From: Richard Elwer

To: Carolyn Riggle; Kent Shafer; Catlin Frazier; Linsey Griffith; Adam Haynes; Cory Hoffman; Council Clerk

Subject: A submission for Public Comment, September 23,2024.

Date: Friday, September 20, 2024 10:23:45 PM

Attachments: Meetings.docx

Letter to my Supervisors.docx

Some people who received this message don't often get email from richardelwer@gmail.com. <u>Learn why this is important</u>

Dear Delaware City Council,

I would like to take a moment of your time to share the absolute displeasure I had working for Cindy Dinovo between May, 2017 and January, 2021. I was a Desktop Technician for her office but provided my services to the entire Court. It was not uncommon for me to fix technical issues for probation officers, bailiffs, Judges, prosecutors, and occasionally attorneys. I enjoyed the work I did and felt I was making a positive difference despite the circumstances.

In the three and a half years I worked for Cindy I had to deal with disrespectful comments, threats of termination, and poor treatment, not just of myself but fellow co-workers. My time there could easily be defined by a single word, toxic. She always had her own unique way to make people suffer.

You could always tell when Cindy was in the office as the whole office dynamic went from positive to a dark cloud over each person's head. You would be hard pressed to go a day without hearing disparaging remarks directed at her subordinates.

I was always amazed by the overreaction Cindy had when someone asked for clarification on a task assigned to them. She would make you feel stupid for missing some minor detail that may or may not have been provided. I had felt that way a few times during my tenure there and cannot imagine how many times it must happen with people working in closer proximity to her with their daily tasks.

In December of 2021 I had reached my limit. Feeling I had no other options, I presented her with the attached letter titled "Letter to My Supervisors". Naturally, this was taken poorly and was reflected in the multiple "meetings" I had between her and Nick Lockhart over the next month. I have documented my perspective of these "meetings" in the second attachment titled "Meetings". I wanted to record these conversations but was barred from doing so. I knew what to expect and was not let down. It was now my turn to run the gambit of Cindy's emotions.

After multiple meetings, a deferment of a raise until my "behavior" improves, and the general disrespect, I could no longer continue my tenure at the Municipal Court. I went on to present my letter of resignation to Nick and Cindy on January 20th, 2021. The nightmare was finally over and I had enough IT experience to move on. This was one of the single best decisions I have made in my working career.

In summary, it was unfortunate that this was my first job in IT. I felt I must remain there for a few years to gain the necessary experience to find another job or I would have left sooner. Every day felt like I was walking on eggshells and attempting to dodge landmines. Sometimes I felt that I was made to step on these mines so Cindy could take out some frustration. I implore you to take a look at my permanent file to verify the authenticity of these claims. You will find both of these letters and hopefully a transcript of my exit interview. It saddens me that people like that are still in the positions they are. The best thing I ever did was quit my boss. If I had to go back in time and do it again, I wouldn't change a thing.

I hope this provides you a small glimpse of how Cindy runs her office; with intimidation, threats, and disrespect. I hope my fellow co-workers whom remain under her are doing well.

-Richard Elwer

December 16th

Mr. Lockhart had just returned from his quarantine. He spent most of the day catching up on emails and various other items. He wanted to catch up with me as well. He called me into his office later in the afternoon. He wanted to address the elephant in the room first. (The Letter). Understandable, based on the subject of the material. He wanted to say a few things before asking some questions. He wanted to tell me that I was, indeed, a valued employee here and that he feels I am a good fit for the office. He went on to say that the letter was well written and could tell that I had spent a good amount of time on it. He proceeded to question me to gauge my energy level on the subject. The questions that stuck out to me were the following.

How do you feel about this letter?
Do you still feel this way?
Where are you getting your information? Are there other people's input in this letter?
Have you been avoiding the Clerk?
What is your commitment here?

I conveyed to him that I felt very strongly about the letter and stand behind all the material in it. It was solely a work of my own and there were no others that helped or provided input on it.

I could tell that he was disappointed in this answer and was hoping that this would all go away.

When being questioned about avoiding the Clerk, I was stunned. I informed him that it was business as usual for me and that I was continuing to do the job I was employed to do.

