

## Corrective Action/Discipline Documentation

Please type or print in ink. Attach additional pages for comments if necessary. Send signed and completed forms to HR.

### EMPLOYEE INFORMATION

Employee's Name: Sgt. Robert Mooney Employee ID: 030227  
 Employee's Job Title: Police Sergeant Union: POFM  
 Supervisor: Chief Jason Ohotto Phone: 612-230-6564

### INCIDENT INFORMATION

Date/Time of Incident: 8/19/2020 Location of Incident: Park Police – Parking Lot and Office

#### Description of Incident:

On August 19, 2020, Sergeant Keith Rowland was acting as shift supervisor. There were overtime shifts available to work encampment detail & respond to calls regarding encampment. Mooney's name was next to 1100 hours shift with a note to call you. Rowland texted Mooney about 0900 hours to remind him of the 1100 hours shift to which Mooney responded, "I'm sleeping, don't text me." At 1600 hours when returning to station, Rowland and Mooney saw each other in the parking lot. Rowland said something like "sorry for waking you up" & a dispute ensued with profanity, accusations of mental illness, and was partially witnessed by other officers. Witnesses to Incident: Sergeant Keith Rowland, Officer Calvin Pham, Officer Andrew Heinen, Officer Dan McShane, Officer Gabrielle Rolstad, Lt. Calvin Noble

Was this incident in violation of MPRB Policy, Rules &/or Civil Service Rules? ☐ No ☒ Yes, policy(ies)/rule(s) violated:

#### 11.03A: Substandard Performance

- ☐ 1. Failure to perform job at minimum acceptable standards  
☐ 2. Failure to meet or continue to meet established requirement of the position or are not qualified to perform the duties of the position

#### 11.03B: Misconduct

- |  |   |
|--|---|
| <input type="checkbox"/> 1. Tardiness and absenteeism<br><input type="checkbox"/> 2. Sick leave abuse<br><input type="checkbox"/> 3. Absence without leave<br><input type="checkbox"/> 4. Insubordination<br><input type="checkbox"/> 5. Willful or negligent damage of City property<br><input type="checkbox"/> 6. Interference with the work of other employees<br><input type="checkbox"/> 7. Harassment on the basis of any protected class<br><input type="checkbox"/> 8. Misappropriation of City property, funds, or money<br><input type="checkbox"/> 9. Violation of safety rules, laws, and regulations<br><input checked="" type="checkbox"/> 10. Discourtesy to public or fellow employee<br><input type="checkbox"/> 11. Violence, threats of violence, abusive behavior, abusive language, or mental harassment<br><input type="checkbox"/> 12. Accepting gifts from the public in connection with performance of duties as a City employee | <input type="checkbox"/> 13. Criminal or dishonest conduct whether such conduct was committed while on duty or off duty<br><input type="checkbox"/> 14. Reporting to work under the influence or in possession of alcohol or illegal drugs, or using such substance on the job<br><input type="checkbox"/> 15. Soliciting or receiving funds for political purposes or personal gain during work<br><input type="checkbox"/> 16. Using authority to influence or to compel an employee to become politically active<br><input type="checkbox"/> 17. Use or threat of political influence on employment status<br><input type="checkbox"/> 18. Making a false statement or the failure to disclose a material fact during an investigation to management<br><input checked="" type="checkbox"/> 19. Violation of department rules, policies, procedures or City ordinances<br><input type="checkbox"/> 20. Other justifiable causes: |
|--|---|

Has the impropriety of the employee's actions been explained to the employee? ☐ No ☒ Yes, did the employee offer any explanation for the conduct? (Explain):

Acknowledged his part in the conflict and what he did, felt Sgt Rowland equally responsible, felt unnecessary for another sergeant to text him about shift – should have been Lieutenant contacting him

PRE-DETERMINATION HEARING – only required if Suspension, Demotion, or Termination is recommended.

Employee was informed of alleged violations on (date) 11/4/2020. The employee was given the opportunity to respond at the pre-determination meeting held on (date) 11/9/2020.

☐ Attach copies of the notification of pre-determination hearing letter, documentation, & notice of final decision letter given to employee.

### CORRECTIVE ACTION PLAN

Plan for correcting the problem: As a supervisor, Sgt Mooney is expected to display professional behavior, follow policies, and de-escalate conflict – not participate in it.

Twenty (20) hour suspension with ten (10) hours served immediately  
 misconduct may result in further discipline up to and including termination of employment. Sgt. Mooney will now also be required to  
 serve a pending Ten (10) hour suspension from an incident on June 9-10, 2020.

Any future

### CORRECTIVE ACTION TAKEN

Supv and Frm/Mgr Approval Required:

- ☐ Verbal Warning  
☐ Written Warning

Dir., Asst Supt, HR, and Superintendent Approval Required:

- ☒ Suspension (w/o pay) # of days (see determination letter)  
☐ Demotion (Attach Hire/Job Change Form)  
☐ Termination

EFFECTIVE DATE(S) OF ACTION:

Permanent: effective date/time): \_\_\_\_\_ Temporary: beginning on 12/7/20, ending 12/21/20 <sup>Suspension</sup> 12/8/20, 12/21/20 total working days 20 hours

Immediate Supervisor's Signature: [Signature] Date: 12/1/2020

Foreman/Manager's Signature: [Signature] Date: 1/20/2021

### EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have read & understand this disciplinary documentation form & the following notice of legal rights.

Employee's Signature: [Signature] Date: 1/20/20

SIGNATURES: Required for Suspension, Demotion, or Termination

Director's Signature: [Signature] Date: 1/20/2020

Assistant Superintendent's Signature: [Signature] Date: \_\_\_\_\_

Director, Human Resources Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent's Signature: [Signature] Date: 1/24/20

### Rule 11.06 Appeal Rights of Employees

Disciplined employees may appeal to the Commission only as provided herein. An employee may appeal to the Commission a suspension of over thirty days, a permanent demotion (including salary decreases), or a discharge.

