

State of Wyoming

**Governor's Inquiry Team Report
Regarding Wyoming
Department of Education
Confidential Report**

6/13/2013

CR001

The information set forth below came to the attention of the Inquiry Team in the course of conducting interviews and reviewing documents; as such, the Inquiry Team is obliged to report such information. However, the information is believed by the Inquiry Team to be information which falls within the confidentiality protections of W.S. § 16-4-203(c)(ix) and which shall not be disclosed under such provisions. W.S. § 16-4-203(c)(ix) provides:

(ix) Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted violation of personal privacy;

W.S. § 16-4-205 provides a civil penalty for improper disclosure.

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1. **COMPLAINTS CONCERNING SPECIFIC PERSONS IN WYOMING DEPARTMENT OF EDUCATION.**

A. **Kevin Lewis.** Unsolicited documents were provided to the Inquiry Team concerning complaints made about Kevin Lewis, a member of the Hill Administration Senior Leadership Team. Those documents indicate the following:

(1) Complaints were made by a number of employees about Kevin Lewis regarding sexual harassment. The matters were investigated.

(2) Angela Benner was asked by Cindy Hill to conduct an investigation in February, 2012, concerning a number of matters within WDE. One of those included complaints about Kevin Lewis. In her report, Angela outlines a number of complaints made concerning Kevin Lewis, and draws the following conclusion:

[Angela Benner Interview. See attached Benner Report - Document #591-656]

(3) lodged a complaint concerning Kevin Lewis, which is referenced in the Benner Report. That matter was investigated by Human Resources, Megan Miesen Harper, with the assistance/advice of Liz Gagen. The complaint was found to be unfounded based upon discrimination.

Liz Gagen reported the matter was considered under the State's workplace

violence policy, however, it made no sense that [redacted] would conclude she was in danger based upon the facts that were provided. [Liz Gagen Interview]

John Masters reported when Cindy came to the leadership, Gail was a part of that. She did lots of different and difficult tasks. It was apparent that she was becoming increasingly isolated from the senior leadership because she was gone a lot on her job. Cindy knew that Gail had been signed up as a classified employee, contrary to the agreement with Gail. Gail was supposed to be at-will. Gail was being paid like a member of leadership. The one year time period was coming up and Cindy said, Gail, you know that you were to be at-will, that was our original agreement. Gail's response was that she needed security in her job. The response was that she was being paid as if she was senior leadership. There was an acknowledgment by Gail that their agreement had been that she would be at-will, but somehow she was placed in a permanent/classified position. Gail was being paid about \$80,000 a year, which was high for the kind of work that was being done. Cindy was expecting that Gail would honor their original agreement. Gail didn't want to do that because of the desire to have the security, and Gail sought legal counsel. John had pointed out that Gail was still under/in her probationary period and if they wanted to terminate her that they could. Gail decided that she wanted to stay classified. There was a review of that classification. That, essentially, was the end of Cindy's involvement as it related to Gail. It was his view that Gail raised fictitious allegations or exaggerated incidents concerning threats or concerns in the workplace in order to bolster her position in discussions with the WDE. He doesn't know if Gail's salary was cut, but apparently Gail is in a position where she is happy, where she could work with institutions, which is really where her background or experience had been.

With regard to the email that he sent to Gail, John stated that he didn't do much in regards to her complaint about the workplace. Gail's participation was needed in terms of getting various matters resolved related to her allegations. He is sorry she perceived it as a threat or as threatening because he did not intend it that way. His intention was that they needed her assistance to get those matters resolved and without that cooperation they were unable to move forward. [John Masters Interview]

(4) **Kim Harper** reported that she was in the room when Tiffany Dobler gave Kevin Lewis a note telling him that she needed to do a "mommy thing" [she was a nursing mother at the

time]. Instead of leaving the office, he got up, closed the door, sat back down and continued his telephone call. Kim wrote up the incident and gave that information, reporting that incident and others, to Human Resources Supervisor, Megan Miesen Harper. Human Resources Interim Supervisor, Karen Kelcey, provided the Inquiry Team with a copy of Kim's notes which were found in a file marked "HR office." That document describes a number of incidents involving Kevin Lewis. [See attached Document #1782-1785]

Megan Miesen Harper reported that Kim did report some information to her. When that happened, she deferred to Kimra Griffith and had her handle Kim's HR situations.

The matters Kim reported were matters regarding Tiffany Dobler and Kim's discomfort with Kevin Lewis. The matter concerning Tiffany Dobler was made within approximately one to three weeks, but at least under a month, between the date of the incident and when the report was made. With regard to Kevin, it was ongoing and her report of that was made within a month. When those reports were made, Kim came to her with documentation; it was typed up information that described the incidents. When that happened, Megan put the documents in the grievance file; she filed it and sent a copy to Liz Gagen. Kim indicated at the time she didn't want to go anywhere with it, she just wanted to make sure that the complaint was on record. Megan didn't feel comfortable being involved. She consulted with Liz with regard to matters all along the way. Kim had an incident with Kevin Lewis that resulted in a mediation and that mediation was conducted by Kimra Griffith.

Megan stated that when she received a complaint, and she didn't receive many of them, there were only a few formal complaints, she prepared a file and filed those matters and then brought those matters to the attention of Liz Gagen.

Kim Harper also reported that Sheryl Lain indicated to her that she just needed to put up with Kevin and everybody get along. Kim also reported that about a week after she made her complaint about Kevin to HR, a mediation was scheduled. Kim stated she presumed the mediation had to do with her complaint against Kevin. The mediation was that she wasn't doing her job. The basis that she wasn't doing her job was that at one of the sites where WDE was providing training the Internet wasn't working properly. Kevin had a portion of the presentation to make. Kim offered him her wireless connection on the Internet. They ultimately got the program fixed and the program went on. But, that was what the mediation was about; not her complaint about Kevin and his behavior,

but about the Internet not working at a site where Kevin was making a presentation, which she did get fixed and it worked, and where, in the meantime, she offered Kevin her wireless. Kim felt that approach was taken in regards to her in retaliation for the complaint that she made against Kevin and his behavior. No complaint of retaliation was made by Kim. [Kim Harper Interview]

Christine Steele stated that as she understood it, Kevin and Kim were uncomfortable with each other. Kevin had raised his voice at Kim; that there were some issues concerning their communication with each other. They were bringing them together so they could talk about what the problem was and what could be done. At the discussion, it appeared that both of them had raised their voice loudly at the other; Kevin raised his voice; Kim had done likewise. After the meeting, Kimra summarized the substance of what had transpired, sent an email to each of them, asking for feedback in terms of what the next steps would be. Christine has some recollection that it was a couple of weeks later and the feedback hadn't been provided and Kimra had to remind people, but ultimately the matter was brought to closure.

Christine was aware that there was some level of being uncomfortable with Kevin, that came to pass. Christine told people to write down the facts and to go to HR with Megan with those issues. Her understanding of the problem was there had been some discourse going on in the hallway, it wasn't a pleasant exchange between the two of them (Kevin and Kim). The outcome was that they were to be professional with each other when they were speaking to each other. [Christine Steele Interview]

The underlying complaint made by Kim Harper concerning events beginning on September 6, 2012, has not been investigated under the State's confidential process.

(5) **Crystal Kime** reported that after she made her first complaint about Kevin touching her hand/arm [April/May 2011], he left her alone. There was an incident regarding the ladies bathroom at WDE; Crystal stated she wrote notes about it at the time, although no copy was provided. [She moved to Colorado within three days of being interviewed.] Crystal stated that she was the only one in the WDE ladies bathroom. She had come out of the lavatory, was fixing her shirt, when Kevin barged in. She stated she was in the girl's bathroom and had not expected to see a guy. She just froze. Kevin stated, "Sorry, sorry" and flew out of there. Crystal stated she did not

see how it could have been a mistake that he went into the ladies bathroom. She told Susan Benning about it immediately after it happened; it was just weird and creepy. [Crystal Kime Interview]

Susan Benning reported that Crystal Kime had confided in her concerning an incident involving the ladies bathroom. She gave this background: Crystal is very tiny and she has known Crystal since Crystal was in high school. She had worked with Crystal's mother in a previous workplace in the state. She then worked with Crystal in the Department of Education. So Susan has known Crystal for many years outside of work. Because she's known her for many years, Crystal was comfortable with her and with talking to her. Crystal did confide in her, not only regarding the ladies restroom incident, but concerning several other matters that had occurred in the workplace.

Crystal told her she was in the ladies restroom. Susan doesn't know if Crystal had been changing her clothes or what. Susan stated often Crystal would work out at noon so she would change into her workout clothes, go to the workout and then come back to WDE and change in the ladies restroom. Susan did not recall if that's what had happened, or if it was just an afternoon break when she went to use the ladies restroom. But, she knows that Crystal came right to her after the incident occurred, stated that she had been washing her hands, looking in the mirror, when Kevin walked in the ladies bathroom. Crystal was dumbfounded, didn't know why he was in there. Crystal appeared to be shaken up and was upset about it. Susan does not recall the date. [Susan Benning Interview]

Rita Watson reported she did recall where Kevin might have gone into the women's restroom. There was a person in there; she couldn't recall the name. I suggested a couple names and she indicated, when I got to Crystal Kime, that Crystal was who was in the ladies restroom when that happened. Rita stated, as she was talking out loud, that maybe he was looking in there that something didn't work. . . . I suggested/asked perhaps he had a business reason for going into the ladies bathroom, to which Rita responded, that he had no business reason for being in there, that he hadn't knocked on the door, that he hadn't asked if there was someone in there. Rita's recollection was that Kevin had opened up the door, gone in; somebody was in there, Crystal. [Rita Watson Interview]

Based on information from another employee [Candice Leininger], this alleged matter would have occurred during a time period of "several months after March, 2012."

No complaint regarding this matter was made to Human Resources. Kevin Lewis denied this incident occurred. [Kevin Lewis Interview]

B. **Cindy Hill.**

(1) **Candise Leininger** filed a formal complaint against Cindy Hill relative to the January 23, 2013, interviews. [Copy attached - Document #1233-1238] The status of that matter is unknown.

(2) **Guy Jackson** reported that often Cindy would get right in his face and grab him by the shoulders. It caught him completely off guard. Cindy would say, "Do you support me? If I ask you to do something, will you do it?" Guy stated that he felt totally uncomfortable with that, but he never went to report this to Megan. He felt uncomfortable with her touching him. In another meeting, Cindy started rubbing his back during the meeting. She was rubbing it for a long time, and he was trying to move and get away. There were other people present during that meeting. On another occasion, he was in another office late in the day; Cindy came in behind him, and started rubbing his shoulders. He didn't think that was appropriate either.

Another time, Candise Leininger, one of his employees, had gone to the Workforce Services Office and Cindy got wind of that. He was called into Cindy's office about that and was sitting on the couch. Cindy was asking what was going on, and rubbing his arm as she was talking to him, telling him not to go outside the agency and not let her know about it. Another incident occurred, shortly after he'd been chewed out because Candise went to Workforce Services. It was 6:00 p.m. in the evening, a couple days before Thanksgiving 2012. Kevin Lewis was at Rita's desk; Cindy was on her cell phone. Cindy grabbed his arm and was holding on to him for a long time. He was faking a cough and finally got his arm loose. Cindy was upset that time because Linda Scott had talked with somebody in another agency. [Guy Jackson Interview]

No complaint regarding these matters was made to Human Resources.

(3) **Chelsie Bailey** reported she became engaged in September 2012. Her boyfriend, Sean McInerney, works in Standards, Learning and Accountability. Chelsie stated Sean was a "good victim of sexual harassment by Cindy." Chelsie stated her boyfriend knows that she was going to tell the Team about this, he was aware of that and was agreeable. Chelsie reported Cindy would

come up behind Sean in the office and start giving him neck massages in the office. He did not like it; it made him feel uncomfortable. [Chelsie Bailey Interview]

No complaint regarding this matter was made to Human Resources.

Cindy Hill reported she never gave a massage. Cindy stated it was maybe a small pat on the back (in between the shoulder blades) with a three second rub. Cindy stated that they never let her know that made them feel uncomfortable. Cindy stated she wishes now, in retrospect, she had not done that, but she did not know that was an issue. [Cindy Hill Interview Part 2]

2. **OTHER MATTERS RELATING TO SPECIFIC PERSONS.**

A. **Megan Miesen Harper.** After Karen Kelley left WDE as its Human Resources Supervisor, WDE completed the process to have the Human Resources position reclassified as at-will and as a member of the leadership team.

Employees expressed concerns regarding the qualifications by Megan to hold the Human Resources position as well as the lack of trust in that office once Megan became the HR Supervisor. There were many expressions of concern regarding Megan's lack of qualifications to serve as Human Resources Supervisor as she was 23 years old, had an art degree and no experience in human resources, and had previously served as an administrative assistant and chauffeur to Cindy Hill. There were many reports that WDE employees would not make reports or go to Megan because it was perceived that she would share confidential information with Cindy.

Liz Gagen, the Attorney General who worked with Megan from time to time, reported that her sense was that people in WDE would not talk to Megan Miesen, the HR person, because the assumption was made that she would share the information with Cindy. As a result, Liz felt that she (Liz) wasn't always getting the whole story and didn't know exactly what was going on in WDE when she was requested to provide legal advice. Liz stated that people assumed that Megan was a "Cindy puppet," but she really was not. If a specific question was put to Megan, Megan would try to answer those as best she could. [Liz Gagen Interview]

Megan Miesen Harper reported that while serving as HR Supervisor, she heard rumors from time to time that some people didn't feel comfortable coming to her to discuss issues. She was saddened by that. She had one employee actually tell her this face-to-face. Megan would not speculate as to why as she stated she always handled formal or minor issues confidentially and under

the strict guidance of the AG's office. She took direct criticism and rumors very seriously. Megan had conversations with leadership team members from time to time about how to combat the negative attitude and resulting mistrust. She added that this "attitude" was evidenced in a minority of the WDE staff. The people that did come to her, she felt she had resolved their problems and issues.

She stated there was name-calling; there was bullying directed towards her personally, having nothing to do with her or her skill level, and she felt bullied. This was not by anyone in the leadership team. She did not want to disclose who it was as it was over now. She didn't want to go there and she has just let it go. [Megan Miesen Harper Interview]

B. **David Holbrook**, Director of Federal Programs. David is married to Seantele Gould. David supervises Beth Van DeWege who is the School Improvement Grant Manager. Seantele is the SIG Grant Reader and must work with Beth VanDeWege. Christine Steele is supposed to be Seantele's supervisor and monitor the contract. However, David reported he did end up having to be involved and had to address problems involving his wife because Christine did not monitor the contract. [David Holbrook Interview]

John Masters reported that David Holbrook and his wife are in the same division. David supervised persons who work with his wife, who is a WDE contractor. At the time the contract was entered into, Seantele and David were not married. When Seantele's contract came up for renewal this time, WDE put the contract out for bid because having found out about the situation, the Department did not want to have a contract with someone whose spouse was in the chain of supervision. [John Masters Interview]

C. : The following was reported by persons (Carol Illian, Darlena Schlachter, David Holbrook and Janine Cole) who were involved in the interview process regarding the hiring of . The issue is the conduct of Christine Steele. Angela Benner, who conducted an investigation for WDE, also addressed this issue.

Darlena Schlachter reported . Out of the applicants interviewed, Christine skewed the scoring rubric on the resumes so that would go to the top of the list and be hired. [Darlena Schlachter Interview]

Carol Illian reported that in September, 2011, several of them were looking for
There were a number of persons interviewed; one of those was
She was nice, but she did not have the skills needed to be an .

When Carol learned that had happened, she thought, "What? How did she get that job?"
Carol asked to see the score sheets for all of those persons interviewed, in part because they needed
an in their area and she thought that they would just look at the persons that
were already interviewed and chose one from that group.

Carol asked for the score sheets, and she found that Christine, who was the lead on the
interview team, had scored the resumes.

The persons who had competed for the position had been unfairly
and inaccurately scored on their resumes so a specific result would be reached and the person that
"they wanted" would get the position. [Carol Illian Interview]

Angela Benner reported that an allegation had been made that the highest scored applicant
is not always hired in WDE, therefore compromising the competitive recruitment process required
by the State. In
September, 2011, she was hired into a full-time, classified position. WDE posted two recruitments,
one at the level and one at the level. applied for both positions. She was
interviewed, along with three other applicants for the position. Two factors were used to
determine the total score of each interviewee, the overall interview was one score, and the other
score was for the overall content of the resume. e

Two of the persons involved in the interviews were surprised that her resume was
scored so highly. They did not feel that was the most qualified interviewee. Angela, who
has worked for the State of Wyoming for five years, and been involved in human resources for 15

years, looked at all applicants' resumes. It did not appear that [redacted] should be scored so highly. She had the least amount of relevant experience of all applicants.

In addition, [redacted] was not hired for the recruitment she interviewed. She was hired for the [redacted] position, for which there was no evidence of a recruitment file. [Angela Benner Interview]

Teri Wigert reported that in October, 2011, it was rumored that a new employee, [redacted] was getting paid an extra \$300 per month for doing extra duties. Teri believed that her staff ought to have that same opportunity, so she sent an email and was told by Christine that was not the case. [Document #822] Later, when Teri had access to budget information, she looked it up and determined that, in fact, [redacted] was receiving a \$300 per month stipend that had been granted by Sheryl Lain. That was another indication of what was happening with the favorites of the administrative team. That extra pay has now been removed. [Teri Wigert Interview, Document # 822]

Christine Steele: She scored the application and resume higher for [redacted] because of her experience at WDE. She was able to work with the public and handle multiple trainings and MOA's. Her experience at WDE was on both the application and her resume. [Christine Steele Interview]

3. **DISCIPLINE OF EMPLOYEES.**

The discipline and manner in which employees were addressed was a concern to not only those who were subject to the discipline but also to those in WDE who observed it and who were required to administer it. A brief summary of these issues is set forth in the Inquiry Team Report. This section sets forth the specifics of those incidents reported to the Inquiry Team.

A. **Fred Hansen** reported we may go through our whole investigation and not find that anything was done improperly, but we will find that there was a lot of screaming and yelling at people, that a lot of people were hired on one-year contracts and then let go the day before their contract expired, which they legally could do and is done by the State in other divisions or departments as well. He stated there are some of those type decisions that he disagreed with and expressed that disagreement, because they were good people and they needed to keep them. [Fred Hansen Interview]

B. **Randall Butt** reported on October 5, 2011, he received a call regarding a communication breakdown between Kevin Lewis and he on September 30, 2011. The background of the call was:

5 p.m. September 30, 2011, was the deadline for submitting the application for the SIG grant. Randall learned that Fremont #38 had no one in the Grants Management System to submit the grant application to WDE. As he was working in the GMS to resolve the issue, Randall received a call from Kevin Lewis that the application had to be in by 5 p.m. and asking Randall to call him when the application had been submitted. Within minutes, Kevin called back, saying something about a conference call; Randall did not understand that he was being asked to set it up, and he was given no names or numbers or information regarding who to conference call in. It was his understanding that Kevin was going to take care of the conference call, and the situation could have been avoided if the lines of communication were clearer. During the conversation, Randall was working to load credentials into the GMS. Once loaded, he called Fremont #38 and walked them through the process step by step to ensure the SIG application was submitted to WDE by 5 p.m.—which did occur. After the call to Fremont #38, and getting the SIG application submitted to WDE, Randall called Kevin to let him know that the application was at the WDE. Kevin asked if it was a completed application; Randall indicated he did not know because he did not read the applications. [Randall Butt Interview]

David Holbrook reported he was Randall's supervisor; the following week, he was called to a meeting with Kevin Lewis, Christine Steele, John Masters, Randall Butt, himself and Cindy Hill. There was an inquiry type process into what had happened that day [September 30].

David stated he thought this was inappropriate.

David stated that the call should be removed; it was totally inappropriate. [David Holbrook Interview]

Darlana Schlachter reported she did not agree with the call, but had to sign it anyway (she was Randall's direct supervisor). [Darlana Schlachter Interview]

Kevin Lewis reported Randall was involved with Arapahoe as it was trying to submit the SIG application. The business manager had access, but was not there. The superintendent tried to

get into the system and make the submission, but could not do that. They were down to the last day [for submitting the grant application]. Kevin had a conversation with Randall and told him please get me on a conference call, Rita can set it up. The purpose in Kevin wanting to be a part of a conference call was to make certain that everybody had the ability to get the grant application submitted. The conference call was not set up; Kevin was not happy because the conference call was not set up. He wanted the conference call because he didn't want one part of the process to be dropped. Kevin stated that he didn't know if there were repercussions for Randall having not set up the conference call, it is a HR decision about what needs to be done. David Holbrook would have been involved. Kevin stated that he did not view this as a serious infraction. [Kevin Lewis Interview]

Cindy Hill reported that she recalls that there was a meeting with Randall Butt, because he choose not to set up a conference call that had been requested. That could possibly have resulted in a meeting over that incident. [Cindy Hill Part 2 Interview]

C. **Linda Scott.** Linda acquired permission from her director to look into the process of how bringing data in-house was to occur for a contract she supervised. An appointment with ETS was arranged. She, her supervisor and the administrative assistant did not understand that a previous conversation about bringing data in-house meant in-house to WDE, not in-house with ETS. Linda and her assistant met with ETS concerning the data collection process specific to their program.