I have noticed that since the letter was read, that Clerk Dinovo's body language around me had changed. I feel as if any input I need from her is treated as an inconvenience. I am not sure if this is a tactic to leverage some sort of insubordination against me, but after being questioned about it once again, with a more accusatory tone the next day, I believe this is the angle that is going to be at play.

He spoke of some falsehoods to my letter. I told him that the letter was crafted from the information and perspective I have.

It was his intention at this point to get Clerk involved and to set up a meeting between all 3 of us.

December 17th

I approached Nick first thing in the morning and informed him that I would like 5 minutes of his time in regards to the meeting yesterday.

I informed him that if we will be having a closed door meeting that it was my intention to bring a voice recorder and record the conversation. I also informed him that I would not be providing any immediate feedback to questions or criticisms in regards to the letter. With such a touchy subject, I do not want any miscommunications and I want the time to analyze any feedback I am getting and construct a clear and concise reply, free of emotion.

He did not like the idea and advised me of doing so, under the guise of it changing the tone of the meeting for him and Clerk. He then questioned me as to why I have been avoiding Clerk again. I told him this was false and that if I require Clerk's input, I would reach out. He spoke on the subject of the energy levels of myself and Clerk Dinovo and decided that we both needed time to cool off. I agreed and told him that I am still upset with what has happened. I hope this resonated with him and he sees

that I am serious about what was written in the letter. He looked at his calendar and picked a date of December 30th for a meeting.

December 30th

At around 3pm Nick informed me that my presence was needed in the Clerk's office. I grabbed my voice recorder and something to write on as I suspected this was the meeting regarding the letter. As I sat down, Clerk asked me if I had a voice recorder on me. I replied that as I had told Nick earlier, it was my intention to record the meeting. I am not interested in getting into any "he said, she said" arguments down the road and that I would like to have the ability to analyze the feedback I was getting at a later time. She informed me that there will be no recordings being made and told me to leave everything at on my desk and to return to her office. I placed the voice recorder, my phone, and wallet on my desk and returned to her office. She verbally announced that she was Clerk Dinovo and that she did not consent to being recorded as if I had disobeyed her order to leave these devices on my desk.

I was asked if I had anything to add in regards to my letter which was sitting in front of her. I replied that I had nothing to add and I stood behind my letter as is. This statement frustrated her and Nick and supposedly changed the direction the meeting was heading per Nick's statement later.

I am not sure what they had expected me to say. I suspect that they were looking for me to say that the letter was a mistake and to apologize for what was said within it. I reiterated, again, that the letter was entirely my work and that it was with the information I had at that time.

Nick was playing the part of the moderator for most of the meeting. He would offer feedback or ask questions and then let Clerk Dinovo or myself a chance to chime in. I will list some of the feedback here.

The biggest issue that came up was when I was confronted about why I had given Judge Hemmeter a copy before Cindy and Nick. While it is true that Judge Hemmeter did receive a copy before them, it was a matter of an hour. I had given Judge Hemmeter a physical copy that morning shortly before sending an email version to Nick and Cindy. My reasoning for doing this is because I serve Judge Hemmeter's staff just as much as I serve the Clerk's staff and felt she should be in the loop. I told Judge Hemmeter that I do not expect her to have my back or go to bat for me in any way upon giving her the letter, but I felt she should know the full context of what was going on and why I was doing it.

Nick and Cindy had a big issue with this. Cindy has perceived this as a lack of loyalty to her. I explained that I serve both sides of the Muni court and felt that she needed to be aware of what was going on. This answer seemed to send her over the edge as she angrily flipped through my letter remarking how Judge Hemmeter's name isn't in or on the letter. She then proceeded to stare at me with a look of anger to which I stared back, showing no emotion, until Nick stepped in to cover another subject.

While I can understand her frustrations that her peer had gotten a letter before her, I did what I felt was correct. It would not have mattered in what order individuals had gotten the letters because I did not receive any feedback from Judge H. I still would have had to answer why Judge H had gotten a letter in the end, regardless. At the end of the day, it is my letter and I am free to give it to whomever I please.

In regards to the lack of loyalty, I feel that loyalty is the incorrect term. Cindy is looking for someone who keeps their head down and does not make waves. There are multiple times I felt like I was

stepping on eggshells as to not anger her or get on her bad side, and agreeing to do jobs that were asked of me that I would normally question. Case in point, doing the mail and making the daily deposit.

