her initial interview and first weeks on the job. She was warned by coworkers that she could expect to have problems at the plant and that this was not a place for females. She figured she could handle the environment and looked forward to performing her duties, but she quickly became disillusioned. 1 was surprised by the idleness of the employees and their lack of basic knowledge of their jobs. Even more disturbing to her was the proliferation of pornography (movies, magazines, posters, etc.) and drinking at the plants. She was frustrated with management's lack of care and motivation to stop this type of behavior. In some cases, it appeared they actually participated. When she complained about the atmosphere, specific individuals and the sexual innuendo that was often directed toward her, the response from management was ineffective and the problems continued and often got worse because she complained. She also told management of her concerns with her safety, both from a dangerous work place and from retaliation from coworkers, but management only ignored her or transferred her, and never seemed to address the root of the problems. Over the years she continued to experience numerous incidents of drunk coworkers, confrontations over the constant pornography, sexual comments and come-ons, and the general ineptness of fellow employees. She finally felt she could gain some control over her environment and make some positive changes when she became an Operator In Charge. She immediately ran into resistance and threats indicating that she should not try to change the Department's way of doing things which had been in place for numerous years. 1 said as the years of problems built up, it had a cumulative effect on her both physically and mentally, and came to a head when she learned that 3 and at least two (2) other employees wrote disparaging comments ("1 is a cunt") on the bathroom wall. Also occurring at this time were rumors and eyewitnesses claiming that 3 was storing, constructing, and igniting explosives at work. 1 had known 3 as a dangerous person who had a record with law enforcement and as someone who would not hesitate to break windows, slash tires and use other menacing behavior to intimidate anyone who crossed him. When coworkers made comments that she should be careful for her personal safety and would need to watch her back, she felt that she had had enough. Management did very little except to suggest she file a complaint, which she did. She was so frustrated with the inaction and lack of response from the City, she named the City as part of the harassment complaint and hired a lawyer, who also currently represents her sister. 2

2

2 stated that her problems began when she first started at the Water Department and dated 4. When she broke it off because of his boorish comments and behavior in front of other people, he would not accept it and harassed her for years trying to get her back. She had the same type of experience with 10 who eventually assaulted her in her home so she obtained a Temporary Restraining Order against him. Her complaints were very similar to her sister's ( 1 ) regarding the lack of effective actions by supervisors and management in response to her concerns with these individuals and other workplace problems. 2 made numerous references to incidents regarding pornography, drinking, sexual comments and innuendoes directed at \* her, and threats for making complaints. She became very upset on several occasions when supervisors and management would only suggest she be transferred or did nothing when she informed them of her problems. She feared for her safety and commented on her doubts that coworkers would assist her if she found herself in a dangerous situation. She feared 3 because of the problems with her sister, and several other coworkers made insinuations of threats toward her. When she attended a sexual harassment in-service, she knew that she had suffered sexual discrimination and harassment on numerous occasions while on the job and eventually decided to do something about it by making a sexual harassment complaint. 2 said she suffered numerous physical and mental ailments as a result of the workplace and filed a workman's compensation claim. She now feared greatly of retaliation from coworkers. She has the same attorney as her sister and named the City as part of her complaint.

4

4 complained that Mayor Norquist and the city had made the Water Department a dumping ground and social program for uneducated and unskilled problem employees. He called 1 SUSPICION. He said 1 never showed a problem with the behavior and supposed sexual innuendo by coworkers and she was only naming 3 because she knew he had problems and was an easy target. He acknowledged having strong feelings for 2 even considering marrying her, but said it was all consensual and he had the love letters from her to prove it. He said her current complaints against him and the department were highly influenced by her sister ( 1 ) and the desire for money from the City. He denied many of the incidents. 2 detailed and noted that 1 and 2 have tried to influence other people to lie and change their stories in an effort to bolster their case.

20

20 had complaints regarding the addition of custodial duties to her regular work duties. Her major complaint was the treatment she received by 19 who she claimed constantly harassed her and made her life difficult and dangerous at work.

20 had a detailed diary and tape recordings which she claimed will back up her story. She was also upset with the way supervisors and management handled her complaints even after she obtained a Temporary Restraining Order against 19. She felt the City had made things worse by making her work near 19 in spite of a court ordered TRO. She filed a workman's compensation claim and hired an attorney.

10

10 admitted that he had been friends with 2 and the incidents were the results of misunderstandings and the fact that she was a "tease". He felt that 1 and 3's problems were more of a personality clash than any real threats. He felt 3 was intelligent but did tend to carry a grudge.

21

21 had complaints regarding having to do custodial duties which she did not feel was part of her job description. She had numerous problems working with and around 19, and had several written records of complaints and notes detailing her problems with him. She said she left her position because of him and did not feel supervisors and management handled her complaints effectively.

