

Doña Ana County Code of Conduct Compliance Office
845 N Motel Blvd
Las Cruces, NM 88007

Rec.
SEP 05 2024
BY: IRB

Code of Conduct Complaint

PRINT COMPLETE AND HAVE NOTARIZED PRIOR TO FILING

(Information detailed in this Report will be shared with the Respondent and is a Public Record)

DATE: 09/05/24 NAME OF COMPLAINANT: Amy J. Perez

MAILING ADDRESS: 845 N. Motel Blvd. CITY Las Cruces STATE NM ZIP 88007

EMAIL: amyp@donaanacounty.org PHONE: (575)525-5918 ALTERNATE (575) 571-8438

FULL NAME OF ACCUSED Nelson J. Goodin

DATE OF INCIDENT: May 2024 - July 18, 2024

SECTIONS OF CODE OF CONDUCT POTENTIALLY VIOLATED:

- HR Policy 6-4(23): **Bullying/Abusive Conduct:** "Acts and/or omissions that a reasonable person would find hostile based on the severity, nature and frequency of such conduct including but not limited to: 1) repeated infliction of verbal abuse such as the use of derogatory remarks, insults and epithets; 2) **verbal or physical conduct which is threatening**, humiliating or intimidating in nature; 3) work interference, undermining, or sabotage of one's work which prevents work from being completed or performed; or 4) exploitation of a known psychological or physical vulnerability. A single act normally will not constitute bullying or abusive conduct, but an especially severe or egregious act may meet this standard."
- HR Policy 6-28(c)(1) defines a **threat as any oral or written expression or gesture** that would be interpreted by a reasonable person as conveying **intent to cause physical harm or intimidation**.
- HR Policy Definitions page defines **Intimidating behavior** as defined in the HR policies, includes **threats or other conduct that frightens, alarms, inhibits others, or impairs operations. Verbal intimidation may include making false statements that are malicious, disparaging, derogatory, disrespectful, abusive, or rude.**
- Code of Conduct Section 14-8K(1)(2)(5). County Operations. Which states, "Department heads, managers, and supervisors shall build and maintain a culture of responsible public service by:
 - (1) Leading by example, using their behavior as a model for all employees.
 - (2) Encouraging employees to bring forth questions, concerns, and suggestions relating to the operation of the County government.
 - (5) Providing affirmative and appropriate reinforcement for positive accomplishments.

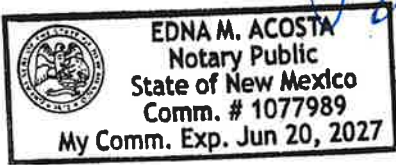
DESCRIPTION OF MISCONDUCT OR WRONGDOING WITNESSED:

See attached Exhibit A, *Complaint Alleging Violation of Doña Ana County Code of Conduct* filed on 08/02/24.

I, Amy Perez, do affirm under oath and say that the information disclosed herein is true and accurate to the best of my knowledge on this 5 day of Sept. 2024

[Signature]
Signature of Complainant

SUBSCRIBED AND SWORN TO before me this 5th day of September, 2024 by Amy Perez



[Signature]
NOTARY PUBLIC

My Commission Expires: 6/20/2027



COMPLAINT ALLEGING VIOLATION of DOÑA ANA COUNTY CODE of CONDUCT

Complainant's Name: Amy Perez, Barbie Segovia and
Rebecca Madrid

Date: August 2, 2024

Complaint is against: (Respondent)

- Employee
 Elected Official
 Volunteer
 County Agent

Date of Alleged Incident: May 2024 to present

Persons Involved: Nelson Goodin, County Attorney

Witnesses, if any: Fred Kennon, Assistant County Attorney and Jonathan Macias,
Assistant County Manager.

Describe why you believe Code of Conduct has been violated: This formal complaint is being submitted in accordance with Code of Conduct Ordinance No. 350-2024 (formally Resolution No. 2013-81), and HR Policies and Procedures, which mandate the reporting of ethical violations, without fear of retaliation.

We allege that County Attorney Nelson Goodin has engaged in repeated incidents of bullying, yelling, belittling, intimidation, threatening, and condescending behavior against the 3 Paralegals in the Legal/Risk Department. This behavior has significantly escalated since the filing of our grievance against Assistant County Manager Deb Weir and the Human Resources Department on May 31, 2024.

Detailed account of incidents:

- On May 3, 2024, we met with Mr. Goodin to discuss the reclassification of the paralegal position. The information we provided to Mr. Goodin appeared to cause him concern that

we uncovered a genuine issue. He made a comment under his breath and said, "Ok, I'll go talk with Deb (Weir); and I'm going to tell her, I don't know how much longer I can keep them quiet."

