



Charles Blockett, Jr. and Associates

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Special Report

To

**James Smiertka
Lansing City Attorney**

March 28, 2002



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March 28, 2002

Mr. James D Smiertka
Lansing City Attorney
5th Floor, City Hall
Lansing, MI 48933

Dear Mr. Smiertka:

Attached is Charles Blockett, Jr. & Associates (CBA) report on the investigation of sexual harassment allegations by city council receptionist, Ms. Heather Eman against Mr. Louis Adado, Lansing City Councilman.

Our contract of February 14, 2002, specifies that CBA agree to provide expert human resource consultant services, solely, to the City Attorney in regards to a city of Lansing personnel matter. CBA shall perform a complete investigation, and provide a written report and recommendations solely to the City Attorney. CBA shall utilize Tri-State Investigative Services to assist with this investigation.

Tri-State Investigators Owen Deatruck and Connie Shaffer, and Charles Blockett of CBA interviewed Ms. Eman, all council staff, all current council members, former council member Kris Nicholoff, and others.

We obtained personnel records from the Lansing City Council and Personnel Department. We checked with both Personnel and the Human Relations Department to see if they had received complaints of sexual harassment from Ms. Eman or other council staff. Neither office had received complaints.

The attached report contains the following sections:

1. Definition of Sexual Harassment
2. Ms. Heather Eman's specific allegations of sexual harassment
3. Chronology of Events
4. Observations, Findings, and Recommendations
5. Exhibits
6. Interviews conducted by Tri-State Investigative and Security Services

Mr. James Smiertka
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Tri-State Investigators Owen Deatruck and Connie Shaffer provided expert, professional investigative services. Virtually, all of the chronology of events was taken verbatim from their reports.

Mr. Smiertka, additional information has been received and made a part of this report. On this day, Tri-State investigators interviewed [REDACTED], who alleges that Mr. Adado has displayed inappropriate behavior towards her as well. Details are in the "Findings" and Exhibit C.

If, after reviewing the report, you have any questions or want CBA or Tri State to meet with anyone, please let us know.

I will be in St. Louis, MO from Sunday, March 31st until Thursday, April 4th. You can, however, leave a voicemail message on my phone at 484-3362, and I will return your call.

Sincerely,

Charles Blockett, Jr., IPMA-CP

DEFINITION OF SEXUAL HARASSMENT

Actions that are sexually directed, are unwanted, and subjects the worker to adverse employment conditions or creates a hostile work environment.

Two types of sexual harassment are defined as follows:

1. ***“Quid pro quo”*** harassment occurs when an employer or supervisor links specific employment outcomes to the individuals’ granting sexual favors.
2. ***“Hostile environment”*** harassment occurs when the harassment has the effect of unreasonably interfering with work performance, or psychological well being, or when intimidating or offensive working conditions are created.

Quid Pro Quo

Linking any condition of employment—including pay raises, promotions, assignments of work and work hours, performance appraisals, meetings, disciplinary actions, and many others—to the granting of sexual favors can be the basis for a charge of *quid pro quo* (meaning “something for something”) harassment. Certainly, harassment by supervisors and managers who expect sexual favors as a condition for a raise or promotion is inappropriate behavior in a work environment. This view has been supported in a variety of cases.

Hostile Environment

The second type of sexual harassment involves the creation of a hostile work environment. In *Harris v. Forklift Systems, Inc.*, the U.S. Supreme Court ruled that in determining if a hostile environment exists, the following factors should be considered:

- Whether the conduct was physically threatening or humiliating, rather than just offensive
- Whether the conduct interfered unreasonably with an employee’s work performance
- Whether the conduct affected the employee’s psychological well-being

Heather Eman's Allegations of Sexual Harassment

Ms. Heather Eman's sexual harassment allegations are in the form of direct quotes or statements that she made during interviews and e-mails that she received. Allegations are as follows:

- *"Touching when I would walk past him, patting on the ass, holding his arms out to hold around my waist, and commented on my loss of weight or gain of weight or change in my figure."*
- She said council staff Tina Gallante, Senior Legislative Assistant; [REDACTED]; and Karen Schmidt, Channel 28 Manager saw the grabbing, and the hitting on the behind.
- Mr. Adado sent e-mails and cards over a three-year period. *"They made me feel uncomfortable. It makes me feel dirty."*
- *"Mr. Adado left panties in my bottom right drawer. He stated he found many beautiful things at Victoria Secrets that would look good on and off me, and he would like me to have them, but he would have to get what he wanted first."*
- **Question** asked of Ms. Eman: *What did you do after you found these? Did you tell anyone?"*

Response: *"After each incident that I was upset about, I spoke with the office manager, who I'm suppose to report to."*

- Heather Eman stated that she never dated Louis Adado. She also stated that she never kissed him or had sex with him.