12

12 acknowledged that she preferred to work problems out with employees and not report them. It was her philosophy, developed from her tough background in Detroit, "that if nobody was killed, it was a good day". She did not feel 1 was an effective worker or supervisor, and noted that her group had the most problems of any at the plants

SUSPICIOUS

12 felt the bathroom wall writings were of little consequence and that 3 was bizarre, but harmless and a good guy. 12 had a bad opinion of 19 and felt Mayor Norquist forced him to be hired as payback for campaign work he did. She said 11 was the most dangerous person at the plant. 39 was on drugs and was a thief, and that 8 was dangerous.

13

13 knew 3 well and felt he was a good person. He did not consider him a physical threat, but acknowledged that he could be a threat to property, such as slashing tires, breaking windows, etc. He felt 1 was totally overreacting to the bathroom wall incident. 13 did not consider 19 a good worker, but he had no serious problems with him. He considered the 4/2 matter as a "he said she said" situation with no solid evidence of wrongdoing. He gave little credence to the complaints made by the females in the Water Department and said that low morale was the real problem.

22

22 2 1 SUSPICION  
SUSPICION He witnessed 2 and 4 embrace and kiss, and said 1 never hesitated to get into people's faces if she did not get her way. He considered all the claims by the females as fabrications and berated management for the way they had handled the matters.

23

23 believed that 1 turned 3 in for the fireworks in retaliation for the missed alum matter and comments he had made regarding 1 covering for 100's mistake. He said 3 was sneaky and 1 was incompetent. 23 was very familiar with the 20/19 situation and felt the Department and City set a bad precedent by catering to 20 and 9 was just trying to avoid a lawsuit. He said the situation was considered a joke around the workplace.

24

24 was upset that he had been disciplined for a missed alum feed and 39 had not. He said 1 had covered for 39 and 24 only wanted to be treated fairly. He felt 1 had made a big deal out of the bathroom wall writing as a way "to get"

3 SUSPICION  
1 2 SUSPICION  
24 SUSPICION 10 SUSPICION  
10 12 2 SUSPICION

25

25 said 1 was confrontational and not open to learning more about her job. He felt the missed alum feed was unfair to 24 because 1 covered for 39 who was not punished as 24 was, and that 39 was 1's star witness in her case against the Department. He said 4 was not as bad as 1 and 2 had portrayed him. He believed 1, 2 and 20 were looking to make a lot of money from the city and were working together to come up with a case.

2

SUSPICION

He heard 1 and 2 had contacted 6 and 17 to convince them to make up stories to bolster their claims.

11

11 was for the most part unresponsive to the investigator's questions. He said he was not a "rat" and that he knew nothing about anything. He did, however, mention that a big problem in the Department was that women were there. He felt that everything was just fine and more comfortable before females were hired and things would be okay if there were no women employees at the plants. He acknowledged that 3 had smashed the windows to his vehicle and residence after he had a confrontation with him.

26

26 said because he was new, he did not know much regarding the females claims. He said the biggest problem he saw at the Water Department was with the union workers who were very unproductive and had a terrible work ethic. He felt they expected union protection when they did not deserve it and he gave the charges made by the females little credence. His outlook for the Department was "bleak".

27

TR

19



28

TR

d

29

29 said the biggest problem she ever had in the Department was with 40  
SUSPICION, HEARSAY She said supervisors  
were totally ineffective in this matter, especially 22 and 27 She detailed  
several incidents of individuals with drinking problems at the Department. She was not  
sure why 26 had targeted her with claims of productivity and work problems.  
3 told her he wrote part of the bathroom wall writing. She felt that  
promotions were the result of filling a female quota.

30

TR

31

TR

12

11

32

TR

SUSPICION

33

SUSPICION

TR

34

34 had made a complaint about 41 sleeping on the job and he became hostile toward her, and the incident caused her a lot of stress. She heard 1 say she was going to make 3 lose his job over the explosives matter.

SUSPICION

HEARSAY

SUSPICION

7

7 worked with 3 and did not consider him a threat.

SUSPICION

SUSPICION / HEARSAY

She mentioned how lousy the work ethic was at the Water Department and how 12 and 31 would regularly take several hour breaks for which she had kept written documentation of.

35

35 felt the problems stemmed from more of a morale problem than a harassment problem. She felt the females had overreacted to small matters and were oversensitive and belligerent. She had worked with several of the males who have been named in complaints and she had no problems with them. She said 1 and 2 were extreme personalities and argumentative.

36

36 worked with 19 and had no problems with him. She had no complaints with her work environment.

SUSPICION

She had no

37

While 37 has not had any complaints, she was concerned with the ineffectiveness of management to properly handle the complaints she saw in the workplace. She knew 1 as a person who did not hesitate to speak her mind and that 12 and 7 did not get along.

38

38 said management was much to blame for the current troubles because of their lack of effective responses to problems when they occur. She considered 19 a good worker and felt he was the one being harassed.

SUSPICION

38 complained of the morale problems and lack of productive workers in the Department.