

VIA EMAIL (tjlemonds@madison.k12.wi.us)

Date: October 19, 2022

Re: Workplace Bullying Complaint

Dear Mr. LeMonds,

The purpose of this letter is to formally close the Workplace Bullying Complaint filed by Ms. Herman, Mr. Mackey, and Mr. Wetzel, which was initiated on October 28, 2022.

General Information

In this complaint, Ms. Herman alleged that Mr. LeMonds engaged in conduct directed against her violating the District's Workplace Bullying Policy #8013. Specifically, that Mr. LeMonds engaged in the following:

- Unwarranted / invalid criticism of work performance.
- Shouting or belittling Ms. Herman during a phone call on or about March 2, 2022.
- Ignoring staff in the workplace, specifically at the event at Wright Middle School on or about October 13, 2022.

In this complaint, Mr. Mackey alleged that Mr. LeMonds engaged in conduct directed against him violating the District's Workplace Bullying Policy #8013. Specifically, that Mr. LeMonds engaged in the following:

- Shouting or belittling Mr. Mackey in the presence of others on or about October 13, 2022.
- Being dishonest to others.
- Excluded from work related activities.
- Assigned additional work duties.

In this complaint, Mr. Wetzel alleged that Mr. LeMonds engaged in conduct directed against him violating the District's Workplace Bullying Policy #8013. Specifically, that Mr. LeMonds engaged in the following:

- Excluded from work related activities where Complainant 3 would normally be involved.
- Assigned additional work duties.

According to the District's Workplace Bullying Policy #8013, workplace bullying is defined as the repeated, unreasonable actions of an individual (or group) directed toward a peer, co-worker or employee that is intended to intimidate and creates a risk to the health or safety of the target.

Workplace bullying does not include a non-abusive exercise of management rights to assign tasks, appropriately monitor work, evaluate performance, provide constructive criticism, reprimand for

misconduct or take disciplinary actions against employees when appropriate. A demanding supervisor should not be considered a bully if his/her primary motivation is to obtain the best performance from his/her employees through the establishment of high but reasonable expectations that are appropriately conveyed and applied.

An investigation was conducted by Mr. Brian Holmquist, District Investigator, into these allegations. The following are the results of this investigation.

Findings

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to unwarranted / invalid criticism of work performance of Ms. Herman. The discussions regarding recalibration or reclassification of Ms. Herman's position and pay adjustments are within the role of the Department Director. Any timing issues are also within the role of the Department Director. The Department Director has responsibility for the department's budget and any changes to roles and responsibilities including working with Human Resources regarding the classification of roles for salary ranges. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to unwarranted / invalid criticism of work performance of Ms. Herman.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to shouting or belittling Ms. Herman during a phone call on or about March 2, 2022. Mr. LeMonds acknowledges that during crisis situations the discussions often get emotional and intense. Mr. LeMonds' tone and voice volume were more likely than not interpreted by Ms. Herman as Mr. LeMonds shouting or yelling at her. However, this was a single incident and determined to not have the intention to intimidate or cause harm. Mr. LeMonds reported his intention during this discussion was to discuss the various issues related to crisis communication and the different pressures and roles during these types of incidents. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to shouting or belittling Ms. Herman during a phone call on or about March 2, 2022.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to ignoring Ms. Herman in the workplace, specifically at the event at Wright Middle School on or about October 13, 2022. Ms. Herman and Mr. LeMonds and others reported the event was stressful and there were multiple issues with equipment. Ms. Herman reported she believed Mr. LeMonds' behavior initially was related to the stress of the event and the issues with the equipment. In addition, witnesses reported they did not observe any interaction where Mr. LeMonds was intentionally ignoring Ms. Herman. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to ignoring Ms. Herman in the workplace, specifically at the event at Wright Middle School on or about October 13, 2022.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to shouting or belittling Mr. Mackey in the presence of others on or about October

13, 2022. Mr. Mackey and others, including Mr. LeMonds, reported the incident of Mr. Mackey swearing and Mr. LeMonds verbally addressing Mr. Mackey. The verbal correction from a Department Director regarding inappropriate language is reasonable. In addition, this was a single incident. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to shouting or belittling Mr. Mackey in the presence of others on or about October 13, 2022.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to being dishonest to others. Mr. LeMonds reported the conversation he had with Ms. Knight was regarding his surprise at how Mr. Mackey responded to questions about his aspirations and interest in a potential new role. In addition, Mr. LeMonds reported he discussed Mr. Mackey's shared criticism about tasks/work currently not being addressed within the department (given the number of open positions). Ms. Knight reported she did not inquire more about what Mr. Mackey had allegedly said to Mr. LeMonds (specifically him saying bad things about her), saying she knew it was not true. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to being dishonest to others.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to excluding Mr. Mackey from work related activities. The decisions regarding website redesign were led by Ms. Fielder, and these decisions would have included a former employee's role as the Website Team Leader. The discussions regarding design and changes to the site are not specific to Mr. Mackey's role as Website Programmer. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to excluding Mr. Mackey from work related activities.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to assigning additional work duties to Mr. Mackey and Mr. Wetzel. Dr. McGregory reported he did direct Mr. LeMonds to cover the desk in Room 100 with current Communication Department staff. Mr. LeMonds directing Ms. Knight to develop a schedule for coverage as the direct supervisor of Mr. Mackey and Mr. Wetzel is reasonable. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to assigned additional work duties to Mr. Mackey and Mr. Wetzel.

Insufficient evidence exists to indicate Mr. LeMonds violated the District's workplace bullying policy related to excluding Mr. Wetzel from work related activities where he would normally be involved. The selection and purchase of new equipment was to modernize the Department's equipment and to purchase new equipment for a specific task of creating media level contact to showcase the positive stories around the District. It is unclear how others including Mr. Wetzel's opinions were solicited, or provided the opportunity to share feedback based on the awareness of the proposal. Based on the weekly meetings within the Department it is more likely than not, the Department was aware of the proposal, and subsequent approval and purchase process. In the event Mr. Wetzel's opinions and/or other's opinions about this proposal were not solicited, the decision about upgrading equipment and submitting such a proposal is reasonable and expected from a Director of a department. Therefore, there is **insufficient** evidence to indicate that Mr. LeMonds violated the workplace bullying policy related to excluding Mr. Wetzel from work related activities where he would normally be involved.

Actions

No disciplinary action will be taken.

If you have questions, please contact Legal Services at (608) 663-1868.