



February 9, 2022

Dear Chair Franklin and Vice-Chair Smith,

I write to urge you to take immediate action to ensure that the Metro Public Health Department (MPHD) lives up to its mission to protect, improve, and sustain the health and well-being of all people in Metropolitan Nashville. Our values statement centers equity, integrity, professionalism, respect, and transparency. However, the incidents described in this letter raise serious concerns regarding MPHD's ability to fulfill our mission, live according to our core values, and maintain a healthy work environment. Our employees must be recognized as part of the community we aim to serve; their ability to deliver critical community services and programs is directly impacted by MPHD's work environment and culture. I respectfully request that you take urgent, thoughtful, and immediate action to ensure accountability within MPHD.

Along with this letter are numerous files and documentation of the multiple incidents in just recent months that display MPHD's response to employee requests, from reclassification considerations to the handling of grievances regarding racist, sexist, anti-queer, and aggressive/intimidating comments and behaviors. Alarming, employees' requests for assistance regarding employee matters were often denigrated, invalidated, and/or were used against the employee.

I would like to make clear that this is not solely a Human Resources (HR) issue or due to the sole actions of a few individuals; nor is this a new phenomenon that arose in recent months. The inadequate treatment of employee concerns is symptomatic of a greater systemic and pervasive issue. There are stark patterns and practices rooted in parts of MPHD's leadership, policies, and procedures that have failed to uphold our responsibility of ensuring employee well-being and accountability to our mission.

In summary of the documented incidents, this letter presents a series of concerns that exemplify how MPHD procedures and policies have not protected employees and their well-being, and how decision-making and decision-makers lack transparency and accountability. Please refer to the Appendix (page 6) for an additional list of recent incidents.

The three main concerns include:

- 1. Employee requests, concerns, and grievances are not handled appropriately, professionally, and with accountability.**
 - a. Job Description Update Request, October 2021:
 - i. In response to an employee inquiry about HR's process for updating job descriptions, an HR employee responded, "Life ain't fair and the world is mean," and stated, "What makes this part of the HR world so 'mean' is that there isn't a written procedure for this process, it just happens."

- b. HR Investigation, November 2021 Issues:
 - i. Although the complainant explicitly requested MPHD HR to use “they/their” pronouns, the HR investigator disparaged the use of “they,” saying it was “confusing” and continued to address the complainant as she/her and used she/her throughout the investigative report. When the complainant issued a complaint against the HR investigator regarding their reference to them as “Ms.,” they received an email response from Finance stating: “After reviewing the complaint and listening to the recordings, Metro HR has concluded that nothing inappropriate was said nor were any violations committed by [HR investigator]...This matter is now considered concluded.”
 - ii. According to a substantiated complaint, a manager asked a female employee, “Are you on your period?” When the HR investigator interviewed the employee, the investigator stated, “With my history being a recovering sexist male myself and knowing a bunch, typically the way that comes up is if the male decides the female is having a bad day, is grouchy, depressed, or something...were you guys having a disagreement? Do you remember what you said that caused him or may have caused him to say that?” The complainant responded, “I don’t think any of my actions was the responsibility of that.” The HR investigator then continues to ask multiple times whether or not there was an argument or disagreement that caused the comment, while the complainant reiterates she was simply having a conversation with him.
 - iii. When the complainant issued a complaint against the HR investigator regarding these comments, she received an email response from Finance stating: “After reviewing the complaint and listening to the recordings, Metro HR has concluded that nothing inappropriate was said nor were any violations committed by [HR investigator]...This matter is now considered concluded.”

2. Civil service and HR policies often do not provide sufficient guidance for employees and the procedures outlined are not followed.

