

Neal Kipnis
5110 Queen Street
Riverside, CA 92506

January 26, 2018

Supervisor John Tavaglione
County of Riverside
4080 Lemon Street
Riverside, CA 92501

Dear Supervisor Tavaglione:

County Counsel management has abused its power to wrongfully drive me from the job I successfully held for almost 30 years. I was not an at-will employee, I had a legal right to my job. County Counsel management intentionally and wrongfully took my job away from me.

What happened to me went beyond all bounds of reason and fairness. I was targeted by County Counsel management in a calculated effort to wrongfully drive me from the office.

Does honesty no longer count at the County Counsel's office? Honesty played no part in the actions taken against me that forced me from my job.

I have had a successful career at County Counsel since 1988, a period during which four different County Counsels headed our office prior to the arrival of Greg Priamos. In all those years, I never had a bad performance review; and I doubt you could find any County management or staff person who worked with me over my career that did not think I did a fine job for them.

On January 8, 2018, Greg Priamos wrongfully ordered my termination from County employment. This was the culmination of the false actions against me by County Counsel management. Choosing not to submit myself and my family, all long-time residents of Riverside County, to further unwarranted abuse by my own office management, I decided to retire and move on with my life.

Please ask yourself -- What really happened here? Who is responsible? The false and wrongful actions taken against me must not be allowed to pass away without some form of independent review or appropriate recourse. If I can be fired in this manner, given my excellent record, it can happen to anyone.

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Sadly, Human Resources facilitated the improper actions taken against me by failing to ensure compliance with applicable County employee discipline procedures (Board Policy C-23 and corresponding HR policy). There was a significant failure to follow or enforce these important policies – intended to provide employees in my situation with fairness and protection. This failure by HR made it far more difficult for me to be able to defend myself leading up to the termination notice.

HR is supposed to help ensure the disciplinary process goes properly, but they did nothing of the sort. Instead, HR seemed to only assist County Counsel management in pursuing their wrongful allegations against me, not to serve as a fair participant or moderator in the process. HR also apparently relied on County Counsel for legal advice on the legal issues involved in the action against me; but that would be a serious ethical breach as County Counsel was the complaining party and without objectivity. These were very significant failures in the actions taken against me.

I was held an innocent prisoner to the heavily biased and dishonest actions used against me by County Counsel management and validated by HR. I had no plans to retire, yet now I am suddenly retired. Management and staff throughout the County are aghast at what happened to me. There must be some justice to be sure the disciplinary process runs better, in accordance with Board policy, HR policy, and appropriate principles of fairness and due process, so this does not happen to other County employees.

The following are some of the wrongful, unfair and highly improper actions taken against me:

FALSE AND MISLEADING INFORMATION USED AGAINST ME

The allegations made against me in documents filed by County Counsel management (and approved by HR to go forward in the process) were false, misleading and deceiving. Most seem to have been made intentionally and in the utmost of bad faith. This applies to documents filed throughout the entire process, up to and including the notice of termination.

Is this how the County's top lawyers are now supposed to act? Is such action acceptable to the Board?

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FAILURE TO FOLLOW BOARD AND HR FAIRNESS POLICIES

To my great surprise and with no notice, I received a first Performance Improvement Plan (PIP) in May 2017. The County employee discipline procedures issued by HR clearly require there to be certain notice and other steps provided to the employee before a PIP can be issued. But I received no notice, none at all, written or verbal, before I was given the first PIP. Proper notice is at the core of fairness for a legitimate employee disciplinary process.

The purpose of the notice and other steps prior to issuance of a PIP are to give the employee an opportunity to correct his/her alleged inadequacies. This critical preliminary stage was completely bypassed by County Counsel management and yet this was still approved by HR to move right into the much harsher PIP stage.

There was a significant failure by HR and County Counsel management to follow important fairness and due process requirements of clearly applicable Board and HR policies. This completely biased the process against me from the start; and nothing I did or said could impact the actions being taken against me.

WRONGFUL RETALIATION FOR CONTACTING BOARD CHAIRMAN AND CEO

After a second PIP was unjustly issued against me, defective because it was inconsistent with the first PIP and HR procedures, I was even more certain that I was being treated in a terribly wrong manner, trapped in a rigged process in which I was doomed to fail. My continuing complaints to County Counsel and HR management were immediately rejected and ignored, despite my repeated requests for discussion. I felt my fate was sealed with nowhere else to turn.

I decided my only remaining viable option was to complain about my wrongful treatment to the top County management, CEO George Johnson and you as Board Chairman. I did that and shortly thereafter I was abruptly placed on administrative leave by Greg Priamos.

It was obvious that being put on leave was a direct result of and in retaliation for my appeal for help to you as Board Chairman and the CEO. I remained on leave for over four months until the termination notice was issued.

How can my plea for help to the highest County management be used by Greg Priamos as a basis for my termination? Where else could I turn?

But that is what happened to me. Such action completely lacks fairness or decency and is without any reasonable basis.

