

Leona (Gina) Barbaro Exit Letter  
May 7, 2014

I am sending this exit letter a month after my retirement from the Administration for Children and Families (ACF), in the U.S. Department of Health and Human Services, with the hope that sharing my experience working in the Washington D.C. location of the Office of Regional Operations (ORO), will result in improvements leading to a better experience for ACF employees who follow me. This letter incorporates information gained from the intervention of an official from the National Treasury Employees Union, the union with whom ACF has a bargaining agreement, as well as information from a consultation with a federal labor law specialist in the law firm of Passman and Kaplan, PC, located in Washington, D.C. This letter is addressed to members of ACF's Critical Need Committee\* and is being shared with the individuals and offices noted in Section G.

During the 15 months leading up to my retirement beginning April 1, 2014, I observed the following poor management practices used on a regular basis by Mr. James Murray, Jr., Acting Director of ORO and my immediate supervisor.

- Focusing on staff adherence to his directives (some of which were arbitrary) rather than on staff morale, productivity and outcomes
- Inflexibility regarding individual staff situations, such as commuting distance and unforeseen delays that may arise during a commute
- Establishing unreasonable practices (such as giving 7-days notice to come into the office on a telework day) that are not exercised elsewhere in ACF and practices that are contrary to what generally exists elsewhere in ACF, including within OEA (such as not being able to work 10 minutes later to offset a 10 minute late arrival)
- Sending intimidating and threatening e-mails rather than engaging in conversation to address differences of opinion
- Inability to address the unwarranted tension among co-workers and the apparent race-based hostility from co-workers within central office that was allowed to fester (I am Caucasian and co-workers and supervisor are African-American)
- Failing to provide sufficient work, after repeated requests for more work
- Failing to assign areas of responsibility that are likely to generate assignments outlined in proposed performance standards
- Punishing a staff person for coming into the office on a telework day in order to complete an assignment by the timeframe given, instead of expressing praise and appreciation for the staff person's dedication
- Downgrading performance by not recognizing where performance standards are exceeded
- Resorting to retaliation when a complaint is made about his management practices (e.g., proposing a one-week suspension after I copied his supervisor on e-mails concerning weaknesses in my proposed performance standards and areas of responsibility)
- Exhibiting a strictness and harshness that at times borders on harassment.

Mr. Murray is, without a doubt, the least skilled supervisor I had in my 40-year federal career. I know that there are some individuals who, regardless of their technical expertise, should not be managers. In my opinion, Mr. Murray falls into that category.

Equally disturbing as Mr. Murray's lack of skilled management is that upper-level managers who were aware of the supervisory issues within ORO central office, chose to ignore them. Additionally, they refused to accommodate my repeated requests for a reassignment or a detail even though they were aware of the stress my supervisor and co-worker tension were creating for me.

Below is a description of the environment in ORO, with Mr. Murray as the Acting Director and with Ms. Marrienne McMullen, as the Deputy Assistant Secretary for External Affairs (OEA), and direct supervisor for Mr. Murray. Documentation is attached.

*A. Co-worker Tension:* There was on-going tension within ORO among its central office co-workers that management was aware of but did not address. Staff in the Office of Diversity Management and Equal Employment Opportunity, ACF, conducted a Climate Assessment of ORO to identify reasons for the discord and made recommendations for team building training, but this did not occur. Instead meetings between or among the ORO staff in central office ceased. Nothing was done to address co-worker tension and improve the situation. (See attached e-mail dated September 12, 2013, and its text below as an example of co-worker tension.)

"Hi James, As mentioned I found today's ORO staff meeting disturbing when a co-worker complained because I had left a previous work meeting to attend another work meeting. In today's meeting one individual walked out and another individual indicated she would not participate in any discussions pertaining to the culture assessment. One staff person expressed that the culture assessment should not be discussed unless there is a mediator in the room. I support this recommendation. Given the tension in ORO, I think an impartial individual skilled in managing such situations and in setting ground rules is needed to keep us on track, and facilitate a constructive dialogue leading to resolution. The EEO office may have recommendations on who can serve in this role. I will respect what is decided, but wanted to express my opinion in support of the co-worker's recommendation. Gina"

Another example of co-worker tension: An ORO co-worker complained that I went into her cubicle to introduce a new hire to her when she was not in her cubicle. Even though this was the first and only time I stepped into her cubicle when she was not there, and even though I reassured her that I would not do it again, the co-worker still complained to my supervisor about this. The co-worker complained to my supervisor when I asked another co-worker if she was in the office. I am told by my supervisor to never inquire if staff are in the office, unless it is by asking him. I never again inquire about staff.