It was asked why there was no communication with how I had felt. They had remarked that during review time, everyone has the opportunity to give feedback. While this is true, the general environment of the office Cindy runs is not conducive with this. It is my opinion, that you must stick with the status quo and not question anything. You must lay low and merely do your job to avoid getting a target on your back, like I currently have because of the letter. When questioned on why I have not given any feedback during reviews, I told them I would get back to them at a later time. As tense as the meeting was, I wanted time to articulate my answer to this feedback.

I feel that a good manager/supervisor/boss should be able to see when an employee is being treated unfairly. Things never should have gotten to the point to where they are now.

I was asked if the 10% raise I received last year had any bearing on the letter. I said that it had a small impact on it and left it at that.

While I did receive a 10% raise the year before there are 2 reasons for this. The first, is the raises are merit based. I felt I had gone above and beyond with what I had accomplished that year in creating the Digital Workflow system among many other projects, thus, earning the raise. The second reason was that an employee with City IT who is my equal, was getting a title change and raise. I felt that Nick and Cindy could not let me remain in my current position while my equal was moving up. It frustrated me to hear Nick question this. I earned that raise, if they felt that it was undeserved, they why was it awarded to me to begin with. The logic behind his statement does not make sense.

I was told that I am not a deputy Clerk and should not compare myself to a deputy clerk. I replied with "Understood" after receiving this feedback.

I am not sure the target of this statement but I believe it either has to do with the fact of them getting admin time off while I remained full-time, or doing jobs that they used to do.

It was stated that applicable use of admin time was decided by DHS and or administrators over at the city. Cindy gave an explanation that she talked to multiple individuals, on multiple occasions, and attempted to loosen the restrictions of admin time for her office. I remarked that I understood the brief explanation that was given and that Nick and Cindy must follow the rules that are outlined.

I fail to believe that this was done before my letter was sent, and was done after I had brought attention to it. If a supervisor was going to go to that length, I would suspect they would inform all subordinates that they are going to bat for them as they would then be viewed in a positive manner.

Cindy remarked that she shared the news of us not getting raises while the rest of the city did as soon as she found out via the newspaper article.

I was asked about my employment there. I replied that I worked for her but that my checks come from the city. She wanted to make it very clear that I was not a city employee and that I was "HER EMPLOYEE" as she raised her voice with a face full of anger. I replied that I understood.

All in all, I felt that the plan for the meeting was to intimidate me into compliance. As stated, when I said I have nothing to add, it seemed to frustrate them even more. I am not sure what they were looking

for, but I did not hold anything back when writing the letter. Knowing Cindy's personality, I knew that regardless of what I said, I would have a target on my back. I might as well say my entire feelings towards the challenge this year has been because the result will be the same.

As of the writing of this, I have received no official response and only this meeting and the 2 minimeetings with Nick attempting to feel out my side of the situation. While I do enjoy the work I do and the people I provide a service to, the way I have been treated this year by my superiors is abysmal to say the least. I feel that they would rather argue semantics and perceived inaccuracies in the letter rather than tell me what they are going to do for me or how we can move forward. It was indicated in the meeting by Nick that he wants to get back to a good state between all and move forward. While I do agree and it would be nice, I am not sure if I can personally get back to a good point after all that has happened. Also, I find it frustrating that the feedback I was given revolved around the following:

- Who else received the letter and the time frame
- Past raises
- Lack of "loyalty"
- No communication
- Comparison to Dep. Clerks

There was no discussion regarding the other points to my letter such as, canceling vacation days to attend my brother's graduation, working full time through COVID, and reassigning mail and deposit duties. Not even recognition of these sacrifices were made during the meeting but instead, a perceived lack of loyalty accusation being tossed around. My mail and deposit duties have been quietly reassigned since the delivery of the letter.

I am not sure how much more one can show their loyalty than the points outlined in the letter. The fact that I wrote my thoughts into a letter to open some communication puts a few points in the loyalty box. Otherwise, I would just start looking for a new job and turn in a 2 week resignation.

January 4th

I spoke to Nick first thing in the morning. I explained that I would like to extend the meeting scheduled for this day to Wednesday January 4th. I explained that with all the feedback I had received and not being able to record and analyze the feedback I had received, I would like some more time. I also mentioned that I was not sure which question I had answered that I would get back to him on.

I told him that I do want to continue working there and that I enjoy the job I do and the people I work with.