- a. Inconsistencies with Grievance Procedure Policy
 - i. According to CSR 6.7.D, all written complaints must receive a written decision by the HR coordinator with a notice of the right to appeal to the Director. The process in which grievances are determined “non-grievances” is through an arbitrary determination made by HR/Finance personnel without transparency on how conclusions were determined or further assistance for how to approach the matter appropriately.
 - ii. Every HR investigation, employee complaint, and document noted in this letter shows that HR has not followed the grievance procedure and failed to correspond decisions with a notice of the right to appeal. Without this notice, employees are not aware of their rights and the appeal process becomes stalled as individuals are not able to continue to the next step in the process and elevate HR decisions to the Director for consideration. Failure to provide notice could require individuals to

have to file new complaints about the lack of notice in order for the original decision to be appealed.

b. “Undetermined” Complaints Not Substantiated by Witnesses

- i. There is a record of HR investigators failing to interview employees that were present for incidents described in complaints. For the November 2021 HR investigation, an employee, who was present for the incidents described and could substantiate the complaint, was not interviewed for their account of the incident, even though almost all other employees at the site were interviewed. HR then found these complaints “undetermined” stating that no one could substantiate the complaint.

3. Supervisors and leadership have often failed to provide resources and support to address employee complaints.

- a. The November 2021 investigation described in 1.a.i. concluded that the MPHD manager who made the “period” comment, as well as other inappropriate statements and behavior, should receive disciplinary action. The determination of the type and level of disciplinary action was not transparent or conveyed to the complainants or the immediate team, resulting in rumors that the manager received five days paid leave as his discipline. Following the investigation, the supervisor of the manager during a January 2022 team meeting stated, “old complaints that happened before now should not be coming in. I am done with complaints unless something really egregious occurs.”
- b. In December 2021, after an employee filed a complaint regarding aggressive and intimidating behavior by a colleague, the Executive Leadership Team (ELT) supervisor told the employee, “You will get used to it. You’re just overwhelmed because you haven’t been treated like that before.”

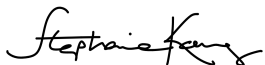
I recognize MPHD’s recent strides toward improving our agency by establishing a Health Equity Bureau, embedding inclusion and equity into our strategic plan, and identifying a racial equity training workshop for ELT. However, we cannot rest here. We call for urgent, thoughtful, and meaningful leadership from the board that signifies your full commitment to the healing and transformation of the workplace culture and equity practices within the Metro Public Health Department. These actions should, at minimum, include:

- 1) Holding a special session by the Board of Health on these issues that allows for public comment and attendance, both in written and verbal form by community members and employees, so that the Board may gain a better understanding of the extent of these concerns within MPHD.
- 2) Instructing the Director of Health to require all ELT members and HR to issue an explicit institutional commitment statement and action plan on embedding and operationalizing dignity, diversity, equity, and inclusion across all policies, procedures, and programs.

- 3) Identifying and hiring a third-party group, experienced in DEI investigations, to perform an internal investigation and produce a public report of findings and recommendations. This report should be made publicly available and shared with all MPHD employees, no later than one year.
- 4) Requesting an internal review by the Health Equity Bureau Director¹, in collaboration with a diverse table of MPHD employees, to assess the extent to which current civil service rules, HR procedures, and policies support or hinder department-wide DEI initiatives. This review request should require a report on recommendations for changes in rules, policies, and procedures that will then be presented to the Board of Health for consideration within three months of the special session.
- 5) Requiring ongoing and intensive training for all staff, HR employees, supervisors, and ELT members regarding diversity, equity, and inclusion practices that address all stages of an employee's life cycle, including hiring, performance evaluations, promotions, reclassifications, and exit interviews. Additionally, all supervisors, HR, and ELT should receive annual training on how to properly handle employee disputes and grievances, conflict resolution, cultural humility, and leadership principles.
- 6) Reviewing the progress made on these recommendations within three months, including a report from the third-party group on recommendations, and continuously monitoring and receiving updates on progress.

These actions are just the first step in rectifying wrongs and restoring a workplace culture of trust, dignity, and belonging. Together, we can heal and move towards MPHD's mission of serving our communities and protecting the well-being of all people in Nashville. I appreciate your serious consideration of these matters.

Sincerely,
Dr. Stephanie Kang
Bureau Director, Health Equity



¹ According to the MPHD Health Equity Bureau Director job description, typical duties include "reviews current practices and policies, assessing and analyzing the extent to which they support or hinder department-wide DEI initiatives".

Appendix:

Note: The appendix is not exhaustive of all documented recent incidents of employee complaints or concerns at MPHD.