*B. Workload Distribution:* For several months I had as little as eight hours of work each week. I approached the Deputy Assistant Secretary for External Affairs, about this and she arranged for me to work up to four hours a week in another OEA unit, but this lasted less

than two months. I sought a re-assignment since I was underutilized, but my search did not yield a position. (See attached e-mail dated June 24, 2013.)

**C. Work Plans:** Some of the assigned projects in my Performance Management Appraisal Program (PMAP) performance plan for 2013 did not generate work because they were put on hold (e.g., State Teams report evaluation), because they were terminated (e.g., Tribal reporting) or because I was instructed not to pursue them (e.g., liaison to the Office of Child Care and liaison to the Office of Head Start). Additional areas of responsibility would not generate work for 2014 because they were discontinued (e.g., Integration Team disbanded and State Team report was to be discontinued).

My supervisor was unwilling to change my 2013 areas of responsibility (see attached ORO assignment list dated January 17, 2013) for 2014 even though I pointed out that they did not generate work for me in 2013 and would not in 2014 and made suggestions for alternative areas of responsibility. Since my supervisor was unwilling to change my areas of responsibility, I made the Deputy Assistant Secretary for External Affairs aware of the situation by copying her on e-mails pertaining to my proposed 2014 PMAP. My supervisor instructed me not to copy the Deputy Assistant Secretary (even though many of my assignments came from her), and when I did he threatened me with a one-week suspension letter. This letter was not sent forward due to the intervention of a union steward. (See attached e-mail dated February 6, 2014 and its text below as an example of the issues I raised about my areas of responsibility for 2014.)

"After our meeting yesterday, It is unclear what is expected of me in my 2014 PMAP. As mentioned below, the Tribal affairs assignment last year did not result in any work. In addition, other areas assigned to me as liaison to OCC, OHS, ORR, and the State Team report did not result in any work. Since the draft PMAP does not mention any specific assigned areas, I would appreciate an update of my assigned areas (in the ORO staff list) so I have a better idea of what it is I will be working in 2014..."

...Since several of my assignments in 2013 came from Marrienne, perhaps she can have input into my 2014 PMAP as well. Thank you. Gina"

**D. Performance Evaluation:** My annual performance evaluations were generally in the 4.3 to 4.6 range (except for the year I was on family medical leave for two months). For 2012, my first year in ORO, I received a 4.6 evaluation from Diann Dawson, the ORO Director during that performance period (see attached 2012 evaluation). For 2013, I received an evaluation of 3.0 from Mr. Murray. After I disagreed with the rating, he raised the evaluation to 3.8 (see attached 2013 evaluation). (See attached e-mail dated February 6, 2014 and its text below.)

"I would like to provide some feedback on my 2013 performance review that took place yesterday. It appears to me that there was inconsistency in how my performance was evaluate from one element to the next. For some elements where I did only what was expect, I got the same rating as for an element where I went over and above what was expected, applied lots of initiative in developing the assigned area and demonstrated leadership in shaping the area, often with minimum guidance and input needed or provided from my supervisor.

I would appreciate if my 2013 evaluation can be revisited to address these issues. Attached is my input given to my supervisor prior to the review.  
Thank you. Gina”

*E. Leave Notice:* My commute was driving myself from Baltimore, MD to Washington, D.C. and parking in my office-building garage. To minimize my commute time and expense and to minimize its impact on the environment, I worked an alternate work schedule of four 10-hour days. The commute was unpredictable depending on the weather, road conditions (e.g., construction) and if there were accidents. Under many previous supervisors, including the previous Director of ORO, I was not expected to phone ahead when I was a few minutes late, since generally I was allowed to work later if I arrived late so I would still work a full 10-hour day. Often, when I had assignments, I stayed beyond the ten hours because I liked being “caught up” on my work.

My supervisor, the Acting Director, told me that I was no longer allowed to stay late to make up the time if I arrived after my 7:30AM scheduled arrival time. My supervisor instructed me to phone ahead and leave a message on his Blackberry if my commute was delayed for any reason, even if by only a few minutes. He told me I must phone ahead even though it is illegal to use a hand-held cell phone while driving in Maryland. In one instance my supervisor put me on AWOL because I had not phoned ahead, when I arrived in the building 10 minutes late and at my desk 13 minutes late.

*F. Telework Schedule:* I went into the office on a telework day to attend a monthly all-staff OEA meeting I was asked to attend in person and on another telework day, after the office had been closed due to snow, to complete an assignment by the end of the week as requested by the Deputy Assistant Secretary for OEA. My supervisor threatened me with possible removal from my position if I came into the office again on a telework day without giving 7 days notice. (See attached e-mail dated March 24, 2014 and its text below. Also, see attached e-mail dated March 25, 2014 explaining my reasons for going into the office.)