Linda's supervisor was then contacted by Cindy and Christine Steele. A meeting between Teri Wigert, Guy Jackson and Christine Steele was held. Linda and her assistant, Ester, were required to write statements concerning what had happened. A meeting was then held with Cindy, Teri, Guy, and Christine, with the end result being that it was determined to be just miscommunication concerning whether in-house data collection referred to WDE or ETS doing the collection. [Linda Scott Interview]

D. **Wynema Kucera.** Nine persons, in addition to the employee involved, cited the Wynema Kucera situation as a concern. This matter occurred in March, 2011.

Wynema Kucera reported there is a process with news clippings that is used around the state. Wynema spent about 30 to 45 minutes showing Jerry Zellars where the articles were, how those were distributed to the school districts, which ones to pick. On March 14, 2011, Jerry asked

her the same question, and she told him that she had shown him the process. On March 15, Wynema was called into Cindy's office. Cindy was sitting on the edge of the couch; Jerry Zellars and Sheryl Lain were also there.

They had a [redacted] prepared that Cindy wanted her to sign. Wynema didn't agree with it, and she indicated that. Cindy told her that she was very rude, she didn't like her body language, that she ran hot and cold and that she was the last person they would have expected that kind of behavior out of because she had a perfect model to work next to, that being Rita, and that she needed to take lessons from Rita. Cindy told her that this was her first warning and a second would be her last and "believe me you do not want to go there." She told her that they didn't want her discussing this with anyone and her behavior was to stop here.

Wynema expressed that she had duties and those duties were going by the wayside. Cindy told her that she didn't know what she did; she didn't care what she did. Wynema reported Cindy used a sharp tone of voice all the time she was talking to her. Wynema indicated she wanted clarification from Cindy about her job. Finally, Wynema sat back and let Cindy chew at her, so it took 45 minutes. Wynema then went to the bathroom and washed her face, came back and Cindy chewed on her 15 minutes more. Cindy asked Wynema to sign [redacted] which she did and then she walked out. Cindy explained that there were 500,000 voters that had put her in office and that if she needed work she needed to go talk to Rita for more work. If she had a problem, she needed to come to her. She stated Cindy was sitting on the couch; she was highly agitated, wrenching her hands. When Wynema asked for clarification, it made her even more agitated.

The next day, March 16, Wynema went to Karen Kelley, asking for a copy of [redacted]

[redacted]. Karen indicated that she didn't have it. Wynema went to Cindy's office, and said good morning. There was no response from Cindy. Wynema asked if she could possibly get a copy of what she signed the day before and that she should not have signed it. Cindy said I don't appreciate your attitude right now. Wynema stated she just wanted to get a copy of [redacted] and walked out. About 1:15 p.m., Karen Kelley asked Wynema to meet with her and Roger Clark.

[redacted] Wynema stated she didn't understand what was going on. All she'd asked for was a copy of [redacted]

[redacted] People were all around and she was made to feel like a

criminal when all this was happening. Karen told her that John Masters would then escort her to the parking garage to get her sticker. She went home that afternoon, and called the AG's office and they said they couldn't help her. She was called back to work on March 22nd. In the meantime, she did see an attorney, but the attorney told her that they couldn't see that the action taken against her was based upon a protected characteristic.

They then moved her desk to the hallway instead of in the main reception area.

Around April 11th, 2011, she requested two weeks off for leave because her daughter was having a baby. She'd asked Rita about that leave request and Rita went into Cindy's office, found it on the stack on the floor and put it on top of the stack. She still didn't get an answer. On 4/26/11 she made a second request for leave and gave that to Roger Clark in a folder. He looked at it and took it into Cindy's office. She did get the leave, but that was after her transfer to Finance. Usually leave approval takes one or two days, not 16 days.

In early April, 2011, Wynema answered the phone; it was Cindy's husband. He asked if Cindy was there; Wynema replied she was on another line. He wanted her to check Cindy's calendar, but Wynema didn't have access to Cindy's calendar, only Rita did, so she replied that she would take a message and have Rita call him. When she turned around, not two feet away from her, Cindy was there. Wynema handed the message to Rita and Wynema went to distribute the mail. Rita came looking for her and told her that Cindy wanted to talk to her. She asked what it was about, Rita replied she didn't know, just come in. Wynema went into Cindy's office, took a seat. Cindy stated I want to tell you right now I don't approve of the way you just walked in here. During this meeting, Wynema kept notes of what was transpiring.

Ultimately, Wynema applied for a position in Finance. She received the position, but Cindy did not approve the proposed wage increase; she got the promotion but not the salary that generally went with it. [Wynema Kucera Interview, Document ##505-514; 496]

Karen Kelley reported she signed a letter concerning the fact-finding surrounding Wynema. She was directed to write the letter. Karen stated the action taken against Wynema was completely out of proportion to what they normally do for a like infraction. Normally, they would talk to the employee, counsel them, not over something like this. [Karen Kelley Interview]

Rita Watson reported that initially, there were three people out front. They were a very close team. When the big blow up thing occurred, she heard part of that conversation. The conversation she heard was not one that you would expect from the administrative part of the Department; it was not the type of professional conversation that one would expect. Rita stated that she thought Wynema was mistreated; she was moved to Finance. [Rita Watson Interview]

Cindy Hill reported it had been brought to her attention that Wynema had yelled at Jerry Zellars, that she had been loud and angry. That had occurred in the front area. Cindy stated Wynema got aggressive with her regarding that; that was one situation she was unable to problem solve. She thought Wynema and Jerry could be able to resolve that and it wouldn't come to that. In the process, Wynema started verbally attacking her. She doesn't recall what Wynema said, but she recalls that Wynema was very loud and aggressive. Typically, Wynema is a very passive person. Subsequently, Wynema had walked into her office. She was angry again and was very mad. Cindy recalled that because typically Wynema was so meek. She asked Wynema to leave her office. Cindy stated Wynema was the only person in her staff that she felt uncomfortable about. They had a fellow who was involved in a shooting who was a good employee and you would never have guessed that he would engage in that kind of behavior, but Wynema scared her. Wynema, through her body language and otherwise, was very aggressive with her twice. Cindy stated that it just goes to show you never know who is really angry. The end result was they decided that the front office was not the best place for her. Wynema continued on to be an employee with the Finance Department. Cindy stated Wynema was not physically aggressive with her, but Cindy was unnerved by Wynema. John Masters added that he talked to Matt Fermelia. They were going to put ----

after Wynema had angrily entered Cindy's office, but Matt said the State did not like to do that. They advised as to the procedure that was normally used when s ; leave, and Karen Kelley helped with that. They put their personal belongings in a box; escort them to the vehicle to make sure they can safely operate their vehicle and leave. They escorted Wynema out; it was consistent with how they had been instructed to do it. Neither Cindy nor John recalled any drama about the dealings with her. It was done in the middle of the day at the front desk, there were people that were working, but they don't recall any drama about her departure from the office. Cindy indicated she is still cautious around Wynema. [Cindy Hill Interview Part 2]

John Masters stated that everyone was respectful of Wynema. She worked in the front desk area; it was she, Shelly and Rita. Shortly after Cindy took office, Shelly left. Wynema did not possess the skills to perform a lot of tasks; she was not graceful in her interaction with the public and others. Cindy apparently overheard Wynema's interaction with a member of the leadership team in a manner that Cindy believed was intentionally rude and disrespectful, so Cindy told Wynema to go home and think about that. They talked to Matt Fermelia about the appropriateness of the action, and Matt told them that the State did not like to send people home because they want people to work rather than being on standby. So, Wynema was called back. There was a discussion concerning her behavior. The result was that Fred Hansen suggested that Wynema work in his division. Wynema had filled in or helped before and Fred was satisfied with her. Wynema was transferred to finance and received a wage increase. The view was that Wynema was still cold and disrespectful to Cindy in her interactions. Fred had wanted a wage increase for Wynema. Cindy's response was she didn't know why Wynema merited a higher wage; a higher wage was not approved for Wynema based on her interactions with Cindy, her lack of civility towards Cindy. John notes they both had strong personalities.[John Masters Interview]

E. **Melissa Moser** reported: Her employment was wonderful for the first two weeks. After that, a number of things occurred. Sheryl Lain decided they would go to one reading assessment only, and that they would go to MAP. Previously, a district could decide whether or not they wanted to do Dibbles or MAP. Sheryl decided they were doing the change in mid-school-year which is difficult for a district. WDE had no rules and regulations in place relative to the data collection.

Sheryl wrote a letter telling districts that they were going to have to switch to MAP and they were going to have to do it in the middle of the school year. Melissa reviewed the letter; she didn't agree with its contents. Sheryl told Melissa that she would need to sign the letter. Melissa stated she had only been there two weeks; she had already disagreed about the change in process, but she signed the letter and the letter was sent to the districts. Melissa stated she had 103 calls in one day concerning the letter requiring the switch to MAP in the middle of the school year and this went on for about a week. The complaints from the districts were that this is midyear; there are some

deficiencies in the data that could be collected under MAP. The concerns expressed were very valid concerns.

Cindy also got calls from the legislators because superintendents were contacting their legislators about what was going on in WDE and there were demands for a meeting. A meeting was held. The people present were: Sean Moore, Jennifer McCorkle, Sheryl Lain, Cindy, and there were superintendents on the phone. The purpose of the meeting was to talk about the letter Sheryl Lain had written about implementing MAP midyear which Melissa signed. The superintendents were yelling. Cindy screamed at her, she pointed her finger at her, saying that "You did that." That went on for a couple minutes. She was not a real crier, but she began to cry because of the way Cindy was treating her. Melissa kept waiting for Sheryl Lain to stand up and defend her since what Cindy was yelling about was something that she had done at Sheryl's insistence.

Sean Moore finally stood up and said, "This is enough." He had her leave the meeting. Afterwards, Jennifer checked to make sure she was okay. Melissa couldn't believe that this had happened. The others in the meeting just sat there; Sheryl put her arm around Melissa and said, "This will be okay," but she never did come to her defense. They made it look like it was all her big mistake, when, in fact, Melissa was told to do it, she had protested, told them it was opening a can of worms; that if they were going to one assessment they needed to roll it out slowly and that they shouldn't be doing it in the middle of the year. Melissa asked Sheryl to be on the letter, but Sheryl told her "she was the literacy person, that she needed to be doing it." At the time, her husband wasn't working, she was the only one with a job; she'd only been there one and a half weeks. She hadn't had any choice, and she did what she was told to do, which was something that she didn't agree with, but she needed to keep her job. [Melissa Moser Interview]

Jennifer McCorkle stated that in September or October, 2011, she was present when Cindy yelled and was very vicious to Melissa Moser. Melissa was new at the time; she'd dealt with a project in the same way as every other person had done. But, the process had changed in the meantime. There was a meeting with Melissa, her direct supervisor, another consultant and Jennifer. They were in there 20-30 minutes while Cindy just drilled and spoke loudly to Melissa, asked her how dare she do this, now I'll look bad to the superintendents. The whole time Melissa was crying while Cindy was yelling at her. Nobody else would say anything or stand up to Cindy. Jennifer,

trying to diffuse it, got up, went and got a tissue for Melissa. Nobody would stand up to Cindy because they were all afraid of her. [Janine Cole-Jennifer McCorkle Interview]

Cindy Hill stated she does not recall that meeting or that occurring. She does know the Legislature required a switch in the process they were using in terms of how data was reported. [Cindy Hill Interview Part 2]

F. **Tom Martin** reported that the beginning of the end for him was about three weeks after the new administration took over. Jerry Zellars came into an area where he and his friends were eating. Jerry introduced himself, and they were just talking. They were bouncing ideas around. He thought it was all good. Tom wondered how the Department was going to fit into educational innovation. He asked Jerry whether Cindy Hill was going to be an innovator. Did she have new ideas as to where she was going to take the Department forward? Tom stated Jerry just stopped in the conversation and looked at him.

On February 15th at 10:30 a.m., they had a powwow in Cindy's office. Cindy was at the head of the table, Teri Wigert was there, Jerry Zellars, and to Jerry's left was Kevin Lewis, and then Roger Clark, who was Tom's direct supervisor. Cindy started the meeting, and she was looking at her cell phone while talking. She stated, "Well, Tom, we're here today because of comments you made about me. You made statements to Jerry. Jerry, tell Tom what you thought he said." Jerry then said that he felt that Tom was questioning Cindy's authority; that she was not an innovator. Tom explained that's not what he said. He apologized to Jerry and apologized to Cindy. He told Cindy that he didn't say anything negative about her; he was curious whether she was going to be an innovator and was interested in the things that she was going to be doing.

He looked at Teri Wigert and she was shaking. Teri did stick up for him and say that Tom hadn't said anything negative about Cindy. He realized that took some guts on Teri's part. Cindy then stated, "Teri, have to tell you, I just don't trust Tom." Tom stated no one in his entire professional career had ever said that about him. If that was true, then there was no way he could have dealt with all the personnel issues, with all the people, administrative issues and public in education, and directly dealt with individuals.

Tom stated Roger Clark ultimately quit because he saw what was going on. He, himself, trusted Roger even if he did ultimately take Tom's job. Once Tom resigned his position, they left

him alone until his time was done. He went downstairs in his old office and worked out of that space, remaining there until May 20, 2011, when his retirement took effect. [Tom Martin Interview]

Cindy Hill: She barely remembers Tom Martin. There was no chastisement per John Masters. [Cindy Hill Interview Part 2]

G. **Karen Kelley** reported in the four months she worked for Cindy, Cindy never called her by name, not once. Cindy always referred to her with kind of like a sigh as “Human Resources.” Cindy circumvented the HR office and would confer with Dean Fausset at A&I or Matt Fermelia at the AG’s Office. On one occasion (April 26, 2011), she asked Karen a question in the morning and in the afternoon called Karen into the office and told her, one, she didn’t like Karen’s answer to her question, two, she didn’t like the manner in which Karen had answered the question, and she didn’t like the fact that Karen was argumentative and pushing back. In that meeting, Cindy pulled her chair up close to Karen’s chair and sat so close that their knees were almost touching. Cindy was leaning into Karen’s face and yelling at her. During the conversation, Cindy would slam a notebook down on the table. She also was asking when Karen was going to retire.

Karen stated she was there four months before she resigned, because that’s all she could go. She felt Cindy’s intent was to make her working conditions so bad that she would leave. She felt that Cindy was angry because she was not in a position to fire her because she was a state employee, and that Cindy’s intent was to clean house and get all the “McBriders” out. During the meeting with Cindy, she was yelling at her, stating that “McBride isn’t here anymore,” that 500,000 people in Wyoming had voted for her, which told her that all the McBride people did was wrong. Karen stated she had conversations with Cindy on several occasions and they were all the same. Cindy was always screaming and yelling at her, tossing things down, slamming things.

During Cindy’s second week in office, she came to Karen’s office, sat down in her chair, and pointed her finger at her and stated “I don’t trust you . . .” On occasions, Cindy would walk into Karen’s office and tell her to do something. Cindy would state, “Do you have any questions?” And then spin around and leave. The tone of voice used when Cindy spoke to Karen was one that sounded angry. [Karen Kelley Interview]

Cindy Hill stated that she had issues with the HR process. When Jerry Zellars came on board, Cindy established a reasonable amount of money for Jerry to be paid. She gave that dollar

amount to Karen Kelley so she could prepare the paperwork. Jerry met with Karen. Jerry, after that meeting, was very excited because Karen told him that he got significantly more money than Cindy had approved. As a result, Cindy had to tell Jerry that this was a mistake by Karen; Jerry was disappointed. Cindy stated that shouldn't have happened. It was apparent to her that the process in place was not working.

... She discussed the issues with staff from the AG's office, Matt Fermelia, who advised her as to state policy.

Karen ultimately did retire. John Shumway then came on as HR director and everything was working. John went through trainings and she didn't have any more problems. Megan then came on. She went through the trainings. She was very diligent. She would bring in outside people from other human resources divisions and Liz Gagen, from the AG's office, to assist her when necessary. Cindy stated that HRD trained them very well. They had all the resources that they needed and were provided the support and proper training as well as having access to resources and information when that was necessary.

Cindy stated she does not remember a meeting with Karen Kelley. Cindy stated she does not get close to people that she believes do not like her. Karen Kelley did not exactly experience warm feelings towards her and so she does not believe that she would get close to people that don't like her. Cindy stated in her mind that would not have happened and it is not the kind of behavior that she would engage in.

I asked if she recalls having talked in a loud voice and slammed notebooks down on the table during meetings. She stated, no that did not happen; she had no recollection of yelling or talking in a loud tone. [Cindy Hill Interview Part 2]

John Masters stated his recollection with regard to Karen was that there had been a couple of things on the personnel side that Karen had been involved in. With regard to Gail Eisenhower, Cindy had made it clear that everyone on leadership team was to be at-will. Somehow, Gail's position was a classified position so that Gail was a probationary employee as opposed to an at-will. Then there were issues with regard to the compensation level of an employee. The offer was made at a certain level, but it ended up being at a different level than Cindy knew about by the time it got to A&I.

John stated he knows that Karen was asked to meet with Cindy. He has not heard Cindy yell; John stated she can be forceful. Cindy's conversation with Karen, in essence, was that we can't be having these kinds of mistakes; you need to let me know if someone is not at-will, you need to follow my instructions. John stated he doesn't know if Karen had some excuses or if she was just passive in terms of the meeting and her comments. That prior to this time, Karen had told John (Jerry may have been there too) that she intended to retire in December of 2011. Cindy asked Karen, are you retiring in December, and Karen responded, she could; she could retire at any time, but she might move that up. At no time was there any reference to Karen's age or you need to retire today. The conversation was a follow up on a topic that Karen had provided information. There was discussion that Karen might retire in June or July of 2011. It was no surprise when Karen did retire. But, at no time was Karen told that she had to retire nor was there any discussion of her age. [John Masters Interview]

H. **Bill Pannell** reported [redacted] had been employed with the WDE for a period of time. He was hired on July 16, 2012, for a new position. On Saturday, August 4th, Cindy called Bill wanting to meet with Brian [redacted] and he at her office on Monday, the 6th. When they arrived for the meeting, Cindy was agitated about Brian [redacted] bad mouthing her. She'd heard, in Wheatland, that he'd been badmouthing her in the community. She claimed she'd heard from someone that Brian said he had to ride to Cheyenne in a car rather than on the airplane on a trip from Gillette. That was true. The two Brians had gone to the meeting on the plane, but then Sheryl Lain and Kevin Lewis wanted to fly back, so the two Brians had driven the car back. Bill doesn't know if that really was the reason, but someone did say that was what occurred.

On that particular day (August 6) it was a very heated discussion between he and Cindy for about an hour. Bill was screamed at by Cindy for [redacted]. It was a very heated discussion and it was, [redacted].

[Bill Pannell Interview]

I. **Teri Wigert** reported that she kept notes at home during those 27 months. The document she provided during the interview contains incidents involving Teri specifically which Teri felt were the most egregious. There are multiple instances; some involved her staff, but which she reported were her story as well. Those notes are attached, rather than restated here, but describe incidents of reprimanding/criticizing Teri in public forums as well as in Cindy's office and during a division meeting with Cindy. Fred Hansen and Teri Wigert were division directors under McBride; out of six division directors, they were the two not selected by the Hill Administration. [Teri Wigert Interview, Document ##824-836; 823]

4. **HEALTH ISSUES DEVELOPED BY EMPLOYEES DUE TO WYOMING DEPARTMENT OF EMPLOYMENT WORKING ENVIRONMENT.**

A number of employees reported the development of health issues due to the working environment at Wyoming Department of Education:

A. _____ reported she attended the meeting on November 19, 2012, where employees were asked to join hands with other employees and to step forward to show support in response to questions asked by the Superintendent. _____ reported the meeting as being intimidating. That evening, she sought medical treatment at the emergency room for a stress related reaction.

B. _____ reported she has never had health problems. After the incident where administrative assistant [Joey French] was talked up by Sheryl Lain about what a great job she had done and then was fired the same day, she began to get headaches, was unable to sleep, had a spike in blood pressure, and was placed on medications for a while because of that. _____ began to wonder if she needed to get another job and felt helpless concerning the situation. She stated she had never allowed self to be intimidated before. She was fearful to open her mouth and had let co-workers be intimidated as well.

C. _____ reported that during the 27 months she worked for Superintendent Hill, that she developed physical reactions never experienced before. She had sleeplessness, lost top eyelashes, had stomach problems, and panic attacks. _____ consulted her doctor about the eyelashes and the panic attacks, and the doctor questioned her about being under stress. In October, 2012, experienced her heart beating fast/chest tightening in response to a work situation, so she left the

workplace and called her doctor from her vehicle to inquire whether she was having a heart attack.

reported that she experienced a similar episode in December, 2012, during a meeting held in WDE which followed a JAC meeting: Employees were being asked who was with the Superintendent and they went around the table and everyone was supposed to pile on with how bad the committee was. stated that during her life, she has dealt with difficulties and problems, but always felt she could get through the situation. This situation at WDE, for 27 months, she questioned how she was going to keep going. It had been a real test.

