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CITY OF WATERTOWN, NEW YORK

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Jeffery M. Smith
Mayor

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This evening, a redacted copy of the report resulting from an investigation into complaints made by Erin Gardner regarding former City Manager Rick Finn was released to the media.

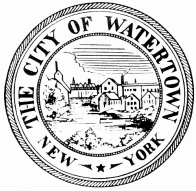
I speak for City Council as a whole when I say transparency in government is of the utmost importance. When the City did not initially release the report, we did so out of respect for the privacy of City employees who participated in the investigation. They did so with the understanding that their identities would remain anonymous; allowing them to be as candid as possible, which is something critically important when it comes to workplace investigations.

In addition, it is also important to note that when the report was initially requested by the media, the City consulted the New York State Committee on Open Government, the state entity responsible for overseeing and advising with regard to the Freedom of Information, Open Meetings and Personal Privacy Protection Laws. The Committee's core mission is to ensure openness and transparency in government. They opined that in order to protect the privacy of witnesses and confidentiality of employees, the report should not be released.

As members of the public and the media read through the report, I ask that they keep in mind the definition of a "hostile work environment." According to the U.S. Equal Employment Opportunity Commission (EEOC) and the Society for Human Resources Management (SHRM), a hostile work environment is characterized by severe, pervasive and persistent behavior. Personality conflicts, rudeness and isolated incidents do not constitute a hostile work environment.

In the report, Erin Gardner described seven specific incidents she believed supported allegations that Mr. Finn created a hostile work environment for her and subjected her to discriminatory behavior. The investigation determined six of those claims were unfounded. In the report, allegations are characterized as "exaggerated," lacking evidence and in all but one instance, are described as not rising "to the level of violation of City policy."

The report states Erin Gardner's assertion she was confronted by a hostile work environment, "appears" to have merit. However, City Council, after reading the report and applying the EEOC and SHRM definition of a hostile work environment, believed this claim to be unfounded. A hostile work environment, again, is characterized by "severe, pervasive and persistent" hostile behavior.



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In a statement released on January 24, 2020, City Council shared that the report did identify other issues of concern. As those reviewing the report will read, the seventh allegation describes a situation where Erin Gardner recorded colleagues—including Mr. Finn—during a meeting without their knowledge.

While the recording of this meeting without the knowledge or consent of its participants was highly unethical, as the report details, there were discrepancies between the recording and the testimony Mr. Finn shared with investigators. The result was the investigation finding that “Mr. Finn was not fully honest or forthcoming in his responses to the investigator.”

These allegations were leveled prior to me taking office and while I did not hire, nor get the opportunity to work with Mr. Finn for more than a several weeks as Mayor, I firmly believe there is no place for dishonesty in the workplace. It is my hope our City can continue to move forward from this situation and soon identify a permanent City Manager to help lead Watertown into its next chapter.

Jeffrey M. Smith
Mayor, City of Watertown