**Probation:** An employee removed or discharged during a probationary period may not appeal and is not entitled to a hearing under these rules. A veteran removed during an initial probationary period is not entitled to a hearing under these rules or to a Veteran's Preference hearing. The rights of a veteran are subject to Minnesota Statute §197.46.

**Employee Request For Hearing:** Disciplined employees who are eligible to be heard may appeal a disciplinary action by requesting a hearing before the Commission. The request for hearing must be in writing and must describe the alleged breach of disciplinary rules and procedures by management. The request for hearing must be postmarked or received by the Human Resources Department/Civil Service Commission within 15 calendar days from the date the disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was served. If the 15th day falls on a Saturday, Sunday, or a legal holiday, the request may be served on or before the following business day. The date of the postmark must be within the 15 day period.

**Veterans Request For Hearing:** Veterans who are eligible under Minnesota Statute §197.46 may appeal their removal or discharge by requesting a hearing before the Commission. A request for hearing must be in writing and may describe the alleged breach of disciplinary rules and procedures by management. A request for hearing from a veteran must be received by the Human Resources Department/Civil Service Commission within 30 days of receipt by the veteran of the notice of intent to discharge. The 30 days are counted from the first day after the notice was served. If the 30th day falls on a Saturday, Sunday, or a legal holiday, the request must be made on or before the following business day. The rights of a veteran are subject to Minnesota Statute §197.46.

### All Requests for a Hearing & Appeals Should Be Submitted to:

Human Resources Department/ Civil Service Commission  
 250 South 4<sup>th</sup> Street, Room 100  
 Minneapolis, MN 55415-1339

### Distribution:

Original: Human Resources  
 Copy: Union \_\_\_\_\_  
 Copy: Supervisor \_\_\_\_\_  
 Copy: Employee \_\_\_\_\_

Logged by: \_\_\_\_\_

Date: \_\_\_\_\_

## Corrective Action/Discipline Documentation

PS 20-06

Please type or print in ink. Attach additional pages for comments if necessary. Send signed and completed forms to HR.

### EMPLOYEE INFORMATION

Employee's Name: Sgt. Keith Rowland Employee ID: 034018  
 Employee's Job Title: Police Sergeant Union: POFM  
 Supervisor: Chief Jason Ohotto Phone: 612-230-6564

### INCIDENT INFORMATION

Date/Time of Incident: 8/19/2020 Location of Incident: Park Police – Parking Lot and Office

#### Description of Incident:

On August 19, 2020, Sgt Rowland was acting as shift supervisor. There were overtime shifts available to work encampment detail & respond to calls regarding encampment. Sgt Mooney's name was next to 1100 hours shift with a note to call. Rowland texted Mooney about 0900 hours to remind him of the 1100 hours shift to which Mooney responded, "I'm sleeping, don't text me." At 1600 hours when returning to station, Rowland and Mooney saw each other in the parking lot. Rowland said something like "sorry for waking you up" & a dispute ensued with profanity, accusations of mental illness, and was partially witnessed by other officers.

Incident: Sergeant Robert Mooney, Officer Calvin Pham, Officer Andrew Heinen, Officer Dan McShane, Officer Gabrielle Rolstad, Lt. Calvin Noble

Was this incident in violation of MPRB Policy, Rules &/or Civil Service Rules? ☐ No ☒ Yes, policy(ies)/rule(s) violated:

#### 11.03A: Substandard Performance

- ☐ 1. Failure to perform job at minimum acceptable standards  
☐ 2. Failure to meet or continue to meet established requirement of the position or are not qualified to perform the duties of the position

#### 11.03B: Misconduct

- ☐ 1. Tardiness and absenteeism  
☐ 2. Sick leave abuse  
☐ 3. Absence without leave  
☐ 4. Insubordination  
☐ 5. Willful or negligent damage of City property  
☐ 6. Interference with the work of other employees  
☐ 7. Harassment on the basis of any protected class  
☐ 8. Misappropriation of City property, funds, or money  
☐ 9. Violation of safety rules, laws, and regulations  
☒ 10. Discourtesy to public or fellow employee  
☐ 11. Violence, threats of violence, abusive behavior, abusive language, or mental harassment  
☐ 12. Accepting gifts from the public in connection with performance of duties as a City employee  
☐ 13. Criminal or dishonest conduct whether such conduct was committed while on duty or off duty  
☐ 14. Reporting to work under the influence or in possession of alcohol or illegal drugs, or using such substance on the job  
☐ 15. Soliciting or receiving funds for political purposes or personal gain during work  
☐ 16. Using authority to influence or to compel an employee to become politically active  
☐ 17. Use or threat of political influence on employment status  
☐ 18. Making a false statement or the failure to disclose a material fact during an investigation to management  
☒ 19. Violation of department rules, policies, procedures or City ordinances  
☐ 20. Other justifiable causes:

Has the impropriety of the employee's actions been explained to the employee? ☐ No ☒ Yes, did the employee offer any explanation for the conduct? (Explain): Rowland states that, unprovoked, another employee was hostile and threatening to him.

PRE-DETERMINATION HEARING – only required if Suspension, Demotion, or Termination is recommended.

NA

Employee was informed of alleged violations on (date) \_\_\_\_\_. The employee was given the opportunity to respond at the pre-determination meeting held on (date) \_\_\_\_\_.

☐ Attach copies of the notification of pre-determination hearing letter, documentation, & notice of final decision letter given to employee.

### CORRECTIVE ACTION PLAN

Plan for correcting the problem: As a supervisor, Rowland is expected to display professional behavior, follow policies, and de-escalate conflict – not participate in it. Any future misconduct may result in further discipline up to and including termination of employment.