He repeated the question and it was along the lines of what does my employment look like there. My previous statement seemed to answer this question. He told me he would get in contact with Cindy and see if she was willing to make this extension.

I am not sure where the confusion is in regards to the letter they had received. The second to last paragraph of my letter states that I enjoy the work I do, and the people I provide my services to. And I ask, what individual WANTS to lose their job?

Cindy did not want to reschedule the meeting. Understandable considering Nick more than likely let her know that it was my intention to keep my job.

I was called into Cindy's office and the meeting began. I opened by saying that I would like to continue my journey there and that I like the work I do and the people I work with. She seemed a bit surprised and asked me what had changed. I replied that I had gotten some feedback and was able to see things from her perspective.

How or why would my previous views change on the subject when I had not gotten any feedback until the Dec. 30th meeting? I felt that Nick was prodding for information in all previous meetings while keeping their intentions a secret and this reinforced my suspicions. I feel that the letter was taken wrong and that Nick and Cindy are viewing it as some sort of letter of resignation. The letter is me voicing my frustrations I have endured the past year in an attempt to get what I feel I deserve. I don't feel that any of the items I have asked for are unattainable or off base.

Nick asked if I now regret, and he didn't want to put words in my mouth or speak for me, sending the letter. I replied that I don't feel that regret is the correct word and that I still stand by the majority of the letter. It was the information I had at the time and my perspective on what was going on. I had spent a great deal of time and energy putting it together.

To be clear, I stand by 90% of the letter. I obviously did not know at the time the laws/rules pertaining to applicable use of admin time.

Nick talked about the high standards of the office and how it needs to be maintained. He went on to explain how Clerk is in a very important public facing position. I replied that I understood.

This is an interesting point that was brought up. I am not sure how one can talk about having high standards in an office where an employee who was let go at her previous job for alleged theft was hired.

It was asked once more why I had given my letter to Judge Hemmeter first. I explained again that I felt I service both hers and Clerk's staff equally and that I felt she should be aware of it. I told Cindy that the time frame wouldn't have mattered because even if I gave the letter to Judge H after the fact, the end result would be the same.

Cindy went on to explain a metaphorical diagram of the chain of command and that my bubble never touches Judge H's bubble but hers does. Having said that, I should not be voicing anything with Judge H at my current position. I agreed that I understood her explanation of this.

I stand by my previous statement that I felt she needs to know what is going on. It is my letter and my thoughts and I am free to share it with whomever I want. I was aware of the ramifications of doing so and have accepted anything that may come of it.

My lack of communication was brought up. This was brought up mostly because of the part of the letter where I said I was disappointed in myself for waiting so long to say something. It was asked that if I had communicated my issues, would the letter still have happened? I said that is a tough question. Parts of the letter would have certainly been omitted.

While I will admit that my communication could use some fine tuning, this street goes both ways. Also, I feel it bears repeating, the office atmosphere is not conducive with any sort of feedback that goes

against the grain. This has been my opinion of the environment since I started working for Clerk Dinovo back on May 8th, 2017.

I was asked to provide 5 things to improve upon to ensure that something like this never happens again. I told them that working on my communication would be beneficial. I would no longer bottle up my feelings until I break. It was remarked by Cindy that this had been going on since March and she was disappointed that I did not have more feedback.

I am not sure how the number 5 was selected for things I needed to work on but this was the only thing I could come up while being put on the spot. I don't feel that there is anything additional I could personally improve upon that would have stopped the creation of this letter. While my communication could have been better, the letter itself was communicating. It might not have been what they wanted to hear, but it was communication none the less.

I am not sure what more feedback Cindy was looking for outside of the letter. I had nothing to add as I had laid it all bare in the letter.

I was dismissed from Cindy's office and told that she would like a few moments to discuss some important decisions with Nick.

I was called back into her office a few moments later.

I was told that when Cindy received the letter I was as good as gone in her mind. She would have fired me on the spot. She remarked that Nick believes I can do better and that this can be a learning experience. It was told to me that Nick had stuck his neck out for me and that I should not let him down. I was told that I need to rebuild all the trust and loyalty I had lost.

