

January 31, 2012

Dear Ms. Oliver,

In the letter dated January 11, 2012, from Mr. Walter A. Hall, Assistant General Counsel, to Mr. William E. Reukauf, Associate Special Counsel, it states that "Ms. Gregoire alleges that her former supervisor routinely misused official time and government property", and that these "specific allegations were unsubstantiated" by the NMVAHCS. I have requested the actual testimony of the witnesses be sent to you, including the notes taken impartially by union members, (as opposed to Ms. Crowell's interpretation of the testimony given by the witnesses), which clearly does substantiate "the routine misuse of official time and government property" and is most definitely in violation of 5 C.F.R. , 2635.705 - Use of official time, and 5 C.F.R. , 2635.705 - Use of Government Property, as well as VA Directive 6001 regarding Limited Personal Use, as well as the VA memo 05-48 "Employee Conduct and Courtesy", which also discusses not misusing government time, property, and not using government office for personal gain-I feel that using VA time, equipment, and supplies to complete work for a master's degree (that the VA was also paying for) which led to increased pay and financial gain for Ms. Modjeska-Oravec, with a feeling that "the VA owes me this" stated by both myself and witnesses as a direct quote from Ms. Modjeska-Oravec, constitutes using government office for personal gain.

The inappropriate use of official time and government property was seen by 5 different individuals (four witnesses in addition to myself), on numerous occasions and times not occurring during break or off work time "and incurring more than minimal cost" in office supplies, (which is what is allowable as "limited personal use" as per VA directive 6001, Limited Personal Use of Government Office Equipment including Information Technology) as well as disruption to VA staff caring for veterans. For instance, Ms. [redacted] noted seeing Ms. Modjeska-Oravec frequently on the University of Phoenix website in the AM at 7:30 when Ms. [redacted] arrived at work, and if Ms. Modjeska-Oravec ended her duty day at 3:30, as per Ms. Crowell, and the witnesses, her duty day would have started at 7am, meaning that the observations by Ms. [redacted] regarding computer use and the frequent printing in the mornings observed by several witnesses did not occur at what was a break time for Ms. Modjeska-Oravec. Witnesses noted large amounts of non-patient related schoolwork printouts after the nurses had started their duty day, and that misuse of the printers did in fact cause interference with the work of other staff members at the VA. Witnesses noted seeing schoolwork and non-VA printing done in the afternoons as well. I note, as should the OSC, the careful use of words in the letter from Mr. Hall to Mr. Reukauf stating, "the specific allegations" were not substantiated, in other words, all of the witnesses were asked very specifically if they saw a full 3-4 hours of homework being done by Ms. Modjeska and the size of the printed documents (i.e. were they 150 page ebooks). They noted that Ms. Crowell asked the questions in this manner. This was likely so that the administration of the VA could then claim to not have testimony specifically substantiating my allegations. I also wish to note, that neither my complaint to the OSC nor the rebuttal I wrote to the first report specified an amount of hours as 3-4, (In the OSC complaint, I said, and I quote "she spends hours and hours doing her schoolwork") but the Report of Contact given to the union last January did state that I often noticed Ms. Modjeska-Oravec doing her schoolwork for 3-4 hours, which indicates to me that Ms. Crowell and the higher management had seen, but taken no action on my ROC regarding violation of VA Memorandum 05-48 (attached) While they may

not have gotten exactly the same timing and numbers of pages on the printouts as I did, all of the witnesses definitely noticed significant use of official time and significant misuse of government office machines and supplies to the point of interference with the performance of duties by others.

In regards to my own allegation, I was new to HBPC, and Karen being the transferring nurse on many of my patients, I frequently went over to ask questions or speak to her regarding a patient issue during or after transfer, if past history was involved. Also, I spent some time shadowing Ms. Modjeska-Oravec during my initial time at HBPC, and would see her doing homework at lots of intervals from when she got back (generally but not exclusively sometime around the noon hour (Ms. Crowell seemed to seize upon any chance to pick out occasional later days mentioned by the witnesses) until she left at about 3:30, and later if she took a later bus, which she did at times. Furthermore, as both I and other witnesses stated, Ms. Modjeska-Oravec's computer was easily visible on the way to the main printer regardless of where our individual desks were located.