**CORRECTIVE ACTION TAKEN**

Supv and Frm/Mgr Approval Required:

- ☐ Verbal Warning
- ☒ Written Warning

Dir., Asst Supt, HR, and Superintendent Approval Required:

- ☐ Suspension (w/o pay) # of days
- ☐ Demotion (Attach Hire/Job Change Form)
- ☐ Termination

EFFECTIVE DATE(S) OF ACTION:

Permanent: effective date(time): \_\_\_\_\_ Temporary: beginning on \_\_\_\_\_, ending \_\_\_\_\_ total working days \_\_\_\_\_

Immediate Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Foreman/Manager's Signature: [Signature] Date: 11-20-2020**EMPLOYEE ACKNOWLEDGEMENT**

I acknowledge that I have read &amp; understand this disciplinary documentation form &amp; the following notice of legal rights.

Employee's Signature: [Signature] Date: 8/20/20

SIGNATURES: Required for Suspension, Demotion, or Termination

Director's Signature: [Signature] Date: 11-20-2020

Assistant Superintendent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director, Human Resources Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Probation:** An employee removed or discharged during a probationary period may not appeal and is not entitled to a hearing under these rules. A veteran removed during an initial probationary period is not entitled to a hearing under these rules or to a Veteran's Preference hearing. The rights of a veteran are subject to Minnesota Statute §197.46.**Employee Request For Hearing:** Disciplined employees who are eligible to be heard may appeal a disciplinary action by requesting a hearing before the Commission. The request for hearing must be in writing and must describe the alleged breach of disciplinary rules and procedures by management. The request for hearing must be postmarked or received by the Human Resources Department/Civil Service Commission within 15 calendar days from the date the disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was served. If the 15th day falls on a Saturday, Sunday, or a legal holiday, the request may be served on or before the following business day. The date of the postmark must be within the 15 day period.**Veterans Request For Hearing:** Veterans who are eligible under Minnesota Statute §197.46 may appeal their removal or discharge by requesting a hearing before the Commission. A request for hearing must be in writing and may describe the alleged breach of disciplinary rules and procedures by management. A request for hearing from a veteran must be received by the Human Resources Department/Civil Service Commission within 30 days of receipt by the veteran of the notice of intent to discharge. The 30 days are counted from the first day after the notice was served. If the 30th day falls on a Saturday, Sunday, or a legal holiday, the request must be made on or before the following business day. The rights of a veteran are subject to Minnesota Statute §197.46.**All Requests for a Hearing & Appeals Should Be Submitted to:**

Human Resources Department/ Civil Service Commission  
 250 South 4<sup>th</sup> Street, Room 100  
 Minneapolis, MN 55415-1339

**Distribution:**

Original: Human Resources

Copy: Union \_\_\_\_\_

Copy: Supervisor \_\_\_\_\_

Copy: Employee \_\_\_\_\_

Logged by: \_\_\_\_\_

Date: \_\_\_\_\_



## Minneapolis Park & Recreation Board

Administrative Offices  
2117 West River Road North  
Minneapolis, MN 55411-2227

Northside Operations Center  
4022 1/2 North Washington Avenue  
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November 20, 2020

Sergeant Robert Mooney  
Minneapolis Park Police Department  
2117 West River Road North  
Minneapolis, MN 55411

Subject: Determination Meeting

Sergeant Mooney,

A pre-determination meeting was held on November 9, 2020 at 1300 hours via a Zoom meeting. The meeting was attended by you, me and Rhonda Heryla from Human Resources. You declined union representation and did sign a Tennessen Warning.

This letter is to inform you that the investigation of policy violations due to a confrontation with another police sergeant are **SUSTAINED**.

### Summary of Incident:

On August 19, 2020, Sergeant Keith Rowland was acting as shift supervisor. There were overtime shifts available to work the encampment detail and respond to calls regarding encampment issues. Your name was next to 1100 hours shift with a note to call you. Rowland texted you about 0900 hours to remind you of your 1100 hours shift. You responded, "I'm sleeping, don't text me."

At 1600 hours when returning to station, Sergeant Rowland and you saw each other in the parking lot. Sergeant Rowland said something like "sorry for waking you up" and a dispute ensued between the two of you with profanity, accusations of mental illness, and was partially witnessed by other officers. Human Resources conducted an employment investigation, and the investigator was Susan Ellingstad.

During your predetermination meeting, you described the altercation with Sergeant Rowland as "mother fucking" one another.

Based on the information and documentation/reports we have gathered relating to the charges, it has been determined that you violated policies and procedures and Civil Service Commission rules as cited below:

### Civil Service Rule 11.03.B.10 Discourtesy to public or fellow employees

- Your behavior toward Sergeant Rowland was discourteous.

### Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City Ordinance

- MPRB Respect in the Workplace Policy prohibits use of profanity, disparaging, disrespectful and rude comments. You were involved in an angry outburst that took place in front of other Park Police staff and violated policy.

Accredited



2010-2020

- Under the Minneapolis Park Police Department Special Order 2015-04 Code of Conduct (Sworn), your behavior violated 12, 14, 15 and 16.
  - 12. Employees shall treat all fellow employees with respect. They shall be courteous and civil at all times with one another. When on duty in the presence of other employees or the public, officers should be referred to by rank.
  - 14. Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.
  - 15. Employee shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. . . .
  - 16. Employees shall conduct themselves in the buildings and offices of the Department in a manner which would not discredit the Department.
- These violations are egregious given your role as a supervisor in the department and because the altercation took place in front of subordinate employees. You failed to remain professional amid a conflict and instead participated in offensive behavior.

The corrective action in this case will be a . . . hour suspension made up of:

1. Ten (10) hours served from the prior incident of June 9-10, 2020 (As part of that corrective action, a 10-hour suspension was held in abeyance for one year pending no same or similar violations. This violation is substantially similar and therefore triggers the suspension); and
2. . . . from the current incident with ten (10) hours served immediately and

The following were considered as aggravating circumstances:

- 1) Role as a supervisor
- 2) Recent misconduct (June 2020) in which your behavior was similarly less than professional, and you displayed offensive conduct towards another (Commissioner)

The following were considered as mitigating circumstances:

- 1) 23 years 7 months of service as a Police Officer
- 2) Acknowledgement of and regret for your behavior

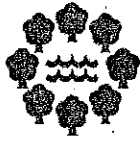
If you have any questions, you may call me at 612-230-6564.

