

Special Executive Committee
Summary Conclusion
Regarding its
Evaluation of Fire Chief Bonnie Bleskachek

A special session of the Executive Committee of the Minneapolis City Council was held pursuant to notice on Tuesday, November 28th at 12:00 p.m.

The meeting began with City Attorney Jay Heffern explaining the Open Meeting Law, specifically, Minnesota Statute § 13D.05 Subd.3, as it relates to a public body's ability to close a meeting to evaluate the performance of an individual who is subject to its authority. City Attorney Heffern opined that the Executive Committee may close the meeting in that Fire Chief Bonnie Bleskachek is an individual who is subject to the authority of the Executive Committee.

The special session of the Executive Committee was then closed to discuss the performance of Chief Bonnie Bleskachek.

Human Resources Director Pam French, began the closed session with an overview and further explained that the Parker Rosen Law Firm, Attorneys Andrew Parker and Nancy Mate, had been hired by the City to conduct a thorough investigation into the complaints against Fire Chief Bonnie Bleskachek.

Mr. Parker next summarized the charges, scope and findings of the investigative process. Mr. Parker provided an overview of the investigation and separated the allegations into three categories:

1. Respect in the Workplace Policy (RTW) allegations that directly involved Employee C.
2. Other allegations that did not directly involve Employee C, but which Employee C believed affected her employment situation.
3. Allegations discovered during the course of the original investigation (which led to the second investigation).

With respect to allegations that directly involve Employee C, the investigator substantiated the below listed allegations, which are grouped into two categories – direct and indirect allegations. The direct allegations are ones which were raised by or happened to Employee C, and are addressed in two sections – those relating to inappropriate comments, and conduct that created a disrespectful, uncomfortable, and demeaning work environment. The indirect allegations are incidents that occurred, not directly to Employee C, but which affected her understanding and concern regarding the Chief's conduct towards her and had a direct impact on the work environment.

If an allegation has been substantiated, the investigator has determined that, based on the information reviewed as part of the investigation, the allegation is more likely true than not true.

- A. Direct Allegations – Inappropriate Comments and Conduct Creating an Intimidating, Hostile or Offensive Work Environment.

1. Chief Bleskachek made an inappropriate comment to Employee C when the Chief greeted her on her first day in her job. Employee C reports that the Chief said, "Employee B asked if we had ever kissed or made out." Employee C understood that "Employee B" was a reference to Employee B, and that the question suggested Employee B thought the Chief and Employee C may have had a romantic or sexual relationship. Employee C states she rebuffed the comment, and immediately became concerned that her working relationship with the Chief might be adversely affected by Employee B's jealousy of her.
2. Chief Bleskachek treated Employee C in a demeaning way that was less favorable than others similarly situated by failing to give her the proper bars and badge for her position even after Employee C requested them from the Chief on at least two separate occasions.
3. Chief Bleskachek treated Employee C less favorably than others similarly situated by failing to ensure she was provided with paid parking for several weeks beginning in August 2004, even after Employee C requested the parking from the Chief.
4. Chief Bleskachek treated Employee C in a demeaning or disrespectful way by failing to take any action to correct errors in pay which occurred when Employee C began her job.
5. Chief Bleskachek treated Employee C in a demeaning and disrespectful way by publicly introducing her as the person who would get food for a visiting National Accreditation team in the spring of 2005 when Employee C indisputably played a major role in making preparations for the event.
6. Chief Bleskachek intentionally and inappropriately touched Employee C's leg and foot several times on two separate occasions when she was seated next to the Chief at a table. The first incident of inappropriate touching occurred at a public restaurant during a work-related function. The second incident of inappropriate touching occurred during a meeting in the Chief's office.
7. Chief Bleskachek heard Employee B make at least two demeaning comments about Employee C at a private party, and saw that Employee B had written a demeaning reference about Employee C on Employee C's drink cup. Specifically, Employee C alleges Employee B said, "Bonnie calls you her 'office candy.'" Employee B allegedly also told Employee C she was nothing more than a "glorified gopher," and allegedly wrote the letters "GG" on Employee C's drink cup. Employee C alleges the Chief acknowledged hearing the comments and seeing the drink cup, but failed to admonish Employee B or properly distance herself or reject the comments. In so doing, Employee C alleges the Chief indicated to her a lack of respect for Employee C in the workplace as a professional, and this lack of respect was borne out later by the Chief's change in treatment of Employee C at work.
8. Chief Bleskachek created an uncomfortable and demeaning work environment beginning in July 2005 by significantly reducing her one-on-one contact with Employee C and giving strong non-verbal messages that she wanted minimal personal contact with Employee C in the workplace. Employee C alleges this