The witnesses did tell me what information they gave during the interviews, so as soon as I read the response by the VA I was able to tell that quite a lot of information was omitted, and there were several items that were not correct. I feel that it is not up to Ms. Crowell to filter the information, but rather up to the OSC to decide which portions of the information given by the witnesses is important, so asked that the union release the notes, and/or the witnesses recount what was said in the interviews. All of the witnesses specified WHY they did not report to management, the consistent and primary reason being that the environment has been quite hostile, with anyone who dared to say anything even remotely critical being targeted for anything from intimidation to extra write ups, suspicious alleged "complaints" etc, and other forms of bullying by Ms. Stolk and Ms. Modjeska-Oravec. All of them have been in fear of retaliation, and all of them at first requested to not be interviewed by Ms. Crowell if allowable, due to fear of retaliation (having not been involved in this type of thing prior, they were unaware that once the administration had their name, their participation was mandatory, and they were also not aware that we were all required to submit separate reporting, in other words, they knew that I had reported via an ROC to the union (attached here) which by union policy then must be given to the supervisor and service chief, Ms. Stolk and Ms. Tanner. Furthermore, Mr. Jerald Rule of the union also did try to ask our chief of staff, Dr. Meghan Gerety to read these ROC's prior to my termination in March, and was refused. Ms. _____ and Ms. _____, who are newer to the VA, and did not have any experience with VA paid degrees, had thought that there was some allowance made for doing the schoolwork due to the VA's paying for the schooling, and as you will see from her report, Ms. _____ specifically mentioned this in testimony. In regards to Ms. Crowell's comments regarding the witnesses not having reported to management, that is well explained by the witnesses, and in regards to my reporting, there was report both in a meeting with Ms. Stolk and Ms. Modjeska-Oravec, where I did specifically ask why it was allowable that other nurses' time was so scrutinized when Ms. Modjeska-Oravec freely did her schoolwork during her duty time, (this was also mentioned in witness testimony) as well as via the attached Report of Contact. I was not aware that the routine misuse of official time and government property is only considered to have occurred and to be illegal if and when it is reported by all observers to management and management acknowledges the reports, which seems to be the case that is being made by the VA administration.

Several people in the office also witnessed a verbally abusive and physically intimidating episode by Ms. Modjeska-Oravec towards myself in Bldg 3 shortly after I started at HBPC, and they were aware of her tendency towards vindictive behavior, so fear of her reaction now that she was in a management position also kept them from saying anything. This episode was also in clear violation to VA Memorandum 05-48, "Employee Courtesy and Conduct", section one, which states that "Employees are to refrain from inappropriate behavior that demonstrates and/or suggests disruptive, threatening or volatile actions or communications towards staff, beneficiaries, and patients" and that "The medical center has a zero tolerance towards this type of behavior". A police report was made regarding this incident, as were ROC's by both Ms. [redacted] who witnessed it due to her desk being right near Karen's, and myself, which were likewise not handled by management.

Also in regards to the reasoning why other staff members were reluctant to report Ms. Modjeska-Oravec's behavior, Ms. Stolk had made it very clear to the staff on numerous occasions through public reprimands and in morning "huddle" meeting that they were *not* to go over her head to Ms. Tanner or above with any concerns, however, Ms. Stolk has been known to frequently respond to employee concerns, comments, and issues with such inappropriate behaviors as yelling, eye rolling, and other inappropriately negative verbal and non-verbal reactions. (In fact, this issue was a major issue that was brought up in a training for "Civility, Respect and Engagement in the Workplace" after I left-the witnesses can also attest to that, if needed).

