

Findings:

- 1. The Court's Workplace Expectations was in existence for several years, and was not a new office rule or policy.*
- 2. Judge Lev and Darlene Peterson indicated that the Group's behavior needed to change, but there is insufficient evidence to conclude that this meeting was disciplinary rather than coaching.*
- 3. Judge Lev's e-mail outlining the scope of her authority was not a threat of termination.*
- 4. The fact that XXXXX was moved to the jail docket does not rise to the level of an adverse employment action and I cannot conclude on a more probable than not basis that she was reassigned as retaliation for reporting safety concerns.*
- 5. The fact that the Judge's communications were "business-only" does not rise to the level of an adverse employment action.*
- 6. Given the fact that COVID-19 was surging in December 2020, I cannot conclude that cancelling a Christmas potluck party was retaliatory.*
- 7. Judge Lev stated that she closed her door so that she could take off her mask. Under the circumstances, I do not find the fact that Judge Lev frequently closed her door was retaliatory.*
- 8. Upon the record before me, there is insufficient evidence to conclude that employees did not have access to Judge Lev to address complaints, or that her perceived unavailability was retaliatory.*
- 9. The evidence does not support the allegation that employees were unable to raise their concerns to Ms. Peterson through the chain of command; evidence instead reflects that employees raised issues but were unhappy with their supervisors' decisions or responses.*
- 10. From the evidence of record, I do not find that the limitations on personal conversations and reprimands for excessive or unprofessional communications was inappropriate, retaliatory, or created a hostile work environment.*
- 11. Based upon the evidence of record, I find Darlene Peterson did not engage in name calling when she described the Group as "mean girls" in a private conversation with Human Resources.*
- 12. From the evidence of record, I cannot conclude that Kathy Smith stalked or surveilled the Group or violated the City's policy "Preventing Violence in the Workplace, (PER 14.00.03).*

13. *From the evidence of record, I cannot conclude on a more probable than not basis that Kathy Smith crossing her arms, making sustained eye contact or saying “good morning” were “credible threat[s] through physical action or gesture” pursuant to City’s policy “Preventing Violence in the Workplace, (PER 14.00.03) .*

14. *From the evidence of record, I cannot conclude that Darlene Peterson stalked or surveilled the Group or violated the City’s policy “Preventing Violence in the Workplace, (PER 14.00.03). I also cannot conclude that Darlene Peterson subjected members of the Group to scrutiny because they engaged in protected activity.*

15. *From the evidence of record, I do not find that Tami Bennett’s rounds or the comment to XXXXX constituted surveillance or intimidation under the City’s policy “Preventing Violence in the Workplace, (PER 14.00.03). I also cannot conclude that Tami Bennett subjected members of the Group to scrutiny because they engaged in protected activity.*

16.; 17. *Darlene Peterson made comments regarding employee’s religion or lack thereof. There is insufficient evidence to conclude that Darlene Peterson’s comments created a hostile work environment or in any way had an impact upon XXXXX’s work or opportunities for advancement. The fact that two of the three women were among the Group who complained about Darlene Peterson undercuts the allegation that Darlene Peterson favors Christian employees over other employees.*

18. *There is insufficient evidence to conclude that XXXXX was discriminated against on the basis of age or that she suffered a hostile work environment due to her age.*

19. *I find that Ms. Peterson did disclose medical information about XXXXX’s broken ankle.*

20. *The evidence of record is insufficient to conclude that Darlene Peterson’s warnings against gossip or drama which alluded to XXXXX was related to her union affiliation or an attempt to dissuade union participation.*

21. *There is insufficient evidence to conclude that Kathy Smith or Tami Bennett’s comments regarding XXXXX were an adverse employment action or otherwise retaliatory,*

22. *Although it is possible that employees have missed an occasional rest break, there is no evidence upon which to conclude, on a more probable than not basis, that employees were denied rest periods or required to work more than three hours at a time.*