

Memorandum

To: Mayor Dave Cieslewicz
CC: Larry Nelson, Brad Wirtz, Mike May
From: Janet Piraino
Date: 12/30/2008
Re: [REDACTED] and [REDACTED] Complaints

I did not memorialize my conclusions when I completed my investigation into this matter a couple weeks ago. This memo does that.

Madison Water Utility employees [REDACTED] and [REDACTED] lodged complaints with our office on 10/13/08 and 10/31/08 respectively alleging that Larry Nelson and Brad Wirtz had loud conversations about an alleged sexual relationship between [REDACTED] and [REDACTED]. They both said the conversations were overheard by other city employees, but neither would provide the names of witnesses who could corroborate their allegations.

At approximately the same time, [REDACTED] and [REDACTED] also filed APM 3-5 complaints against Mr. Nelson and Mr. Wirtz alleging discrimination, harassment and retaliation. DCR is in the process of investigating the APM 3-5 complaints, which are most appropriately in its jurisdiction. Therefore, my investigation was limited to the question of whether your managers violated city work rules in their conversations about the two complainants.

Mr. Nelson did have a conversation with Mr. Wirtz about rumors that [REDACTED] and [REDACTED] were having a sexual relationship because of his concerns that it was inappropriate for a manager [REDACTED] to have an intimate relationship with line employee [REDACTED] in the same agency. He inquired as to city policies on sexual relationships between staff. He had that conversation with Mr. Wirtz behind closed doors in the office of a management HR employee while that employee was present. Mr. Nelson also reported that after his meeting with Mr. Wirtz, he was discussing the relationship in the elevator and reported that the elevator doors opened "at an inopportune moment," meaning comments that should have been confidential were overheard when the doors opened. He couldn't remember further details about what was said, whom he was talking to or who overheard the comments.

[REDACTED]

December 30, 2008

When you met with Mr. Nelson, you discussed with him the importance of keeping personnel matters confidential and discussing them only behind closed doors and only with appropriate staff.

Allegations were also made that rumors of a relationship between [REDACTED] and [REDACTED] were spread further by HR staff who may have overheard the conversation between Mr. Wirtz and Mr. Nelson. Mr. Wirtz asked his staff whether they overheard discussions about the matter, but was unable to find evidence that conversations about confidential personnel issues were overheard and spread beyond the department.

It would not be unusual for HR staff in the course of their workday to overhear conversations about, or have some level of involvement with, confidential personnel matters. When you met with Mr. Wirtz, you directed him to remind his staff of the importance of keeping personnel matters confidential.

It is also worth noting that the city does not have clear, specific policies regarding sexual relationships between city staff, even if there were a direct reporting relationship between the parties. Thus, even if the rumors of a sexual relationship between [REDACTED] and [REDACTED] were true, it would likely not be a violation of city policies. I would recommend that you ask your HR director and the City Attorney to assign staff to review this issue and make recommendations to you on whether such a policy is warranted, and if so, what it should look like.

In conclusion, I believe Mr. Wirtz handled the situation appropriately. Mr. Nelson may have tested the bounds of confidentiality by discussing a confidential personnel matter in a public venue and with individuals not directly involved. He is very aware of where those boundaries should be after your conversation with him.

I don't recommend any disciplinary action and consider the matter closed.