“Your telework schedule is every Tuesday and Thursday. But on March 11th and March 18th, you reported to the office instead of teleworking. If the Tuesday/Thursday telework schedule no longer works for you, please meet with me so that we can discuss other options that may work better.

On December 4, 2013 I gave you a written instruction via email that in order to promote office efficiency, I needed seven days advance notice in order to change staffers' telework schedules. But on 3/11/14 and 3/18/14 you failed to provide advance notice.

Please be advised that I'm giving you this supervisory instruction that you must adhere to your telework schedule; and you must provide me at least 7 days notice if you wish to temporarily change it. Failure to follow this instruction could lead to discipline, up to and including removal from your position.”

Since I was unable to locate the December 4, 2013 e-mail in my Outlook folder I requested a copy of the e-mail from my supervisor, but it was not furnished. I subsequently requested the assistance of the Deputy Assistant Secretary for OEA in obtaining a copy of the

December 4<sup>th</sup> email, but never received a copy of that e-mail. (See attached e-mail dated April 11, 2014 and its text below.)

“Hi Marrienne,

I was hoping to see you my last day in the office to explain that I had not intended to retire the last day of March, but I gather that you had taken the day off. I wanted you to know that after receiving James' e-mail to me of March 24<sup>th</sup>, I no longer believed it was an option for me to remain working in ORO. I am sure my retirement was no surprise to you as a result of our frequent conversations regarding my situation in relationship to James.

However, in this March 24<sup>th</sup> e-mail I received, James mentions an e-mail he sent me dated December 4, 2013. In this e-mail, he appears to have instructed me to give 7-days notice if I wanted to come into the office on a telework day. I was unable to find such an e-mail in my Outlook folder and I requested James to forward the e-mail to me. To date, I have not received it.

I am in the process of writing an exit letter describing my work situation in ORO and plan to reference both e-mails. I would appreciate if you could instruct James to forward his December 4, 2013 e-mail so I can attach it as documentation to my exit letter.

Thank you for your assistance.  
Gina Barbaro”

**G. Action:** I frequently pleaded with the Deputy Assistant Secretary for OEA to move me elsewhere in OEA or for me to work directly under her since several of my assignments came from her. Each time she indicated that she did not have time to address the situation and that she was already supervising too many people. She continued to refuse my working directly under her, even after the intervention by the union during which the harshness and strictness of Mr. Murray toward me were discussed.

After receiving the March 24<sup>th</sup> e-mail, I contacted the employee benefit specialist assigned to ACF to inquire what was the earliest I could retire. With her assistance I was able to make March 31<sup>st</sup> my last day in ACF. It was only by retiring that I was finally free from an extremely stressful work situation.

ACF prides itself on administering programs that address the needs of the un-served and underserved, including anti-trafficking and domestic violence prevention programs, yet when one of its employees is in a hostile work environment and repeatedly asks to be moved, ACF managers ignore the situation and refuse to move the employee to a safe space.

→ I hope that ACF becomes pro-active in addressing hostile work situations, incompetent supervisors and the needs of employees who find themselves in increasingly impossible and intolerable situations. I hope that ACF management has learned that management issues do not go away simply by ignoring them. Sometimes, they only get worse.

According to a recent news article, members of the U.S. House Oversight and Government Reform Committee want the Government Accountability Office to study trends in federal employee morale. I am sharing this letter with both the committee and with the GAO. In

addition, I am sharing this letter with the Office of Inspector General, HHS and with Maria Cancian, PhD, the Associate Dean for Social Sciences at the University of Wisconsin-Madison and the Presidential nominee for Assistant Secretary for Children and Families.

It is my hope that investigation by these interested parties will result in resolution not only of the issues that affected me personally, but also of broader systemic problems within ACF.

Sincerely,

s/

Ms. Leona (Gina) Barbaro

Attachments:

- PDF of E-mails
- ORO Assignment List for 2013
- Proposed 2014 PMAP
- Evaluations for 2009, 2012 and 2013

\*The ACF Critical Needs Committee includes the following individuals:

- Mark Greenberg, Acting Assistant Secretary for ACF
- Mike McCauley, Chief of Staff
- Naomi Goldstein, Director of OPRE
- Matthew McKearn, Director of OLAB
- Marrienne McMullen, Deputy Assistant Secretary for External Affairs
- Bob Noonan, Deputy Assistant Secretary for Administration
- Linda Smith, Deputy Assistant Secretary for Early Childhood Development
- Lillian Sparks, Commissioner, Administration for Native Americans