The witnesses stated that they did not say anything because of the hostile work environment and lack of psychological safety. Ms. Crowell herself, having been in "Performance Improvement" prior to her appointment as chief of nurses, should have been aware of the conditions existing in regards to poor psychological safety and many staff members feeling that they could not safely bring up issues just based on the results of employee surveys taken during Ms. Stolk's time there as manager, which I believe the performance improvement department was given the data on. While I worked there, the effect of Ms. Stolk's and Ms. Modjeska-Oravec's management style upon the staff was so poor that the psychologist, Dr. Erica Johnson-Jimenez went to try to speak to Ms. Tanner (she feeling safe enough about this only because she is a BHCL staff member), although the behavior continued after this. The 3 social workers (of which Ms. [redacted] is one) also asked their clinical social work supervisor, Toni Mc Mullen to intercede with Ms. Tanner on their behalf due to poor treatment by the HBPC management, once again with no consistent improvement. As the OSC case progressed, shortly before the interviews requested by Ms. Crowell, Ms. [redacted] was exposed to several threatening comments by Ms. Stolk, the details of which I wrote about in an email to Ms. Joanna Oliver of OSC in the first week of December, conveying the concern of all of the witnesses that they would be subject to whistleblower reprisal due to giving testimony, just as I had been-I was terminated under inappropriate Personnel Practices approximately 2 months after the meeting with Ms. Modjeska-Oravec and Ms. Stolk where I made a complaint regarding her behavior, and the subsequent ROC that I wrote to the union afterwards.

In addition, at the time of the interviews, both Ms. Stolk and Ms. Modjeska-Oravec, both of whom were under investigation, quite obviously knew exactly what the meetings were about, and who was involved-please refer to the witnesses' concerns voiced in testimony over this. During the interview days, Ms. Modjeska-Oravec was heard to comment about a staff member that was out of the office

"they better not be involved in this shit" and Ms. Stolk took it upon herself to repeatedly verbally harass the witnesses about going to the meeting and/or speaking with Ms. Crowell, which there are ROC's to the union about, and is also discussed in the testimonies. In my meeting with Deborah Tanner, GEC Service Chief, while to the best of my recollection I did mention Ms. Modjeska-Oravec's doing schoolwork, it likely may not have appeared in Ms. Tanner's notes because that was not the primary focus of the meeting-I had hoped to find a willingness to listen and assist with Ms. Tanner, and I began by discussing something which I was primarily concerned with on that day (I have an email to support this as well, attached), this being constant and ongoing harassment in violation of VA Memorandum 05-48. Due to my (and the rest of the staff's) repeated cries for help from the management, via ROC's, the discussions with Ms. Tanner mentioned above by myself and 2 others, and negative results of employee surveys, I made my complaint to the OSC of gross mismanagement, misuse of government time and property, abuse of authority, and clear and frequent violations of many portions of memorandum 05-48, including those portions which are supposedly "zero tolerance".

Lastly, a cursory discussion with Ms. Modjeska-Oravec regarding "avoiding the perception of misuse of government time and property" as per Ms. Crowell's report, is hardly likely to be effective. In treating the evidence as "a perception" rather than a fact observed and testified to by 5 employees, Ms. Crowell continues to take the matter of this investigation lightly. Having repetitively and successfully gotten away with misuse of Government time and property as a line employee, with many observers in an open environment, Ms. Modjeska-Oravec is more likely to do so again in the privacy afforded by her office and secure in the protection afforded her by her management status, and the coverage of those higher up. I understand the difficulty of the position that Ms. Crowell is in with trying to do damage control, however there is clear evidence that management knew of the issue, and sided with their management colleague, which does not look good for the Albuquerque VA hospital as a whole. Once again, I respectfully ask for a fair and unbiased evaluation of this issue by a completely neutral party, since employees of this VA clearly have a vested interest in not delving too deeply lest they reveal fault by their management, not only in ignoring attempts to report waste of government time and property because they did not like the source, but in allowing a situation to persist where employees are bullied and fearful of their jobs and physical and emotional well-being to the point of not being able to speak up about wrongdoing. I thank you once again for your review of the facts presented here.

Respectfully,

Lisa M. Gregoire