- On May 20, 2024, due to the lack of response from anyone, we made a polite inquiry to Mr. Goodin and he responded back with hostility. He made insulting and dismissive remarks in a loud and aggressive tone, such as, "I don't know what you want me to do about it," "Maybe you need to go get another job", "All you guys do is complain", and "Here we go again, all you want is more money." His outburst caused significant distress to Rebecca Madrid which made her cry. Mr. Goodin's reaction was unjustified given that our inquiry was a reasonable follow-up. Later that day, Mr. Goodin informed us that Deb Weir was looking into it.
- On May 30, 2024, with no update received, we filed our grievance on May 31, 2024.
- On June 14, 2024, we met with Mr. Goodin to address our inability to access necessary data due to the transition to Workday. His response again was hostile, suggesting we needed to "JUST WAIT" for HR to grant you access. When then followed up with, "I don't even know if you need access," implying that our concerns were unwarranted. Reluctantly, he said he was going to discuss it with Deb Weir.
- On June 26, 2024, Interim County Manager Stephen Lopez met with us to discuss our grievance. We were advised to submit an IT ticket for Workday access, which we did on July 10, 2024. It was also at this meeting that Mr. Lopez advised we would work towards getting us desk audits.
- On July 16, 2024, at the request of Mr. Lopez we submitted a memo outlining potential solutions for Workday access issues. IT informed us there are viable solutions and also informed that Workday tracks every movement in the system. We thought it was important to inform management about this information in hopes maybe this could help move the process along.
- On July 17, 2024, we met with Mr. Goodin to discuss the memo we submitted to Mr. Lopez.

It was clear he was agitated with our inquiries. He raised his voice and stated that the reason for withholding Workday access was that management¹ believed we used information we are privy to support our grievance. It should be noted, the only records we referenced was the Position Control Roster, which is public record. Even if we had obtained this information through an Inspection of Public Records Request, the sentiment would have still been the same. This action against us implies that we are not deemed trustworthy, and it questions our integrity, which has never been an issue prior to the filing of our grievance.

- On July 18, 2024, we requested a meeting with Mr. Goodin to address the way he spoke to us the day prior. During our meeting yesterday, he was intimidating, threatening, accusatory, demeaning and dismissive. When we began to express our feelings and how he treats us, he was very indifferent and standoffish. Throughout the meeting he was very condescending and unreceptive. Midway through the meeting he made 2 of the paralegals cry. This is when, and only when, he was triggered to apologize, which did not come across sincere. While he apologized, his behavior continued to reflect a persistent pattern of hostility and unprofessionalism. Throughout the meeting he made sure to put us in our place as he often does. He attempted to get up several times as if he was going to walk out, only for him to sit down and try to justify why he was going to make changes.
- On July 18, 2024, Mr. Lopez responded to our memo, giving a directive on how to proceed. We have since adjusted our procedures and are working with the limited information we have available to us per the directive.

Background:

- Mr. Goodin has served as our supervisor for nearly nine years. When he joined the County, our work processes were well-established and efficient. He seamlessly integrated into our team, demonstrating no concerns about how the work was being done, or the quality of work being produced. The three paralegals managed legal duties and risk management duties effectively. We assume this is why Mr. Goodin has never bothered to understand our job duties, which he has expressed several times.

¹ We inferred this to mean Interim County Manager Lopez, Assistant County Manager Weir and HR Director Haines.

- When we filed a grievance in 2022, Mr. Goodin threatened to reassign the risk management responsibilities from three paralegals to one and subsequently strip that individual of the paralegal job duties. Even though Mr. Goodin has always been dismissive, this was the first time he threatened us. The second threat came shortly thereafter when Mr. Goodin held a meeting to discuss our daily clock-in times. We perceived this meeting to be a result of our filing of our grievance. It is important to note that throughout his tenure, Mr. Goodin assured us that as long as our work was completed and we communicated our schedules, he found no need to micromanage our time. He was amenable to a 15–20 minute flexibility regarding our clock-ins.

- Mr. Goodin informed us that taking away the workers compensation duties has been in the works for two years. Since 2022, Mr. Goodin has not mentioned any plans to remove the WC duties until recently after we filed our 2024 grievance. Within the past 6 months, he finally updated our job description to include the risk duties replacing the outdated 2003 version we had adhered to for the past 20 years. If removing the risk duties was planned for the last two years, why change our job description now. This is a retaliatory threat and passive aggressive behavior by Mr. Goodin.