1. Failure to Recognize Same-Sex Marriage, November 2021:
 - a. During a department-wide supervisor's meeting, an HR employee described the use of an HR program for the "good old-fashioned husband and wife". An employee sent a complaint to Finance stating, "This made me feel incredibly uncomfortable and alienated as a member of the Health Department." The response they received stated: "Your statement does not include the full context or quote...,[the HR employee] also referenced domestic partners and other structures." The employee responded that while the HR employee did use terms such as domestic partners and significant others, this characterization still ignored that these descriptions are different classifications than marriage and failed to recognize that same-sex marriage is legal and exists.
2. Denial of Reclassification Request Without Appropriate Explanation, June 2021:
 - a. According to the Civil Service Rules, reclassification is defined as the reassignment of a position to a more appropriate classification in order to properly reflect the function of the position. An employee requested a reclassification into a position with a job description that better matched her daily duties after reviewing job descriptions. Her supervisor approved and elevated it to the Bureau Director. The Bureau Director responded, "I'm not prepared to move forward with this at this time." The employee then requested an additional explanation for how the decision was made. The Finance Director responded, "Budgetary- we are given a set amount of funding. Equity- if we are going to look at one position, it would not be equitable to the others in the same area or those doing similar functions."
3. HR Investigation, November 2021 Issues:
 - a. HR concluded that several of the substantiated complaints regarding racist and sexist comments were "thoroughly and appropriately addressed by Program Manager..." The program manager, who is no longer an employee of MPHD, denies that these issues were ever appropriately addressed as she did not receive the support she needed to address them.
4. HR Investigation, December 2021 Issues:
 - a. The HR investigators deleted two paragraphs of the written and verbal complaint of an employee from the investigation report. The employee met with the HR investigator to understand why he chose to delete the paragraphs. The employee explained how the first deleted paragraph directly contradicted what the opposing testimony claimed occurred moments before the culminating moment of the incident. The HR investigator responded, "That's picky," and explained that it still wasn't relevant to what he determined to be related to the incident. The employee then asked about the second paragraph, which described an exchange in which the employee was accused by the other employee of inappropriately involving the Board Chair in their work, and when the employee denies the accusation, the other employee expresses he doesn't believe her. The HR investigator

- responded, “If we had included...it could have inflamed a reader to conclude that, oh, everything that you must have said must be accurate.”
- b. One of the investigation conclusions states, “her statement, made as if it were a statement of fact- that employees may not be willing to speak to [MPHD employee] because of his race and gender - was inappropriate, presumptuous, and rude, and unbecoming of an employee of MPHD and the Metropolitan Government.” This conclusion is in reference to the comment: “Well, it’s not always easy to talk about race issues with white men in leadership.” While the general comment may be perceived as uncomfortable, it is a fact that it can be difficult to have conversations on race issues with non-persons of color. This is evidence-based and to describe this comment as “hurtful and rude” denies the lived experiences of many people of color. According to the peer-reviewed paper published in the *Journal of Personality and Social Psychology* by Dr. David A. Kalkstein and Dr. Greg Walton of Stanford University,² the findings conclude that “Black participants reported less willingness to disclose race-related experiences to extant White friends than Black friends and anticipated feeling less comfortable doing so.”³
 - c. In response to this comment, the employee was subjected to an object being thrown near her, screaming, and hands and fingers pointed at her face. Yet the report recognized the aggressor for his “unblemished record” and service, although this report alone documented three separate incidents of aggression and similar behavior, and there are several unofficial reports of his aggressive behavior to other employees with witnesses who can corroborate these unofficial reports.

² Dr. Kalkstein is currently a postdoctoral researcher at Stanford University, along with Dr. Greg Walton of the Dweck-Walton lab, whose research has been supported by the Institute for Education Sciences, the National Institute of Health, the Bill and Melinda Gates Foundation, the Robert Wood Johnson Foundation, and more.

³Sanchez, K. L., Kalkstein, D. A., & Walton, G. M. (2021). A threatening opportunity: The prospect of conversations about race-related experiences between Black and White friends. *Journal of Personality and Social Psychology*. Advance online publication.