



TO: Mayor Shaun Sipma

Members of the City Council

FROM: Lisa Jundt, Human Resource Director
Kelly Hendershot, City Attorney

DATE: April 28, 2020

SUBJECT: Inclusion of Disclaimer to 2019 Evaluations Completed by the Former City Manager

I. RECOMMENDED ACTION

1. Recommend to include a disclaimer to the 2019 evaluations of all subordinates of former City Manager, Tom Barry due to the reliability and objectivity of the evaluations. Included with the disclaimer will be a copy of the full final investigation report by independent counsel, Patricia Monson, and meeting minutes from the April 20, 2020 Special City Council meeting which terminated Mr. Barry’s employment.

II. DEPARTMENT CONTACT PERSONS

Lisa Jundt, Human Resource Director	857-4753
Kelly Hendershot, City Attorney	857-4755

III. DESCRIPTION

A. Background

On March 9, 2020, the Minot City Council voted 5-2 to hire independent counsel to investigate whether a hostile work environment existed within the City, primarily among the department heads, also referred to as the executive team, and the City Manager, Tom Barry. The investigation began on Monday, March 16, 2020 after approval of an agreement with Patricia Monson. Her conclusions, specific to the 2019 evaluations include the following:

- “In the 2019 performance evaluations of some department heads in the group, the City Manager considered their association outside for work to their detriment. That resulted in significantly lower evaluations than they received in 2018. These lower evaluations were retributive and retaliatory and based on outside activities rather than on work performance”.
- “The City manager also took into consideration refusal by some members of the ‘group’ to report to him any negative or disparaging remarks made by others about him as he directed them to do. This refusal worked to their disadvantage on their evaluations even though making such a report was not, nor should it have been, a part of their job descriptions. These lower evaluations again were retributive and

retaliatory and based on their outside activities rather than based on their work performance”.

B. Personnel Ordinance

The City of Minot Personnel Ordinance states that performance evaluations shall be made a permanent part of the personnel file. As such, destruction of the already completed evaluation(s) would not be the proper course of action to correct inaccurate information. Rather, it is suggested a disclaimer with supporting documentation, questioning the reliability and objectivity of the evaluations, be included with each.

IV. IMPACT:

A. Strategic Impact:

Disparate and harsh treatment by the former City Manager, resulted in retaliation in the form of unfair scores during 2019 performance evaluations. These actions deprived employees of the right to work in an environment free of abusive and disruptive conduct. Evaluations of these employees minimized their true value, and eroded their trust further. This action will be a first step to restoring and rebuilding that trust.

B. Service/Delivery Impact:

N/A

C. Fiscal Impact:

N/A

V. ALTERNATIVES

No other alternatives are considered at this time.

VI. TIME CONSTRAINTS

It is imperative to rectify this issue at the earliest convenience.

VII. LIST OF ATTACHMENTS

Disclaimer

City of Minot Report of Investigation by Patricia R. Monson