D. reported the problem is she was now doing the work that was previously assigned to seven people. As a result of that her health has steadily deteriorated. She has never had heart problems; never had cardiovascular problems, but now has high blood pressure. She has worked 24-7 for the last year, worked weekends; she has spent thousands of dollars on medicine and medical treatment. as gone to Human Resources telling them that she needs help to do all this work. The day the Superintendent was moving out of WDE, a picture was posted on a newspaper site with the description that the Superintendent was telling her goodbye. stated, in truth, the Superintendent was telling her off. ended up in Urgent Care that day because her blood pressure spiked.

E. reported that during the time she worked at WDE, she made a doctor's appointment because she was having anxiety attacks, crying fits, and did not want to go to work. However, she did go to work for fear that if she was not present that would be used against her. She was placed on antidepressants. After having left the Department, her health is better now.

F. reported she experienced a huge amount of anxiety due to the working conditions and fear that resulted in depression. She ended up taking antidepressants because she would have panic attacks because of her work environment and persons she worked with and what might happen with Kevin Lewis.

5. MISCELLANEOUS.

David Holbrook reported an instance involving an employee named . The employee ultimately quit, but during the time period that she was still on probation, a meeting was

held concerning whether or not she should be let go. That meeting occurred in November of 2011.

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August 25, 2011

FORMAL OPINION 2011-002

Ms. Cindy Hill
Superintendent of Public Instruction
Hathaway Building, 2nd Floor
2300 Capitol Avenue
Cheyenne, Wyoming 82002-0050

RE: Opinion Request

Dear Superintendent Hill:

In a letter dated July 5, 2011, you requested an Attorney General opinion on the following question:

Does state law require that an elected official receive approval from the Department of Administration and Information before hiring an employee "at will" to fill a position that was previously held by a "permanent" employee?

Short Answer

Yes. Under Wyoming's Constitution, the executive power vests in a governor. Knowing this, the Legislature has enacted statutes recognizing broad gubernatorial powers over executive branch personnel. Acting through the Department of Administration and Information and its Human Resources Division, the Governor has statutory power to determine the employment status of executive branch positions (at-will

or permanent). The Legislature has also assumed a role, defining certain high-level executive administrative positions as at-will.

Wyoming's other four elected State officials have numerous core governmental powers as prescribed by law. But nothing in their Constitutional or statutory grants of authority gives them power to decide the employment status of employees.

In addition, the State of Wyoming Personnel Rules (June 1, 2010) require that agency heads provide written justification to, and obtain approval from, the Human Resources Administrator before making an at-will appointment to a permanent position. The Superintendent of Public Instruction is the director of the Department of Education, making her its agency head under the personnel rules. Accordingly, the personnel rules specifically require that she get approval from the Human Resources Division before making any Department of Education position at-will.

While it is true that employment in Wyoming is presumed at-will, a different rule applies when employers promise certain rights—as has the State in its personnel rules. These rules list misconduct justifying discipline of permanent employees and require cause to dismiss them from employment. But before attaining permanent employee status, executive branch employees must successfully complete a year's probationary term during which they serve at-will.

Analysis

A. Wyoming Employment Law: General Principles

"Wyoming presumes that an implied contract of employment for an indefinite period is a contract for at-will employment and the employer may discharge for any or no reason." *Brodie v. Gen. Chem. Corp.*, 934 P.2d 1263, 1265 (Wyo. 1997) (citation omitted). But, using an objective test, the Court looks to see whether an "employer has intended, either by words or conduct, to include job security as part of the implied employment contract." *Id.* at 1265-66 (citing *McDonald v. Mobil Coal Producing, Inc.*, 820 P.2d 986, 990 (Wyo. 1991)). Promises of job security in employment handbooks effectively induce employees to continue employment. *Mobil Coal Producing, Inc. v. Parks*, 704 P.2d 702, 706-07 (Wyo. 1985). In exchange for offered job security, an employer receives consideration of an "orderly, cooperative and loyal workforce which the employer hoped its promise would evoke." *Brodie*, 934 P.2d at 1266.

An employee with a reasonable expectation of continued employment has a Fourteenth Amendment property right, which requires due process before the right may be deprived. *Abell v. Dewey*, 847 P.2d 36, 39 (Wyo. 1993) (citing *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538 (1985)), *withdrawn, in part, on other grounds by Abell v. Dewey*, 870 P.2d 363 (Wyo. 1994). Employment handbooks listing infractions

subjecting an employee to discipline and providing progressive discipline can alter an at-will employment status. *Abell*, 847 P.2d at 40 (citing *Parks*, 704 P.2d at 706).

The State of Wyoming's Personnel Rules are "the equivalent of an employee handbook or manual." *Abell*, 847 P.2d at 41. Examining a pre-1994 version of the personnel rules, the Court saw that probationary employees could be dismissed only for "reasonable cause." *Id.* It further saw in the rules fourteen items of "cause" justifying discipline. *Id.* (quoting State of Wyoming Personnel Rules, Ch. XI, Sec. 1(a)).¹ Accordingly, the personnel rules give a reasonable expectation of continued employment (now only to permanent employees), creating a corresponding property right. *Abell*, 847 P.2d at 42. This "property interest in continued employment invokes a concomitant right to due process before deprivation[.]" *Id.* at 42.

B. Applicable Wyoming Statutes and Personnel Rules

This opinion must answer *who* has the power to change a position from at-will status to probationary-permanent status. In your letter requesting this opinion, you contend that elected officials should not need approval from the Department of Administration and Information "before hiring an employee 'at-will' to fill a position that was previously held by a 'permanent' employee[.]" To decide who has power to make positions at-will or permanent, we need to examine the history of Wyoming personnel law and all bases for each contender's possible authority.

1. History of Wyoming's Personnel Laws

In 1919, the Wyoming Legislature enacted its first version of personnel statutes for State employees, which remained in effect for 14 years:

Employees in state offices. The Board of State Supplies shall determine the character and number of employees in all State offices, departments, boards and institutions located at the Capitol and shall fix the salaries or wages of such employees, and may so far as practicable regulate the conditions of employment with a view to securing as much uniformity as practicable.

1919 Wyo. Sess. Laws 131-32; *see also* WYO. STAT. § 287 (1920); WYO. STAT. § 103-309 (1931).

¹ The following year, in 1994, the Personnel Management Division amended this rule to provide that the discipline and cause-for-termination provisions applied to "permanent employees only." DEP'T OF ADMIN. & INFO., PERS. MGMT. DIV'N, PERSONNEL RULES, ch. 11, §§ 1; 3(a)-(c).

In 1933, the Wyoming Legislature repealed its 1919 version and further directed how the Board of Supplies needed to administer the State's personnel system:

Powers Board of State Supplies.

The Board of State Supplies shall have power:

1. To determine the classifications, grades and titles of employees of the various departments.
2. To fix salary scales, when not otherwise provided by statute, for the various classes, grades and titles of the employees of the different departments.
3. To require a complete record of the officials, assistants and employees appointed by the head of the various departments and to require the salaries of the same to be in conformity with the scale of compensation established under sub-section 2 above.
4. To transfer temporarily employees from one department to another when necessary to speed the work of any department.
5. To investigate the organization and administration of, and to formulate plans for, better coordination of the various departments.

1933 Wyo. Sess. Laws 164-65; *see also* WYO. STAT. § 18-1309 (1945).

In 1957, the Legislature repealed the 1933 law and substituted in its place the "Wyoming Personnel Administration Act." WYO. STAT. § 9-277 (1957). This more modern Act created the Wyoming Personnel Commission, consisting of the Governor, the Personnel Director, and the Assistant Budget Officer. WYO. STAT. § 9-278 (1957). The Act designated the Governor as the Chief Personnel Officer of the State and directed that he execute the Act. WYO. STAT. § 9-279 (1957). The Act required that the Personnel Commission establish and maintain a classification plan "for the grouping of all positions in classes based upon the respective duties, authority, and responsibilities." WYO. STAT. § 9-280 (1957). Further, it required that the Personnel Commission establish and maintain a compensation plan for all employees with pay bands for each class of positions. *Id.* The commission's duties also included creating a roster of all State employees and a register of persons seeking State employment, setting forth their merit. *Id.* Departments had to submit to the commission "all matters concerning employment, terminations, classification changes and salary changes[.]" and needed prior written approval from the commission to hire personnel. WYO. STAT. § 9-281 (1957). But the commission was prohibited from exercising "any authority with respect to the selection or tenure of office of any individual employed in accordance with such methods." WYO. STAT. § 9-282 (1957). Finally, the commission was given rulemaking authority to assist

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in administering the classification and compensation plans, including over "discipline, grievances and appeals." WYO. STAT. § 9-283 (1957).

Accordingly, effective January 1, 1958, the Personnel Commission adopted rules and regulations. Under these, the Personnel Commission created a Personnel Commission Advisory Board comprised of the Secretary of State, State Auditor, State Treasurer, and Superintendent of Public Instruction. PERS. COMM'N RULES, Rule I: Definitions, at p. 5 (1958). The classification plan separated classes of positions by grades and steps. PERS. COMM'N RULES, Rule III: Compensation Plan Regulations, § 3-2 at p. 9 (1958). During the probationary period, the appointing authority could remove any employee who was "unable or not willing to perform his duties satisfactorily or [whose] habits and dependability do not merit his continuance in the position." *Id.*, § 3-3 at p. 10. In addition to defining "probationary period" this way, the rules also defined a "permanent position" as "[a] position of a continuing nature and without time limitation." PERS. COMM'N RULES, Rule I: Definitions, at p. 5 (1958).

Applying these definitions, the rules further provided that "[t]he tenure of office of every permanent employee shall be during good behavior and the satisfactory performance of his duties as recorded by his merit rating." PERS. COMM'N RULES, Rule V: Tenure of Office, § 5-1 at p. 14 (1958). But, the rules provided, "[t]his provision . . . shall not be interpreted to prevent the separation of an employee for cause, or the separation of an employee because of lack of funds or curtailment of work." *Id.* Listing one caveat, the rules declared that "[t]enure of office cannot be assured employees in positions exempt from classified service or to employees in the offices of elected officials." *Id.*, § 5-3 at p. 14. Permanent employees feeling aggrieved by the action of an appointing authority were given a right to appeal to the commission. PERS. COMM'N RULES, Rule X: Hearing, § 10-1 at p. 21 (1958).

In 1971, the Legislature repealed the 1957 personnel statutes. In their place, it enacted WYO. STAT. §§ 9-276.18:49 through 9-276.18:76, which created the Department of Administration and Fiscal Control. The department was "empowered to assist the governor in discharging his duties as chief executive and administrative officer of the State of Wyoming." WYO. STAT. § 9-276.18:50 (1975). The new statutes gave the Governor, through the department, responsibility to "[i]mprove techniques used for management of state government"; to "[p]romote economy and efficiency in government"; and to "[e]stablish uniform standards of administration." *Id.* As one of the department's five divisions, the new statutes created a Personnel Division. WYO. STAT. § 9-276.18:51 (1975). Although required to consult with and obtain approval from the Governor, the director of the department was given authority to adopt suitable rules to comply with federal law on personnel practices in the career services agency. WYO. STAT. § 9-276.18:54 (1975).

The 1971 statutes created a Personnel Review Board comprised of the Governor, the director of the department, and the administrator of the Personnel Division. WYO. STAT. § 9-276.18:71 (1975). This board was to hear all personnel appeals arising from non-career service agencies. *Id.* The new statutes also created a Career Services Section within the Personnel Division. *Id.* Among the duties given the Personnel Division were the following: to "[e]stablish and administer a personnel classification schedule covering all employees of the state, classifying positions into categories as determined by similarity of duties, authority, responsibilities and other relevant factors of employment;" to "[e]stablish and administer a uniform and equitable compensation plan covering all employees of the state specifying the minimum, intermediate and maximum levels of pay for positions within each classification;" to "[a]pprove all state agencies' changes related to personnel including but not limited to compensation, position classification, transfers, job titles, position specifications and leave time;" to "[e]stablish personnel standards governing employee leave time, hours of work, attendance, grievances and terminations;" and to "[p]romulgate such rules, not in conflict with this act [§§ 9-276.18:49 to 9-276.18:76], as it may consider necessary to provide for the administration of the classification plan, the compensation plan and the system of service ratings, and to govern minimum hours of work, attendance regulations, leaves of absence for employees, and vacations and the order and manner in which layoffs shall be made, and concerning recruiting, transfers, discipline, grievances and appeals." WYO. STAT. § 9-276.18:74 (1975).

In 1974, the State Personnel Rules were amended in response to the 1971 statutory enactment. The rules defined "probationary" employment as "[a]ppointment for a designated period of time as prescribed herein, precondition to attainment of a permanent appointment." DEP'T OF ADMIN. & FISCAL CONTROL, PERSONNEL RULES, ch. I, § B(5)(e) (1974). They defined "permanent" employment as an "[a]ppointment attained upon satisfactory completion of the prescribed probationary period." *Id.*, § B(5)(d). The rules largely repeated the Personnel Division's duties as itemized in the above paragraph. *Id.*, ch. II, § (A)(1)-(12). For the first time, the rules listed specific reasons for discipline of employees. *Id.*, ch. III, § (B)(5)(a)-(k). Upon receiving a written statement from a probationary employee's supervisor that the employee was recommended for continued employment at the end of the probationary period, the employee would become a permanent employee. *Id.*, ch. III, § 19. Those probationary employees not meeting the required standards of work were to be terminated from employment. *Id.*, § 22. The probationary term was set at between 6 to 24 months, depending on the position grade. *Id.*

In 1977 the State Personnel Rules were again amended. As part of these amendments, a "permanent appointment" occurred as follows: "Upon satisfactory completion of the probationary period the appointing authority shall recommend the permanent appointment of a probationary employee." DEP'T OF ADMIN. & FISCAL CONTROL, PERSONNEL RULES, ch. VII, § 13 (1977). The rules set forth disciplinary

reasons and procedures. *Id.*, ch. XII, §§ 1-3. The rules allowed dismissal of non-permanent employees “for reasonable cause upon providing written notification to the employee specifying: (A) The reason(s) for the dismissal; and (B) The effective date of the dismissal.” *Id.*, ch. XII, § 3(c)(ii).

In 1991, as part of a governmental reorganization, the Legislature renamed the Department of Administration and Fiscal Control as the Department of Administration and Information. 1991 Wyo. Sess. Laws 98. In 1994, the Personnel Management Division adopted personnel rules consistent with the new Act. In 1997, the Legislature renamed the Personnel Management Division as the Human Resources Division. 1997 Wyo. Sess. Laws 384. In 2006, the Human Resources Division adopted personnel rules, amending them in 2010.

*2. The Governor Through the Department of Administration and Information,
Human Resources Division*

As the foregoing history shows, the Governor, through the department, largely controls the executive State employee system. At least in part, this is because “[t]he executive power shall be vested in a governor. . . .” WYO. CONST., art. 4, § 1. While the statutes never explicitly say that the Governor, acting through the department, sets at-will or permanent status for executive branch positions, the Legislature’s language and actions reveal that its intent was to have the Governor and department do just that. In evaluating the statutory language below, we must be mindful that courts construe statutes as a whole, “giving effect to every word, clause, and sentence, and [they] construe together all parts of the statute in *pari materia*.” *Matter of Lyles*, 957 P.2d 843, 846 (Wyo. 1998).

The Legislature revealed its intent when it stated that “[t]his Act shall be construed to provide the governor, through the department [of administration and information], with a more coordinated and responsive system of management of the executive branch of state government, and to preserve and protect the separation of powers mandated by article 2, section 1 of the Wyoming constitution.” WYO. STAT. § 9-2-1002(c) (2011). Within the Act are the statutes governing executive branch State employees. Construing these statutes as directed by the Legislature, the Governor and department have latitude to find that a given employment status system might better provide a “coordinated and responsive system of management of the executive branch of state government. . . .” It could do so, in the Wyoming Supreme Court’s earlier-quoted words, by obtaining an orderly, cooperative, and loyal workforce. *Brodie*, 934 P.2d at 1266.

The Legislature addressed the Governor and department’s joint role in administering the executive branch, including its employees:

The department may assist the governor in discharging his duties as chief executive and administrative officer of the

executive branch of government of the state of Wyoming.
The governor through the department shall:

(i) Improve techniques used for management of state government;

* * * *

(iv) Promote economy and efficiency in government; and

(v) Establish uniform standards of administration.

WYO. STAT. § 9-2-1002(b) (2011).

Moreover, the Legislature imposed requirements on the Department of Administration and Information and its Human Resources Division. Broadly, it required that the division establish and administer a classification plan covering all agency employees into categories of positions “determined by similarity of duties, authority, responsibilities and other relevant factors of employment[,]” and that it establish a State compensation plan. WYO. STAT. § 9-2-1022(a)(i), (ii) (2011).

More specifically, it required that the division “[a]pprove all agencies’ changes related to personnel with respect to compensation, position classification, transfers, job titles, position specifications and leave time”; “establish personnel standards governing employee leave time, hours of work, attendance, grievances and terminations”; and promulgate reasonable rules on a variety of subjects, including (i) those necessary to administer the classification plan and compensation plan, (ii) those concerning discipline, grievances, and appeals, and (iii) those necessary to administer a program in which agencies may use at-will contract employees to meet programmatic needs. WYO. STAT. § 9-2-1022(a)(viii), (ix), (xi)(A), (C), (F) (2011).

The most recent version of the various chapters of Wyoming Personnel Rules was compiled on June 1, 2010. These rules “apply to all positions and employees in the Executive Branch,” except for those at the University of Wyoming, for the Executive Director of the Community College Commission, for district attorneys, and for the five State elected officials themselves. DEP’T OF ADMIN. & INFO., HUMAN RES. DIV., PERSONNEL RULES, ch. 1, § 2 (2009). This means that the personnel rules apply to all executive employees, including those working for elected officials or departments they oversee (one being the Department of Education).

As shown, the Legislature has recognized that a governor has broad authority over executive branch employees. At least impliedly, the statutes and associated personnel rules give the Governor authority, through the department, to determine the employment

status of most executive branch positions. The Legislature certainly did not create a permanent employment framework only to leave no one authorized to designate permanent positions.

For decades, the Department of Administration and Information and its Division of Human Resources (and their predecessors) have worked closely with governors to set the employment status of positions. The Legislature's intent is best seen by its acquiescence to this arrangement. Moreover, the Legislature has signaled its understanding that employment status applies universally to levels of executive positions, not leaving that to individual decisions of agency heads and elected officials. For instance, in 2011 the Legislature ordered the Department of Administration and Information to do a study examining what positions at different levels (e.g., administrator; board or commission director, executive secretary, and deputy director; program manager) might best be classified or identified as at-will. 2011 Wyo. Sess. Laws 435-36. Nowhere did it recognize any role in this process for agency heads or elected officials other than the Governor.

In 1989, the Legislature reorganized State government. 1989 Wyo. Sess. Laws 217-23; WYO. STAT. §§ 9-2-1701 through 9-2-1707 (2011). In doing so, the Legislature itself declared certain positions at-will: deputies and administrators in the offices of the five elected officials serve at the elected officials' pleasure; directors of the newly-organized departments of government serve at the Governor's pleasure; and administrators of divisions within the departments serve at the department directors' pleasure. WYO. STAT. §§ 9-2-1704(e), 9-2-1706(a)-(c) (2011). A year 2000 bill—Senate File 0058—illustrates its continued interest in the subject. S. FILE 58, 55th Leg., Budget Sess. (Wyo. 2000). There the Legislature debated and defeated a measure to apply an at-will rule downward to program managers. S. JOURNAL, 55th Leg., S. File 58 at 204-05 (Wyo. 2000).

3. Four Elected Officials: Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction

The Wyoming Constitution identifies the powers of the above four elected officials in these terms: "The powers and duties of the secretary of state, of state auditor, treasurer and superintendent of public instruction shall be as prescribed by law." WYO. CONST. art. 4, § 12.

The law prescribes to the Superintendent of Public Instruction "[t]he general supervision of the public schools" and names her as "the administrative head and chief executive officer of the department of education." WYO. STAT. § 21-2-201 (2011). The statutes empower the Superintendent in many ways and also prescribe numerous duties. WYO. STAT. §§ 21-2-202; 21-2-203 (2011). But nothing in these grants of authority includes a power to determine the employment status of positions.

Ms. Cindy Hill
August 25, 2011
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Although the other State officials have not asserted a power overriding the Human Resource Division's to determine what positions are at-will or instead permanent, your request for an opinion asks too about their legal ability to define employment status. Accordingly, this opinion will also address the authority of each of these other three State officials.

The Secretary of State's powers and duties are prescribed at WYO. STAT. §§ 9-1-301 through 9-1-307 (2011). The Treasurer's powers and duties are prescribed at WYO. STAT. §§ 9-1-401, 9-1-409 through 9-1-417 (2011). The Auditor's powers and duties are prescribed at WYO. STAT. §§ 9-1-401 through 9-1-408 (2011). As with the statutes prescribing the powers and duties of the State Superintendent, nothing in the statutes governing the other elected officials gives any of them a power to determine the employment status of positions within their respective offices.