At the March 22, 2002 interview with Ms. Eman and her attorney Mr. Hugh Clarke, we were shown two other cards she said she received from Mr. Adado. She also made the following statements:

- Ms. Eman said, *"Lou was very upset that I was dating a single firefighter, it was right around the time for my evaluation and he told me that I wouldn't be getting a raise until I gave him his."*
- She said that Mr. Adado offered her money on a regular basis for all kinds of things, to go places with him.
- Ms. Eman stated that Mr. Adado would purchase undergarments and wanted her to wear them and give them back to him.
- She stated that Mr. Adado would follow her home and constantly call and annoy her.

CHRONOLOGY OF EVENTS

January 1, 1998

Mr. Louis Adado takes office.

June 14, 1999

Ms. Heather Eman interviewed for temporary receptionist position. She was referred by council member Louis Adado.

June 16, 1999

Ms. Eman begins her employment with Lansing City Council. She was hired as a contractual employee.

January 6, 2000

The Lansing City Council Committee of the Whole voted 6 to 1 to approve Ms. Eman as staff to the council by filling the permanent receptionist position. Council member Ms. Joan Bauer was concerned with the process. All other members who were present stated that Ms. Eman was doing a good job. Louis Adado made the motion.

October 10, 2000

Ms. Eman was given a rating of 82.2 out of a possible 100. She was rated on ten factors. She did not receive anything below 80 on any factor. The rating period was from Jan. 10, 2000 to Oct. 1, 2000. Council member Sandy Allen signed the rating on October 4th.

January 2001

Louis Adado elected as Council President. One of his first acts was to recommend that the Personnel Committee and Intergovernmental Committee be abolished. All members voted for this, except Ms. Joan Bauer. This action required a change of council rules.

May 23, 2001

Ms. Eman sent Mr. Adado an e-mail, which appears to be her response to a previous e-mail that was not located. In the e-mail, she stated "what does three dates mean? I like this one. Thank you for the gifts. They are very pretty, although it makes me feel uncomfortable. We have an arrangement? And I have to be nice to you? To get a raise?"

September 26, 2001

This was extracted from e-mail on Mr. Kris Nicholoff's computer account on February 21, 2002 at the City of Lansing's Computer and Communication Services Division.
Note: This is only a partial e-mail.

Ms. Eman sent Mr. Nicholoff an e-mail with the subject "July 24", pointing out that Mr. Adado's e-mail to her states:

- "Date with the fireman, at least two that I heard about. We all know what three dates mean.
- When you're alone for a minute, check your bottom right drawer.
- I found a few other things that you would look good in, or even better, out of. Those come after I get what I want. Better hurry doing the review calls this week." (signed) Lou

"Kris,

This is only a smidge. He constantly asks me to sell him my underwear and the e-mail above was when he left some new ones for me, so that I would wear them and leave them in his drawer. Note: it's during these couple of e-mails that we were discussing my review. I erased the ones from Duane, my Groupwise will only hold so much and they were from a couple of months ago. You'll just have to take my word for it...or not. No Matter. I would just as soon forget about it anyway. All of this e-mail makes me feel dirty."

Summer of 2001

Tri-State interview with council staff on February 19 & 22, 2002.

Ms. Karen Schmidt, Channel 28 Manager states she *overheard* Heather saying that she had been propositioned by Lou, and that he had asked her to leave her underwear in his desk and he would pay her \$100. Karen stated she believes Heather did leave her underwear in his desk. She stated that Heather told her "what do I care?"

Ms. Schmidt stated she also heard a fight between Lou and Heather when she refused to leave her underwear. Heather said, "it is no longer worth it."

[REDACTED], stated that Tina Gallante had shown her an e-mail that Lou addressed to Heather that was sexual in nature and inappropriate for the office.

