

ACCOUNTING OF INCIDENT BETWEEN DEPARTMENT OF RECREATION DIRECTOR RYAN STROTHER AND LIFE GUARD
CHRISTIAN HERNANDEZ

DATE OF INCIDENT: August 27, 2013

WITNESSES TO INCIDENT: Diane Fleming
Charles "Mandy" Johnson
Elaine James

I, Diane Fleming, was working in the front office of the Pershing Field pool along with Elaine James and Mandy Johnson. As per tradition, the pool was closing early for our annual "Summer Staff Appreciation Party". Ryan Strother, who became Department director on July 1,, 2013, had left his son, Dylan, to swim for the afternoon. As we had planned, the pool was vacated at 5:45 PM and the building at 6:00 PM in order to give the staff a two hour party slot. The Director came in around 6:10 PM to pick up his son. He noticed a small, red mark on his son's stomach. He enquired of him how he had gotten it, the boy replied "*belly flop.*" The director didn't believe his son and kept at him until the boy told him the truth. It turned out that the life guards and locker attendants, happy to be in party mode, were fooling around, snapping dry towels at each other. Dylan, being only 13, wanted to get in on the play. He ran over to where they were and was accidentally snapped with a towel by Christian Hernandez, resulting in the red mark.

Director Strother was unreasonably upset about this. He sent his son to sit on the outside front steps of the building and called Christian into supervisor Frank Frasciono's office. Mandy Johnson was sitting behind the desk and Director Strother was sitting in the chair closest to the wall, in front of the desk. Elaine James and I were in the front office. The door between the two offices was open. Christian came in through the back office door and stood at the side of the desk facing the director. Before Director Strother spoke, Christian smiled at him and said "*I am terribly sorry sir, it was an accident. I wasn't playing with Dylan or aiming for him. He just happened to run over at that moment as was accidentally hit with the towel.*" Director Strother responded with "*Christian, Christian, Christian, what am I going to do with you? I can overlook the fact that I walked into the f-----g building and no one was f-----g posted*" Christian interjected "*Sir, the pool is closed, no one needs to be posted.*" Director Strother answered with "*Shut your f-----g mouth when I am f-----g talking to you.*" He repeated, "*I can overlook the fact that no one was f-----g posted, I can overlook that you are f-----g closed for a f-----g party.*" Christian tried to explain that it wasn't his choice to close, but the facility supervisor... Director Strother, getting louder and more belligerent with each sentence said "*Shhhh, I f-----g told you not to f-----g speak.*" By this point I could see that Christian didn't know what to do. He put his hand on the empty chair between himself and the director to shift his weight. The director said "*and take your f-----g hand off of that f-----g chair when I am talking to you.*" Christian snapped up and stood with his hands behind his back. I could see Mandy Johnson from where I was standing, he looked shocked and unsure of what, if anything, he should do, as did Elaine James and myself. The director continued his tirade, "*I can f-----g overlook these f-----g things, but what I can't overlook and will not f-----g tolerate are my f-----g lifeguards f-----g roughhousing around the f-----g pool.*" Christian once again attempted speak on his behalf, "*Sir, we were out on the patio, no where near the pool*" He then reached toward the door between the two offices, hoping to close it and make their conversation more private. Director Strother said "*Don't you close that f-----g door. Pay attention when I am f-----g talking to you. There will be consequences for this. This administration has a no tolerance policy and there will be consequences. Do you understand me. For now you are dismissed.*" Christian said "Yes, sir." and left through the office through the back door.

Mandy Johnson stayed quiet, looking dumbfounded and upset. Elaine and I stayed quiet in the front office as the director walked past to fetch his son and leave. Just as he was about to get into his car Frank Fracino, the facility supervisor was returning. The two of them returned to Frank's office for a private conversation. The director and Dylan left about twenty minutes later. He said nothing to Elaine or myself.

EXPLANATION OF WHY I WAITED SO LONG TO FILE

Although the incident described above was nearly a year ago, and although I was not directly involved but was a third party witness, it left me stunned and with a feeling of uneasiness that I have not been able to shake no matter how hard I try.