conduct occurred because Employee C had rebuffed the Chief's advances, and/or because the Chief believed she needed to placate her partner who had expressed jealousy about the Chief's relationship with Employee C.

B. Indirect Allegations.

The following allegations were substantiated. Employee C was aware of these allegations and while they did not happen directly to Employee C, they affected her understanding of what had happened to her and created greater concern for how the Chief was treating her.

- Employee C knew that the Chief had had a sexual relationship with Employee A. At the time, Employee A was married and was in a subordinate position to the Chief.
- Employee C was aware that the Chief engaged in inappropriate sexual contact within fire stations. Specifically, Employee C referred to Employee B being seen making out with the Chief on the floor of the workout room by a rookie firefighter.
- Employee C was aware that the Chief engaged in inappropriate conduct with subordinates by: (1) being naked in a hot tub at a private party when subordinates were present; and (2) dancing in a sexually suggestive way at a public club with a young firefighter who was reportedly uncomfortable with the Chief's conduct.

There were three other indirect allegations against Chief Bleskachek that were not substantiated in this investigation. The investigator did not provide details of these events.

C. Allegations in Second Investigation

The following allegations of misconduct and/or impropriety were substantiated as a part of the second investigation.

1. During the summer of 2005, Chief Bleskachek was seen making out with Employee B on the floor of the workout room at Fire Station #5.
2. In November, 2004, Chief Bleskachek took Employee B's crew to breakfast and directly caused the Deputy Chief not to discipline the crew members.
3. On three different occasions in 2004 and early 2005, Chief Bleskachek was naked in a hot tub when Fire Department employees were present.
4. In September, 2005, Chief Bleskachek was dancing in a sexually suggestive way at a public club with a young firefighter who was reportedly uncomfortable with the Chief's conduct.
5. Chief Bleskachek drove code 3 in a department vehicle with a non City employee in the car.
6. Chief Bleskachek brought a non City employee to a command post at a fire scene
7. Chief Bleskachek used the Fire Department dispatch system for personal purposes.

8. Chief Bleskachek used the Fire Department computer system for personal "love" messages to Employee B.
9. Chief Bleskachek has a history of dating and romantic pursuits of others in the Fire Department, most often employees of lower rank and sometimes direct subordinates, which clearly had a negative affect on the conduct of others and disrupted the work environment.
10. The following substantiated allegations are all related to the negative impact the Chief's relationship with Employee B had on the work environment.
 - In May, 2005, Employee B was allowed to take a vacation day trade with Chief Bleskachek's knowledge while on a holiday with Chief Bleskachek, and Employee B misrepresented it as a "broken trade".
 - Chief Bleskachek would frequently visit Employee B's station, on and off duty, ride the rig with Employee B's crew and spent the night at the station with Employee B's shift – this did not occur with the same level of frequency at other stations.
 - Multiple reports of discomfort with the impact that Chief Bleskachek's personal relationship with Employee B had on the workplace, including as it related to Employee B's abuse of the informal power she receives from that relationship.
 - Several employees had the perception that Chief Bleskachek treated Employee B more favorably regarding time off (both vacation and approved city-paid leave), treatment of sick leave, amount of time riding out of grade as a battalion chief, and Employee B's access to the Chief regarding departmental issues.
 - Widespread employee perception that Chief Bleskachek's decisions regarding the battalion chief exam were governed by personal animosity towards Employees D and E and favoritism towards Employee B.
 - Employee C's discomfort at being in meetings with the Chief and Employee B, in part caused by Employee B's comments at the June 25, 2005 party and the Chief's comment to Employee C on her first day of work, as well as her perception that Employee B was treated with favoritism regarding certain committee assignments.
 - Employees' perception that Chief Bleskachek tried to cover up the May 21, 2002 incident with Employee A's husband, as well as her affair with Employee A.
 - Multiple employees warned Chief Bleskachek about their concerns about her conduct and her relationships with subordinates.
11. During the course of the investigation, Chief Bleskachek made several misstatements, mischaracterizations, and had a pattern of altering the context of her comments to the investigator, which diminished the Chief's credibility throughout the process.