Ms. Tina Gallante, Senior Legislative Assistant (Heather's supervisor), stated that Heather said that Lou had been sending her e-mails and it made her feel uncomfortable. Ms. Gallante stated that she told Lou, in a joking manner, to leave Heather alone. She stated that she didn't take the matter as seriously as she probably should have, because she didn't know exactly what their relationship was.

Summer of 2001 – Event
alleged to occur in 'Lou
Adado's office.

Ms. Eman stated that Mr. Adado called her into his office and threatened her by telling her she would not get her raise until he got his.

The following are quoted statements from the February 23, 2002 interview of Ms. Eman in Attorney Hugh Clarke's office regarding this event. The interview was conducted by Tri-State Investigators Connie Shaffer, Owen Deatrick and Charles Blockett of CBA:

Eman: *"There was a quote in one of the e-mails 'You'll get your raise when I get mine.' And then, this is a separate e-mail and he is referring to that also. Again, about me getting re-evaluated and (um) or a raise. Because he was the president of the council at that time, so he was...he had dissolved the personnel committee so he explained to me one Saturday, (um) when he called me to his office by myself, that he was now the president, he dissolved the personnel committee, he ran my life. There was no more personnel committee, there was no more needing five council members to get my or save my job or vote me off. He could hire*

and fire who he wanted and he can give evaluations and ...not, I sorry not evaluations...he can give (um) increases to who he wanted. He didn't have to go to the other council members and interview them."

Shaffer: *"Did you feel that this was a threat?"*

Eman: *"Oh, sure, cause his wrist was raised and coming over the desk at me."*

Shaffer: *"And, your reaction to this was?"*

Eman: *"I just sat there."*

Shaffer: *"Just took it?"*

Eman: *"Right. And, then I called Tina that same day when I got home, who is my boss and let her know what was said, what happened, that I was in the office, I had a ...I worked for a private investigator and I was in the office using the map (um) system on the e-mail (er) on the not on the e-mail, on the Internet looking for an address because I couldn't find it anywhere and I was trying to serve...serve this person."*

February 19, 2002, interview of Ms. Tina Gallante regarding this same event. Interview conducted by Tri-State Investigators Owen Dietrich and Connie Shaffer:

Ms. Gallante stated that she received a phone call from Heather in the Summer of 2001. She stated that, during the call, Heather had said that she was in the office late when Lou came into the office. Ms. Gallante stated that she didn't remember the content of the confrontation but stated that it caused tension in the office, so she brought the matter to the attention of Mr. Meyer.

She stated that Heather had mentioned to her that Lou had been sending her e-mails and that it made her uncomfortable. When asked what the e-mails said, Ms. Gallante stated that she wasn't sure exactly, but remembered that they were inappropriate. She said that she had told Lou, in a joking manner, to leave Heather alone. She stated that she didn't take the matter as seriously as she probably should have, because she didn't know exactly what their relationship was.

We asked her if she had knowledge of Ms. Eman receiving panties from Lou. She said that she had not seen any panties, but that she had overheard it, and remembered Heather saying that it made her uncomfortable.

Summer of 2001

Ms. Eman stated that then council member Kris Nicholoff asked her why she felt uncomfortable around or going with Mr. Adado someplace. She stated he made her very uncomfortable.

The following are direct quotes from Tri-State and CBA's interview on February 22, 2002 with Ms. Eman regarding this event:

Eman: *"When Kris and I were talking and he asked me why I was uncomfortable around ...going with Lou someplace? We went to a legislative event and I didn't want to go with Lou unless other people were gonna to be around. And, Kris questioned me on that. And, that's approximately how it came up. It was a friend conversation. He's like, 'why don't you like Lou' type of..."*

Shaffer: *"Uh-mmm"*

Eman: *"conversation. And, I said he makes me very uncomfortable. The things he does, I don't like him. And, he asked why I continued to work in there and I said I have a very good job for not working for four and a half years and not having secretarial skills. I was a firefighter and not a secretary. (um) And, I love the girls I work with. We had a family type of environment, the three girls I work with. So, (um), I was explaining to Kris and he said well ... Kris at first doubted ... wanted to know why I would be so objectionable to going anywhere with Lou or being around him. Or, why I made that face when I talked about him. And, I said (um) he placed me in some awkward positions. Made me feel very uncomfortable and dirty. And, Kris said well explain to me. And, I said, well I have e-mails I'm sure somewhere on my Groupwise that I could show you."*