4. The Superintendent of Public Instruction and the Department of Education

In your letter seeking an opinion, you cite WYO. STAT. § 9-2-1704(a)(vi) to support your statement that "the Wyoming Department of Education is an agency headed by an elected official." By statute, you as the Superintendent of Public Instruction are "the administrative head and chief executive officer of the department of education." WYO. STAT. § 21-2-201 (2011).

In 1999, the Human Resources Division adopted a rule clarifying how at-will appointments can occur:

Chapter 6, Section 9. At-Will Appointment

(a) An at-will appointment may be statutorily required or it may be requested by an agency head with appropriate written justification to and prior written approval of the Human Resources Administrator.

DEP'T OF ADMIN. & INFO., HUMAN RES. DIV, PERSONNEL RULES, Ch. 6, § 9 (1999). The personnel rules define "agency" to include a "department . . . of the Executive Branch of government" DEP'T OF ADMIN. & INFO., HUMAN RES. DIV, PERSONNEL RULES, Definitions, App'x A, ¶ 2 (2009). They define "agency head" as "[t]he director of a State agency; the director may be responsible to a governing board, commission, council, or directly to the Governor." *Id.*, ¶ 3. The rules do not define "director," so this opinion relies upon the statutes on government reorganization, which define "director" as "the administrative head of a department." WYO. STAT. § 9-2-1703(a)(vi) (2011).

Ms. Cindy Hill
August 25, 2011
Page 11 of 12

Accordingly, for purposes of the personnel rules, the Superintendent of Public Instruction is the "agency head" for the Department of Education. This means that the rules specifically require that you obtain approval from the Human Resources Administrator before making positions at-will. Of course, even employees hired for permanent positions must first successfully complete a year's probationary status, during which time they are at-will.

All necessary steps were taken to adopt chapter 6, section 9, of the personnel rules. On April 9, 2009, after delivery to the Attorney General's Office and the Legislative Service Office for their review, this personnel rule (together with some others) was provided to the Secretary of State's Office. On June 1, 2009, a public hearing was held. On July 27, 2009, the administrator of the Human Resources Division certified that the prerequisites were met, and on August 27, 2009, Governor Freudenthal certified the rules as being "within the scope of authority delegated to the adopting agency" . . . and "appear[ing] to be within the scope of the legislative purpose of the statutory authority. . . ." Wyo. Sec'y of State Certification Page, Dep't of Admin. & Info., Human Res. Div., Doc. No. 7524-7532 (filed Sept. 1, 2009).

The rule found at chapter 6, section 9, is a reasonable one and necessary to "administer the classification plan" WYO. STAT. § 9-2-1022(a)(xi) (2011). In its 2011 enactment, the Legislature used the term "classification" in terms of sorting what positions should be designated as at-will, including many positions presently permanent. 2011 Wyo. Sess. Laws 435. In *dicta*, the Supreme Court has done likewise. *See Glover v. State*, 860 P.2d 1169, 1173 n.4 (Wyo. 1993) ("Both parties represent that Glover was a permanent employee. For the purposes of this decision, we presume that Glover was a permanent employee, but we offer no opinion as to whether he was properly classified as such."). This interpretation of "classification" can be read consistently with WYO. STAT. § 9-2-1022's direction to "classify[] positions into categories determined by similarity of duties, authority, responsibilities and other relevant factors of employment." WYO. STAT. § 9-2-1022(a)(i) (2011).

Additionally, in evaluating the meaning and breadth of terms used in WYO. STAT. § 9-2-1022, the Legislature's direction bears repeating: "This act shall be construed to provide the governor, through the department, with a more coordinated and responsive system of management of the executive branch of state government" WYO. STAT. § 9-2-1002(c) (2011). This intent illuminates the meaning of statutory terms such as "position classifications" and "position specifications" and helps resolve that the authority to promulgate rules governing events such as "discipline, grievances and appeals" likely includes a power to determine *who* may be disciplined, may grieve, and may appeal. WYO. STAT. § 9-2-1022(a)(i), (viii), (xi)(C) (2011).

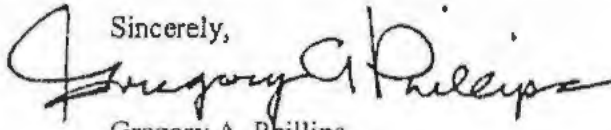
"[R]ules and regulations adopted pursuant to statutory authority have the force and effect of law." *Doidge v. State Bd. of Charities & Reform*, 789 P.2d 880, 883 (Wyo.

Ms. Cindy Hill
August 25, 2011
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1990) (citations omitted). Courts "defer to an administrative agency's construction of its rules unless such construction is clearly erroneous or inconsistent with the plain meaning of the rules." *Id.* at 884 (citations omitted).

The entire structure of the personnel statutes and rules requires that someone set employment status for executive branch positions. Nothing in the Constitution or statutes gives this authority to any elected official other than the Governor. For decades, multiple governors, through their respective departments and personnel divisions, have set the status of executive positions, and all the while the Legislature has acquiesced.

Accordingly, for all reasons stated, this opinion concludes that the division acts within its authority by setting the employment status of executive branch positions and in requiring its approval before any executive position's status is changed from permanent to at-will. This opinion favors no particular employment status over another. Instead it merely advises on what it believes the law presently provides.

Sincerely,

Gregory A. Phillips
Attorney General

GAP:cc

Dept of Education "At-Will" Employees as of 02/21/2012

Agency	PositionId	Employee Id	Name	Title	Title Description	Civil Service	Notes
005	00010	0000040409	HILL, CYNTHIA J	EL05	SUP OF PUBLIC INSTRUCTION	EL	
005	00250	0000040559	MASTERS, JOHN E	ATPA04	Practicing Attorney 4	AW	
005	00430	0000029157	ZELLARS, JERRY L	EXOF02	Executive Officer 2	AW	
005	00440	0000040287	LEWIS, KEVIN S	EXOF05	Executive Officer 5	AW	
005	00570	0000015037	VERLEY, JIMMIE D	ETEP10	Education Program Consultant	AW	
005	00620	0000042531	MOSER, MELISSA	ETEP10	Education Program Consultant	AW	
005	00710	0000036109	MARCES, ELAINE M	ETEP10	Education Program Consultant	AW	
005	00750	0000040393	LAIN, SHERYL A	EXMT03	Executive Management 3	AW	
005	00800	0000041643	MILSEN, MEGAN P	EXOF04	Executive Officer 4	AW	
005	00610		VACANT	FIAC10	Senior Accounting Analyst	AW	Sabrina Lane hired 11/16/11, termed 01/24/12

positions approved as "At-Will"

Note: A total of 6 positions have been authorized to be "At-Will" per the Governor...as of 2/21/2012, only 3 of the 6 positions have been filled.



Wyoming Department of Education

Cindy Hill, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0050

Phone: 307-777-7673 Fax: 307-777-6234 Website: edu.wyoming.gov

August 22, 2011.

Beth VanDeWege

Dear Ms. VanDeWege:

On behalf of the Wyoming Superintendent of Public Instruction, I would like to extend an offer of employment for an Education Program Consultant position in the Quality Instruction and Learning Team of the Wyoming Department of Education ("WDE").

Your monthly salary will be \$5,375.00. Your position is at-will. An at-will employee has no expectation of continued employment and may be dismissed at any time without cause or reason.

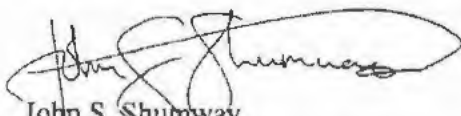
Your employment date will be September 2, 2011. Please arrive at my office in room 219 at 8:00 a.m. for orientation and to complete your new hire paperwork. You will fill out the necessary payroll and other personnel forms, and learn about a variety of State of Wyoming benefits, programs, and requirements. You will also be introduced to other members of the staff. Please bring a voided check for automatic payroll deposit, social security numbers of family members

that will be covered on insurance or be listed as beneficiaries, your social security card for payroll purposes, and identification as required on the Immigration and Naturalization form. Most commonly used are a passport or a driver's license and original social security card. You may park in the state parking garage, on the third floor, located at 24th & Carey Avenue.

Should you have any questions, please do not hesitate to call me at:

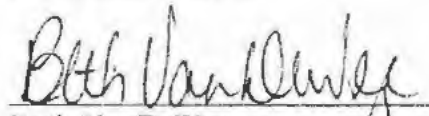
(307) 777-6243.

Sincerely,


John S. Shumway
Human Resource Supervisor

cc: David Holbrook

Acceptance of Offer


Beth VanDeWege

9/2/11
Date



Wyoming Department of Education

Cindy Hill, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0050

Phone: 307-777-7673 Fax: 307-777-6234 Website: edu.wyoming.gov

August 26, 2011

Tamsin Schroeder

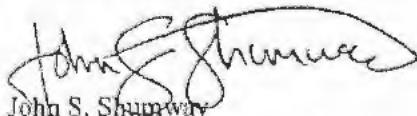
Dear Tamsin:

On behalf of the Wyoming Superintendent of Public Instruction, I would like to extend an offer of employment for an Education Program Consultant in the Standards Division of the Wyoming Department of Education.

Your monthly salary will be \$5,375.00. Your position is at-will. An at-will employee has no expectation of continued employment and may be dismissed at any time without cause or reason.

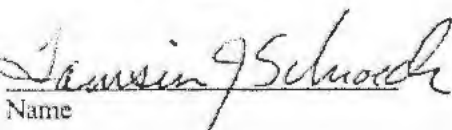
Your employment date will be September 1, 2011. I will need to meet with you to complete some paperwork for the transition from your current position into the new one. Should you have any questions, please do not hesitate to call me at: (307) 777-6243.

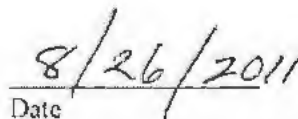
Sincerely,


John S. Shumway
Human Resource Supervisor

cc: (Sean Moore)

Acceptance of Offer


Name


Date

631

CR069



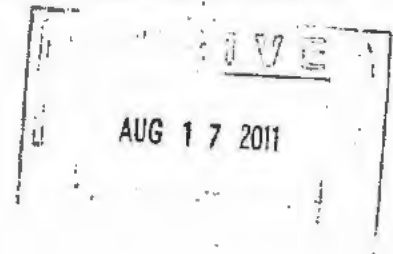
Wyoming Department of Education

Cindy Hill, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0050

Phone: 307-777-7673 Fax: 307-777-6234 Website: edu.wyoming.gov

August 12, 2011

Robin Holbrook



Dear Ms. Holbrook:

On behalf of the Wyoming Superintendent of Public Instruction, I would like to extend an offer of employment for an Education Program Consultant in the Assessment Team of the Wyoming Department of Education.

Your monthly salary will be \$5,375.00. Your position is at-will. An at-will employee has no expectation of continued employment and may be dismissed at any time without cause or reason.

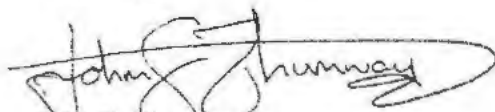
Your employment date will be August 22, 2011. Please arrive at my office in room 219 at 8:00 a.m. for orientation and to complete your new hire paperwork. You will fill out the necessary payroll and other personnel forms, and learn about a variety of State of Wyoming benefits, programs, and requirements. You will also be introduced to other members of the staff. Please bring a voided check for automatic payroll deposit, social security numbers of family members that will be covered on insurance or be listed as beneficiaries, your social security card for

payroll purposes, and identification as required on the Immigration and Naturalization form. Most commonly used are a passport or a driver's license and original social security card. You may park in the state parking garage located at 24th & Carey Avenue.

Should you have any questions, please do not hesitate to call me at:

(307) 777-6243.

Sincerely,

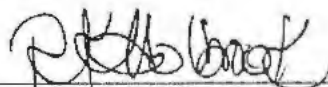


John S. Shumway
Human Resource Supervisor

Enclosure

cc: David Holbrook

Acceptance of Offer



Robin Holbrook

8-15-2011

Date



Wyoming Department of Education

Cindy Hill, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0050

Phone: 307-777-7673 Fax: 307-777-6234 Website: edu.wyoming.gov

September 7, 2011

Laurie Hernandez

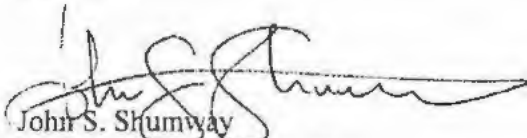
Dear Laurie:

On behalf of the Wyoming Superintendent of Public Instruction, I would like to extend an offer of employment for an Education Program Consultant in the Standards, Assessment and Learning Team of the Wyoming Department of Education.

Your monthly salary will be \$5,375.00. Your position is at-will. An at-will employee has no expectation of continued employment and may be dismissed at any time without cause or reason.

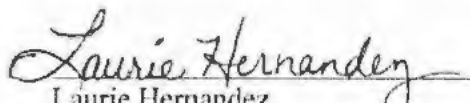
This promotion will be effective as of the date of your acceptance indicated on this letter. Should you have any questions, please do not hesitate to call me at: (307) 777-6243.

Sincerely,


John S. Shumway
Human Resource Supervisor

cc: Sean Moore

Acceptance of Offer


Laurie Hernandez

9-7-11
Date

634

CR072



Wyoming Department of Education

Cindy Hill, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0050

Phone: 307-777-7673 Fax: 307-777-6234 Website: edu.wyoming.gov

September 8, 2011

Marina Barela

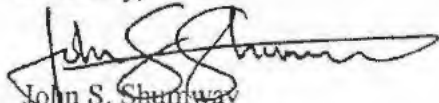
Dear Marina:

On behalf of the Wyoming Superintendent of Public Instruction, I would like to extend an offer of employment for an Office Support Specialist II in the Administration Division of the Wyoming Department of Education.

Your monthly salary will be \$3004.00. Your position is at-will. An at-will employee has no expectation of continued employment and may be dismissed at any time without cause or reason.

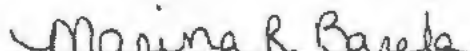
Your employment date will be effective as of the date of your acceptance indicated on this letter. I will need to meet with you to complete some orientation paperwork. Should you have any questions, please do not hesitate to call me at: (307) 777-6243.

Sincerely,


John S. Shumway
Human Resource Supervisor

cc: Sheryl Lain

Acceptance of Offer


Marina Barela

9-8-11
Date

635

CR073

—

1

637

640

640



STATE OF WYOMING
AN EQUAL OPPORTUNITY EMPLOYER
POSITION VACANCY



Office Support Specialist I
Working Title: Office Support Specialist I
RECRUITMENT ID: BAAS05-18673

CLOSING DATE: 10/11/2011

HIRING RANGE: \$2,494.00 - \$2,933.00
per month

DEPARTMENT: Department of Education, Standards & Assessment

LOCATION: Cheyenne

CLASS CODE: BAAS05

FLSA: Non-exempt

GENERAL DESCRIPTION:

This position is responsible for providing support to the director, supervisor and consultants in the area of Standards, Assessment and Learning including preparation of documents, communication, customer service and support in budget areas.

ESSENTIAL FUNCTIONS:

- Acts as a specialist in assigned program area, performing the most complex technical duties, which may also include legal secretary responsibilities.
- Performs, leads, or supervises a wide variety of moderate to complex program and operational support duties.
- Serves as subject matter expert.
- Applies knowledge of programmatic and administrative requirements.
- Resolves problems and makes recommendations for improvements.
- Performs specialized tasks and coordinates general office functions such as budget, legal work, administrative, property management, travel arrangements, procurement, personnel, information systems or fiscal duties and provide training to staff.
- Conducts research, troubleshoots office systems or procedures for efficiency and accuracy; collects, organizes and details in writing the required documentation in answering queries.
- Coordinates and/or acts as a liaison between agency or work unit and other agencies.
- Processes monthly electronic filing; corresponds with operators regarding production filing; sets up new operators for electronic filing.
- Maintains financial or other records; verifies statistical reports for accuracy and completeness; assists with publishing statistical reports.
- Accurately maintains agency files and records; inputs data into databases.
- Prepares reports; verifies computer systems, databases and coded data for accuracy.
- Responds verbally and/or in writing to requests for information.
- Screens and corrects documents for procedural compliance; evaluates information for accuracy.
- Responsible for inventory assets.
- Provides customer service to customers, clients, and staff and acts as a resource and explains

rules and procedures to co-workers, customers and/or clients.

- Assists in budget development, analysis, interpretation, and recommendation; including handling deposits and monetary transactions and/or performing audit functions.
- Performs administrative duties requiring considerable judgment, which may involve fiscal, human resources, or other specific program areas.
- Resolves some light computer issues/concerns.
- Greets, screens visitors, interviews customers/clients to evaluate and determine needs.
- Refers customers to appropriate supportive service agencies.
- Tracks information.
- Maintains and reviews case files to determine actions to be taken.
- Evaluates information for accuracy.
- Involves some processing/interpreting of legal documents.
- Assures procurement process is managed appropriately and according to established procedures.

KNOWLEDGE AND SKILLS:

- Knowledge of applicable federal, state and local laws, codes, regulations and policies, technical processes and procedures related to the department.
- Knowledge of the principles and procedures of financial record keeping and reporting, basic accounts payable and purchasing.
- Knowledge of the principles and practices of employee supervision, training and evaluation.
- Knowledge of techniques for providing a high level of customer service.

NECESSARY SPECIAL REQUIREMENTS:

- Typically, the employee may sit comfortably to perform the work; however, there may be some walking, standing, bending, carrying light items, driving an automobile, etc.
- Special physical demands are not required to perform the work.

***Please view the Class Specifications (Class Code BAAS05) and the State required Minimum Qualifications for this vacancy at: <http://statejobs.state.wy.us/lookup.aspx>**

NOTES:

The employee status (e.g. at-will, probationary or permanent) of this position following appointment is under review.

APPLICATIONS:

For more information or to apply online go to <http://statejobs.state.wy.us/JobSearchDetail.aspx?ID=18673> or submit a State of Wyoming Employment Application to the Human Resource Division, Emerson Building, 2001 Capitol Avenue, Cheyenne, WY 82002-0060, Phone: (307)777-7188, Fax: (307)777-6562, along with transcripts of any relevant course work. The State of Wyoming is an Equal Opportunity Employer and actively supports the ADA and reasonably accommodates qualified applicants with disabilities. No notice of eligibility will be sent to applicants who meet the minimum

qualifications.

DATE RELEASED: 08/02/2011

650

CR088

1748

1760

file name: Harper-Lewis Documentation

Sept. 6, 2012

Kevin came in to talk to Tiffany about contracts. His conversation was appropriate. About 30 minutes into the conversation his cell phone rang and he began talking on it. This went on for about 20 minutes. Tiffany and I had a meeting to attend in about 45 minutes and she needed to pump before she went to the meeting. At this point because Kevin was on his phone (sitting at Tiffany's desk), we began working on our computers. Tiff sent me a message that she had to pump and she needed Kevin to leave. I sent one back and told her she needed to ask him to leave, it was fine. She wrote a note telling Kevin that she needed to do her "mommy duties," he nodded said "OK," got up and walked to the door. Tiffany began getting her pump out and we both figured that Kevin was leaving. He got up, closed the door and came back to her desk and sat down. She had to pump so she turned around and began pumping. He just sat at her desk talking on the phone. I still can't believe that I didn't ask (demand), that he leave. I think I was so shocked that I didn't know what to say. I'm still mad at myself about this. I was horrified; it was repulsive. We have a table in the corner of the room, he should have left the room, but to stay and sit at her desk is sick. Tiffany finished pumping and he said "thank you for letting me stay in the room and complete my phone call." I wanted him out of the room. Then to make things worse he said, "I have two jokes, I probably shouldn't tell them because they are not appropriate, but oh well here goes." He proceeded to tell the two perverted jokes (I wish I could remember them), and I was sitting at my desk not believing what I just saw and heard.

Sept. 8 (?), 2012

I arrived at the office around 7:30 and Kevin was hanging around outside our door. He said he was looking for Tiffany and he would just come in the office and wait. It was obvious he was not happy. He was talking in a stern and harsh voice. I finally said "you're here kind of early," and he replied, "I didn't get any sleep." I know this ~~sounds~~ doesn't sound inappropriate but if you were in the room listening to his tone of voice and observing the look on his face you would be very concerned. He sat at the table and waited one hour for Tiffany to get there. I began working. When Tiff got to the office (she had been downstairs), it was obvious he was irritated about the contracts. He was demanding...asking her why she changed them, and wanting to know why they weren't completed, (he had previously told her she had a lot of time to complete them). He was very inappropriate and he made me nervous.

Sept. 11, 2012

Tiffany, Janine, Kevin, Chris, Mara, Jeri, Tori, Michael and I met to discuss the weekend workshops. Kevin was very defensive and would interrupt when we would talk. He is a bully, and he is intimidating. He gets angry and mean; I know he doesn't like me and that's ok. What bothers me is when he comes in our office and yells at Tiffany about contracts. I feel bad for Tiffany and it makes me uncomfortable to be in a room when he is acting like this.