- According to HR policy, a supervisor is required to conduct two evaluations per year. In the nine years Mr. Goodin has been in his role, there should have been 18 evaluations, but we have only received around two. This demonstrates a blatant disregard of the terms outlined in and undermines the spirit of the Code of Conduct.

- Throughout Mr. Goodin’s supervision, there have been consistent instances of inappropriate outbursts, with Ms. Madrid experiencing this more frequently due to her role as his primary support. We previously chose to overlook these issues out of fear of retaliation. During a meeting with us, Mr. Goodin remarked with a chuckle, “Ask Barbie what happens when you go against me.” This aligns with Mr. Goodin’s pattern of intimidating, threatening, and bullying behavior. Making these kinds of suggestive remarks infers that we can be terminated at any time if we go against him.

Policy Violations:

- HR Policy 6-4(23): **Bullying/Abusive Conduct:** “Acts and/or omissions that a reasonable person would find hostile based on the severity, nature and frequency of such conduct including but not limited to: 1) repeated infliction of verbal abuse such as the use of derogatory remarks, insults and epithets; 2) **verbal or physical conduct which is threatening**, humiliating or intimidating in nature; 3) work interference, undermining, or sabotage of one’s work which prevents work from being completed or performed; or 4) exploitation of a known psychological or physical vulnerability. A single act normally will not constitute bullying or abusive conduct, but an especially severe or egregious act may meet this standard.”
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 - (1) **Leading by example**, using their behavior as a model for all employees.
 - (2) **Encouraging employees to bring forth questions, concerns,** and suggestions relating to the operation of the County government.
 - (5) Providing affirmative and appropriate reinforcement for positive accomplishments.
- Any other policies that may apply that were not exclusively mentioned herein.

Specific violations by Mr. Goodin:

- **Intimidation and threatening remarks:** As previously stated, Mr. Goodin has made threatening remarks such as, with emphases, "I'm done" "Stop saying what HR does wrong, it stops here, it stops now", "Ask Barbie what happens when you go against me." These statements reflect a pattern of intimidation and retaliation.
- **Disparaging remarks:** It appears he is disparaging our character and work ethic to other staff members, portraying us as uncooperative and complaint-driven based on his comments to us. Mr. Goodin has also accused us of filing the grievance solely for financial gain, suggesting we should leave if dissatisfied, which is dismissive of our legitimate concerns.
- **Yelling and verbal abuse:** Mr. Goodin frequently yells at us. He is bullying, belittling, intimidating, threatening, and condescending, creating an overall unprofessional and unacceptable environment.
- **Retaliatory threats:** Since our grievance was filed, Mr. Goodin's hostile behavior has escalated. He has made persistent threats to take away our job duties, which we believe is retaliatory in nature. This creates a climate of fear and uncertainty, impacting our ability to perform our duties effectively and causing us mental anguish.
- **Culture of responsible public service:** failure to lead by example and encouraging employees to bring forth questions relating to county operation

Conclusion:

The timing and nature of Mr. Goodin's actions strongly suggest retaliatory behavior in violation of HR policies and the Code of Conduct. We request an immediate and thorough investigation into these incidents and the implementation of measures to stop violations of the HR Policies and Code of Conduct. The persistent pattern of unprofessional behavior and suppression of legitimate concerns suggests a broader issue within the County. We believe we are being stonewalled as our grievance exposed HR's failure to perform their duties and as a result Mr. Goodin continues to exhibit aggressive and abusive behavior towards us to keep us silent. Policy explicitly states that we are to report misconduct and wrongdoing. If retaliation follows a report of misconduct and wrongdoing, how are we expected to comply with the Code of Conduct and HR Policies if we are

intimidated into not reporting ethical issues?

We feel Mr. Goodin's intimidation and retaliation escalated after our grievance was filed. We seek fair treatment and adherence to HR policies that guarantee a safe and respectful workplace. We assert that these actions are based on personal biases rather than factual issues and demand a resolution that addresses our concerns and restores a respectful work environment.

VERIFICATION BY COMPLAINANT

The undersigned has read the above complaint, and attests that the contents are true and correct.

.....

Complainant's Signature: [Handwritten Signature] 08/02/24

Complainant's Signature: [Handwritten Signature] 8/2/24

Complainant's Signature: [Handwritten Signature] 08/02/24

.....

Complaint Received by (Name): _____

Title: Interim County Manager Stephen Lopez Date: _____

CC: BOCC Chair Christopher Schaljo-Hernandez
Revised: 04.13.09

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Complaint Received by (Name): [Signature]
Title: Interim County Manager Stephen Lopez Date: 8/2/2024

CC: BOCC Chair Christopher Schaljo-Hernandez
Revised: 04.13.09