**March 8, 2002 interview
with former council
member Kris Nicholoff.
Conducted by Tri-State
investigator Owen
Deatrick**

Mr. Nicholoff stated that during the course of his contacts with city hall, he had never observed any misconduct between Ms. Eman and Mr. Adado, either at the work place or away from city hall. He does, however, state that in September (fall of 2001) he was first advised of problems that had arisen between her and Mr. Adado. He states that he received e-mail contact from Ms. Eman, in reference to possible problems that she felt had arisen during her time of employment with the city of Lansing. It was during this time that Ms. Eman also forwarded e-mail received. Based upon information obtained, Mr. Nicholoff sought a meeting with her and was informed that she had contacted an attorney, identified as Mr. Hugh Clarke, and that she had contacted the office manager, Ms. Tina Gallante. She stated that the matter was going to be addressed with the assistance of the two parties. Based upon this information, Mr. Nicholoff did not intervene any further. He further stated that among the e-mail first forwarded to him were four separate e-mails that had been exchanged between Heather Eman and Louis Adado. He stated that he did not receive the entire text of the e-mails and was personally unaware of previous conversations that Ms. Eman and Mr. Adado may have had.

When questioned as to his evaluation of the e-mails that he had been able to review, he stated that his first impression was that he was shocked and that the e-mails were stupid and inappropriate. Mr. Nicholoff states that Ms. Eman has always acted in a professional manner in his presence and never given him any reason to judge her otherwise.

October 2001

On October 10, 2001, Ms Eman was given her performance evaluation for the period of October 1, 2000 – October 10, 2001. The rating was given to her by her supervisor Tina Gallante. She received an 81.2 out of a possible 100.

**November, December
2001 and January 2002**

No activity reported or observed.

January 31, 2002
(Heather's birthday)

Heather Eman spoke to City Attorney James Smiertka in an elevator. During this discussion, she produced a birthday card that she indicated was from Lou Adado. The card front read "A BIRTHDAY FACT: According to the Federal Food Association protein is an important part of a complete healthy diet." Inside the card it read, "Have you swallowed your protein today?" At the bottom of the card was written, "I hope you enjoy this more than the coffee pot." (signed) Lou. The card then states: "PS. If you need a protein boost let me know." (Copy attached, Exhibit A)

Ms. Eman indicted to Mr. Smiertka that Lou Adado had been harassing her for quite sometime. She advised that he had sent her numerous, inappropriate e-mails. Heather also stated that she had told former council member Kris Nicholoff about the problem with Mr. Adado. Mr. Smiertka told her to gather up all of the information regarding the matter and give it to him {Smiertka}.

February 12, 2002

On 2-12-02, Mr. Smiertka received e-mail from Ms. Eman indicating that she had prepared information for him, but it had come up missing from her desk.

On the same day, Ms. Carol Wood phoned Mr. Smiertka and stated that she had just received a phone call from Mr. Chris McDonald of the Lansing State Journal requesting information on the matter.

It was also indicated that Mr. Hugh Clarke would be representing Ms. Eman in this matter and that Mr. George Brookover would be representing Mr. Adado.

February 14, 2002

Mr. Smiertka asked Charles Blockett, Jr. of Charles Blockett, Jr. & Associates (CBA) and Tri-State Investigator Owen Deatrick to conduct an investigation of Heather Eman's complaint that she had been sexually harassed by Louis Adado, Lansing City Councilman.

**February – March
2002**

Tri-State Investigator Owen Deatrick, Connie Shaffer, and Charles Blockett, Jr. of CBA interviewed Heather Eman, all council staff, all current council members, former council member Kris Nicholoff, and others.

They also obtained personnel records from city council and the city Personnel Department. They checked with both Personnel and the Human Relations Department to see if they had received complaints of sexual harassment from Ms. Eman or other council staff. Neither office had received complaints.

March 12, 2002

Interview with Louis Adado in Attorney George Brookover's office by Owen Deatrick, Connie Shaffer and Charles Blockett, Jr.

