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Fwd: Employment concerns

Jenny MADKOUR <jenny.m.madkour@multco.us>
Draft

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From: **MeeSeon KWON** <meeseon.kwon@multco.us>

Date: Sun, Jan 22, 2017 at 10:23 PM

Subject: Employment concerns

To: Loretta SMITH <loretta.smith@multco.us>

Cc: Elizabeth MAZZARA-MYERS <elizabeth.mazzaramyers@multco.us>

Dear Commissioner Smith,

I am emailing you today in response to the direction that I sign a Non-Disclosure Agreement as a requirement of continuing employment on your staff. I am uncomfortable doing so and want to provide the context of my concern with this and my continuing to serve as your staffer.

I have been working as your policy advisor for over a year now. When I started working for you, I was excited--I saw you as a leader of color in Portland who understood equity issues, which are very important to me. As a woman of color myself, I was especially proud to serve you and the County. I am grateful for the opportunities you offered me--the highlights being: 1) helping you craft your remarks for Governor Brown's Black History Month Celebration in February 2016; 2) helping organize the informational board briefing you sponsored on reproductive justice in Multnomah County in March 2016; and 3) I generally admire your ability to grow innovative ideas in an effort to lift up underserved communities.

I have learned so much over the past year. I especially appreciated your acknowledgement of my skills and was flattered when you had Jimmy Brown ask me to apply to be your next chief of staff in late Fall 2016. When Jimmy brought up this possibility, I thought long and hard about what that would mean. Ultimately, I decided not to apply to be your next chief of staff.

I think it is important to clarify why.

For all the positive elements of my position, the negative experiences have unfortunately overshadowed the positive ones. When I began this position, I was aware of the extreme staff turnover in your office compared to the offices of other commissioners (losing fifteen people in an office of four). You seemed to have an explanation for each person who left--always their fault; never yours. With a year's experience, I assume that at least some of these people left for the same reasons that currently make me uncomfortable working for you.

Because of your history of disparaging other former staff members, I feel it is essential for my own protection to outline in writing the treatment I have been subject to and other items of concern that I have observed. These include: 1) the potential misuse of county resources for political purposes; 2) bullying and mistreatment of staff and other county employees that creates a toxic work environment; and 3) the potential falsification of county records.

Potential Misuse of County Resources for Political Purposes

You have required county employees in your office to work on your political activities. Here are a few examples:

- You clearly expected me (and other office staff) to work your Women's Equity Lunches, political fundraisers directly benefiting your PAC. I have done so twice, on January 15, 2016 and January 13, 2017. Specifically, you directed your staff to email a request to "be out of the office" for the day of the luncheon so that it would look like we were staffing you on our own time. Since the lunches were held on weekdays, you directed me to take a vacation day for the time I staffed you "on my own time". In 2016, your then-chief of staff David Blair told me to try to get my friends to volunteer as well.
- You compelled me to staff you at the campaign party for Eric Zimmerman on Sunday August 14, 2016 in Vancouver, WA.
- You compelled me to staff you at the Democratic Party of Oregon nominating convention on Saturday, June 18, 2016. You had me design a handout with your photo, pick copies up at FedEx for printing, and then distribute them at the Convention.

It was clear to me that my engaging in these activities was not optional; I believed them to be requirements of my continued employment; they cannot be construed as "volunteering."

- Misuse of county resources
 - You used your county credit card for personal expenses and were required to pay back the money to the county.
 - You required me to staff you at the Promise Neighborhood Institute (PNI) Regional Working Session in Chicago, IL, on Wednesday, June 16, 2016. You ended up not be able to go and sent me regardless. Then you texted me not to post anything about my trip to Chicago--no photos or messages on social media. I am concerned that the demand for secrecy could mean that I inadvertently misused county resources somehow.