1782

Sept. 14, 2012

Kevin, Sheryl, Tori and I met so that the three of them could teach us how to present 3 + 8 and Writing Workshop. When we were done Tori said that I would do OK at the weekend workshops, and that Kevin would go to all of them and I could ride with him in the car. Kevin scares me, and I don't ever want to be with him in a car. I guess I got an interesting look on my face because Tori said, "You look like you have some concerns about 3 + 8 and writer's workshop, would you like to tell us how you feel?" The look was because of having to ride with Kevin in the car, that is not going to happen, however, I took this opportunity to talk about how we needed to make sure that during these weekends the needs of our SPED teachers and students were being met.

Sept. 19, 2012

The Special Programs division was meeting to hold our "data drill down." Kevin was not happy because he felt the department didn't need to be holding the data drill down. Susie Wagner and Mark (the statistician and facilitator), were engaging the group in very respectful and insightful conversation around our SPED data. Kevin was challenging everything that was said in his mean voice; he was very confrontational. He was also questioning their data and saying that it was not correct, he would interrupt conversations in a demanding and demeaning voice. He was sitting next to Susie and hanging over her watching her pull up numbers on her computer screen. Everyone handled his questions with patience, and I was impressed. However, I was disgusted and embarrassed for him. He made a fool of himself. Janine asked me what was wrong and I said, "I am just having a hard time with Kevin because he is mean and condescending to everyone."

Oct. 10, 2012

I was in Riverton working on data with the Special Programs division. Tiff, Jennifer, and I had a conference call with Kevin and Sheryl about the eye-to-eye project. See notes. Kevin was rude and mean on the phone. Jennifer and Tiff left the conference call crying. Jennifer stated that we "should just let it go because she was tired of hurting the people she worked with." She was afraid that we would loose our jobs because we advocated for the eye-to-eye project that she was working on. She was so upset that she could not return to our data meeting.

Oct. 11, 2012

I stopped in Casper to meet with a SPED teacher (Terri Alleman), that Sheryl suggested do break-out sessions at our SpLit conferences. She wanted to know if the conference was the same as last year because the previous year was not about teaching SPED kiddo's, it was focused entirely on general ed. students. She said that she was contracted to work at four of them but it was hard for her because she was a SPED teacher, not a gen. ed. teacher. She also stated that there were some WDE

people at the conference that treated her poorly and acted like they didn't appreciate her. She claimed that she thought she might be being sensitive but that others noticed it also. She stated that at the fourth conference Sheryl stated that she didn't have the money to pay her (her contract was for \$500.00 a weekend, and she taught two 45min. break-out sessions). She claimed she was eventually paid and that it "came out of a different budget." She also asked me what SpLit stood for because it was on the last year's flyer. I told her that it stood for "Special Education Literacy," Terri asked if she could bring materials related to SPED to this conference and I said "yes, we would like to help teachers with strategies that work for their special needs students." She had I-pad apps for reading, writing, and math and I told her to bring them.

Before I left I had asked Gina about Terri's contract and she said it went out on Sept. 17, and was at the AG's office. I was worried about weather or not it would be completed by Oct. 19, the first conference date. Terri wanted to see a contract because of what happened the year before. Because Kevin had said, "all contracts go through me" I called him and asked if he could follow up on Terri's contract. He became very defensive and belligerent voice stated, "who is this Terri, and why are you only asking about her contract?" I explained to him that it went out later than the others and I wanted to make sure it would be completed by our first conference date, and that was a week away. He was very angry with me and voiced other concerns with Terri in his belligerent voice. I then said, "Kevin, this is not a covert operation, I just need to make sure that her contract will be completed by the 19th because it went out late." I also asked him if there were other channels I needed to go through because I thought I was following the prescribed "line of command." He just got angry and said he had to go.

Oct. 12, 2012

When I returned to the office Kevin was talking to Tiffany. He did not look happy and when they left Tiff began crying. I asked her what happened and she described more bullying. Kevin was angry with her over all the SpLit contracts because he was tired of being responsible for them. Kevin told Tiff that he didn't want to do any more of them. Keep in mind that neither Tiffany nor I had ever asked Kevin to write a contract. I only asked him to check on one that I'm assuming Sheryl asked him to write. Tiff also said that Kevin told her they had to go over the contracts of other individuals that had been contracted with through the SPED department. These individuals had been on contracts for years and worked on our data and monitoring activities. Kevin does not want to renew their contracts. He scares me. I feel like anything we say that is not what he wants to hear brings on his wrath.

Later that morning I spoke to Sheryl and Kevin about capping the number of participants at the SpLit conferences. Mainly because I was told to book rooms for 20 to 30 participants; so this is what I did. I believe it's our Casper venue that now has 55 people. I was told not to cap it and to find more room. I talked about how much this was going to cost because we were paying the participants \$200 each to attend, giving them a "gift" valued at \$20, and paying for their lunches. Kevin was

glaring at me with a nasty look on his face so I asked him "why are you glaring at me like that" he said "I'm not glaring at you I can't here because there is too much background noise in here." I'll put it this way, "if looks could kill" I wouldn't be here.

Oct. 17, 2012:

Sheryl told me to meet her at McCormick Jr. High at 7:15 because she wanted us to talk to Jeri about the weekend and the online course. When I got to the Jr. High and went to sign in I noticed that Kevin Lewis had signed in at 7:00. I did not know he was going to be there. I do not like being around him because of the day he stayed in our office and closed the door while Tiffany was pumping, and because of how he treats me. When I got to Jeri's room Kevin was sitting on the floor with his laptop. There were students in the building. I walked up and Kevin said, "What are you doing here?" I responded, "Sheryl asked me to meet her here at 7:15 to talk to Jeri." He said, "Why would she do that." I replied, "I'm not sure, what are you doing here?" Kevin told me he was here to help Jeri with setting up the online program. I said, "I did not know we were going to do that so I guess I should go back to the office and send you guys the questions for the course." Kevin; "No, just stay here...questions don't work with this program very well, I'll help do this." Kim, "They aren't questions, they are assignments that Sheryl and Tori wrote, we changed one and added one." Kevin: "Well if Sheryl wanted you here than you need to stay." Every word he spoke to me was in a mean and condescending voice. Jeri arrived and he began to set up the online program with her using the permethian (sp) board. Jeri was the set up as the administrator on the program. Kevin said, "I'll just put my name down as the administrator also, you know, in case one of us dies or something. This way there will still be someone who can get into the program." I said, "In that case you should put me on it also." Kevin typed my name in and then said, "we can't put you in because you have to be invited and I don't have time for that now." Then he moved on to other things.

Oct. 19, 2012

I was talking to Sheryl and she was telling me that I needed to meet with Theresa and Kevin after the Friday night workshop and go over the agenda, how things flowed, what we needed for the presenters, etc. Kind of a "debriefing and planning session." I mentioned to Sheryl that I didn't feel comfortable helping Kevin with planning because he was mean and did what he wanted regardless of what others thought. I told her, "Kevin treats me poorly, he tries to intimidate and harass me when I don't agree with him, or when I offer suggestions." I explained to her that I didn't feel comfortable working with him in planning the conference. Sheryl then said, "sweetheart, Kevin is Kevin, you know you just need to learn to work with him, sometimes we just need to put up with a person's idiosyncrasies because their knowledge base is invaluable to the program." I told her that he was mean, condescending, and inappropriate and I didn't appreciate it. She reiterated the fact that I needed to accept his behavior.

2/20/13

State of Wyoming Mail - please contact me



Candise Leininger <candise.leininger@wyo.gov>

please contact me

1 message

Candise Leininger <candise.leininger@wyo.gov>
To: Megan Harper <megan.miesen@wyo.gov>

Wed, Jan 23, 2013 at 2:44 PM

Megan,
I have a concern I would like to discuss with you as soon as possible.
Candise Leininger, NCC, LPC
Educational Consultant
State of Wyoming, Department of Education
Career Technical Education, 2nd floor
2300 Capitol Ave, Cheyenne, WY 82002
307-777-6808, FAX: 307-777-6234
candise.leininger@wyo.gov

1233



Candise Leininger <candise.leininger@wyo.gov>

Re: please contact me

1 message

Megan Harper <megan.harper@wyo.gov>

Wed, Jan 23, 2013 at 3:49 PM

To: Candise Leininger <candise.leininger@wyo.gov>

I am very sorry to hear this, Candise. Please stop by the HR office first thing in the AM. Shauna Cobb and I will be there.

On Wed, Jan 23, 2013 at 3:32 PM, Candise Leininger <candise.leininger@wyo.gov> wrote:

Feel free to linger as long as you like, today has given me a major headache and I am going home. I will file my complaint tomorrow.

Candise Leininger, NCC, LPC
Educational Consultant
State of Wyoming, Department of Education
Career Technical Education, 2nd floor
2300 Capitol Ave, Cheyenne, WY 82002
307-777-6808, FAX: 307-777-6234
candise.leininger@wyo.gov

On Wed, Jan 23, 2013 at 3:02 PM, Megan Harper <megan.harper@wyo.gov> wrote:

Are you sure? I will probably be able to meet at 4:45 or so...I'll let you know as soon as I am out and we can meet if you are still around.

On Wed, Jan 23, 2013 at 2:50 PM, Candise Leininger <candise.leininger@wyo.gov> wrote:

I will be leaving at 5 pm. I can meet with you tomorrow.

Candise Leininger, NCC, LPC
Educational Consultant
State of Wyoming, Department of Education
Career Technical Education, 2nd floor
2300 Capitol Ave, Cheyenne, WY 82002
307-777-6808, FAX: 307-777-6234
candise.leininger@wyo.gov

On Wed, Jan 23, 2013 at 2:48 PM, Megan Harper <megan.harper@wyo.gov> wrote:

Sure, I am in a meeting listening to the House. Will you be around until 5? I may not get out for a couple hours.

On Wed, Jan 23, 2013 at 2:44 PM, Candise Leininger <candise.leininger@wyo.gov> wrote:

Megan,
I have a concern I would like to discuss with you as soon as possible.
Candise Leininger, NCC, LPC
Educational Consultant
State of Wyoming, Department of Education
Career Technical Education, 2nd floor
2300 Capitol Ave, Cheyenne, WY 82002
307-777-6808, FAX: 307-777-6234

1234

candise.feininger@wyo.gov

—
Megan Harper
Human Resources Supervisor
Wyoming Department of Education

Office: 307-777-6243
Cell: 720-318-4094

"It is a thousand times more lucrative than fraud; and adds a thousand fold more to a nation's resources than the most successful conquests. Knaves and robbers can obtain only what was before possessed by others. But education creates or develops new treasures, - treasures not before possessed or dreamed of by anyone..."
- Horace Mann

—
Megan Harper
Human Resources Supervisor
Wyoming Department of Education

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- Horace Mann

1235

1/29/13

Dear Guy Jackson, Supervisor, Teri Wigert, Director, and Megan Harper and Shauna Cobb, WDE HR Representatives:

On January 23rd 2013 at 2:15 pm I was called by Rita Watson and told to report to Cindy Hill's office in 6 minutes. A minute later my office mate, Jennifer Anderson was called and told to report to Cindy Hill's office in 5 minutes. At that time the entire office was distracted listening to the debate of SF104 on the House floor. My Supervisor was out of town, so I went to my Director Teri Wigert to inform her Jennifer and I were being summoned to the Superintendent's office but she stated she could not talk to me. I assumed Teri was instructed to not talk to the employees being called down to Cindy Hill's office. Later I found out she too was being distracted by the reading of SF104 and had no idea of the happenings.

It appeared all probationary employees were lining up in the hallway outside the Superintendent's office. Rita Watson was checking off her list as people reported. Cindy Hill was in the hallway, telling everyone not to worry, they "just need to answer a couple of confidential questions and go back to your work and forget it every happened." Probationary employees filed in and out of Cindy's office as she hovered outside the door, and even barged into her office during one interview and then laughed saying "I forgot there were people in my office". Rita Watson informed Cindy that the SF104 was being read, and Cindy responded "This is far more important." Once I entered Cindy's office I was invited to sit on Cindy's couch by a HR representative from the DFS. I only caught her first name Angela. She stated that sometimes our departments work together on issues like this. She assured me that this interview was confidential, but did not inform me for whom or why this information was being gathered. There was no sense of neutrality or safety that would insure confidentiality since we were sitting on Cindy's couch with Cindy hovering outside the door.

Earlier that morning many employees were discussing how the leadership was trying to find out who wrote the anonymous letter to the legislature and stated that in the November 19th meeting Cindy Hill basically thumbed her nose at the LSO and their initiatives. This was not news to me, even though I had not been present for that November 19th meeting. I had heard how Cindy Hill had said those things in addition to intimidating probationary employees in an exercise where they had to stand in a circle and hold hands, to pronounce their support for her and her leadership team. When I sat down with Angela, sure enough she wanted details of that November 19th meeting. Since I was not at that November 19th 2012 meeting I was dismissed. Angela continued meeting with the long line of probationary employees that were in line outside of Cindy's office.

I took offense to being party to what felt like a witch hunt. HR interviews need to take place in a safe and secure environment. Confidentiality was promised but the environment did not ensure any kind of confidentiality. Being summoned to the Superintendent's office in 5 minutes is a form of intimidation. Having to line up in the hallway is a form of intimidation. Cindy talking to us in the hallway trying to act supportive was a form of coercion. Cindy standing by the door and barging in on an interview was a breach in confidentiality. Having the interviews in Cindy's office, on Cindy's couch was a form of intimidation. My fellow employees felt disturbed by this process, but I know better. As a licensed

professional counselor I understand the sanctity of confidentiality and this incident was ethically wrong. HR processes are supposed to be held to similar standards that counselors are held to. In this case Cindy Hill made sure it was not. In the 10 months I have been employed by the WDE there has been long standing pattern of intimidating probationary employees and a pattern of retaliation by Cindy Hill and her leadership team when new employees are not submissive. I would like to formally file this complaint against Cindy Hill for her practice of intimidation and coercion of WDE probationary employees.

Respectfully,

Candice Leininger, MS, NCC, LPC

2/20/13

State of Wyoming Mail - HR Complaint



Candise Leininger <candise.leininger@wyo.gov>

HR Complaint

1 message

Candise Leininger <candise.leininger@wyo.gov>

Wed, Feb 13, 2013 at 9:19 AM

To: Shauna Cobb <shauna.cobb@wyo.gov>

Cc: Jim Rose <jim.rose@wyo.gov>

Shauna,

On 1/29/13 I filed a HR complaint against Cindy Hill regarding the 1/23/13 new staff interrogation. I would like to know if that complaint is still an active process or if the "Formal Inquiry" Dr. Rose notified us about replaces this process.

Candise Leininger, NCC, LPC

Educational Consultant

State of Wyoming, Department of Education

Career Technical Education, 2nd floor

2300 Capitol Ave, Cheyenne, WY 82002

307-777-6808, FAX: 307-777-6234

candise.leininger@wyo.gov

1238



Teri Wigert <teri.wigert@wyo.gov>

Re: Extra Duty Pay

Christine Steele <christine.steele@wyo.gov>
To: Teri Wigert <teri.wigert@wyo.gov>

Thu, Oct 20, 2011 at 4:28 PM

Teri,

John Shumway and I had originally considered that approach. However, we have not done that. Instead we are using reclassification, Interim status, or opening positions with A & I when work or a JCQ is substantially changed.

Please let me know if you want to talk further. Thanks,

Christine

On Thu, Oct 20, 2011 at 3:14 PM, Teri Wigert <teri.wigert@wyo.gov> wrote:

----- Forwarded message -----

From: **Teri Wigert** <teri.wigert@wyo.gov>

Date: Tue, Oct 18, 2011 at 2:34 PM

Subject: Extra Duty Pay

To: christine steele <christine.steele@wyo.gov>

Cc: John Shumway <john.shumway1@wyo.gov>, Peg Brown-Clark <pclark@educ.state.wy.us>, Drew Dilly <drew.dilly@wyo.gov>, Sean Moore <sean.moore@wyo.gov>, David Holbrook <david.holbrook@wyo.gov>, Fred Hansen <fred.hansen@wyo.gov>

Hi Christine,

It was brought to my attention recently that some in the agency were seeking some form of "extra duty pay" specifically in the instances where vacancies necessitated the assuming of extra duties by existing staff. I asked John Shumway about it and he acknowledged that these kinds of requests had been made. Christine, what do you know about this and has it been granted for some? If so, I would like to make inquiry about this opportunity for my division as well. Obviously, it could become an issue if it is not being implemented for all.

Thanks,

Teri

822

Wynema Kucera
WDE, 777-7412

List of Documents

10-28-10 JCQ
03-14-11 Wynema's Notes regarding Newsclippings
03-15-11
03-15-11
03-16-11
03-16-11
04-01-11
04-04-11 Wynema's Notes regarding meeting with Cindy Hill -- to move to Hallway/Out of Reception Area
04-07-11 Wynema's Notes regarding move to Hallway
04-11-11 Leave Request
04-11-11 Wynema's Notes
04-14-11 Response from WDE/HR regarding findings of investigations/expunge request
04-26-11 Leave Request
04-26-11 Wynema's Notes
05-16-11 Hiring Validation Form
05-16-11 Request for Pay Approval
05-31-11
06-10-11 Request for Pay Approval
02-15-12 Provided Copies of documents to Angela Brenner, HR/DFS for submission to AG's Office
01-13-13 JCQ



State of Wyoming

Job Content Questionnaire

All information in this section of the JCQ should be prepared by you and *put in your own words*, **without the aid of the job description or existing JCQs**. You may receive assistance from your supervisor. The immediate supervisor and Agency Human Resources department must review and approve.

PART A – PERSONAL DATA

Employee ID: 36437 Name: Wynema Kucera

Current Job Code: BARD05 Current Job Title: Records & Data Management Clerk

Current Position Number: 00130 Agency Name/Number: WDE/005

Supervisor Name: JOE SIMPSON Supervisor Position Number: 00020 Supervisor Employee ID No.: 0000003588

PART B – DUTIES

A. Purpose

What is the overall purpose of your position?

Why does your job exist? Write a one-sentence statement describing the purpose of your job and how it achieves your department's objectives.

The purpose of this position is to directly assist and support the Administration Division staff, in a customer service capacity, consisting of eleven members including the State Superintendent, Deputy State Superintendent and Division Director, and provide excellent communications with customers, peers, districts, parents, state and federal agencies, general public and all personnel within the Wyoming Department of Education.

- B. Please break the position into the major job functions or areas of responsibility. List your major job duties in descending order of importance. The total of % time should equal 100%.

Job Duties List your major job duties in descending order of importance. Indicate the specific tasks within that area of responsibility and the percentage of time spend on each duty, on average, over a given year. The total percentage of time should equal 100%. List the primary duties, which make up your regular activities.(e.g., File all correspondence and forms daily for manager).

Duty 1 – 5000 Character limit combined	
1. Major area of responsibility: Perform administrative assistant functions.	% of time: 40
2. Specific tasks within area of responsibility: Front line representative with Department visitors. Communicate with other state agencies, the public, school districts, internal and external customers. Must have extensive knowledge of all Agency operations and personnel as well as be able to identify legislators and other state officials; be familiar with state policies and procedures. Provide visitors with information, answer questions, and direct them to the appropriate Department personnel; maintain visitor log and issue visitor badges and parking permits; answer and screen incoming telephone calls and transfer the call to the appropriate people or provide requested information; receive, sort and distribute daily mail and packages for the Department; maintain mail boxes, forms, tracking books, etc.; distribute incoming facsimiles.	

Duty 2 – 5000 Character limit combined	
1. Major area of responsibility: Monitor, maintain and track correspondence. Issue and maintain Superintendent's Memos and Superintendent's Memos Log.	% of time: 40
2. Specific tasks within area of responsibility: Monitor and maintain staff work requests by keeping log and tracking information; and upload complete file of all staff work requests to Team Center for permanent record. Receive, proof, and assign numbers to electronic mail packet that is sent to school district superintendents and principals and maintain a file of this correspondence. Assist with conference planning and preparation; payment vouchers; special projects; compose, edit and proofread documents; and provide research as requested. Ability to work with confidential information.	

Duty 3 – 5000 Character limit combined	
1. Major area of responsibility: Coordinate maintenance, repairs, and move requests for the Wyoming Department of Education.	% of time: 15
2. Specific tasks within area of responsibility: Coordinate maintenance and repairs on the copy machines; work closely with Innovative Connections and Support (ICS) staff on decision regarding purchase of copy machines and other equipment; order supplies; maintain supplies for delivery services; receive and store paper for the copy machines, printers and fax machines; assign inventory tags to fixed assets; complete forms and coordinate removal of surplus; attend training sessions in and out of the office to enhance professional skills; assist with overflow of work in the Administration Division.	

507

PART B – DUTIES (continued)

Duty 4 – 5000 Character limit combined	
1. Major area of responsibility: Provide access to news articles (readily available) for Wyoming Department of Education.	% of time: 5
2. Specific tasks within area of responsibility: Transfer news clippings from Outlook program into newly created folders in Team Center under respective district.	