Mr. Adado's statements are as follows:

- He informed Heather Eman of the receptionist job opening with the Lansing City Council at the time she was a waitress at The Exchange.
- She worked for the Michigan Licensed Beverage Association as a receptionist at one time.
- He was not dating Ms. Eman.
- He never made comments in a sexual or inappropriate way to her.
- He never touched her while in the office.
- He did send her e-mails. He was asked if he ever sent her e-mails that were sexual in nature. He said he didn't remember.
- He answered "no" to the question if he remembered a specific event that Heather had sent telling him they have an arrangement and that Heather had to be nice to him to get a raise.
- He stated Heather had approached him wanting a reclassification. He told her to keep a log of her job duties to present to council. He stated she never did.
- He was asked if he ever told Heather that she would get her raise when he got his. He said no.

- He stated that he had recommended the Personnel Committee be abolished because it was not active. They had not met for over a year.
- He was asked if he ever recalled Tina Gallante telling him to leave Heather along. He stated that she may have, but he couldn't remember.
- He was asked if he had ever given Ms. Eman gifts. He said yes. He went on to say that he had given her \$500 in 1998 to purchase a dress and shoes for a primary party.
- He was asked if he ever purchased her other gifts. He said yes, he had purchased charms and underwear.
- He said that Heather had once said she didn't have many pairs of underwear. He purchased her 10 pairs of Victoria Secret underwear and placed them in the drawer of her desk at work.
- Mr. Adado sent Heather Eman an e-mail telling her to look in her drawer. He was asked if this was an inappropriate conduct for the office. His attorney would not allow him to comment.
- Mr. Adado was asked if she had ever told him in verbal form, by email, or other written form that the gifts made her uncomfortable. He said no.
- Mr. Adado was asked if he had ever come into the office on a Saturday and had gotten into a verbal confrontation with Heather. He said no.
- Mr. Adado was asked if he had ever called her names or if he had ever been verbally abusive towards her in the work place. He said no.
- He was asked if he had ever told her that he was the president of council and that he could fire her at anytime. He said no.
- He was asked again if he had ever touched her in the office. He said no.
- He was asked if he had ever told or written to her that he was interested in her sexually. He said no.
- He was asked if he remembered giving her two post cards that described his feelings for her. He said he didn't remember.

- He was asked if he had given Heather Eman a birthday card this year. He said yes.
- He was asked what the meaning was of the writing on the card that said, "have you swallowed your protein today?" Mr. Adado would not comment.
- He was asked if he had ever asked Ms. Eman to marry him. He said no.
- He was asked if he had ever followed her. He said no.

His attorney would not let him answer the question about his relationship with Heather.

March 13, 2002

Tri State Investigator Owen Deatrick interviewed Mr. Thomas Dominic Cochran, Production Assistant for the Lansing City Council.

Mr. Cochran stated that he had overheard a number of conversations between Mr. Adado and Ms. Eman.

He said that he looked up to Mr. Adado at one time until he saw the way Mr. Adado treated the staff. He stated he never actually saw Mr. Adado acting inappropriately, but would hear Ms. Eman's side of phone conversations that she would have with Mr. Adado. After one such phone conversation he overheard Ms. Eman call Mr. Adado an "asshole" just before she hung up. He said that she proclaimed to the others in the office that Mr. Adado had called her a "dumb bitch". He stated that, on other occasions after Ms. Eman had hung up the phone with Mr. Adado she became very upset. He said that he then saw her telling Tina Gallante about the incident but he wasn't sure exactly what was said.

Mr. Cochran stated that on another occasion in, approximately, October of 2001, he overheard Heather Eman and Tina Gallante in a verbal confrontation with Louis Adado in Mr. Adado's office. He stated that he could not make out what was being said, but remembered Ms. Eman and Ms. Gallante being very upset afterward, to the point that it interfered with their ability to do their jobs. He said that after that incident, he overheard Heather Eman and Tina Gallante claiming that Louis Adado had no reason to be upset with them, that the whole incident had to do with the fact that Heather Eman was refusing his advances.

Mr. Cochran stated that on another occasion in, approximately, June of 2001, he overheard Ms. Eman on the phone with Mr. Adado accusing him of following her home from work, and from work to her other job.

Mr. Cochran stated that Ms. Eman had told him that she was not interested in Mr. Adado, that he annoyed her. He also said that he remembered Ms. Eman telling him that the coffee pot pendant that she received from Mr. Adado was demeaning and condescending.

Mr. Cochran stated that he didn't feel that Ms. Eman's office attire was inappropriate for the office. He described her as being very professional, but very open, verbally, about sexual subjects such as not wearing underwear, or preferring the thong-type underwear over the brief style.

