



# City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

*Const Guard City, USA*

March 29, 2013

Via personal delivery

James Dinley  
Municipal Administrator  
City and Borough of Sitka  
100 Lincoln St.  
Sitka, Alaska 99835

Re: Disciplinary Letter

Dear Mr. Dinley:

The Assembly has carefully reviewed the results of the investigation which was conducted following the January 30, 2013 complaint filed under the Municipality's anti-harassment policy, including the complaint, your response to the complaint, the various witness statements, and all other relevant documents. You were provided the opportunity to respond in writing to the report of investigation, but elected not to do so.

The anti-harassment policy states that the Municipality is committed to "maintaining a work environment that is free of discrimination and harassment based on a person's sex, race, color, age, religion, disability, ancestry or national origin", and prohibits harassing conduct that "interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment." This includes "jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based on his or her protected status." If a violation of the policy is found to have occurred, the Municipality is to take "prompt disciplinary and remedial action", ranging from a verbal warning up to termination.

In this matter, the Assembly finds that on at least two separate occasions you violated the Municipality's policy by using inappropriate language in regard to a person's protected status. These violations include statements you made in September of 2011 to an arbitrator handling a Municipal matter, which the Assembly learned of only recently, and your comments at a January 14, 2013 staff meeting. Your conduct has created potential liability to the City and Borough.

As the Municipal Administrator, you are a key public official of the Municipality. You set the tone for the Municipality's working environment, and should lead by example in speaking of and treating all persons in a consistently respectful and professional manner. The Assembly expects you to exercise better judgment in the future in regard to the language you use.

Providing for today ... preparing for tomorrow

James Dinley  
3/29/2013  
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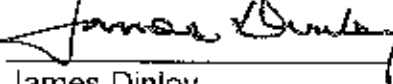
Based upon these violations, the Assembly is suspending you, without pay, for a period of two weeks, effective April 1<sup>st</sup>. A copy of this disciplinary letter will be placed in your personnel file. You are not to retaliate in any manner against the complainant, or against any employee who assisted in the investigation. Any further violation of the anti-harassment policy, or any retaliatory behavior, will result in additional disciplinary action, up to and including termination.

City and Borough of Sitka

  
Mim McConnell  
Mayor

**Receipt of Disciplinary Letter**

I acknowledge receipt of this disciplinary letter, and I understand that a copy of this disciplinary letter will be placed in my official personnel file.

  
James Dinley  
Date: 3-29-13