Duty 5 – 5000 Character limit combined	
1. Major area of responsibility:	% of time:
2. Specific tasks within area of responsibility:	

Duty 6 – 5000 Character limit combined	
1. Major area of responsibility:	% of time:
2. Specific tasks within area of responsibility:	

Duty 7 – 5000 Character limit combined	
1. Major area of responsibility:	% of time:
2. Specific tasks within area of responsibility:	

Duty 8 – 5000 Character limit combined	
1. Major area of responsibility:	% of time:
2. Specific tasks within area of responsibility:	

END OF DUTY STATEMENTS - DO NOT ADD ADDITIONAL DUTY STATEMENTS

PART C – GENERAL INFORMATION

Principal Challenges - Describe the most typical and the most complex problems that are faced in this position, as well as the long-range challenges.	
1. Typical problems	No identifiable problem...position requires flexibility to arrange or rearrange priorities and provide immediate assistance to the general public and the Wyoming Department of Education.
2. Most complex challenge(s)	Priority setting – processing/performing required daily work simultaneously and maintaining efficient time management.
3. Long-range challenges	Strive to simplify the correspondence process or present Staff Work Request system.
4. Results expected of YOUR job	Excellent customer service, clear and concise communication, efficient and effective processes, willingness to work with others, and smooth and accurate office operations. Ability to manage multiple tasks and coinciding objectives while maintaining priorities, timeliness and attention to detail.

Authority and Responsibility

Please identify the types of decisions that this position has the power to make, as well as those that must be referred to a supervisor. In both cases include authority for decisions regarding issues of policy and procedure, administrative matters, and personnel (hiring, firing, salary increases, etc.).

1. What typical decisions does this position have total authority for making?

The regulation of document processing, editing, and timelines to adhere to the department standards, guidelines and policies.

2. What typical decisions does this position refer to others for approval?

This position must refer to supervisory levels for most decisions.

Key Contacts

Often incumbents must go to sources to accomplish such tasks as gathering information, obtaining advice, or ensuring coordination. These sources are considered key contacts and can occur inside or outside the organization.

Who are the most significant professional contacts that this position makes within or outside the company? What is the purpose and frequency of such contact? Consider only contacts other than the supervisor or subordinates for this position. Contacts may be individuals (by title), or groups (task forces, committees, etc.).

1. Key Contact, Purpose and Frequency

Executive Assistant AND Administrative Assistant – Advisement on policies and procedures, to provide customer service and administrative support, ensure completion of documents by editing and processing, to serve as direct contact to Executive Assistant and Administrative Assistant - Daily.

2. Key Contact, Purpose and Frequency

Administration Division Staff – Advisement on policies and procedures, to provide customer service and administrative and technical support, ensure completion of documents by editing and processing – Daily.

3. Key Contact, Purpose and Frequency

Division Secretaries – To collaborate and assist each other in administrative support duties, to stay updated on policies and procedures, to attain information to maintain accurate and consistent administrative work – Daily & Weekly.

4. Key Contact, Purpose and Frequency

Outside contact – To provide high quality customer service to the public, school districts, state agencies and direct individuals to the appropriate people to assist them - Daily.

5. Key Contact, Purpose and Frequency**6. Key Contact, Purpose and Frequency**

-- 510

Scope and Impact**Accountability for Results**

(Select no more than one)

- ☐ This position directs a major component of operations at the executive level.
- ☐ This position directs a large agency.
- ☐ This position directs a medium to small agency.
- ☐ This position manages a medium to large department.
- ☐ This position manages a small to medium department, or comparable resources.
- ☐ This position is responsible for assuring project goals are achieved.
- X This position performs important activities needed to achieve department or company goals.

Financial Responsibilities

(select up to two)

- ☐ This position is responsible for setting and controlling a budget.
- ☐ This position has input into setting a budget.
- ☐ This position is responsible for staying within an assigned budget.
- X This position does not have budget responsibility.

Amount

- ☐ up to \$100,000
- ☐ \$100,000 to \$250,000
- ☐ \$250,000 to \$500,000
- ☐ \$500,000 to \$1,000,000
- ☐ \$1,000,000 to \$2,500,000
- ☐ \$2,500,000 to \$5,000,000
- ☐ \$5,000,000 to \$10,000,000
- ☐ \$10,000,000 to \$25,000,000
- ☐ \$25,000,000 to \$50,000,000
- ☐ \$50,000,000 to \$100,000,000
- ☐ \$100,000,000 to \$500,000,000
- ☐ \$500,000,000 +

Manage means: to plan, organize, direct, control and evaluate the operation of an organizational unit, with responsibility for the output.

Exempt

- ☒ This position does not manage professional employees
- ☐ This position manages up to 3 professional employees
- ☐ This position manages 4 to 6 professional employees
- ☐ This position manages 7 to 15 professional employees
- ☐ This position manages 16 to 50 professional employees
- ☐ This position manages 50 to 100 professional employees
- ☐ This position manages over 100 professional employees

Non-exempt

- ☒ This position does not manage non-exempt employees
- ☐ This position manages up to 3 non-exempt employees
- ☐ This position manages 4 to 6 non-exempt employees
- ☐ This position manages 7 to 15 non-exempt employees
- ☐ This position manages 16 to 50 non-exempt employees
- ☐ This position manages 50 to 100 non-exempt employees
- ☐ This position manages 100 to 250 non-exempt employees
- ☐ This position manages over 250 non-exempt employees

Work Direction

If this position manages or provides work direction to other employees, please select the best description(s) for the level of direction that is provided. Select all that apply.

- ☐ Distribute work to employees.
- ☐ Review other employees' work output.
- ☐ Train new employees.
- ☐ Work with employees on professional/personal development.
- ☐ Hire employees.
- ☐ Communicate disciplinary actions/issues to employees.
- ☐ Prepare and deliver performance management reviews to employees.
- ☐ Provide complete supervision (all of the above).

Direct Reports

Do you have responsibility for personnel selection, performance appraisal, and disciplinary action?

(X) NO

() YES Total Number of Incumbents _____

If yes, please list

Position number	Class Code	Title	Incumbent Name

Work Direction

Do you direct the work (e.g. train, assign, or review work) of employees you do not formally supervise?

(X) NO

() YES Total Number of Incumbents (vacant positions do not apply) _____

If yes, please list (vacant positions do not apply)

Position number	Class Code	Title	Incumbent Name

Qualifications**Education**

From the list below, select the education **needed for this position**. Tip: Select the education level that would be sought if recruiting a new incumbent.

- ☐ The most appropriate minimum education for this positions is 1 to 2 years high school education
- ☒ The most appropriate minimum education for this positions is a high school diploma or GED
- ☐ The most appropriate minimum education for this positions is a Technical or Associates degree
- ☐ The most appropriate minimum education for this positions is a Bachelors degree
- ☐ The most appropriate minimum education for this positions is a Masters degree or equivalent
- ☐ The most appropriate minimum education for this positions is a Ph.D. or equivalent

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Specialization - Academic focus (ie: degree in Education with Specialization in curriculum design and development)

Certification and Licensing - Describe any license, registration, certificate, or professional affiliation **REQUIRED** to perform your job.

Length of Experience

In combination with the education indicated above, what is the experience level that best fits this position? Select the best answer from the list below.

- ☒ The most appropriate level of experience for this position is 0 to 2 years plus the education listed above.
- ☐ The most appropriate level of experience for this position is 3 to 5 years plus the education listed above.
- ☐ The most appropriate level of experience for this position is 6 to 8 years plus the education listed above.
- ☐ The most appropriate level of experience for this position is 9 to 12 years plus the education listed above.
- ☐ The most appropriate level of experience for this position is 12 or more years plus the education listed above.

PART F – KNOWLEDGE, SKILLS AND ABILITIES

Knowledge, Skills and Abilities: List the technical or specialized knowledge, skills and/or abilities required for effective functioning in this job.

1. Knowledge, Skills and Abilities: Knowledge in written and oral communications, correct grammar, punctuation and spelling strong attention to detail.
2. Knowledge, Skills and Abilities: Skills in management of office resources, establishing priorities, multi-tasking projects while working independently and accomplish deadlines.
3. Knowledge, Skills and Abilities: Ability to use a variation of office equipment and the knowledge of computer applications, word, excel, outlook, the internet adobe reader and acrobat.
4. Knowledge, Skills and Abilities: Skills in interpersonal relationships and how to focus on excellent customer service. Ability to relate information to the general public.
5. Knowledge, Skills and Abilities: Knowledge of agency, departmental and state governmental policies, standards, procedures and practices.
6. Knowledge, Skills and Abilities: Ability to handle constant interruptions and deal with diverse public.
7. Knowledge, Skills and Abilities: Skills in maintaining confidentiality in all aspects of work environment and work.
8. Knowledge, Skills and Abilities: Knowledge of filing process and handling procedures.
9. Knowledge, Skills and Abilities: Knowledge of inventory and purchasing procedures.
10. Knowledge, Skills and Abilities: Ability to lift 40 lbs.

SIGNATURE PAGE
Job Content Questionnaire

The Agency HR Office is responsible for maintaining a signed copy of each JCQ.

Employee ID: 36437 Name: Wynema Kucera

Current Job Code: BARD05 Current Job Title: Records & Data Management Clerk

Current Position Number: 00130 Agency Name/Number: WDE/005

Supervisor Name: Joe Simpson Supervisor Position Number: 00020 Supervisor Employee ID No.:

Wynema Kucera
Employee Signature

10-28-10
Date

WKucera@educ.state.wy.us
Employee email address

By signing this document, I am acknowledging that to the best of my knowledge, this is a true, accurate and complete description of my position.

Joe Simpson
Supervisor Signature

10/28/10
Date

deputysupt@educ.state.us
Supervisor email address

By signing this document, I am acknowledging that to the best of my knowledge, this is a true, accurate and complete description of the position I supervise.

Karen K Kelley
Agency Human Resources Signature

10-28-10
Date

KKELLEY@EDUC.STATE.WY.US
Agency HR email address

By signing this document, I am acknowledging that to the best of my knowledge, this is a true, accurate and complete description of this position.

...

516

03-14-11

March 14, 2011

10:15 AM

Present: Rita Watson
Kathy Lind
Jerry Zellars
Wynema Kucera

Jerry asked about the Newscipping process and stated he wanted to know about making clips available to staff prior to visiting districts.

Jerry stated he was not aware of the process. I responded, 'How can you make a statement like that, that's not true.' I went over the process when you first came on board. He then turned to me and asked, 'Have I offended you?', I don't remember.

I said I posted clippings on Team Center under each respective district and that I had gone over the process with him when he came on board and they could be accessed on Team Center.

Kathy said clippings were printed out and provided at a previous time.

Jerry asked who provided them before and Rita said our Public Information Officer.

Jerry asked what is the process and I stated I can provide a copy of the process again. I asked if he needed it right now and he stated no, when it is convenient. After Jerry left, I printed out the Team Center page which displays all the steps at the top. I placed the printout on Jerry's chair in his office.

03-15-11

March 15, 2011

Approximately 3 PM – 4 PM

Present: Sheryl Lain (situated to my left approximately 4 feet)

Jerry Zellars (situated over my left shoulder)

Cindy Hill (situated on the edge of her couch)

Wynema Kucera (situated in a chair facing Cindy Hill approximately 1 foot)

Cindy Hill read the first two paragraphs of facts and asked me if I agreed and I replied, no. Cindy said I was curt and snapped at Jerry. Cindy stated, "I know Jerry like the back of my hand and we all forget!" We are always asking questions of each other all the time and have great communication and looking at Sheryl and Jerry said, 'don't we?' They both responded 'yes.' We don't always remember...there is nothing wrong with not remembering.

Cindy told me she did not like my body language and since day one I ran hot and cold. I was the last person she expected this behavior from. You have a perfect model right by you that you should follow. I have trusted Rita since November 3rd and have no doubt in her loyalty. I've never trusted you since the first day and I don't trust you now.

Cindy stated this letter is your first warning; the second will be your last and believe me you do not want to go there. You will not discuss this letter with anyone...I want it to stop right here.

I explained I did not know the rules that I am supposed to follow. Since the first of the year my duties of responsibilities had declined, specifically Staff Work Requests (processing of incoming correspondence) and Superintendent Memos. Cindy said, honestly, I don't know what you do, I don't care what you do and I don't care about the memos, I am not Jim McBride.

I responded, 'what does that have to do with it, I know you are not Dr. McBride.

Cindy turned to Jerry and asked, 'were you surprised by Wynema's behavior?

Jerry responded, 'yes, I was.'

I stood up and said, excuse me a moment (I went to the restroom and returned a few minutes later – approximately 45 minutes after beginning.)

Cindy stated that she was even nice to the homeless man that comes in on the first floor and she is nice to everyone. She also stated that 500,000 voters in this state put her into office and that I was one of them.

Cindy stated that if you don't have enough work to do, I am sure I can get with Rita to give you more work.

I am your supervisor, check the org chart. If you have a problem, you come to me or someone on the leadership team.

Cindy sat on the edge of her couch wrenching her hands and became more agitated when I did speak.

03-16-11

Approximately 8:20 AM

I went in to Karen Kelley's office and asked her if she would secure a copy of the letter that I had signed 03-15-11 in Cindy's office. Karen told me she did not have the letter that I signed and she had not received anything from Cindy and might not. I told her I would ask Cindy for a copy.

Cindy's door was open to her office and as I went in I said, 'Good Morning,' and there was not response from Cindy. I asked her if I could get a copy of the letter that I signed yesterday (03-15-11) and that I should not have signed it. Cindy said, 'I don't appreciate your attitude right now!' I told her I was working on that.

Cindy walked around me heading for the door and said that she would get me a copy.

Approximately 1:15 PM

Karen Kelley, our HR Manager, approached my desk and asked if I could see her in her office for a few minutes. I responded, sure. Roger Clark from the Leadership Team was seated at the table and Karen asked me to take a seat. Mr. Clark read the two-page letter entitled, When Mr. Clark was done reading the letter, I looked at both of them and stated that I did not understand what was going on.

I was escorted back to my desk by Karen Kelley and asked to turn in my name badges, name plate and VISA p-card. I was then escorted over to the parking garage by John Masters, in-house legal counsel to turn over my parking sticker. I removed the sticker from my window and handed it over to John Masters.

Approximately 3:00 PM

While at home I did call the Attorney General's office and was told they could not help me. A few minutes later, Karen Kelley called me and told me that was a 'no, no,' and the Attorney General's office represents the state and I was not to contact them.

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CR125

April 4, 2011
(Approximately 9:40 AM)

I received an incoming call...this is Drake Hill, is Rita not there today? I responded, yes, she is here and on another line.

Mr. Hill: Maybe you can help me? I need to have you check Cindy's calendar.

Wynema: I stated that I did not have access to Ms. Hill's calendar and will give Rita a message to call him back.

At that time, I turned and looked back to Rita and Cindy Hill was standing behind me at Rita's counter. I handed a written phone message to Rita and went to the mail desk to distribute mail. I was finishing with the mail and Rita came to the doorway and said, "Cindy would like you and I to join her in her office." I asked, do you know what it is in regard to, and Rita said, "I don't know, just come in."

(Approximately 9:55 AM)

I walked through the doorway into the office and took a seat. Cindy said, 'I can tell you right now, I do not approve in just the way you walked in here.'

Wynema: I did not respond.

Cindy stated, while looking at Rita, said, "we are going to be moving." Kevin will be the coordinator. Laure's corner office will be first, and then where the walls came down, the area right here (indicating Rita's area) will change. Wynema will move in the hallway near Janie (new temp) and as you know Wynema's states is going to Chelsie. Cindy asked Rita, "Do you have any questions?" Rita nodded indicating no.

Wynema: I asked, will my job duties change; will I be able to help or pull the phones to help Rita?

Cindy: You know, I have not decided. Cindy then said to Rita, Rita we will see that you have help, Janie or someone.

Wynema: So, my duties will change?

Cindy: I am not going to argue with you!

Wynema: I am not arguing with you.

Cindy: Good!

Rita asked Cindy, "Will she still do the mail?"

Cindy: Yes.

Cindy: Now looking at me said, "you are not inviting," turning to Rita, we need to embrace them when people get off the elevator (now looking at me), there is no tenderness with you. You go ahead and keep writing, now looking at me.

Cindy then said to Rita that Kevin will get a desk, keep it that simple.

Cindy then looked at me and said, "I heard you say this morning when you took a phone call that you did not have access to my calendar," you should have said, no, I do not, but I can get that for you. Cindy said, "You are supposed to go the extra mile, saying I will get that for you."

Since day one, Rita is the only one who has had access to Cindy Hill's calendar. I have always transferred calls directly to Rita (if applicable) or taken messages and given to Rita.

During this meeting, Cindy stated three times that I was staunch...? As a verb (restraint – disloyal, irresolute, undependable, unreliable, weak)

April 7, 2011

(Approximately 8:05 AM)

Jerry was walking by and I said, Jerry, I will be sending you Superintendent Memos this morning. We have two memos, two attachments along with the log. If approved, would he go ahead and send them to Morgan Amberson, as I would not be there the next day (Friday). Also, Morgan had requested receipt by 4 PM on Friday as she would be out of the office. Jerry responded, "That's fine" and asked if I was going to CC Morgan? I said, 'yes.'

(Approximately 9:10 AM)

Day to move my work station. I shut down my computer, turned off copier/scanner and unplugged. Bobby (IT) disconnected my phone and computer and moved all to the back and placed on the cabinet by the windows.

I distributed mail at 9:35 AM – 9:55 AM. Wyoming Stationery moved my work stated to Chelsie's area downstairs.

10 AM – Janie (temp) asked me for the vacuum so that she could vacuum my old area. Kevin asked Rita to take a walk with him and went downstairs to show her a desk in the coaches' room on the first floor and then he brought up for me. Conversation between Kevin, Rita and Janie regarding the desk they selected was as if I was not even in the room. I was seated at the back counter.

Kevin and Greg brought up the desk and placed it in an area through a south doorway (out of the main area). My computer and phone were reconnected at 3:30 pm.

Another desk was placed in the main area and Janie was there part of the afternoon.

OF WA

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04-11-11

I prepared an annual leave form requesting two weeks leave (with tentative dates) as my daughter is expecting and I wanted to take time off to be with her. I placed the leave form in a red folder labeled 'Return to Wynema Kucera.' I gave the folder to Rita (Cindy's Executive Assistant) to obtain Cindy's approval. I checked with Rita on the following dates and asked her if Cindy had had a chance to sign my leave form: April 14th, 18th, 20th and 25th. No, was Rita's response on all dates other than the 20th. On the 20th, Rita went into Cindy's office and found the red folder on the floor in a stack of papers. She placed the red folder on top and replaced the stack back in its place on the floor. Rita offered, that Cindy must have forgotten or has not looked at the papers.

On April 26th, I asked Rita if Cindy had signed my leave form. Rita replied, no, not as of yet. I completed another leave form with the same verbiage, placed it in a yellow folder with 'Return to Wynema Kucera' and placed it on Roger Clark's chair anticipating that he also had the authority to approve leave. I was at the copier (11:30 AM) right outside Roger's office and saw Roger pick up the folder, open it up, close it and took it to Cindy's office. When I passed by a short time later to return to my desk I saw the folder had been placed on Cindy's desk.

04-26-11 at approx. 8:45 AM

Overheard Cindy asking Rita what she needed to do to grant access to her calendar to others...did she need to grant to each individual? Rita responded by telling her that she need to grant individually to her leadership team and the Division Directors.

04-26-11 at approx. 11 AM

Robert Gonzales, State DEQ Inspector showed up. Rita asked me to cover her phone in the main reception area so she could get Kevin Lewis for Mr. Gonzales. Mr. Gonzales was talking on his phone asking person on the other end of the line if there was any record of the renovation going on at the Hathaway Building, were there any tests done for asbestos prior to the renovation and that he understood Rich Cathcart was also involved in the renovation process.

04-26-11 in the afternoon

John Master's desk and furniture was moved to Room 286 from Room 218 (adjacent to my work area). Jerry Zellar's furniture was moved from Room 223 to Room 218.

04-26-11 at approx. 4:30 PM

Mr. Fred Hansen approached my desk and sat in the side chair. He placed the yellow folder on my desk (the folder that I had originally given to Roger Clark and asked for a pen. He signed the leave form and extended his hand to welcome me to the Finance Division and explained that I would now be in the Finance Department. He was approving of my leave and when I returned from leave I would be working for his division. I was extremely pleased as Fred Hansen has always been kind since my coming on board in the Department of Education.

I asked Fred about my Admin Duties - he said, 'You will bring those with you.'

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State of Wyoming
Job Content Questionnaire

POSITION INFORMATION

Agency Number/Name: 005 - Education Position Number: 00130

Incumbent Name: Wynema Kucera

Supervisor Name: Deb Johnson Supervisor Position Number: 00090

TO BE FILLED OUT BY A&I HRD ONLY:

Class Code: _____ Title: _____ Effective Date: _____
(m/d/yyyy)

PURPOSE

Write a brief statement describing the purpose of your job and how it achieves your department's objectives.

The purpose of this position is to directly assist and support the Finance Division staff (consisting of twelve members) in the capacity of customer service and responsible for processing of Travel Expense Vouchers for WDE, provide excellent communications with customers, state and federal agencies and all personnel (approximately 150 employees). Other duties as assigned.