Sincerely,



Chief Jason R. Ohotto  
Minneapolis Park Police Department

CC: MPRB Human Resources



**Minneapolis  
Park & Recreation Board**

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2117 West River Road North  
Minneapolis, MN 55411-2227

Northside Operations Center  
4022 1/2 North Washington Avenue  
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Superintendent  
Al Bangoura

Secretary to the Board  
Jennifer B. Ringold

Accredited



2010-2020

November 4, 2020

Sergeant Robert Mooney  
Minneapolis Park Police Department  
2117 West River Road North  
Minneapolis, MN 55411

Subject: Predetermination Meeting

Sergeant Mooney,

This letter informs you that your attendance is required at a meeting on Monday, November 9, 2020 at 1300 hours via a Teams Meeting. The purpose of the meeting is to allow you the opportunity to respond to the charges listed below and to comply with the labor agreement between the Minneapolis Park and Recreation Board and the Police Officers Federation of Minneapolis.

**Summary of Incident:**

On August 19, 2020, Sergeant Keith Rowland was the day-shift supervisor. There were overtime shifts available to work the buy-back encampment detail. Your name was next to the 1100 hours shift with a note to call you. Rowland texted you about 0900 hours to remind you of your 1100 hours shift. You responded, "I'm sleeping, don't text me."

At 1600 hours when returning to station from your overtime shift, Sergeant Rowland and you saw each other in the parking lot. Sergeant Rowland said something like, "sorry for waking you up" and a dispute ensued between the two of you with profanity, accusations of mental illness and taking medications, and an allegation that you threatened Sergeant Rowland. At least part of this argument was witnessed by other officers. Human Resources conducted an employment investigation, and the investigator was Susan Ellingstad.

Based on the information and documentation/reports we have gathered relating to the charges, it has been determined that you may have violated policies and procedures and Civil Service Commission rules as cited below:

**Civil Service Rule 11.03.B.10 Discourtesy to public or fellow employees**

- Your behavior toward Sergeant Rowland was discourteous.

**Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City Ordinance**

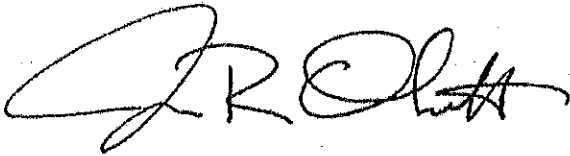
- MPRB Respect in the Workplace Policy prohibits use of profanity, disparaging, disrespectful and rude comments, and an "angry outburst" took place in front of other Park Police staff.
- Under the Minneapolis Park Police Department Special Order 2015-04 Code of Conduct (Sworn), there were potential violations of 10, 12, 14, 15 and 16.

At the meeting you will be given an opportunity to respond to the above charges and to explain any mitigating circumstances.

You are allowed to have a Union representative present as permitted in your labor agreement. If you choose to have representation, it is your responsibility to make any arrangements for the presence of such a representative. The invitation link can be forwarded to the representative.

If you have any questions, you may call me at 612-230-6564.

Sincerely,

A handwritten signature in black ink, appearing to read "J R Ohotto". The signature is fluid and cursive, with the first name "Jason" and last name "Ohotto" clearly distinguishable.

Chief Jason R. Ohotto  
Minneapolis Park Police Department

CC: MPRB Human Resources





## Minneapolis Park & Recreation Board

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4022 1/2 North Washington Avenue  
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Londel French

Superintendent  
Al Bangoura

Secretary to the Board  
Jennifer B. Ringold

September 9, 2020

Officer Dan McShane  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

### Notification Letter for Investigation

Officer McShane:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as a witness in this investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, Sergeant Robert Mooney received a text from Sergeant Keith Rowland to remind him to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind Sergeant Mooney of his shift. He responded with a text stating "I am sleeping, don't text."

Sergeant Mooney reported for his shift. Around 1600 hours Sergeant Rowland saw Sergeant Mooney and said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to Lieutenant Noble with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. Ms. Ellingstad is available to talk with you by telephone at 1130 hours on Monday, September 14, 2020. She will call you at 612-283-5460.

Accredited



2010-2020

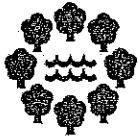
This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you have any further questions please contact Rhonda Heryla in HR at 612-230-6429 or [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ohotto", with a stylized flourish at the end.

Chief Jason Ohotto

CC: Human Resources



## Minneapolis Park & Recreation Board

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2117 West River Road North  
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Londel French

Superintendent  
Al Bangoura

Secretary to the Board  
Jennifer B. Ringold

September 9, 2020

Officer Gabrielle Rolstad  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

### Notification Letter for Investigation

Officer Rolstad:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as a witness in this investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, Sergeant Robert Mooney received a text from Sergeant Keith Rowland to remind him to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind Sergeant Mooney of his shift. He responded with a text stating "I am sleeping, don't text."

Sergeant Mooney reported for his shift. Around 1600 hours Sergeant Rowland saw Sergeant Mooney and said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to Lieutenant Noble with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. **Ms. Ellingstad is available to talk with you by telephone at 1600 hours on Monday, September 21, 2020. She will call you at 612-283-5472.**

Accredited



2010-2020

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you have any further questions, please contact Rhonda Heryla in HR at 612-230-6429 or [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org)

Sincerely,

A handwritten signature in black ink, appearing to read "J. R. Ohotto", written in a cursive style.

Chief Jason Ohotto

CC: Human Resources



## Minneapolis Park & Recreation Board

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2117 West River Road North  
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Minneapolis, MN 55412-1742

Southside Operations Center  
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Minneapolis, MN 55409-1000

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Al Bangoura

Secretary to the Board  
Jennifer B. Ringold

September 9, 2020

Lieutenant Calvin Noble  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

### Notification Letter for Investigation

Lieutenant Noble:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as a witness in this investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, Sergeant Robert Mooney received a text from Sergeant Keith Rowland to remind him to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind Sergeant Mooney of his shift. He responded with a text stating "I am sleeping, don't text."

