



June 22, 2021

Gloucester Mayor Sefatia Romeo Theken Accepts Professional Findings on Employee Complaints with No Legal Violations Found

Mayor Pledges to Expand Sensitivity Training and Respectful Workplace Initiatives

GLOUCESTER - Mayor Sefatia Romeo Theken has accepted the findings of the investigator hired by the City of Gloucester to conduct professional reviews of complaints filed in recent months by two current city employees, and one former employee, with no legal wrongdoing associated with the mayor.

The outside investigator shared a general summary after a thorough process and found that the evidence did not support any legal violations by the mayor, but she did violate the City's Standards for Professional Communications in the Workplace by using profane language.

"I deeply regret my choice of language and any other violations found in these findings," said Mayor Romeo Theken. "While the pandemic crisis challenged us all to change how we work, having a commitment to the highest standards remains a necessity. I appreciate the serious managerial insights which have been brought to my attention. Everyone who knows me knows that I am passionate, authentic and opinionated. I accept these findings and will continue to improve my management skills to better myself as an effective, professional manager and as mayor."

The report also found that Mayor Romeo Theken violated city personnel confidentiality rules by discussing a complaint during an in-person meeting with the complaining parties present, and by discussing job performance with other employees.

Mayor Romeo Theken in recent months has worked with public trade groups for additional training, including professional management webinars from the Mass Municipal Association. Additionally, the Administration has continued in-person training series for city leadership, including upcoming sessions on Sensitivity Training. The mayor is deeply engaged in policy review and revisions, too, including the City's Code of Conduct, to ensure a modern, respectful working environment across all city stakeholders.

Summaries of the findings by the investigator are being released as established by protocol. The professional investigations were conducted by Regina M. Ryan of Discrimination and Harassment Solutions, LLC.

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Findings & Recommendations
Concerning Complaint Against Mayor Theken and Attorney Payson by
Thomas Ciarametaro, Jr.

1. Mayor Theken violated the City's Standards for Professional Communications in the Workplace by using profanity and demeaning language in the workplace.
 - a. There is insufficient evidence to conclude that she uses derogatory statements concerning race, religion or sexual orientation.
2. Mayor Theken also violated the City's Anti-Harassment Policy through profanity and angry outbursts
 - a. By directing profanities and angry outbursts at subordinates she impairs their job performance and causes unnecessary stress
 - b. Also she violated the part of the policy promising confidentiality and non-retaliation during the complaint process
 - i. By addressing Mr. Ciarametaro's HR complaint at the 1/26/21 meeting in the presence of others, she violated confidentiality
 - ii. It was "retaliatory" in that it was upsetting to him
3. Other claims against Mayor were not supported
 - a. If she suggested that Mr. Ciarametaro could be terminated for serving as an expert witness, she did nothing wrong, since City had a legitimate concern about his involvement in a case the was causing disruption to Gloucester's fishing community
 - b. Mayor did not freeze him out of discussions concerning the closing of the boat ramps
 - i. Evidence shows he was often included, and when he wasn't it was because of the frantic need to address the pandemic
 - ii. Mayor had a legitimate policy disagreement with him about the closings
 - c. Mayor was not retaliating by failing to propose a raise for him to the City Council
 - i. She does not remember promising to do so
 - ii. Other advisors opposed the raise
 - iii. Again, there were legitimate policy reasons for any disagreement on this point

- d. Mayor's expression of concern about Mr. Ciarametaro's hiring of Ms. Fleming did not violate City policy
 - i. Mayor had legitimate concerns about hiring process
- e. Claim that Mayor made threatening statements about Mr. Ciarametaro in a meeting with Elizabeth Carey is unsubstantiated
 - i. Ms. Carey denies the discussion concerned him
 - ii. Police investigated and found no probable cause
- 4. Mr. Payson did nothing wrong
 - a. Mr. Ciarametaro has not identified any wrongdoing, or any failure to fulfill a legal duty, on his part
 - b. Even assuming he knew that Ethics Commission had approved his service as expert witness, City Attorney was entitled to be concerned about effect on local fishing community and to ask him to recuse himself
- 5. Recommendations
 - a. If disciplinary action can be taken against a mayor (a legal issue the report does not address), then some punitive action is appropriate for the Mayor's violations of policy
 - b. All employees of the City, including elected and appointed officials, should receive training on harassment
 - c. A code of conduct and anti-harassment policy should be given to and signed for by all City employees when elected or appointed, and upon each re-election or re-appointment
 - d. All elected and appointed officials should receive training on the code of conduct and effective communication
 - e. Staff should receive instruction on how and to whom they can report unprofessional conduct by City officials
 - f. Anti-Harassment and Discrimination Prevention Policy should be re-distributed to all employees

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Findings & Recommendations
Concerning Complaint Against Mayor Theken by
Jill Cahill

1. Mayor Theken violated the City's Standards for Professional Communications in the Workplace by using profanity and demeaning language in the workplace.
2. Other claims against Mayor were not supported
 - a. Evidence is inconclusive concerning 6/23/20 text
 - i. No one preserved it
 - ii. Memories differ about how strongly the Mayor expressed her concern about the handling of outdoor dining during the pandemic
 - b. Premature to claim retaliation; Ms. Cahill says she fears it, but has not suffered any
 - c. Incident with Secretary of Administration and Finance was odd, but there is insufficient evidence that it constituted sexual harassment
 - d. Complaints about how the Mayor treated other people generally amount to her using profanity and demeaning language (see, ¶ 1, above)
3. Recommendations
 - a. If disciplinary action can be taken against a mayor (a legal issue the report does not address), then some punitive action is appropriate for the Mayor's violations of policy
 - b. City should abandon practice of allowing "formal" v. "informal" HR complaint resolution
 - i. Either treat everything formally, or
 - ii. At least document informal resolution of complaints with an agreed plan of action

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Findings & Recommendations
Concerning Complaint Against Mayor Theken by
Donna Leete

1. Mayor Theken violated the City's Standards for Professional Communications in the Workplace by discussing Ms. Leete's job performance with other employees
 - a. She expressed disapproval at a meeting in 2019
2. Insufficient evidence to conclude that Mayor was motivated by Ms. Leete's age
 - a. Multiple people recall Mayor expressing substantive concern about job performance without ever mentioning age
 - b. Evidence that Ms. Leete retired voluntarily, and was kept on by City months after she gave her notice
3. Recommendations
 - a. If disciplinary action can be taken against a mayor (a legal issue the report does not address), then some punitive action is appropriate for the Mayor's violations of policy
 - b. All employees of the City, including elected and appointed officials, should receive training on harassment
 - c. A code of conduct and anti-harassment policy should be given to and signed for by all City employees when elected or appointed, and upon each re-election or re-appointment
 - d. All elected and appointed officials should receive training on the code of conduct and effective communication
 - e. Staff should receive instruction on how and to whom they can report unprofessional conduct by City officials
 - f. Anti-Harassment and Discrimination Prevention Policy should be re-distributed to all employees

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