Bullying and Mistreatment of Your Staff and Other County Employees and Creating a Toxic Work Environment

- You have yelled, included profanities, and used very disrespectful tones of voice when communicating with me and other county employees.
- You have yelled at county staff in my presence for whom I have great respect, including but not limited to county employees such as Marissa Madrigal, Mike Jaspin, Christian Elkin, and Marc Jolin.
- You made disparaging comments about the weight of another staff member, suggesting that I "go shopping" with said employee to get work clothing and made comments about this employee's body and how hard it was for her to find clothing. You have also commented on my appearance.
- You inappropriately bullied me regarding my medical issues.
 - You bullied me into giving you private medical information. I didn't want to give this information to you--I wanted it to remain private. Many times you asked me for medical details. Every time we spoke about my medical issues, I explained that I would still be able to do my job per the language in doctors' notes I supplied indicating I was able to return to work and reasonably perform my duties. I repeated this multiple times, hoping that you would stop asking for details about my personal health and medical situation. You told me, "I think you're lying; I think you are sicker than you say you are," and directed me to provide a full list of my doctor's appointments and types.
 - In July 2016 I was out of the office for approximately 2 weeks because I pinched a nerve in my spine and lost feeling in my arms. After that, I was concerned about the implications of doctors' advising me I would potentially require surgery so I contacted Karin Lamberton in HR to get information on what my FMLA options were, should I end up needing to have surgery. When I

told you that I had reached out to get this information, you said: "I don't know why you would do that! I'm your direct supervisor and unless you want to file a claim against me, I don't know why you would contact them about FMLA." Based on the comments you made, I felt I had no choice but to stop pursuing information about my FMLA options; I sent an email to Patsey Moushey and Karin canceling the meeting we had scheduled. Ultimately, I didn't need the surgery but didn't appreciate you discouraging me from finding out what my options were.

- I endured particularly traumatizing experiences at your hands when drafting a letter on your behalf for Promise Neighborhoods grant application. You told me, "Clearly you are missing something when you go back to your office and work on this." You told me you wanted to see the version Jimmy Brown worked on; I told you this was the most recent version; the version you told me was Jimmy Brown's was really my words. Then you ordered me to sit down in your desk chair and not move and type everything you told me word for word because I was messing up. You have done this multiple times, where I feel physically cornered, intimidated, and scared of you.
- You frequently provide feedback in the car when I'm driving you to events. You provide feedback that initially seems reasonable in nature, but quickly devolves into harsh and unreasonable criticism, conflating my role with those of my co-workers. More importantly, this feedback is given to me when I am cornered (in the car or your or my office) and I have no ability leave the environment. It is traumatizing.
- You have threatened me with "going to an hourly" position when I bring up the possibility of using some of the extra time I have worked to flex other days. I would be comfortable working in an hourly position because I know I have worked more than 40 hours per week for you.

Potential Falsification of County Records

- In Fall 2016, you called me and told me my timesheet was wrong because you said I should take sick days for some of that pay period. It's true that I was sick and not in the office, but Jimmy had given me permission to work from home those days (which I did). When I told you that, you said that those don't count and said that "working from home" didn't exist. You took it upon yourself to email HR to change information on my timesheet to increase the number of sick days taken. I now understand that it's county policy to pay exempt employees who work even part of a day for the whole days. You knew I worked those days (even though they were from home, approved by then-chief of staff Jimmy). I believe your actions resulted in the falsification of my timesheet records. My concern is that while I did not do that, they are my records--therefore I want the chain of events to be clear.

As stated above, the trigger for my documenting all of this was the email I received on Friday, January 20, 2017 from your latest chief-of staff, Elizabeth Mazzara-Myers. It said: "I will be asking each of you to review and sign the standard non-disclosure forms for the office..." The request to sign a non-disclosure agreement strikes me as atypical: I was not asked to sign one when I took this job and have never heard of an elected public official requiring an NDA as a condition of employment. This raises obvious and serious concerns. As a county employee whose salary is funded by taxpayers, I believe we have an obligation to transparency and accountability in all of our activities. While there are certainly exceptions to this rule at the county (attorney-client privilege, HIPAA privacy rules, etc), the work of elected officials and their staff should all be public record. It seems that my signing an NDA as a public employee would pose at least an ethical conflict and perhaps a legal one. My concern is heightened by my experience of your requiring me to work on political activities. Given that some of that work was for an event that raised money for your campaign committee at a time that you are term-limited in your current position, I am worried about being involved in things that blur or cross the ethical or legal line between county business and political actions.

Therefore I will not be signing the non-disclosure agreement, as it directly contradicts my desire for transparency and accountability in government work.

Additionally, in order for me to be comfortable continuing to work for you, I wish to have assurances that my work environment will no longer include:

1. The potential misuse of county resources for political purposes;
2. Bullying and mistreatment of your staff and other county employees that contributes to a toxic work environment; and
3. Any further actions that could lead to the falsification of county records.

Sincerely,
Meeseon Kwon

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MeeSeon Kwon | Policy Advisor (*she/her/hers*)
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