March 13, 2001

Tri-State Investigators Owen Deatrick and Connie Shaffer interviewed Doug and Lewis John, owners of The Exchange and Omars.

Messrs. Doug and Lewis Johns stated that they had employed Heather Eman at The Exchange approximately three years ago. They indicated that she was a very forward and flirtatious person. They advised that they were not aware of any relationship that she may have been involved in, except for a relationship with a man named Chuck Bozzo.

Both of them indicated that they knew Louis Adado. They advised that he frequented their businesses often. They advised that it was their understanding that Louis Adado was in love with Heather Eman. They stated that they did not witness anything specific between Heather and Lou that would substantiate their suspicions, but could tell by Lou's actions and comments that he was in love with Heather.

Both of them were asked if they had knowledge of Ms. Eman's feelings for Mr. Adado. They said no. They stated that she was friendly to everyone.

They were asked if Ms. Eman had ever worked at Omars. They said no. They stated that she had worked at The Exchange for approximately two years and left when she was counseled about problems that she was having with the other staff. They said that after Ms. Eman left their employment, she worked for the Michigan Licensed Beverage Association with Louis Adado. They also thought that she had one other job, but weren't sure.

They were asked if they had ever seen a fight or confrontation between Heather Eman and Louis Adado. They said no.

They were asked if they knew of any gifts that either Louis Adado had purchased for Heather Eman, or that she had purchased for him. They said no.

OBSERVATIONS, FINDINGS, and RECOMMENDATIONS

Observations

The records indicate that Mr. Louis Adado recommended Ms. Heather Eman to the Lansing City Council to fill the contractual, receptionist position. She was formerly employed as a waitress at The Exchange. Mr. Adado later made a motion to make Ms. Eman a permanent employee. When he became president of the council, one of his first actions was to abolish the personnel committee.

Ms. Heather Eman said that she had never had an intimate relationship with Mr. Louis Adado, no kissing or sex. She states that his advances were unwelcome and that she had told him so. She also said she informed her supervisor Tina Gallante and former council member Kris Nicholoff.

Ms. Eman claims that at one point in time, Mr. Adado became upset because she was dating a firefighter and was refusing his advances.

Mr. Adado, on the advice of his attorney, did not comment when asked what his relationship was with Ms. Eman, once the Lansing City Council hired her. However, it has been reported that Mr. Adado stated that the relationship between the two of them was consensual. Mr. Adado stated that he never sexually harassed her.

Mr. Adado stated that he purchased underwear for Ms. Eman and placed them in her desk drawer. He also stated that he paid her for used underwear which she gave to him.

Ms. Eman said that Mr. Adado threatened her with not getting a raise until he got his raise from her. However, Mr. Adado denies this.

Some of the employees we interviewed described Ms. Eman's behavior as being very forward and flirtatious. They also said that she was very open, verbally, about sexual subjects, such as not wearing underwear or preferring the thong type underwear over the brief style. These particularly comments were made by men, not females.

If, at one time, there was a sexual relationship between Louis Adado and Heather Eman, we have no evidence to support it. There is evidence, however, to support Ms. Eman's claim that she informed Mr. Adado that his behavior and actions made her uncomfortable. The law is clear in that, even if there was a prior relationship and one party asks that it cease, and the other party, in a position of power, tries to force his or her will on the other party, this is harassment.

All of the allegations of concern, except the birthday card, occurred when Mr. Adado was President of the Lansing City Council.

Findings

- All of the employees interviewed (Tina Gallante, Karen Schmidt, [REDACTED], and Thomas Cochran) stated that Mr. Adado's e-mails, overheard phone calls, cards and overheard discussions with Heather Eman were inappropriate, sexual in nature and made her uncomfortable.
- As far back as May 23, 2001, there is evidence that Heather Eman informed Mr. Adado by e-mail that his behavior made her uncomfortable. There is evidence that Heather Eman reported this and other inappropriate e-mails to her supervisor, Tina Gallante.
- Ms. Eman claims that in the summer of 2001, Mr. Adado called her into his office and threatened her with not getting a raise, unless he got his raise. (This appears to have strong sexual overtones and meets the Quid Pro Quo "something for something" definition of sexual harassment.)