Sergeant Mooney reported for his shift. Around 1600 hours Sergeant Rowland saw Sergeant Mooney and said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to you with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. **Ms. Ellingstad is available to talk with you by telephone at 1000 hours on Tuesday, September 15, 2020. She will call you at 612-499-9318.**

Accredited



2010-2020

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you have any further questions, please contact Rhonda Heryla in HR at 612-230-6429 or [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org)

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ohotto", written in a cursive style.

Chief Jason Ohotto

CC: Human Resources



**Minneapolis  
Park & Recreation Board**

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Londel French

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Al Bangoura

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Jennifer B. Ringold



September 4, 2020

REVISED – NEW DATE/TIME

Sergeant Robert Mooney  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

**Notification Letter for Investigation**

Sergeant Mooney:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as part of an investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, you received a text from Sergeant Keith Rowland to remind you to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind you of his shift. You responded with a text stating "I am sleeping, don't text."

You reported for your shift. Around 1600 hours you saw Sergeant Rowland and he said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to Lieutenant Noble with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. Ms Ellingstad is available to meet virtually with you at 1400 hours on Tuesday, September 8, 2020. Further details regarding this virtual meeting (zoom call) will be provided to you by the investigator.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you are having a representative attend the interview with you, it is important you contact Rhonda Heryla in advance with the union representative's name and email address so she can have the investigator forward the zoom invite to the representative as well. Rhonda's email address is [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org).

Sincerely,

Chief Jason Ohotto

CC: Human Resources





## Minneapolis Park & Recreation Board

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Secretary to the Board  
Jennifer B. Ringold

September 2, 2020

Sergeant Robert Mooney  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

### Notification Letter for Investigation

Sergeant Mooney:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as part of an investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, you received a text from Sergeant Keith Rowland to remind you to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind you of his shift. You responded with a text stating "I am sleeping, don't text."

You reported for your shift. Around 1600 hours you saw Sergeant Rowland and he said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to Lieutenant Noble with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. Ms. Ellingstad is available to meet virtually with you at 1530 hours on Friday, September 4, 2020. Further details regarding this virtual meeting (zoom call) will be provided to you by the investigator.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you are having a representative attend the interview with you, it is important you contact Rhonda Heryla in advance with the union representative's name and email address so she can have the investigator forward the zoom invite to the representative as well. Rhonda's email address is [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org).

Sincerely,

A handwritten signature in black ink, appearing to read "JROhotto". The signature is stylized with a large, looping "J" and "R", and a more fluid "Ohotto".

Chief Jason Ohotto

CC: Human Resources



## Minneapolis Park & Recreation Board

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Al Bangoura

Secretary to the Board  
Jennifer B. Ringold

September 2, 2020

Officer Andrew Heinen  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

### Notification Letter for Investigation

Officer Heinen:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as part of an investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, Sergeant Robert Mooney received a text from Sergeant Keith Rowland to remind him to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind Sergeant Mooney of his shift. He responded with a text stating "I am sleeping, don't text."

Sergeant Mooney reported for his shift. Around 1600 hours Sergeant Rowland saw Sergeant Mooney and said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to Lieutenant Noble with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. Ms. Ellingstad is available to meet virtually with you at 1630 hours on Tuesday, September 8, 2020. Further details regarding this virtual meeting (zoom call) will be provided to you by the investigator.

Accredited



2010-2020

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you are having a representative attend the interview with you, it is important you contact Rhonda Heryla in advance with the union representative's name and email address so she can have the investigator forward the zoom invite to the representative as well. Rhonda's email address is [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org).

Sincerely,

A handwritten signature in black ink, appearing to read "J. R. Ohotto", written in a cursive style.

Chief Jason Ohotto

CC: Human Resources



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Meg Forney  
Londel French

Superintendent  
Al Bangoura

Secretary to the Board  
Jennifer B. Ringold

September 2, 2020

Officer Calvin Pham  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

### Notification Letter for Investigation

Officer Pham:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as part of an investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, Sergeant Robert Mooney received a text from Sergeant Keith Rowland to remind him to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note saying "call please" so rather than call, Sergeant Rowland texted to remind Sergeant Mooney of his shift. He responded with a text stating "I am sleeping, don't text."

Sergeant Mooney reported for his shift. Around 1600 hours Sergeant Rowland saw Sergeant Mooney and said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards Sergeant Rowland. This was reported to Lieutenant Noble with a claim of a hostile work environment and the need for a restraining order if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. Ms. Ellingstad is available to meet virtually with you at 1600 hours on Tuesday, September 8, 2020. Further details regarding this virtual meeting (zoom call) will be provided to you by the investigator.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you are having a representative attend the interview with you, it is important you contact Rhonda Heryla in advance with the union representative's name and email address so she can have the investigator forward the zoom invite to the representative as well. Rhonda's email address is [rheryla@minneapolisparcs.org](mailto:rheryla@minneapolisparcs.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'JROhotto', written in a cursive style.

Chief Jason Ohotto

CC: Human Resources



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Al Bangoura

Secretary to the Board  
Jennifer B. Ringold



August 29, 2020

Sergeant Keith Rowland  
Minneapolis Park Police Department  
2117 West River Road  
Minneapolis, MN 55411

**Notification Letter for Investigation**

Sergeant Rowland:

Human Resources was made aware of an incident within the Park Police Department that occurred on August 19, 2020. You will be interviewed as part of an investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Civil Service Rule 11.03 B.10 Discourtesy to public or fellow employees
- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
  - MPRB Respect in the Workplace Policy
  - MPRB Violence in the Workplace Policy
  - Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On August 19, 2020 at about 0830 hours, you texted Sergeant Robert Mooney to remind him he was to report to work at 1100 hours for an overtime shift. On the posted schedule showing the overtime shift, there was a note from Sergeant Mooney saying "call please" so rather than call, you texted to remind him of his shift. He responded with a text stating "I am sleeping, don't text."