As I was witnessing this encounter several scenarios ran through my mind. First, I was stunned. I still find it hard to believe that a Director, a newly appointed one at that, would address one of his employees in that manner: inappropriate, disrespectful, bullying and unprofessional. I was embarrassed to be hearing what I was hearing. It occurred to me that I should wash his mouth out with soap because his use of the "F" word was unrelenting. Or perhaps I should simply yell out, "watch your mouth" or that I should intervene and explain that his language, bullying and harassing demeanor were unacceptable in the work place. (Actually in any place.) All of this went through my mind in a flash, but in the end, I did/said, nothing. I was afraid that any action would worsen an already bad situation. He had only been director for a few weeks and I didn't know him well enough to judge how he would react to interference from me. He sounded so angry.

I was proud of Christian because he managed to remain calm and polite. He held his tongue and his temper. I am sure he was mortified to be spoken to in that manner, especially within earshot of his co-workers. I know that I would have been and I am not sure I could have remained as calm and polite as Christian did.

Afterward I was shaken. The director left the building without even trying to apologize for his language or his actions. He gave the impression that he felt justified to act the way he had. I lost sleep that night and the next several. I felt that Ryan Strother had revealed his true personality in that encounter. His intention was to intimidate, not only Christian, but all employees who were within earshot. If not, how would he have closed the door, or allowed Christian to close the door when he asked, and kept his voice down. Instead, Ryan Strother put on an appalling display of bad temper, childish behavior and abuse of authority. He wanted all of us to know that he was now in charge and the Department of Recreation would be run his way.

A day or two later I called EEO and spoke with Jean. I explained what had happened and how upset I was. She advised that it would be best for Christian to report the incident because he was the direct target and also because he is my grandson, and it may look as if I was upset for only that reason. The truth is that I hate bullying and unfairness and would have had the same reaction no matter which employee was involved. However, I took her advise and have regretted it since. Although the director and I have been cordial, I am often witness to his quick change of body language whenever someone disagrees with him. I am reminded that he is easily angered. This creates a feeling of working in a hostile environment.

This incident happened at Pershing Field where I had worked for 15 years. I have since been moved to the office at Caven Point where Director Strother is also located. Although he is usually cordial, it is never far from my mind that he can snap and become angry and tyrannical with very little provocation. As a result, I am always have a feeling of dis-ease when I know he is in the building.

I am unaware of any consequence Director faced as a result of the Complaint filed by Christian Hernandez. Christian's mother had also called to report the incident. She was told that it was a very serious infraction and it would be reported to the Legal Department and someone would get back to her. No one ever did. Since then, both she and Christian have called the legal department asking for an accounting, neither have ever received the promised "call back."

The only consequence I am aware of has been to Christian. The pool had been closed for renovation for eight months and all of the pool employees were laid off for the duration of the repairs. Christian was put back on payroll in June 2013 in his former position of Life Guard Manager/CPO. He was mistakenly given the \$9.50 an hour salary of an Experienced Life Guard instead of the \$10.50 an hour salary of Life Guard manager. By the time the mistake was discovered, Ryan Strother had already been appointed Director. The facility supervisor, Frank Frascino, tried explaining to the Director about the mistake, to no avail. Two days before this incident, Christian approached the Director himself to tell him about the discrepancy. The Director promised to have his salary changed and ensured him he would be paid the additional dollar an hour for the hours he had already worked. They shook hands on it. Christian's hourly wage was not remedied until July 1, 2014, nearly a year later, and he has still not been paid the \$1.00 an hour back salary he was promised, even though he continued, in good faith, to act as manager and CPO.

I have no doubt that this failure to correct his pay grade was a consequence of the incident and in direct retaliation of Christian filing a grievance against Director Strother. Again, I am not directly affected by this, but it does send a message to all Department of Recreation employees to aware that there will be consequences of displeasing the director, and Ryan Strother cannot be trusted to keep his word.

Although it may not be contractual, the administration claims a Zero Tolerance to bullying and bad behavior. Certainly what I have described above was bullying and bad behavior, made worse by his position of authority, and should have some consequence for Director Strother. At the very least it is a Violation of Ethics.

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