To me this was all a dog and pony show. I feel that the comments about Nick sticking his neck out for me were false. Cindy herself would never admit that I am needed around there to keep important processes running, and thought this was the best angle to play; Somehow make me think that I owe them something for writing a letter and speaking my mind. I am frustrated and appalled that speaking my mind in a clear and concise manner has put me in this position. I have given them 30 days to officially reply and their answer is some closed door meetings and replying with hostility? I was given 2 business days to get back to them after taking in their feedback. This was during the new year so this was actually the remainder of the 30th, so and hour and a half, and the half day Thursday (New Years Eve). I had a long holiday weekend to enjoy my time off and try not to do too much thinking about work issues. It was asked by Nick why I did not come to him Thursday regarding the question could not remember. I wanted to gather my thoughts over the weekend and did not plan on forgetting the question at that time.

January 13th

I finally received my annual review. This consisted of Nick and Cindy going over review items like new training, previous training, reprimands, and a checklist that consists of many categories where it is determined if you meet the requirements or not. This review was fairly usual until it was noted that my communication was lacking on that portion of the review. It was also told to me that my letter was unprofessional, not fact based, and demanding, and thus, I would not be getting a raise until AT LEAST my first review. This was noted on my review. This came as no surprise by the way I have been treated

in her office. I was asked if I came to the meeting with 3 goals for next year. I replied that I did not and would like some time to think of a few. I was given a week to get the review back to Nick.

January 20th

I told Nick that I needed a moment to talk to him. I informed him that I would not be signing my review, I will not be providing any goals for next year, and that I am presenting him with a 2 week notice. I placed a physical copy on Cindy's desk and gave him one as well. It came as a surprise to him as he seemed to not be expecting this. He asked if I was sure about it, which I was.

Later that day I was asked to sign and bring my evaluation back by Clerk. I told her that I had left it at home by mistake and that I would bring it to her tomorrow. I have signed the evaluation "Refused" and will be giving it to Nick or putting it on her desk first thing tomorrow.

December 7th 2020

Dear Cindy and Nick,

I am writing you today to voice my concerns over the challenge this past year has been for me. COVID-19 has presented an unprecedented challenge not just for the court, but for each individual as well. We have all had to make tough decisions and personal scarifies for the benefit of the group as a whole. While I have answered the call each and every time, I feel it is now time to reward my efforts.

The year started out like any other, but then the rumblings of COVID 19 in the US started. There were a lot of unknowns. Troopers were no longer writing tickets, Court sessions were being continued, and users were working from home. A meeting was called by you to let everyone know what team they would be placed on for the admin time. I had found out a week before that I would be on both teams, as with the absence of Nick, my presence was essential to court operations.

I answered the call. I was scrambling to set up laptops and configure Zoom sessions while my fellow co-workers were able to spend time with their families, enjoy new found free time for home improvement, and start new hobbies. I remained in close contact with Nick to keep him appraised as to what was going on. While there were a lot of unknowns, I felt that he was confident I could handle this large task that was immediately thrust upon us. It was not an enjoyable time for me but I knew I had to make this happen.

I tried my hardest to ensure the transition to Zoom would be as easy as possible for the Judicial staff and the Probation department. I picked up a dozen laptops from City IT and immediately got to work getting these set up while still juggling my daily duties and fielding a whole host of other questions and problems associated with the transition to working from home. I feel I have skillfully and timely met this task as we are still utilizing my work today.

During this time, I was tasked with doing the mail, making the bank deposit, and locking up the bank bag in the safe each day. I do not feel that these tasks should fall onto the IT department. In retrospect I should have notified you that I do not feel comfortable doing this but as a team player I agreed to continue doing so during these extraordinary circumstances. I am still tasked to do these jobs occasionally and would like you to reconsider allocating these duties to other individuals.

In mid-September 2020 I called off sick. I contacted my medical professional and was referred to the local COVID testing facility. I went and took the test and waited anxiously for the results. My test came back positive and in response, I informed the proper individuals. I was told my quarantine starts immediately and that I could return in 14 days. This was a tough time mentally for me. I was informed that I would have to use my own accrued sick time to cover this leave of absence. While this frustrated me, I had bigger worries on my mind.