Sergeant Mooney reported for his shift. Around 1600 hours you saw Mooney and said something like "sorry for calling while you were sleeping." Things escalated from there apparently in front of other park police staff. This confrontation included a physical threat made towards you. You reported to Lieutenant Noble that it is a hostile work environment, and you will get a restraining order against Sergeant Mooney if something isn't done.

Human Resources has retained Susan Ellingstad to conduct an independent investigation into the complaint and whether any policy violations occurred. You are hereby ordered to provide a statement to the assigned investigator. Ms Ellingstad is available to meet virtually with you at 1300 hours on Tuesday, September 1, 2020. Further details regarding this virtual meeting (zoom call) will be provided to you.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney. If you are having a representative attend the interview with you, it is important you contact Rhonda Heryla in advance with the union representative's name and email address so she can have the investigator forward the zoom invite to the representative as well. Rhonda's email address is [rheryla@minneapolisiparks.org](mailto:rheryla@minneapolisiparks.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ohotto', with a stylized flourish at the end.

Chief Jason Ohotto

CC: Human Resources



EMPLOYMENT INVESTIGATION REPORT  
Prepared for Minneapolis Park and Recreation Board

September 22, 2019

Prepared by:

Susan E. Ellingstad,  
Lockridge Grindal Nauen P.L.L.P.  
Suite 2200  
100 Washington Avenue South  
Minneapolis, MN 55401

## **I. SCOPE AND SUMMARY OF INVESTIGATION**

Lockridge Grindal Nauen P.L.L.P. was retained by the Minneapolis Parks and Recreation Board (MPRB) to investigate a complaint by Sergeant Keith Rowland against Sergeant Robert Mooney. On August 19, 2020, Sergeant Rowland complained to Lieutenant Noble that Sergeant Mooney had created a hostile work environment and physically threatened him, possibly necessitating a restraining order. Rhonda Heryla of Human Resources asked me to investigate Sergeant Rowland's complaint and whether any policy violations had occurred.

## **II. PERSONS INTERVIEWED**

I interviewed the employees listed below (in the order listed) via telephone and Zoom given the COVID-19 pandemic. During each interview, I explained that I am an attorney engaged by the MPRB to conduct an independent investigation. I reviewed the Tennesen and Garrity warnings with each witness at the outset of the interview. They all indicated that they understood the warnings and subsequently signed and emailed the warnings back to me. I informed each witness of MPRB's expectations of confidentiality and prohibition against retaliation toward any individual who makes a complaint or participates in this investigation.

- Sergeant Keith Rowland (Interviewed via telephone on September 1, 2020)
- Sergeant Robert Mooney (Interviewed via telephone on September 8, 2020)
- Officer Calvin Pham (Interviewed via Zoom on September 8, 2020 with union steward Adam Swierczek in attendance)
- Officer Andrew Heinen (Interviewed via Zoom on September 8, 2020 with union steward Adam Swierczek in attendance)
- Officer Dan McShane (Interviewed via telephone on September 11, 2020)
- Officer Gabrielle Rolstad (Interviewed via telephone on September 21, 2020)

## **III. DOCUMENTS REVIEWED**

- Timeline of Sergeant Rowland's complaint prepared by Lieutenant Calvin Noble
- Civil Service Rule 11.03 B.11 Violence, threats of violence, abusive behavior or mental harassment
- Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City ordinances
- MPRB Respect in the Workplace Policy
- MPRB Violence in the Workplace Policy
- Park Police SO 15-04 Code of Conduct (Sworn) 5-105 Professional Code of Conduct
- Civil Service Rule 11.03.B-20 Other justifiable causes

#### IV. RELEVANT POLICY LANGUAGE

##### A. Respect in the Workplace Policy

The following conduct is prohibited whether or not it rises to the level of illegal discrimination or harassment:

- Unwelcome or derogatory statements that belittle or discriminate against any individual(s) based on protected class. This can include, but is not limited to, threats of physical harm, sexual or racial slurs, vulgar comments, language of a sexual nature, inquiries about or comments regarding one's sexual activities, remarks about a person's physical anatomy or characteristics, "dirty" jokes, sexual innuendo, and name calling or other verbal conduct.
- Any unwelcome or unwanted conduct directed at one or more individuals that causes the recipient(s) discomfort or humiliation, interferes with their job performance, or which creates a hostile, intimidating, or offensive working environment. Offensive behavior may include, but is not limited to, rude or discourteous verbal and non-verbal behaviors toward another individual which results in a feeling of being bullied, intimidated, ridiculed, coerced, or degraded, angry outbursts, inappropriate humor, obscenities, name calling, or disrespectful language, and any other behavior regarded as hostile or offensive to a reasonable person, to include unwelcome or offensive comments delivered via electronic devices, e.g. email, Internet, cellular phone, texting, voice mail.

##### B. Violence in the Workplace Policy

The Minneapolis Park & Recreation Board (MPRB) has no tolerance for violence in the workplace and will not accept any form of violence including intimidation, threats of violence (physical or verbal), or violent acts. The MPRB will promote, establish, and maintain a work environment that is free of violence. Reports of violence or violent behavior will be investigated and corrective action administered when warranted. The MPRB will not tolerate reprisals against any employee who makes an allegation of violence or cooperates in an inquiry or investigation of an allegation of violence.

##### C. Professional Code of Conduct (SO 2015-04) § 5-105:

10. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
12. Employees shall treat all fellow employees with respect. They shall be courteous and civil at all times with one another. When on duty in the presence of other employees or the public, officers should be referred to by rank.
13. Employees shall not publicly criticize or ridicule the Department, its policies or other employees as to the performance of their duties in a manner

which is defamatory, obscene, unlawful, or in any other manner which impairs the effective operation of the Department or in a manner which displays a reckless or knowing disregard for the truth. This regulation shall not be construed so as to impair the exercise of free speech by employees on matters of public concern.

14. Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.
15. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.
16. Employees shall conduct themselves in the buildings and offices of the Department in a manner which would not discredit the Department.

**D. Civil Service Rules – Causes for Disciplinary Action (§ 11.03)**

**B. Misconduct:**

10. Discourtesy to public or fellow employees.
11. Violence, threats of violence, abusive behavior, abusive language or mental harassment. (CSC 12/15/15)
19. Violation of department rules, policies, procedures or City ordinances.
20. Other justifiable causes

**V. ALLEGATIONS INVESTIGATED AND FACTUAL FINDINGS**

**A. Background**

Keith Rowland and Robert Mooney are both Sergeants with the MPRB Park Police and have worked for the MPRB for many years. They are peers and work the same day shift, but do not work together or have significant interaction. Sergeant Rowland (Rowland) described his relationship with Sergeant Mooney (Mooney) as "mostly good." He stated that they have "had some incidents in the past with [Mooney] cursing." Rowland said he has addressed those incidents directly with Mooney and they have been resolved. Mooney stated that he has had issues with Rowland texting him early in the morning, and texting so often he felt it was harassing. Mooney has complained about this and scheduling issues to Lieutenant Noble.

Lieutenant Noble stated that there is occasionally in-fighting between sergeants working the same shift, but sees more tension with those on the day shift than the night shift. Rowland has "bumped heads" with several of his peers over scheduling, completing reports, etc. Lieutenant

Noble tries to stay out of disagreements and asks the employees to work things out and keep it professional. He only gets involved when conduct rises to a violation of policy. Because Rowland is more senior, there have been tensions between Rowland, Mooney and Sergeant Helmick around scheduling, so Lieutenant Noble pulled them aside and directed the three of them to meet and work it out. As far as he knew, they had resolved the issues. Lieutenant Noble is aware of complaints that Rowland sends too many texts and texts early in the morning, but he has received similar complaints about Mooney. He has not previously received a complaint from Rowland that Mooney had created a hostile work environment.

**B. August 19, 2020 Incident**

On August 19, 2020, Rowland was acting as shift supervisor. There are currently overtime shifts available to work encampment detail and respond to calls regarding the encampments. Mooney's name was on the board for the 11:00 a.m. shift. Next to his name was the note "call me." Rowland explained that Mooney had been on vacation, so he interpreted the note to mean that Mooney wanted to be called to confirm that he was assigned to the shift. Rowland texted Mooney around 9:00 a.m. to let him know he worked the 11:00 a.m. shift. Mooney texted back, "I'm sleeping, don't text me." Rowland did not respond.

According to Mooney, he had placed the note to call him because he had been on vacation and wanted to be informed if his shift changed. But he had already confirmed his shift with Lieutenant Rowland, so did not need to be called. Mooney does not believe it was the shift supervisor's role to call him. Lieutenant Noble did not believe Rowland had any ill-will in texting Mooney and did it as a courtesy. Mooney worked his shift without any further interaction with Rowland.

At 4:00 p.m. Mooney and Rowland completed their shift and were reporting into the station when they saw each other in the parking lot. They What happened next is disputed. Rowland claims Mooney was walking right behind him so Rowland turned and said, "I'm sorry I woke you up." Rowland claims Mooney then said "Fuck you, shut the fuck up." Rowland kept apologizing and Mooney kept swearing at him. As they started walking away from each other, Rowland heard Mooney say something like "you have mental illness and control issues." Rowland responded, "out of the two of us, you think it's me who has mental illness?" Rowland said Mooney laughed and kept walking. Rowland then heard Mooney say something like "I'll wreck you," which he took as a threat. Rowland turned around and walked toward Mooney, asking if Mooney had threatened him. Rowland followed him back in the station and kept saying, "I need to know what you said. Did you threaten me?" Mooney said, "Yeah I'm fucking threatening you, yes I am. You're a piece of shit, I'm threatening you." Rowland then turned and went to Lieutenant Noble to file a complaint. He is concerned that "if Mooney would treat a co-worker like that, unprovoked, what else is going on?" He described Mooney as a time bomb waiting to explode. Rowland left on vacation from August 21 to August 30, 2020. He has had no further issue with Mooney since he returned to work.

Mooney described the incident a bit differently. He said Rowland came up to him after the shift and said he was sorry for waking him up, but said it in an insincere, mocking way, laughing about it. He admits he responded by telling him to "fuck off" or something similar and the two of them said "fuck you" and cursed back and forth at each other. Mooney claims Rowland said he

has mental illness and needs to take his meds. Mooney responded that he takes his meds. Mooney claims Rowland then followed him inside and kept asking if he was threatening him. Mooney responded, "big ass bitch," under his breath. When Rowland asked again, "did you threaten me," Mooney claims he said "No, I'm not threatening you." They then walked in different directions.

Four officers witnessed about thirty seconds of the altercation from the parking lot or in the doorway. None of the officers recalled hearing swearing between Rowland and Mooney. They all observed a heated disagreement with both Rowland and Mooney yelling, but did not view it as particularly serious and did not give it a second thought until being asked to participate in this investigation. Three of the officers recounted Rowland stating something to the effect of "you need to be on medication" and Mooney replying, "I am on medication. At least I take mine." Mooney then went back in the station and Rowland followed him in, but none of the witnesses observed what happened inside or heard the comments. The officers thought Mooney and Rowland were equally engaging with each other; one did not appear to be instigating the argument more than the other, although Rowland did follow Mooney and appeared to keep it going. None of the officers heard anything about the incident afterward.

**C. Allegations Investigated**

I have gathered facts relating to the following questions:

1. Whether Mooney created a hostile work environment for Rowland.
2. Whether Mooney threatened Rowland in violation of any MPRB policy.
3. Whether either party violated applicable MPRB policies or rules.

**3. Whether either party violated applicable MPRB policies or rules.**

*a. Respect in the Workplace*

Based on the facts as stated above, I find that both parties engaged in behaviors prohibited under the Respect in the Workplace policy.