There were a number of other allegations against Chief Bleskachek which were determined to be unsubstantiated. The investigator did not provide details of these events.

The Executive Committee then considered the information provided by the investigators and directed the City Attorney to prepare the appropriate communications to Chief Bleskachek informing her of the Executive Committee's intention to remove her as Fire Chief.

The special closed meeting of the Executive Committee was continued until December 13, 2006 at 9:30 a.m.

On December 13, 2006, the Executive Committee continued the meeting of November 28, 2006 to discuss the performance of Fire Chief Bonnie Bleskachek. Mayor Rybak reviewed the previous meeting outcomes and directives, reminded the group to limit their discussion to the performance of Chief Bleskachek, and asked Assistant City Attorney Mike Bloom to update the Council Members on the progress of the City's negotiations with Chief Bleskachek's attorney and to explain to the Executive Committee the procedural process for proceeding with discipline, up to and including termination. This process was described as follows.

Procedure for disciplining department head:

- Executive Committee must investigate all relevant facts, but not prejudge the facts of the case.
- Executive Committee must prepare specific written allegations related to removal and misconduct and list all rules, regulations, and policies violated.
- A Predetermination Meeting must be scheduled to allow the department head to respond to both the removal action and the discipline charges.
- Following the Predetermination Meeting, the Executive Committee must decide whether removal and/or discipline are warranted and if so, the level of discipline to be imposed.
- The Executive Committee must prepare written findings of fact and conclusions.
- The written findings of fact and conclusions regarding removal and discipline are forwarded to the home (city council) committee of the relevant department, which will recommend its approval or disapproval to the City Council.
- If the full City Council then approves removal or discipline, the decision becomes effective when it is published in Finance and Commerce.
- The department head is sent a Determination notice notifying him or her of the Council action, and of his or her right to appeal.

After reviewing the procedural process, Assistant City Attorney Bloom reminded the committee that the purpose of the meeting is to evaluate the performance of the Fire Chief and that the substantive issue of discipline would require an additional separate meeting by the Executive Committee. Mayor Rybak reminded council members that a decision did not have to be made at this meeting, and encouraged all to take some time to think over the issues and options. The members concurred that it is a serious undertaking to remove a fire chief and that the process deserves complex, thoughtful consideration, of the decision makers.

The Special Executive Committee meeting was continued to December 20, 2006 at 8:00 a.m.

On December 20, 2006, the Executive Committee continued the meeting of November 28, 2006 and the continuation of that meeting of December 13, 2006, to discuss the performance of Fire Chief Bonnie Bleskachek.

Council members discussed the investigator's findings as they relate to Bonnie Bleskachek's ability to carry out her responsibilities as Chief, her ability to exercise sound judgment and to supervise or work with subordinates.

The Special Executive Committee meeting was continued to a future time which will be made at the call of the Chair.

On December 22, 2006, at 8:30 am, the Executive Committee continued the meeting of November 28, 2006, including the continuation of that meeting to December 13, 2006, and December 20, 2006, to discuss the performance of Fire Chief Bonnie Bleskachek.

The Executive Committee completed its evaluation of the performance Bonnie Bleskachek as Fire Chief and concluded that it should remove Bleskachek from the appointed position of Fire Chief, that Bleskachek be denied severance pay and that she not be allowed to hold a position within the Department involving supervisory responsibilities.

The Special Executive Committee meeting was adjourned at 9:15 a.m.