FAILURE TO COMPLY WITH DUE PROCESS AND HR REQUIREMENTS

I was subjected to a process that was a violation of reasonable due process standards and the clear HR policies that govern PIPs and employee discipline. This was terribly unfair and prejudicial to me.

- **The Notice of Termination is Defective**

The notice of termination issued by Greg Priamos went far beyond the scope of the disciplinary proceedings against me. There was no reasonable balance or fair perspective in the notice of termination. Instead, Greg Priamos included new and unsubstantiated allegations in the notice that had never before appeared in the process. The notice is the culmination of the employee disciplinary process, based on what properly came before in the process, not for making new allegations. This was a blatant lack of fairness and due process, and in violation of HR procedures.

Furthermore, the second PIP filed against me was never concluded because it was halted early on when I was suddenly placed on leave; and I was never allowed to come back to work for the second PIP to continue. A completed second PIP is required by HR procedure to properly issue disciplinary action, but the second PIP was only just begun and never finished. This was yet another total failure to comply with HR policy.

Not only does the notice of termination contain information that is false, wrong and completely misleading, it states as true allegations against me that were never part of the HR-mandated disciplinary process, were never substantiated as part of the required second PIP process, and were alleged to have occurred completely outside of the mandatory PIP timeframes. As

required by HR policy, allegations based on time periods not part of the PIP process, before or after, cannot be included as a basis for discipline.

- County Counsel and HR Improperly Limited My Ability to Defend Myself

I was denied, by County Counsel management and HR, the right to properly gather information to support and defend myself against the unfounded allegations being made against me. My right to submit an informed response in a disciplinary process that threatened my job was improperly denied.

HR completely failed to respond at all to one of the public records requests I made to prepare for my HR interview. HR continued to fail to respond after my repeated protests. This was a simple public records request clearly allowed by law.

Greg Priamos actively forbid me, upon further threat of termination, to communicate with any and all County employees regarding the process against me, no matter my relationship with them (such as my best friend here who also works for the County), including the prohibition of any contacts with top officials Supervisor Tavaglione and the County CEO. These far over-reaching orders are surely not proper or valid.

This was in effect an improper "gag order" issued against me by Greg Priamos that impacted me in the following ways: (1) it violated my right to communicate and associate with important people in my life, people who might be able to help me in the discipline process; (2) it adversely limited my ability to work on and respond to the unfounded allegations against me; and (3) in the end it was a false basis stated against me in the notice of termination.

There was no fairness or decency in what was done to me.

CLIENT DEPARTMENTS I WORKED WITH WERE NEVER CONTACTED

When I received the first PIP in May 2017, I provided County Counsel management with the names of many County management and staff who could provide positive references on my work with them over many years. I later provided this same information to HR. I do not believe any of these well-respected County people were ever contacted by my office or HR. All of these people can verify the excellent work I have always done for the County, in stark contrast to the

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grim picture falsely painted in documents filed by County Counsel management.

Here are the names I provided: Susan von Zabern; Sarah Mack; Heidi Marshall; Carrie Harmon; Suzanne Holland; Bruce Barton; Jennifer Sargent; Christopher Hans; Ivan Chand; George Johnson; Lani Siosin; Teresa Summers; Dave Rogers; Tom Mullen; Jim Smith; David Littell; Jennifer Cruikshank; Juan Perez; Patti Romo; Dr. Michael Riley; Kan Wang; Bob Cullen; Jennifer Fuller; Brenda Freeman; Rachelle Roman; Doug Moreno; Naomi Santos; Veronica Casper; Sokun Tran; Norma Larson; Sandra Green; Angie Dufrense; Andy Cortez; Krista Rovello; Rod Jaffe; Jim Burke; Cassandra Sanchez; Alberto Martinez; Imad Guirguis; Ann Marie Rolle; Teresa Diez; George Eliseo; Mark Whitesell; Walter Mack; Melissa Etter; Rick Hai, Joe Angelone; Louis Arul Doss; Nora Valenzuela; Jennifer D'Urso; Julie Terrell; Ernesto Sioson; Gus Vazquez; Allison Poole; Janice Esch; Joann Roberts; Jill Walter; Noah Rau; Sarah Lunetta; Loren Sims; Karla Kjos; Susan Slocum; Timothy Craney; Laurie McDaid; Robert Mente; Mike Franklin; Stacey Chester; Amber Jacobsen; Renee Poselski.

These are the people who really know the value of my work. I urge you to contact any of them and hear what comments they provide.

I want to emphasize that I have no plans to and will not take legal action because of what happened. I have no intention of ending my successful career here in that manner despite the seriously wrong actions taken against me. But I must get this out in the open so the Board knows what happened, and the same failures and bad conduct will not destroy others at County Counsel or elsewhere in the County.

The County Counsel office has been my second home for almost 30 years, and I take pride in the office and what I did there. I cannot leave without making this effort to seek much needed action to address what happened to me.

Sincerely,

Neal Kipnis

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