Ms. Eman claims that Mr. Adado said he was president of the council, that he dissolved the personnel committee, and that he ran her life. He could hire and fire whom he wanted.

Her allegations seem to be supported by her statement that she reported this incident the same day to her supervisor, Tina Gallante. Ms. Gallante stated that she did receive a phone call from her.

- Mr. Adado confirmed that he did place panties in Ms Eman's desk drawer and that he sought and obtained her used panties on one or more occasion.
- Former council member Kris Nicholoff confirmed Ms. Eman's statement that she felt uncomfortable around Mr. Adado. She supplied Mr. Nicholoff with copies of e-mails between her and Mr. Adado. Mr. Nicholoff stated that he "*was shocked and the e-mails were stupid and inappropriate.*"
- The January 31, 2002, birthday card from Mr. Adado to Ms. Eman has strong sexual overtones, is inappropriate, and supports her claim of sexual harassment, since she, allegedly, had previously told him that this type of behavior made her uncomfortable. This is an indication of a hostile work environment.
- There is no evidence that any current council member had knowledge of e-mails, cards, placing of panties in desk drawer, or any other inappropriate sexual activities between Mr. Adado and Ms. Eman.

Additional information from an interview of [REDACTED] conducted by Tri-State investigators, became available on March 28, 2002. Excerpts (See Exhibit C) from [REDACTED] interview are as follows:

- [REDACTED] stated that Mr. Adado has, on at least two incidents, grabbed her buttocks in the work place. She stated that this made her uncomfortable but felt that she could take the abuse as long as her job wasn't at risk. [REDACTED] also stated that, approximately, a year ago during the summer for approximately one month, Mr. Adado continuously made comments about her breasts, stating that they were nice and identifying them as (tits). [REDACTED] stated that Mr. Adado continued the behavior until she told him to stop.

[REDACTED] indicated that Mr. Adado made comments about wanting to have an affair with her.

[REDACTED] stated that there were numerous incidents where Mr. Adado would put his arm around her waist.

[REDACTED] stated that she became upset with Mr. Adado when he accused her of grabbing his buttocks in front of Ms. Eman, Mrs. Gallante, and Mrs. Smith of council.

Mr. Charles Blockett, Jr. and the Tri State Investigators are convinced that because the council staff are "at will" employees and fear for their jobs, they were very guarded in their responses. "At will" employees serve at the pleasure of the council. They can be dismissed, without recourse, anytime there are five council votes. These employees are fearful for their jobs.

CBA and Tri-State are very concerned about retaliation against council staff.

Note: In order to clarify the issue of the partial e-mail of September 26, 2001, Mr. Blockett called Mr. Smiertka and asked if it would be okay to contact Mr. Clarke and have him get clarification from Ms. Eman. Ms. Eman responded by fax on March 27th. (Copy attached, Exhibit B)

Recommendations

1. The Lansing City Council needs to quickly develop and implement a Sexual Harassment Policy and Complaint Procedures that clearly define how complaints are to be handled and whom complaints should be reported. We suggest that the human relations' community service director be the designated person.

The council can use, as a model, the Sexual Harassment Policy and Complaint Procedures used by the mayor, his department heads and city employees.

2. Establish continuous sexual harassment training for all council members and staff.
One vehicle for implementation of this recommendation is participation of council members and staff in the program currently in effect for city employees and administrators. Or, as alternatives, have the city attorney's office or an outside firm provide training.
3. Re-establish the Personnel Committee for the Lansing City Council to insure objectivity and fairness in addressing personnel matters (recruitment, selection, discipline, performance evaluations, job descriptions, policies and procedures, manual development, or any other personnel matter.)

We recommend that the committee consist of the council president, vice president, one other council member, and city attorney or city human resource director (or member of their staff). We recognize the importance and long standing concept of separation of powers between the different branches of government. However, either of these two individuals or a supervising member of their staff can offer the expertise necessary to address critical personnel issues.

4. Strengthen the council orientation process for new council members. All council members need to sign a checklist form verifying that they have been provided copies of benefit information, council rules and regulations, personnel policies and procedures, sexual harassment policy, and other personnel documents. The documentation should be kept in council files and the human resource department files.
5. Prior to hire, all new council staff should be subjected to a full background investigation by an outside firm. The Lansing City Council addresses many sensitive and confidential issues, therefore, a full background check on all staff is strongly recommended.
6. Future council staff positions should be filled by a competitive selection process. The council should cast a broad net to solicit a qualified and representative pool of candidates. There is an abundance of highly qualified candidates within the City of Lansing.
7. Prominently post the council sexual harassment policy and complaint procedures similar to that for city government.