ESSENTIAL DUTIES

Please break the position into the major job functions or areas of responsibility.
List your major job duties in descending order of importance.
The total of % time should equal 100%.

Duty 1	% of time:
Process Travel Expense Vouchers. Ensure travel vouchers are complete, accurate, and in conformance to State and WDE travel policies. Train WDE employees with completion of accurate travel reimbursement forms. Provide research and guidelines to WDE employees with travel-related questions. Review payment status on WOLFS as needed and provide status updates, when requested. Work with all auditors, external or internal, on any travel issues and policies. Establish accountable fiscal procedures for entry into WDE fiscal manual and Internal Control document used in all audits. Responsible to work with all WDE audits in regards to reimbursements of travel related expenses. Act as agency lead in providing travel policy trainings to new and existing employees. Scan and Post all travel documents to Team Center and provide copies of travel vouchers with changes made to individuals that prepared said vouchers. Provide individualized and department-wide trainings for process improvements.	55
Duty 2	% of time:
Finance Division Leave Tracking. Collect and process all finance unit annual, sick, donated and compensatory leave. Reconcile leave submitted to leave balance on WOLFS/payroll reports in InfoAdvantage and follow-up on any discrepancies. Maintain data in an Excel worksheet and report resulting data to unit director and finance personnel.	10 5-10

Duty 3	% of time:
Provide technical support to unit director and other unit staff for conference, trainings and meetings. Includes planning, purchasing supplies, organizing tech support, site assistance, material preparation, payments to facilities, etc. Manage special projects that may go along with any associated meetings or trainings such as designing and formatting brochures, developing Power Point presentations, designing flyers, announcements and agendas.	5

Duty 4	% of time:
Coordinate maintenance, repairs and purchase supplies for Xerox Copiers & Shredder. Responsible to maintain, schedule repairs and order supplies (toner, staples and rollers) for three (3) Xerox copy machines and shredder (oil and bags); work closely with Information Management (IM) staff on decision making regarding purchase of copy machines; order office supplies; order and stock minimum of 20 cartons of copy paper for use by all at WDE personnel for copy machines, printers and fax machines.	10

Duty 5	% of time:
Responsible for receipting of checks and cash from outside sources and school districts. Maintain receipt ledger for millions of dollars from school districts and others to be deposited into WDE budgets through WOLFS; school foundation recapture payments, federal fund refunds, travel reimbursements, conference registrations, private school licensing, summer camp, etc. Ensure that budget coding is correct and receipts and checks or cash are given to individual responsible for deposit.	5

Duty 6	% of time:
Process Travel Prep Forms. Reserve motor pool vehicles for the Finance Division staff and make any necessary lodging reservations for travel in and out-of-state.	5

Duty 7	% of time:
Annual Inventory of Office Furniture and Equipment Annual accounting for the Finance Division and 1st Floor 'Common Areas' (two conference rooms) of all office furniture and equipment to ensure accurate records for state insurance purposes.	5

Duty 8	% of time:
Introduction of Travel Expense Vouchers for New Employee Orientation. Provide overview training and packet of information and forms regarding guidelines for Travel Expense Vouchers and travel reimbursement.	5

SUPERVISION

Do you have responsibility for hiring, performance appraisal, and disciplinary action?

☒ NO

☐ YES

Total Number of Positions: _____

If yes, please list (press CTRL + TAB to move across columns, press ENTER to add a new row).

Position #	Class Code	Title	Incumbent Name

WORK DIRECTION

Do you direct the work (e.g. train, assign, or review work) of employees and/or nonemployees (ie external contractors, inmates, etc) you do not formally supervise?

☒ NO

☐ YES

Total Number of Positions: _____

5-11

If yes, please list (press CTRL + TAB to move across columns, press ENTER to add a new row).

Position #	Class Code	Title	Incumbent Name

If this position manages or provides work direction to other employees, please select the best description(s) for the level of direction that is provided. Select all that apply.

- ☐ Distribute work to employees.
- ☐ Review other employees' work output.
- ☒ Train new employees.
- ☒ Work with employees on professional/personal development.
- ☐ Hire employees.
- ☐ Communicate disciplinary actions/issues to employees.
- ☐ Prepare and deliver performance management reviews to employees.
- ☐ Provide complete supervision (all of the above).

FINANCIAL RESPONSIBILITY

(select up to two)

- ☐ This position is responsible for setting and controlling a budget.
- ☐ This position has input into setting a budget.
- ☒ This position is responsible for staying within an assigned budget.
- ☐ This position does not have budget responsibility.

Amount

- | | |
|---|--|
| <input type="checkbox"/> up to \$100,000 | <input type="checkbox"/> \$5,000,000 to \$10,000,000 |
| <input type="checkbox"/> \$100,000 to \$250,000 | <input type="checkbox"/> \$10,000,000 to \$25,000,000 |
| <input type="checkbox"/> \$250,000 to \$500,000 | <input checked="" type="checkbox"/> \$25,000,000 to \$50,000,000 |
| <input type="checkbox"/> \$500,000 to \$1,000,000 | <input type="checkbox"/> \$50,000,000 to \$100,000,000 |
| <input type="checkbox"/> \$1,000,000 to \$2,500,000 | <input type="checkbox"/> \$100,000,000 to \$500,000,000 |
| <input type="checkbox"/> \$2,500,000 to \$5,000,000 | <input type="checkbox"/> \$500,000,000 + |

AUTHORITY

Please identify the types of decisions that this position has the power to make, as well as those that must be referred to a supervisor. In both cases include authority for decisions regarding issues of policy and procedure, administrative matters, personnel and budgetary responsibility.

What typical decisions does this position have **total authority for making**?

The regulation of document processing, editing and timelines to adhere to the department standards, Wyoming State Statutes, and all guidelines and policies.

What typical decisions does this position **refer to others for approval**?

This position must refer to supervisory levels for most decisions.

CHALLENGES

Describe the most typical and the most complex problems that are faced in this position.

Typical problems

No identifiable problems... position requires flexibility to arrange or rearrange priorities and provide immediate assistance to the Wyoming Department of Education.

Most complex challenge(s)

Priority setting – processing/performing required daily work simultaneously and maintaining efficient time management.

EDUCATION, CERTIFICATION AND LICENSING

Describe any formal education, licensure, registration, certificate, or professional affiliation **REQUIRED** to perform your job.

KNOWLEDGE, SKILLS, ABILITIES AND COMPETENCIES

List the technical or specialized knowledge, skills, abilities and competencies required for effective functioning in this job.

1. Knowledge in written and oral communications, correct grammar, punctuation and spelling, strong attention to detail.
2. Skills in management of office resources, establishing priorities, multi-tasking projects while working independently and accomplish deadlines.
3. Ability to use a variation of office equipment and the knowledge of computer applications, i.e., word, excel, outlook, WOLFS, BMS, Google and adobe acrobat.
4. Skills in interpersonal relationships and how to focus on excellent customer service. Ability to work well with colleagues and coworkers. Skills needed in taking the other person's viewpoint into consideration in all policy matters.
5. Knowledge of agency, departmental and state governmental policies, standards, procedures and practices.
6. Ability to handle interruptions.
7. Skills in maintaining confidentiality in all aspects of work environment.
8. Knowledge of inventory and purchasing procedures.
9. Ability to lift 40 lbs.

SIGNATURE PAGE
Job Content Questionnaire

By signing this document, I am acknowledging that to the best of my knowledge, this is a true, accurate and complete description of my position.

Employee Signature

Date

Supervisor Signature

Date

Agency Human Resources Signature

Date

Statement of Wynema Kucera by telephone to Karen Kelley on March 17, 2011

Monday - March 14, 2011 - This led to it - Jerry was talking to Rita, Kathy Lind and me. Jerry was asking about the news clipping process that I do. He said he was not aware of the process. I said that not true, I said I went over the process with you when you came on board. Jerry turned to me and asked have I offended you? He did not remember me going over this with him. I told him that I posted newspaper clippings on team center under each district. If person is in the field, they can go on a computer and access the clippings. Kathy said we used to copy the clippings and make them available prior to when the clippings started going online. Jerry asked who provided them before - Rita said our Public Information Officer (now Jerry's position). Jerry asked what the process was and I told him I could provide him with a copy of the process. I asked him if he needed it right now, he said when convenient. Jerry left. I went into team center. At the top it displays all the folders you go through to get to the clippings, I printed that out and took to Jerry's office. He was gone so I put it on his chair.

Tuesday - March 15, 2011 - Cindy came to my desk and asked if I had a few minutes so I went into her office. Present were Jerry Zellars, Sheryl Lain, Cindy and myself. Cindy read a letter to me. Two paragraphs of Jerry's description of what happened the day before. She asked me if I agreed and I told her no. Cindy told me I was curt and that I had snapped at Jerry. Cindy said that the team leaders always ask questions of each other, have great communication and she looked at Jerry and all responded yes. Cindy said we don't always remember and there is nothing wrong with not remembering. Cindy said she didn't like my body language and since day one I ran hot and cold. She said I was the last person she expected this type of behavior from. Cindy told me that "you had a perfect model right beside you and that I should follow." Cindy was referring to Rita Watson. Cindy said she had trusted Rita since November 3rd and did not doubt her loyalty. Cindy looked at me and said I never trusted you the first day and I don't trust you now. Cindy told me the _____ was the first warning; the second will be your last and believe me you do not want to go there. I was directed not to discuss this _____ with anyone. Cindy said she wanted it to stop right here. Cindy told me she was not McBride and I said what does this have to do with it - I know you are not Dr. McBride. Cindy turned to Jerry and asked if he was surprised by my behavior and Jerry said yes he was. Cindy said something about a homeless man that comes in on the first floor. She said she talks to him and she talks to everyone. Cindy said there are 500,000 voters in the state of Wyoming that put her into office and that I was one of them. She told me she was my supervisor and to check the org chart. She said that if I had a problem, I was to see her or someone on the leadership team. I signed the letter and left. I was shaking, I felt cornered; I was in Cindy's office close to an hour. There was much more said but I can't remember. I am not aware of any previous incidents and have always tried to help out where I could.

Wednesday - March 16, 2011 - I asked Karen Kelley for a copy _____ Karen told me she did not have a copy _____ and I would have to get a copy from Cindy. Cindy's door was open and I went in and said good morning. She looked up at me and I asked for a copy of the letter I had signed yesterday. I told her that I had reservations and I feel I shouldn't have signed it. Cindy said I don't appreciate your attitude right now. I told her I was working on my attitude and Cindy said I will get you a copy of that letter as she walked around me and out of her office.

Most Egregious Incidents

Teri Wigert

First Meeting

On December 10, 2010, I met and saw Cindy Hill for the first time. I had asked to meet with her to provide her with my division's Top 10 Hot Topics I believed she would want to know about. Kevin Lewis attended with her. Before we began (and Cindy was in the hall on her phone) Kevin asked me how old I was! I was evasive. He said his wife says he is "nosey" but he "knows how to find out how old I am" if I am not going to tell him! I am offended and pretty unnerved before I even have an opportunity to make a first impression.

Timeframe: December 2010

Meeting Cindy Hill and New Staff

On January 6, two days after the swearing in the announced face to face meeting of all WDE staff is convened in the Herschler building. All Laramie office is announced to be moved. CH challenges and embarrasses Alan Moore for not having shared this news the night before with his staff! He offers it was 4:40. She said no, it was 4:00 and he would have had time to have informed them!!! Also announced "the walls will come down". Announced she has a transition team of 10 "most of whom will never be illuminated". We wonder why not? They never were. Distrust and heart ache begins. She posed 3 questions each division will be responsible for answering when she meets with each division: How does what you do impact students? When was the last time you were in a school? Will you honor me as the new Superintendent?

Timeframe: January 2011

Merged Division Meeting: ICS with HSN

On January 24, Cindy and her senior leadership attend my new merged division meeting. We are prepared to answer her 3 questions. It is challenging and uncomfortable as we go around the room answering in turns. She is threatening and not at all engaged or seemingly impressed or interested in our (now very eclectic, diverse) division's work. Later in the day I ask Cindy when I see her, her views on the meeting. She points out that many of my staff did not make eye contact with her! Furthermore, she shames me by telling me I had used the word "tighten" twice when I was describing how staff will be moving into 3 and 4 people per office. She tells me we are not "tightening" at all but rather that we are opening up communication, collaboration and ideas. I get that. I was only referring to the space we could consume less of ---as she has asked. Not comfortable, but I agree and reiterate my understanding and buy-in to what she is going to do.

Timeframe: January 2011

The Tom Martin Incident

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On March 7, Tom Martin and I were in our 1:1 meeting around 11:00. Annie (my admin) interrupted and said we were both asked to come down to the 'big office' to a meeting with Cindy. We go and join Jerry Zellars and her. Jerry begins to talk about a conversation he, Tom and Chuck were having the day before about "innovation in education" in the WEN room. Tom is smiling and nods in agreement. Jerry said that Tom did not show support for Cindy's vision and Jerry being so concerned about that, he had shared the conversation with Cindy. As the conversation goes on it becomes more and more clear to me this is a meeting of reprimand! Tom seems to think we are being consulted about innovative ideas! Soon, tho, we both realize this is about Tom and he is being chastised. Tom remained collected throughout the meeting that lasted about 70 minutes—maybe longer. I watch the clock and it goes past 12:00 noon! Tom maintained that they had discussed this topic; he was very interested in how she was going to do this; very on board with innovation; loves change, etc. After Jerry laid out the 'charges', Cindy said she knew Jerry, she had his loyalty, she trusted what he said to be true and regardless of how Tom explained himself and told what he "meant" in the conversation, she would not accept his words. At several opportunities, I said we would, of course, show our support by our actions and I knew Tom was one to get behind her vision. I suggested we may also want to clear up any misunderstandings with Chuck if he, too, may have misunderstood Tom's comments. She thanked me for my words on Tom's behalf, but told Tom she didn't trust him. At one point Cindy said she wasn't going to "wordsmith with him anymore". The conversation was horribly uncomfortable and just completely unwarranted. Knowing Tom, I couldn't imagine that he would ever be anything but interested and willing to join her initiatives. At one point, Roger Clark just walked into the closed door meeting and she invited him to sit down and talk about all this! And the entire ordeal was repeated for his benefit at which time Roger elaborated at length. Just awful. After Tom and I returned to my office I told him we could not debrief about this at this time in my office; feeling as if they would be watching what we did or if we closed the door. By then Tom was stunned and completely demeaned. I suggested he take the rest of the day off. He brought me a Leave Request and left for the rest of the day. I felt numb and completely at a loss of what to do next. I couldn't believe this had gone so badly. I couldn't understand how a miscommunication or conversation on innovation in education could result in something so horrid and ugly.

The next day, Tom brought me his letter announcing his retirement on May 31. My loss and a loss to the entire agency. He was diminished and I felt incapable of changing his mind or helping him.

Timeframe: March 2011

Regional USDA Nutrition Visit

At the request of two regional, Denver-based Food and Nutrition administrators, a meeting was scheduled for March 31, 2011 to meet Cindy Hill. It was attended by both of them: Darlene Barnes, Darlene Sanchez, Tamra Jackson-WDE Nutrition Supervisor and me, the new division director for nutrition. The intent of the meeting was to meet the new Superintendent, discuss Wyoming's nutrition programs, offer praise for Tamra's team and to discuss the weighty new federal law entitled Healthy Hunger-Free Kids Act. The meeting was agreeable and very pleasant. I recall speaking very little only to say that my understanding from Tamra that the new HHFKA would be difficult to meet. Both Darlenes

concluded and in that vein of conversation I asked: how are other small states like Wyoming addressing the demands, especially the requirement to make 100s of site visits on a 3-year rotation instead of 5. I don't recall the various suggestions given. When the meeting was over and the guests left Cindy spoke to me in the entry area of the department in front of others passing by saying she had no intention of growing the department and she would not be hiring additional staff and she had not appreciated the question. I couldn't imagine how the question could have been so offensive when I had intentionally phrased the question to get at how it was being accomplished with existing resources.

Timeframe: March 2011

WHSAA Meeting

In the 2011 legislative session, EA 97 guided the Department to develop protocols to address concussions and other head injuries resulting from athletic injuries. This was a responsibility of my new division and we began immediately to comply. There was information gathering and communications in March and April. Meaghan and I met with The Children's Hospital reps on March 31. On the morning of May 3 I saw on the calendar in the front office that the Superintendent was meeting with the Wyoming High School Activities Association. I asked either John or Roger if it would be appropriate for me to join since my employee, Tom Martin who would be leaving soon, was the liaison to the WHSAA. It was agreed and I went. The meeting began with a review of their handbook, data and needing a new WDE rep to their board. The conversation then turned to the concussion bill and I spoke to what we had been doing and said I would go get Meaghan. She was the expert (a registered nurse) and was taking on that responsibility. Meaghan was available and the meeting spanned well over an hour and the WHSAA's role in the bill was discerned. As we all left the room and congregated at the elevators, Cindy jumped me by saying: "Could she please count on me to get the right people to the meeting next time?!" I told her I had been unaware of the meeting until it was starting, had asked to be included, but didn't realize it had anything to do with the concussion bill. Her follow-up remarks were, "Could she also count on me to be able to ask the right questions in the future?" I was totally and completely ashamed as this transpired in the elevator foyer in front of others. When in fact, I was well-informed, had contributed and respected the contributions of the WHSAA staff, Ron Laird and Trevor Wilson. The meeting had not been anything but collaborative. I couldn't understand her attack.

Timeframe: March to May 2011

Reclassification of 5 of 6 Staff Whose Duties Needed to be Re-Aligned

Cindy Hill permitted four of them to be evaluated via A&I's process but disallowed bringing the fifth one forward. All had the same circumstances. The four allowed are in the Nutrition section. The fifth person worked in Comprehensive School Health and has just resigned (March 2013).

Timeframe: Mid- 2011

"Repurposing" of Position 85 to Information Management

Position #85 was provided in 2008 as an appropriation and part of W.S. 21-12-105 Career-technical education demonstration project grants; application; criteria; limitations. See attached page 344 from Education Law. The law allowed for one full time position, an appropriation of \$176,374 to cover salaries and benefits and an end date of June 30, 2010. The person hired for this position was Guy Jackson. In the next biennium it was carried over as part of the Standard Budget and has been retained since that time. In 2011 when Tom Martin retired as CTE Supervisor, Guy Jackson was selected to replace him, vacating position #85. I was told I could not fill the vacancy. It was to be "repurposed" to another division; ultimately to Information Management. Leslie Zimmerschied is in that position now. This is inconsistent with the legislation and the funding for position 85. It was not B-11'd nor was there any discussion on my staff's ability to carry out all duties with one less person. But that is the circumstance as it exists today.

Timeframe: May to August 2011

T2T Funding Plan

Although funds did not ultimately get expended in this way (see attachment) the initial "tap" was designed to take \$25,000 of funds from my division. I was particularly resistant claiming these funds were in no defensible way related to reading instruction. I prevailed over time by explaining these funds were already encumbered and/or intended for other prescribed purposes. In the end, only \$1000 of 6313-E32-2009 was paid out to a T2T teacher, Kristen Burnett, also a CTE educator. We believe it will be defensible in our next federal audit. Spreadsheet was emailed to me from Fred Hansen on August 16, 2011

Timeframe: Mid 2011

Inequity in Pay Compensation & Rationales

In February 2013, Jim Rose asked me to supervise Marina Barela who was now without duties to perform due to SEA1. In what followed and in working through many issues with Marina and Shauna Cobb, I learned factually (what had been rumored among other admins) that Marina had been granted a \$300 monthly stipend or "add on pay" due to extra duties (which were negligible and weakly defended in the paperwork). This occurred in her eleventh month of employment. All admins had been aware of this occurrence months and months ago. They were incited by this "favoritism" claiming Marina's duties were no more demanding than hers. It continues to be an issue although the pay has been removed.

In an email exchange with Christine Steele, she said extra duty pay was not being considered. See attached. This was not true. (Notably, in early 2011, I was asked to take on another division director's entire division of approximately 15 employees and merge it with my own. No additional pay.)

Timeframe: October 2011

January 2012 Sunday Commitment Meeting

After a particularly difficult WDE appearance at the Joint Appropriations Committee meeting on Friday, January 13, 2012, the WDE was to reappear before them on Monday, January 23 at 8:00 with specific information to justify and discuss our budgets according to our budget narratives. This was in fact, one of several very ugly days where the Co-Chairs confronted and disputed Cindy Hill's contentions that T2T was appropriate professional development of the WDE.

At the end of the day, Friday, January 20, 2012, either Fred Hansen or Christine Steele notified the division directors we were to be at work on Sunday, January 22 at 1:00 to work on budgets. This was a first! (This meeting went until just past 5:00 that day.)