While I am not perfectly clear on the applicable use of admin time and what is was intended to cover during that time, it is clear to me that I fell through the net it created. All my coworkers were able to utilize the benefits it provided, but when it was my turn to use it to cover my time off, it was not available. I am not sure how many hours each individual used of so called admin time, but I feel that an equal amount of time should have been set aside for the employees who were unable to use said time. While the intention of admin time may not have been initially created to cover a mandatory quarantine period, I feel that since I was not able to utilize any of the time, my supervisor could dispute the substitution of this time for my sick time.

Recently there was an article in the Delaware Gazette regarding raises for city employees. It was nice to see that even after COVID, and the effects it has had on finances, that the city is still able to give it's employees raises. Being a city employee, I was not aware that I would be excluded from such generosity. The release of such an article had prompted you to make a statement to your employees.

You had gathered us together for what we had all assumed would be dialog regarding our raises, dialog that is usually withheld for our final review. You had to do your best to let us down easy that we would not be getting raises this year. I could sense the anger, frustration, confusion, and betrayal in the room. You went on to explain that during the budget meeting, you were informed that raises were not feasible this year. While I had my expectations in check, I was not prepared to be informed that I would not be getting a raise at all. After all that I had sacrificed, after rising to the occasion, after catching COVID and being forced to use my own time to cover the time off, I was being told I would not be adequately compensated for everything I had gone through.

I feel that the way this news was delivered was disappointing. I am not sure of the timeline between the release of the article and the discussion/proposal of the new budget, but I felt this is information that should have been shared with us immediately. It felt very unprofessional to me that it took an article being released to initiate the dialog. Again, I understand that this is information you like to present during our final review and I do respect your decision to do so. However, it is my understanding that the other departments have known this information for some time. It is also disappointing that when you were told this information, I did not come to mind as an essential employee deserving of a merit raise.

I have not been informed in any way, shape, or form that my superiors pushed me into the limelight during budget discussions to ensure I was adequately compensated for my personal sacrifices. It is incredibly frustrating to feel that after all my sacrifices, I still fell short to warrant even a fleeting thought of a merit raise. While I understand you cannot approve your own budget and can only take as much as you are given I find it absurd that there was zero discussion.

I was informed on Friday December 4th 2020 that you were to cancel my 2 vacation days (December 10th and December 11th) on account of Nick being placed on mandatory quarantine. I do hope you know that these 2 days were to allow me to go to my little brothers graduation where he will be receiving his Masters degree in Mathematics at Indiana State University. While I don't have a perfect answer to this problem, I felt that the decision to cancel my vacation days was nonchalant. I understand the importance of needing an IT individual at the court and making sure the Jury Trial runs smoothly to ensure we, as a court, can operate. However, I feel there was no effort on your part to find a happy medium or seeing if there was an alternate or reduced amount of time I would be off.

You cited the reason for canceling my vacation was I would be needed to ensure the Zoom session on Thursday morning was ready for Judge Hemmeter's Jury. This session would only need to be operational for the morning on Thursday. I know it is not feasible for you to list every reason I need to be there and I did not expect you to during the conversation, but I felt that there was no attempt to meet half way or find an alternate solution. With Nick working from home, I imagine he could assist most IT issues remotely, allowing me to still leave for my vacation after fulfilling my duties with the Zoom session. I do understand that there are issues that cannot be fixed remotely, but I also know that not every issue needs to be fixed right away and can be logged for my return on Monday. This much is obvious by the amount of emails and requests to fix items I had waiting for me upon my return from quarantine.

While I do enjoy the work I accomplish and the individuals I provide a service to, I do not feel like a valued member of the team. There have been ample opportunities for you to show your appreciation for the sacrifices I have made, but these opportunities have been missed. While I understand you have a lot more to worry about than what your IT guy has going on, this letter will leave no doubt about how I feel and what I have witnessed over the past year. I feel entitled to something, but that something this year was disappointment. The disappointment in the City I work for, the disappointment for the behavior of my superiors, and the disappointment in myself for waiting so long to say something. I was holding out hope that all my efforts would be noticed at review time, and I would be made to feel like a rock-star for all the hard work I put in.; For putting myself in harms way to continue coming to work every day and supporting the court's operation. But alas, it just seems I am another cog in the system.

In conclusion, I need a good faith effort to show that I am a valued employee. I would like to see this effort come in the form of adequate compensation, replacement of my sick time in lieu of admin time, and relieved of my duties in regards to mail and any handling of the bank bag.

I would like a formal response, via email, within the next 30 days.

Sincerely, Richard