



City of PALM COAST

Human Resources Department

160 Lake Avenue
Palm Coast, FL 32164
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TO: Matthew Morton, City Manager

FROM: Renina Fuller

DATE: March 16, 2021

RE: Confidential Exempt – Executive Summary of Investigation into Council Member Ed Danko’s Employees Interference of Duties

On Wednesday, February 3, 2021, the Human Resources Director became aware of a potential HR issue that occurred on Tuesday, February 2, 2021. The allegation occurred just prior to the February 2, 2021 council meeting when Council Member Ed Danko “exploded” at the complainant, a city employee,

On Wednesday, February 3, the complainant was interviewed. During the interview, it was found that similar exchanges had also taken place between Council Member Danko and other city employees.

After interviewing the initial complainant, 4 additional city employees were interviewed. Two employees were interviewed on February 4, 2021 and the other two employees were interviewed February 5, 2021. These interviews corroborated the allegations of the complainant on the February 2, 2021 incident and one other similar exchange.

According to the City Of Palm Coast Policies and Procedures Manual Section 1.02, the City’s Policies and Procedures are not applicable for the Council Members. However, the City of Palm Coast Policies and Procedures, Section 3.04(A-D), states the City will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers or non-employees.

3.04 DISCRIMINATION, HARASSMENT, HOSTILE WORK ENVIRONMENT

- A. The City is committed to providing every employee with a workplace free from unlawful discrimination. All forms of unlawful discrimination and harassment based on race, creed, color, national origin, ancestry, religion, age, gender, sex, marital or parental status, pregnancy, sexual orientation, liability for service in the armed forces, or disability are prohibited and will not be tolerated. Sexual Harassment is a form of unlawful gender discrimination and, likewise will not be tolerated.
- B. Unlawful discrimination undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes



with work productivity. This policy applies to all employees and applicants for employment. The City will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers or non-employees.

- C. This policy applies to any physical, written or spoken conduct, which occurs in the workplace and extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as a field location, any off site business -related social function, any facility where City business is being conducted and discussed, or communications, such as phone, email, social media, web, etc.

- D. This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category that is not directed at an individual but is part of that individual's work environment. Third party harassment based on any of the aforementioned protected categories is prohibited by this policy.

Accordingly, the *City of Palm Coast Charter Article 4(11)* prohibits Council Members from interfering with the performance of the duties of any City employee who is directly or indirectly supervised by the City Manager. Interfering is expressed as malfeasance in the Charter

11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

Findings

The evidence gathered during the investigation supports the finding that Council Member Danko inappropriately attempted to influence staff's administrative duties.