Response to Rob Schommer complaint vice Council Member Janell Smith

On July 10, 2017 the City of Huber Heights received a complaint from City Manager Rob Schommer about language, tone and threats used by Council Member Janell Smith during a telephone call about a city project of interest to Ms. Smith. The complaint also surmises Ms. Smith was upset because Mr. Schommer refused to hire Ms Smith's daughter to provide work for the city. The complaint also asserts a pattern of conversations in which Ms. Smith uses similar language, tone and threats. The complaint also conveys Mr. Schommer used his police experience to conclude there should be concern Ms. Smith will act violently toward him in the future.

Based on the supporting evidence provided as part of the complaint, public information both city maintained and in the public domain, and personal experience the following recommendations are presented:

1. **Tone of Conversation**, children present: When Council Member Smith is upset she often displays behaviors which would be considered grating and annoying by normal standards. Ms. Smith often shows she is aware of the behaviors that grate on people and suggests that council hire conflict resolution experts to address these behaviors. Concerning the cursing and tone of address alleged in the complaint, even if Ms. Smith did curse and was rude on the phone, Mr. Schommer conveys he experienced these kinds of behaviors from Ms. Smith previously. Additionally, there is no employment requirement for Mr. Schommer to endanger himself and his family by taking phone calls in the car.

1r1. If Ms. Smith is amenable the city should provide her the opportunity to meet with professionals that can help her recognize and address situations that produce stress for herself and those she interacts with on a professional level. Successful implementation would result in a noticeable reduction of unnecessary stress found within the council and community. Observing a successful result with one council member may provide hope that extending the offer to and participation by other members of council and staff could provide a significant improvement in interactions.

1r2. Mr. Schommer should be proactive in ensuring not to knowingly put his children into an environment that exposes them to behaviors he does not wish for them to observe.

2. **Nepotism and Coercion**, ethics violation: Ms. Smith not only attended but helped arrange for the annual ethics training to be given at a Huber Heights location. A person of normal awareness would know, without asking, it would be against State Ethics rules if she were successful in advocating for the compensation of her daughter by the city. However, it is also normal for people to test that knowledge through inquiries of others with more experience. There was no indication Ms. Smith mentioned payments for her daughter's effort during the phone call in question or even subsequent to receiving the feedback contained within the complaint. On the issue of coercion, Mr. Schommer offers no indication that Ms. Smith's comments were more than an assessment of past performance and how that past performance would influence her support of his continued employment.

2r1. To avoid conversations being mischaracterized and to be able to re-evaluate actual intent, limit to the greatest degree possible the number of private conversations about public business. Instead, meet and discuss public issues during public meetings that are recorded and can be reviewed. Alternatively, for more pressing needs discuss issue through another recorded means such as email or public message board.

3. **Threat of violence**: Ms. Smith has not shown a propensity for violence and the likelihood of our seeing that change is so low not to register. She does have a few supporters that defend un-defendable behaviors but there is no indication they would react violently in defense of her political reputation. The general perception of the profile of someone likely to commit work place violence is a white male age 25 to 50, with controlling behaviors, power obsession, victim attitude, a litigious nature, job concerns, vindictive nature and paranoia. Recent police shootings, like that of Justine Ruszcyzk, indicate there may be an issue with police officers reacting by firing at unreal but perceived threats because of inaccurate interpretations of training and experience.

3r1. Mr. Schommer exhibits many of the characteristics normally associated with a person that exhibits violence in the workplace. From a layman's perspective the likelihood of an incident against Ms. Smith, other members of council and/or the public is not negligible. Mr. Schommer should refrain from carrying or bringing a weapon to an area where Ms. Smith is scheduled or likely to be or where the weapon can be accessed readily and then brought into such an area, until such time as a person trained in psychology, not professionally associated with Mr. Schommer or the Huber Heights police department, can complete a psychological examination that concludes Mr. Schommer does not pose a threat and certifying the examiners assurance Mr. Schommer will not act in a violent manner.

4. **Legal Proceedings**: It can not be ignored that a primary objective of this complaint could be to manufacture a means to extract additional funds from the city over and above that which is legally contained within the current employment agreement.

4r1. Assemble, catalog, review and assess all information so an accurate depiction of the work environment and every individual's contribution to that environment so all parties can evaluate the reasonableness of future actions and relationships.

**Complaint Schommer vs. Smith**

**Authority and Responsibility to Respond**: On July 10, 2017 the City of Huber Heights received a complaint from City Manager Rob Schommer alleging the use of bad language and a disrespectful tone used by Council Member Janell Smith during a telephone call about a city project of interest to Ms. Smith. The complaint also surmises Ms. Smith was upset because Mr. Schommer refused to hire Ms Smith's daughter to provide work for the city. The complaint also asserts a pattern of conversations in which Ms. Smith uses similar language, tone and threats. The complaint also conveys Mr. Schommer used his police experience to conclude there should be concern Ms. Smith will act violently toward him in the future. The complaint was provided by Mr. Schommer's lawyer to the City Attorney and appropriately passed on to the Mayor. (See attchs 1, 2 and 3).

The lawyers attempted to reclassify the complaint as something other than a complaint without withdrawing the complaint. The Rules of Council provides that complaints against council are to be made in writing and responded to by the Mayor. Other than presenting the issue in writing there is no format or content requirement. Nor is there any requirement for specific language designating the document as a complaint. The nature of the content alone determines this characteristic. (see attchs 4 and 5)

The City of Huber Heights Personnel Manual provides in Section 7.6 that the City Manager shall have the ultimate duty to take disciplinary actions. Additionally, the disciplinary actions listed within Article 7 could not be directed against an elected official in the manner proscribed within the document. Reviewing section 6.8 reveals there is no investigative processes contained within this section. The section does provide a useful definition of Violence in the Workplace. There is no logical method to investigate and respond to the complaint using the procedures found in the HH Personnel Manual. (See attch 6)

For these reason as the Mayor of Huber Heights it is my responsibility to respond to the complaint.

**Background and Bias**: As a private citizen and as the Mayor, I have had years worth of interactions with both the City Manager and Council Member Smith. The following information provides insight into the biases I bring into the situation when examining the content of the complaint.