Senior leaders and division directors met around long tables on Sunday. It was immediately palpable that Cindy was agitated. She and John sat in the center of a U-shaped configuration and she announced that before we got started, she wanted to know whether those of us in the room were "with her or against her". If we were not for her we could leave now. The first person she then asked that question of was Paul Williams, assessment contractor. He replied by saying he was "with her when he came on, now, and forever, my dear" and other "bs". She was satisfied. Jerry Zellars was next. For whatever reason, his response was "I don't like this". She came out lashing and a verbal barrage between the two of them ensued with her getting angrier and angrier until she shouted "I will have the last word on this and don't you dare say another thing!" He didn't. I was next and was literally frozen to my chair trying to think what I could say that was true and I could live with. About then I decided maybe I should just stand up and walk out. And in the following next second I decided I had to do this job, keep this job and I would. So, I spoke saying something to the effect, "I was ready for a change when she came into the office and I was willing to help her then and am still here to help her." She only said thank you and moved on. I felt like I would either pee my pants or faint. This went on all around the table to Sheryl who crooned over her and to Christine who did the same.

A new admin assistant, Dana Merwin, had been called into type up handouts for the next days' meeting. She was in her office and was waiting for work to be given to her. From 1:00 to 5:00 we worked on the budgets---all a blur now. In that time, the admin was never given anything to do, but she had had to come in. Reportedly, the admin was kept there until almost 10:00. She was later terminated in her probationary year.

Timeline: January 2012

STEM-CTE Academy

In late summer 2011, the P-16 Council conceived the idea to have a STEM-CTE Summit in February 2012. The idea was to start the conversation on how to bring the disparate STEM programs together with CTE's STEM cluster and in partnership with UW, NCAR and community colleges. From the outset, I said the Superintendent would not support an initiative that took teachers out of the classroom. So, it was conceived to be administrators, etc. who would be invited. The composite invited was over 100. On many occasions I scheduled and met with Cindy on this idea and asked for hers. She was not in favor of

the P-16 Council and accused me early on of being a “friend of Rollin Abernethy” to which I only agreed that he was a colleague I had known for some time. She did not trust him and she did not care for the P-16 Council because it did not have “the right people on it”. (Later she would tell me that she did not participate in the Summit because it was during the school year and did not support the Council.)

Meanwhile, I brought her a lengthy spreadsheet with a brainstorm of prospective invitees. She asked about every name and what they did. In the end I got a go-ahead. I met with her again to talk about her making introductory remarks. She said she would and wanted me to write them. I wrote the first draft to which she said she wanted me to meet with Jerry Zellars and get his input. I did and re-wrote them with his suggestions. When we met over draft two, she made other changes and I wrote draft three. On February 9, 2012, I had copies of her speech with me and learned that morning that she would not be coming. She sent Sheryl Lain and Kevin Lewis in her place. Sheryl made the opening remarks using her own judgment and also represented Cindy on a moderated panel discussion for which she was completely unprepared. After the event, Cindy told me she had not supported it and hadn’t planned to attend it. Overall, the summit was a great success and the momentum continues today with plans for a follow-up in February 2014.

Timeline: Fall 2011 to February 2012

Wyoming PREP Funding

The Wyoming Department of Health had successfully applied to the Center for Disease Control for a 5-year, \$1.25 million grant entitled Personal Responsibility Education Program—a focused teen pregnancy prevention program using best practices as determined by the CDC. The governor, department director and the grant writer had all changed since its beginnings in 2009. Our Dept of Ed staff, Meaghan McClellan, had been consulted during the grant writing/application process during that time. In early 2012, WDH determined they were going to return the funds having expended about \$10,000. Before doing so they contacted Meaghan and asked if the WDE would be interested in taking over the grant.

In late April and early May there were several meetings to understand the program, requirements, services to be provided, funds unexpended, etc. I met with my staff, Meaghan and her direct supervisor, Chuck Mitchell when the offer was made. We then met with the WDH rep, Charla Ricciardi, to get more detailed information. In the meantime, I asked for and (finally) got an appointment with the State Superintendent to describe this opportunity (see email string). I had asked Meaghan to prepare a one-page, bulleted fact sheet for Cindy to refer to that would size up the situation.

The meeting took place May 22, 2012 among the invited: Cindy, Chuck, Meaghan and I and we were prepared to dialog and answer questions of the Superintendent. The meeting among the four of us lasted about 3-4 minutes where Cindy suggested a great deal of hesitancy and dismissed Chuck and Meaghan. She asked me to stay and shut the door.

I remained in Cindy’s office for most of the hour where she humbled and degraded me for the way I had handled the entire matter. Said I should have not involved Chuck and Meaghan; I should have done it

alone. She outright told me she was a conservative and that programs of this nature led to conversations about birth control and the "like". She was not in support of it in any way. She suggested she has had "issues like this with me before"! That I "should know what she was talking about" and that she questioned my loyalty to her.

Although stunned and without words for a time, I decided to get comfortable in my skin, remembering the Tom Martin incident. With certain bravado, I finally offered that I had been from the beginning and was still willing to help her be successful in education. My programs of responsibility did those things. It's why I am here and why I have taken on, with a great deal of commitment, the new health, safety and nutrition programs. I also said I was not here to undermine, but to participate fully and add to those programs that support kids and schools. And I had supported Meaghan and Chuck, believing we had the talent and the time to carry out this program that would be beneficial to a certain sub set of students.

To my utter disbelief and total confusion, she ended the meeting by patting me repeatedly on my shoulder, saying I was one of "her most valuable employees", and walked with me down the hall out of her office.

She did not accept the funds or the program. The funds were reportedly returned to the CDC.

Timeframe: April to May 2012

\$20,000 Contract with Tim Slater

Between June 12 and 15, 2012, Guy Jackson and I were at a national meeting in DC when he received a series of calls from Cindy Hill and Trent Carroll where Cindy was insistent that we engage in an immediate contract with Tim Slater, University of Wyoming, for some STEM related work that she wanted him to do. The deadline for encumbering or spending down funds from the 2011-2012 biennium was just a few days away, June 20. Slater's scope of work was provided at Cindy's provocation (attached). Instead, we worked through with Trent Carroll in Finance. Meanwhile, emails exchanges between Slater and the Superintendent occurred on June 18 to create a scope of work for him expending budgets that are the state match to federal Perkins funds, entrusted to me and my team. This work in no way was necessitated or requested by me or my team! This contract was thwarted due to stressful, but due diligence and respectful communication with and among Trent, Tim Slater and Cindy Hill.

Timeframe: June 2012

September SSR Staff Meeting

Cindy had told me she wanted to attend one of my monthly division meetings and she was scheduled a couple times, but cancelled. On the eve of September 11th I texted her a reminder and said we looked forward to having her join us the next morning. She responded kindly. On September 12, 2012, one the of nutrition consultants went to LCSD#1 and got a healthy USDA breakfast snack for all the unit and Cindy and to demo the kinds of breakfasts she is responsible for monitoring. We had planned the

agenda with Cindy in mind. In an interactive way, we had prepared to share three types of information with her. We wanted her to know "All Our Various Duties" that we were responsible for outside of our titles, our recent "Division Successes" and to spend the most time on the most relevant "Hot Topics" she should know we were most involved with. She was late arriving, but as I welcomed her she commented, "Why is everyone so sad. I don't see any smiling faces." Hoping I could mitigate the already off-putting situation, I said something like, oh, no not at all! In fact we were enjoying breakfast burritos from the district and happy to have her with us. And offered her a breakfast which she declined. As I introduced the first section and we began to go over the various other duties as assigned, she abruptly stopped me and said she wanted to know instead how we were each individually helping students. A few staff responded. When there were no other contributions she said she didn't mind the silence and would be willing to sit there until "someone feels like talking". More silence. I spoke and provided segues for others. Eventually everyone found something to say. The meeting had become needlessly tense when in fact at the outset everyone was ready to talk about their work. It did not end well and we never shared our successes or our most pressing topics.

Timeframe: September 2012

Use of State Plane

The WYDOT Aeronautics Trip Information Sheet shows one of a couple instances that involved my budgets. The one (attached) is for a flight on October 16, 2012 to Rick Springs, Cody and Casper for the purpose of "discussing the legislated accountability act" at these three sites. Don't know where these meetings were held, who attended, or what was discussed. The CTE budget was required for Cindy Hill's portion of travel. (Notably, Janine Cole and Rita Watson are not involved in the accountability legislation and their participation on the trip is unnecessary except to use Janine's budget for cost sharing.) On November 30, 2012, Rita asked me which of my budgets could cover Cindy's share as designated on this form in Christine Steele's handwriting. I provided a state CTE budget, 6126-610, but remain uncomfortable that it will not pass either a state or a federal audit.

Timeframe: October to November 2012

A second example of state plane use and shared budget costs was the visit to Blue Ribbon Schools on November 6 (Powell and Sheridan). The practice had become that any budget could be used to cover the considerable costs (of over \$2000 per trip) by asking representatives from across the agency to accompany the Superintendent and thereby also pay a ratable share of the plane's costs. The problem with the thinking was that in most cases, staff budgets were tapped, various staff flew and attended the events, but it was completely unrelated to their work. Although I attempted to justify the costs for the Blue Ribbon Schools celebration by sending two consultants who support school nurses and guidance counselors, as it turned out they had no opportunity to even greet those educators nor provide any form of customer service or technical assistance to them. Those staff were Meaghan McClellan and Candise Leininger on November 6.

Timeframe: November 2012 and thereabouts for other trips

USDE Tour

The U.S. Department of Education, Office of Vocational and Adult Education contacted me in May 2012 and asked where Wyoming had the most exceptional CTE programs that they could visit. I responded to this federal colleague and let Cindy Hill know of this communication. From that time on, I received many more communications and kept her and Jerry Zellars in the loop. I met F2F on July 24 and September 5 to visit with them about this upcoming and very prestigious event. During this time, Cindy commented it was an election ploy of the Obama administration. Eventually the USDE team of the Secretary of Education's Chief of Staff, Joann Weiss; Assistant Secretary, Martha Kanter; Assistant Secretary, Brenda Dann-Messier and OVAE Chief, Sharon Miller made plans to drive through Wyoming from Utah then to Colorado. The plan was to meet with students, educators, parents, etc. in Rock Springs, Rawlins and Cheyenne, visiting the Rock Springs Career Academies, Western Wyoming Community College, the Rawlins Higher Education Center and Laramie County Community College. The event was an enormous undertaking of coordination and planning involving several key people and each of these sites. The result during the event: Cindy was AWOL in and out as we the group toured and spoke with kids. She claimed to need to visit an elementary school in Rock Springs she hadn't been in and left the federal guests with the rest of us. She dropped out of a moderated round table session in Rawlins and asked me at the last minute to step in and make remarks and answer questions for her. And also find an explanation for why she wasn't there after saying she would be! Along the way as Guy Jackson and I accompanied Cindy and Jerry from the hotel to the schools, to dinner, back to the hotel Cindy ignored my presence. During this evening with just the four of us, she would not look at me nor direct any of her remarks to me. Through an entire meal of four of us sitting across from me she would not make eye contact. Through it all, I deferred to her, opened doors for her, etc. Expressions of respect and deference. In the end when Cindy had left me (once again) with the guests, the undersecretary asked to have her picture taken with me! Probably the only small gratification was of a job well-done, well-organized and well-attended. The guests were 'blown away' by what we had shown them we had in Wyoming. The State Superintendent had been dismissive, uninterested and rude. And not once did she introduce them or extend greetings or a welcome from Wyoming even after the OVAE lead did.

Timeline: May to September 2012

Certified Work Ready Communities Initiative

On June 26, 2012, Guy Jackson got a call from Stephanie Pyle from Workforce Services who said Cindy Hill had told her either Guy or I would be "excellent candidates" for a team Stephanie was creating for this initiative. This was an initiative led by the Dept of Workforce Services creating a taskforce of six representatives. The committee work was to span several years to create an environment in Wyoming where communities would be using the Career Readiness Certificate. Guy forwarded me the follow-up email he got from Stephanie at which time he and I talked about who it should be. Later in the day, I caught Cindy and asked her how she preferred we proceed and she asked me to be "it". I agreed. I spoke with Stephanie that afternoon. Evidently it was urgent that by Thursday of that week, June 29,

each team member was to have submitted a "letter of support" and a bio. I did that immediately, dated June 27 and sent it to Stephanie. I agreed and the work began with a couple telephone conferences. The first meeting was in Atlanta, August 28-29, 2012 where the team of six met up with other states who were doing similar work. When I returned, I updated Cindy at a meeting I scheduled with her. She showed no interest, but I brought the information and the next steps plans. It was at this meeting that she expressed Joan Evans is "not with us" and is not "trusted". I asked Cindy how she would like me to "relate to Joan" to which she replied, "You have spent a 100 hours with her workforce council". This did not have meaning for me. I didn't know what to draw from these comments. I did sense she was not on board with the initiative due to her feelings about Joan Evans. Just difficult.

Within a few weeks, Cindy called me into her office late afternoon, Monday, October 1, 2012. Christine Steele was there as well and nervous—as she often was. I'd had some lead time, so I had gathered the most current info and was prepared to answer questions. They were uninterested in the topic. They were suddenly focused on the fact that Wyoming had to purchase a certain volume of ACT materials via an MOU. Yes, I said that was true and that DWS was involved with the MOU, that we were not. This meeting was contentious, but I had no idea why. I had kept them completely apprised of the work going on (which had not been very substantive except planning meetings with the team of six). So, I kept trying to re-tell what I thought Cindy may not have understood and Christine may have never known. At a point where I mentioned who was on the team and what we all had done to date, I added we each had submitted our bios and our letters of support which immediately became another issue of contention. Cindy attacked asking about my letter. I had it with me and attempted to show it, but she was uninterested in it. She just said I shouldn't have written any letter and why hadn't she been asked to write the letter? This hadn't been what the meeting had been about. As I tried without success to explain what each team member had been asked to do, she said she wanted to replace me with Guy Jackson. She believed he could better represent her. In fact, she felt sure that if he had been asked to write a letter, she believed he would have come and asked her to approve it. The meeting ended pretty horribly where I agreed to hand over the tasks, materials and to inform the DWS team that Guy would be replacing me. I was pretty humiliated and depressed.

I met with Guy the next day on October 2, 2012 and gave him everything, and contacted Stephanie at DWS and told her we had made a change. She asked if I was uninterested or if I had concerns with her leadership to which I politely found some way to say it was neither of these and she offered she would continue to keep me on the mail list. Guy continues in the role today. (See attached email that it had all been accomplished and to which Christine had responded.)

Timeline: June to October 2012

Homeland Security Accusation at Elevator

I was headed to my division's monthly meeting on December 20, 2012 and in coming around the corner and in front of the first floor elevators came face to face with Cindy Hill, John Masters, Kevin Lewis, Sam Shumway, Jerry Zellars, and Bruce Hayes who were headed the opposite direction of me. I said 'good

morning' to which Cindy said, 'you never told me we had a Homeland Security Taskforce'! All I could manage to say was "What?" (We don't have one!) She repeated something similar saying she had just learned from Bruce that morning we had (this) taskforce and I had never let her know it in all this time". I managed to say something like I wasn't at all sure of what she was talking about, but she got on the elevator along with the rest of the staff and was gone before I could imagine what she was talking about or get an informative answer out.

After my staff meeting I asked Bruce Hayes and Chuck Mitchell to see me and I asked Bruce what this was all about. That morning about 8:00 Cindy had asked Bruce to come to a brainstorming meeting on what to do following the Sandy Hook shootings. Bruce mentioned a School Safety Committee he serves on with law enforcement reps, school reps and others. It was to this group that she was referring and casting fault on me for never having apprised her of a committee one of her staff (Bruce) was a member of. (Although, notably, I had tried at my September division meeting to apprise her of many of the various 'other duties' and involvements we had, she would not indulge it.)

This topic never came up again. And I did not seek her out to correct her misunderstanding. I just gave up.

Timeframe: December 2012

Debrief after Select Committee

After the WDE's appearance at the Joint Appropriations Committee, Amy Edmonds and Steve Harshman had been particularly driving about the continued use of various budgets for the purpose of T2T continuance! They asked about SpLit and wasn't it just another name for T2T even tho we had been asked to stop it a year ago? In fact, weren't we doing the same thing under another name?

I stayed after this meeting to speak with Rep. Esquibel about bullying. When I returned to the WDE, a debriefing was occurring in John Masters office. It was terrible and ugly. Sheryl Lain was mimicking legislators, standing up and using her hands like they were puppets repeating what they had said!!! Deb Lindsey said she had wanted to just tell (one of) them, "to just shut the hell up"!!! All the senior leaders--Cindy, John, Sam, Jerry, Sheryl, Christine were there along with some of the division directors---all of whom I cannot recall. Fred Hansen was very vocal talking about the ridiculous stuff we had done and spent money on when Jim and Joe were at the department and we did the "Martin" Baldrige (miss-speaking—it was Malcolm). Everyone went around the table and was supposed to pile on with how reprehensible the Committee was. All I could think to say was something I believed to be true and when it was my turn I just added that Cindy had maintained her composure very well under all the scrutinizing and questioning.

This was a deeply stressful and debilitating day. I was trying desperately not to share what happened with my staff, but many of them had been listening over legisweb to the proceedings. They all knew it

had gone badly. Trying to decompress was very difficult. It was about 2:00 and the rest of the day was very hard.

Timeframe: December 2012

Cindy Hill Hug

In mid-December 2012 the Joint Education Interim and Select Committee on Accountability held back to back meetings. On the first day of these meetings in the Herschler Building, the large conference room was filled with people. I was early and had been seated with other WDE employees in the front row behind Cindy Hill, John Masters and David Driscoll, Cindy's guest from Massachusetts. Before the meeting began I stepped out and as I returned I walked behind Cindy who was standing. I greeted her and said good morning—to which she reached out and hugged me and patted my cheek. I felt humiliated at the public display of (something); I don't really know what it was. Camaraderie, united-ness? But it also added to the confusion I have felt over the 2 plus years on whether I was a contributor or only a survivor.

Final Meeting with Cindy Hill

A lot of drama unfolded on January 23 when all new employees were asked to come to Cindy's office to tell her what their impression had been of the now notorious November 19 meeting when those employees had been, reportedly, summoned to a meeting where they were to pledge their allegiance to her, join hands, and squeeze, etc. Unknown to me until after the end of the work day, my employee, Candise Leininger, had such mental stress she had left the office. When I later learned about all of this, I called her that evening from my home. I guided her to call Dean Fausett that evening, ask for an appointment, which she did and he granted. The next morning when I arrived at work, January 24, I was told Christine Steele was looking for me. She found me before I got to her. Cindy needed to talk to me immediately. I said I had a fiscal deadline that we were meeting that day (OVAE Fiscal Status Report) was due. Christine suggested 10:30, I think. I asked "what about"; her answer "Cindy wants to talk about your staff and their morale". I said I didn't really have anything to report. The vote on SF104 was at hand and everyone really was on pins and needles. Christine somewhat demeaned me by saying something like, 'why wouldn't you want to talk with Cindy about your division. Why, Teri, we have had difficulties in our agency many times and we always get past them. Would you be more comfortable if I came to? (Insulting—I had mentored Christine on many occasions when she needed it.)

I immediately went to my car in the parking lot to call Dean Fausett and ask his advice. I believed this would be contentious like the meetings had been the day before. I got Dean and told him Candise was my employee and I had recommended she talk to him; thanked him. He said she had just left. It was about 9:00 at this time. He gave me guidance on how to manage my meeting with Cindy.

I returned to the building, met with my team and fiscal support. As I left that meeting and before the scheduled time, my admin assistant said Cindy wants to "see you right now". I took tablet and pen, went to her office and she had the two HR reps in there: Megan Miesen and the new hire, Shauna Cobb. Cindy was nervous and asked if I wanted Christine to join us—would I be more comfortable. No.

Cindy asked questions like "how was everyone doing". Is there anything I needed to support them?
Megan asked if anyone was worried about losing their jobs. No. That hadn't been a concern at all.
I talked about Linda Scott's birthday we were celebrating that noon! Changed the subject and found a way to leave the meeting without asking for anything or offering any information about my staff or me.

WYDOT AERONAUTICS

55249

Daily Trip Information Sheet

Flight Documentation

Date Printed: 10/18/2012
 Page: 3
 Total # of pages: 3

Ip Log Aircraft No.
 Date No. ID Legs
 /16/12 N101WY 4

Summary of Charges By Passenger:

PASSENGER NAME	DEPT CHARGED	HOURS	DIST	TOTAL CHARGES
COLE, JANINE - 6102	005	2:12	644	541.67
ILL, CINDY - ✓ 900	005	1:48	516	375.00
MASTERS, JOHN - 6108	005	1:48	516	375.00
ANNELL, BILL - 6108	005	1:48	516	375.00
PAUL, JOHN ✓ Drew (6123)	005	2:12	644	541.66
WATSON, RITA - 6102	005	2:12	644	541.67

Summary of Charges By Departments

DEPARTMENT	TOTAL CHARGES
005	2750.00

TOTAL CHARGE FOR THIS TRIP = \$ 2750.00

Rich Spruiell
 Cindy
 Cooper
 Chynna

11.30.2012

Per Rita's Request:

Contribute \$375. for
 Cindy's travel on the
 Acct. Act to State Board
 & Legislators. Oct. 16.
 Gave her 6126.610 CTE
 budget. Not comfortable.

823