Have you swallowed
your protein today?

Happy Birthday!

I hope you enjoy this
more than the coffee Pot

Jeffrey

P.S. If you need a Protein boost
Let me know! ☺

A Birthday Fact:

According to the
Federal Food Association
protein is an important part
of a complete healthy diet.



Exhibit A



To: Charles
Blodgett

484.3730

From: Hugh Clarke

Exhibit B

March 27, 2002

Dear Mr. Blockett;

This letter is in response to your question regarding the partial email that was sent to Kris Nicholoff in September of 2001.

Kris and I had had a phone discussion early that morning and the topic of Lou coming in early one morning in July and screaming at me had come up was discussed, Kris also inquired about some proof that Lou actually purchased underwear for me and placed them in my drawer.

I then went into my saved emails and cut and paste an excerpt from an email that had been a 3 or 4 page email transmission between Lou and I during the time period that he was making inquiries of the other Councilmembers as to my employment review that was coming up in September. The excerpts were forwarded to Kris in the form of several emails while we also continued phone conversation off and on throughout the day.

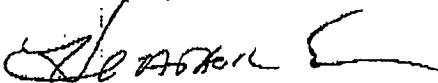
The email that was read to me via conference call this morning refers to Lou's reaction to me going on two dates with a fire fighter that I was seeing at the time. Lou had made inquiries to my friends to find out whom I was dating, this was a regular occurrence. He then came in the morning in July and started by getting off the elevator and screaming at me about how dare I date someone else and not him, when I know that he was currently in the process of reviewing my position for a level increase. This tantrum lasted for approximately 20 minutes. There was no other staff member in the office and at times I was concerned that Lou may strike me, because of the lack of distance that he placed between us while he was yelling. Also the anger portrayed in his eyes.

The second part of the email read to me this morning was copy of what was sent to me by Lou after he had went shopping for me at Victoria Secret's for underwear. Kris had asked to see the actual part of the email where Lou described that I would only get a better review if I wore the underwear purchased for me and then gave them to him to keep.

Specifically, retracted portions of the emails from Lou Adado were sent to Kris Nicholoff because those were the area's we had discussed and that he had requested to see.

I hope that this helps in your review of my case. Please feel free to contact Mr. Clarke if we can be of any further assistance in this matter.

Sincerely,



Heather Eman

Exhibit C

TRI-STATE INVESTIGATIVE & SECURITY SERVICES, L.L.C.
2025 S. WASHINGTON AVENUE, SUITE 310
LANSING, MI 48910

(517) 425-4131 or Toll Free (877) 201-9903
Fax (517) 485-5216

TO: City of Lansing **DATE:** 3-28-02

FROM: Connie Shaffer, Investigator **SUBJECT:** Discrimination
Tri-State Investigative Investigation

CLAIM: TSI-053-02

INVESTIGATION REPORT

On 3-28-02 Investigator Owen Deatrick and I proceeded to the City of Lansing Council Offices and spoke with [REDACTED]

[REDACTED] indicated that she feared retaliation and was afraid to speak openly with us on our previous interview with her. She stated that it only took five votes to end her career and she only had nine years left to retire. [REDACTED] described the incidents listed below as inappropriate for the work place.

[REDACTED] stated that Mr. Adado had on at least two incidents grabbed her buttocks in the work place. She stated that this made her uncomfortable but felt that she could take the abuse as long as her job wasn't at risk.

[REDACTED] stated that approximately a year ago during the summer for approximately one month Mr. Adado continuously made comments about her breasts stating that they were nice and identifying them as (tits). [REDACTED] stated that Mr. Adado continued the behavior until she told him to stop.

[REDACTED] indicated that Mr. Adado made comments about wanting to have an affair with her.

[REDACTED] stated that there were numerous incidents where Mr. Adado would put his arm around her waist.

[REDACTED] stated that she became upset with Mr. Adado when he accused her of grabbing his buttocks in front of Ms. Eman, Mrs. Gallante, and Mrs. Smith of council.

STATUS: Open.

CS
Original: City of Lansing
cc: Connie Shaffer