Both parties used obscenities and made disparaging, disrespectful and rude comments, and both had an "angry outburst" on work premises and in front of other employees. Mooney started the argument by his disproportionate, angry reaction over the fact that Rowland had texted him that morning, responding with name-calling and obscenities that immediately escalated the situation and provoked Rowland. I do not credit Mooney's explanation that Rowland was somehow mocking or insincere in his apology, thereby justifying his angry outburst and name-calling.

While Mooney initiated the altercation, however, Rowland participated in and escalated it. Both parties admitted to using obscenities and name-calling. All of the officers who witnessed part of the argument said that both Rowland and Mooney were yelling and equally heated. One did not appear to be more of the instigator. Additionally, the witnesses all believed that Rowland made the first comment about Mooney needing to be on medication (which Mooney then parroted back

to Rowland and said he *is* taking his meds), which corroborates Mooney's version of events. And, rather than walking away, Rowland admittedly followed Mooney and continued to ask whether Mooney had threatened him.

*c. Professional Code of Conduct*

Both Rowland and Mooney's behavior violated paragraphs 10, 12, 14, 15, and 16 of the Professional Code of Conduct.

*d. Civil Service Rules*

Both Rowland and Mooney engaged in discourtesy to fellow employees prohibited in paragraph 10 of the Civil Service Rules, \_\_\_\_\_

In sum, I find that Mooney instigated this altercation by his unwarranted outburst to Rowland over Rowland's single text message that morning reminding him to come to work. His conduct clearly violated the respect in the workplace policy and the code of professional conduct. But Rowland engaged in equally disrespectful conduct and escalated the situation. Ironically, Mooney only "threatened" him, if indeed he did, after Rowland pursued him and kept it going



## Timeline of Sgt. Rowland's Reported Hostile Work Environment Complaint

Prepared by Lt. Calvin Noble

8/19/2020 @ 1100 hours – Sgt. Rob Mooney came in to work and told me that Sgt. Keith Rowland needed to stay in his lane because Rowland had texted him while Mooney was still sleeping to tell Mooney that Mooney worked today. Mooney said that Mooney knew he had to work that day at 1100 hours. I told Mooney that I would think that Mooney would know his own schedule and asked what was going on. Mooney said Rowland needed to let him worry about his own schedule.

8/19/2020 @ 1605 hours – Rowland came to my office door and said that he wasn't going to work with Mooney anymore and that Mooney just threatened him. I asked Rowland if Mooney was still in the station. Rowland replied that Mooney just left. Rowland said that someone needed to talk with Mooney because Rowland wasn't going to take it anymore. I asked Rowland if he was asking me to sit down with both of them to mediate or if he was looking to make a formal complaint. Rowland said something needed to be done by either me or the Chief to make it stop. Rowland then left.

8/19/2020 @ 2006 hours – Rowland texted me just as I arrived home. The text said "You all know dang well he is a crazy loose cannon and a liability waiting to explode.. its a hostile work environment.. it needs to stop". I then called Rowland to speak with him. I asked Rowland if he was asking me to mediate or speak with HR about the incident. Rowland said that it wasn't just that day. Rowland said that it had been going on for two years and that nobody was doing anything about it. I told Rowland that I knew they sometimes didn't get along but that I try and let two employees of the same rank, who work the same shift, figure things out unless something is reported to me that I can't ignore. Rowland said that Mooney needed to stay away from him and that he wouldn't work with him anymore because it was a hostile work environment and that he was threatened in front of other officers. Rowland said it wasn't an incident that happened in private. Rowland said that Officers Heinen and Pham witnessed the incident. Rowland said that if something wasn't done, he would get a restraining order against Mooney. Rowland then told me additional details about the incident.

Rowland stated that he had texted Mooney around 0830 hours and said something to the effect of "Just letting you know that you work the encampment overtime at 1100 hours. The sheet says call please." Rowland said that he got a reply from Mooney saying that Mooney was sleeping and not to call him. At 1600 hours when they were both about to leave, Rowland said he approached Mooney and told him that he was sorry for waking him and that he only texted him because the sign-up sheet said to call. Rowland said that Mooney told him to "Fuck off", that Rowland had control issues, and a mental illness. Rowland said that he asked Mooney, "Between the two of us, I'm the one with the mental illness?" Rowland said Mooney then started yelling at him and threatened him as Rowland walked away. Rowland said he turned around and asked Mooney if Mooney had just threatened him. Rowland said Mooney first denied it before yelling at Rowland saying "Yeah, I'm threatening you" and something that Rowland couldn't quite recall at the time but was similar to "I'll wreck you." Rowland said that one of the other officers who witnessed the incident might recall the specific words.

I told Rowland that I would talk to Chief Ohotto the next day and advise him that he was reporting a hostile work environment. I also told Rowland that we would advise HR per policy. Rowland said okay

and that he would talk to me the next morning at work. I told Rowland to write things down so that he remembered what had happened and what he had told me.

8/20/2020 @ 0950 hours – I reported the complaint to Chief Ohotto. Chief Ohotto told me to connect with HR on the complaint.

8/20/2020 @ 0956 hours – I emailed Rhonda Heryla in HR. I wrote that I had received a complaint from Rowland about Mooney and asked her to give me a call.

8/20/2020 @ 1138 hours – Rhonda Heryla called me by phone. I advised her that Rowland was making a hostile work environment complaint. After discussing the details, a decision was made to have HR retain an independent investigator to handle the complaint investigation.

8/20/2020 – After speaking with HR, I advised Rowland that HR would be conducting an investigation and would need to speak with him upon his return from vacation. Rowland was scheduled to be out of the office, on vacation, from 8/21/2020 – 8/30/2020

8/29/2020 @ 1136 hours – I emailed Rowland an Investigation Notice Letter signed by Chief Ohotto. The letter scheduled an appointment to meet with Rowland on 9/1/2020 at 1300 hours. Since Rowland was out of the office, I sent Rowland a text about the letter to his personal cellphone.