



**CONFIDENTIAL**

**INVESTIGATION REPORT**

**May 16, 2023**

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## **I. Introduction and Scope of Report**

The Hillsborough Soil and Water Conservation District, (“the District” or “HSWCD”) retained the undersigned firm to conduct workplace fact-finding regarding certain workplace concerns. Administrative Specialist III Katherine Eckdahl, and then Community Relations Worker Melissa Jackson both expressed various concerns about their working conditions.<sup>1</sup> Certain of those concerns are being examined by Hillsborough County’s Human Resources Department.<sup>2</sup> The remaining concerns were referred for external investigation and are addressed herein.

In general, the allegations within this engagement’s scope are focused on general working conditions, including concerns over Executive Director Betty Jo Tompkins’s leadership, excessive after-hours calls, inadequate breaks or lunches when working events, and inappropriate medical comments. Additional complaints included a lack of job information and training, complaints about the physical work environment and a lack of proper office equipment, payroll and donor practices, and the preparation of Board of Supervisor meeting minutes.

## **II. Executive Summary**

- The evidence established that Tompkins is energetic and enthusiastic about all aspects of conversation. She routinely elects to work long days and weekends to support the District’s various programs and activities. Tompkins is directly engaged in every aspect of the District’s operations. Much of Tompkins’s work activities appear to be external facing, including organizing events, securing Cooperating Partners,<sup>3</sup> and otherwise promoting the District’s activities.
- Tompkins primarily uses donated office space in Brandon rather than at the primary Plant City location. The information gathered showed that Tompkins has areas of opportunity when it comes to her leadership of the staff and the level of engagement (or lack thereof) in the day-to-day operation of the office.
- Tompkins has routinely called at least two staff members outside of what would be considered regular working hours for matters that are typically not urgent. While one staff member is comfortable with the arrangement and even reciprocates, the other is not. The staff member who is uncomfortable has not been effective in her efforts to set boundaries with Tompkins.
- As a leader, Tompkins is hands-off and routinely delegates tasks with little direction, expecting staff to figure out what they need to know. Tompkins’s assumption that this delegation would be effective was not reasonable as to Eckdahl since, by her own admission, she hired Eckdahl knowing Eckdahl had little in the way of experience in an administrative support role. Without that experience, Eckdahl was ill-equipped to navigate the expectations Tompkins had for her role. Moreover, when it became clear early on in

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<sup>1</sup> Those interviewed will be referred to by title or last name after the first reference to his or her full name following the Executive Summary. A listing of individuals interviewed is included within Appendix A.

<sup>2</sup> More specifically, the County is examining issues related to pay, included hours worked, overtime, FLSA status, and expense reimbursements.

<sup>3</sup> Cooperating Partners is the name Tompkins has given to the various sponsors and supporters of the District’s activities. The term Affiliated Partners is used to describe various community, governmental, and employee organizations with whom the District maintains relationships.

Eckdahl's tenure that Tompkins had reservations about Eckdahl's suitability for the position, Tompkins elected to address the matter informally with an undocumented directive for Eckdahl to find another job without even a planned follow up. Tompkins has also used poor judgment in occasionally discussing staff members' shortcomings with their peers.

- For her part, Eckdahl was disingenuous in claiming she was unaware of what her job entailed or even that her job was salaried. She had been on the Board and even served as Chair before becoming employed with the District. She was also exposed to the position description when she applied, which specifically stated it was a salaried role. Eckdahl also affirmatively stated her willingness to work evenings and weekends supporting programs and events as part of the screening questions she had to answer to be considered for the job. Even when supplied with a job description at her request in late March 2023, Eckdahl admitted she had not read it in part because she wanted to keep the focus on Tompkins' failure to physically hand it to her when she started.
- Tompkins has significant institutional knowledge regarding the various programs, events, and activities the District undertakes each year. The events themselves are routinely listed on Board meeting agendas. However, little if any of the tactical knowledge of what is required appears to have been reduced to writing, even in a cursory form like a check list or procedure. Instead, staff work is allocated through a series of assignments and tasks, which can change without warning based on priority shifts. Regarding the allegation that staff were wholly denied breaks and meal periods at events, no "denial" *per se* could be proven. Rather, what was shown was that Tompkins assumed staff members would self-break as needed, which they did on occasion but with reservations because they felt expectations were unclear.
- Two of the staff also struggle with Tompkins's interpersonal communication style, which for them does not lend itself to effective two-way dialogue. However, at least one staff member has shown herself able to work effectively with Tompkins.
- On occasion, Tompkins has inadvertently alluded to a staff medical condition but only in the context of trying to accommodate the staff member's dietary restrictions.
- The physical work environment at the Plant City office has been poor at least since January 2023. The office move from the NRCS space was not well-planned or executed, resulting in a new but excessively cluttered workspace with District papers and property intermingled with Tompkins's personal mail and other items. Whatever filing system may have existed appears to have largely devolved, with District documents spread across two donated offices and even staff members' homes. Until recently, little effort was expended to try and secure basic office equipment like computers, internet access, or an office phone.
- Tompkins and her staff have all also been using their personal email accounts until recently, which is common for similar districts throughout the state. However, such a practice can make the preservation of public records more challenging. This practice has since been changed with the transition to County email, but no plan appears to have been made to preserve and migrate any past communications that might need to be preserved.
- No central repository or share file system exists for District electronic files. Whatever District records may have been housed on the NRCS computers were not copied and transferred in electronic form, although Tompkins said they have hard copies of the most important data. Unfortunately, the current state of the filing system is such that documents are not easily located.

- Tompkins used poor judgment in directing that a part time staff member’s work hours be reported on a fixed and recurring basis when the staff member was working variable hours. This resulted in inaccurate payroll records and the staff member being overpaid in times when work assignments were not given to her and underpaid when she worked more than her normal allotment of twenty hours per week.
- Tompkins has been successful in her efforts to obtain Cooperating Sponsors and has asserted cash gifts are deposited in the appropriate account and acknowledged. The in-kind donations and sponsorships ranging from goodie bag giveaways and printing services to free office space are recognized through listing on the District website and recognition in programs, on flyers and during events. But there does not appear to be any central tracking or assignment of value for in-kind contributions.
- The District’s website is out of date in terms of its posted meeting agendas and minutes. Minutes are regularly prepared and appear to meet the minimum requirements for maintaining a summary record of what occurred. Tompkins does edit the minutes appropriately in terms of clarity and for errors, but on occasion, the edits can appear designed to present Tompkins in a more favorable light.

### **III. Factual Findings and Analysis**

Each of the various complaints have been addressed below, with issues grouped by category to facilitate review and limit redundancies when reasonably possible.<sup>4</sup> Matters identified as substantiated reflect matters in which the evidence supports the conclusion that the situation more likely than not occurred based on review of the entirety of information gathered and considering the demeanor and credibility of those interviewed. When a fact is not substantiated, this reflects a determination that, based upon the information submitted and considering the demeanor and credibility of those interviewed, a sufficient and credible factual basis was not present to support a finding that it was more likely than not the situation occurred as described.

#### **A. General Working Conditions**

##### **1. Executive Director’s Leadership Style**

Regarding general leadership, Eckdahl expressed a broad range of concerns about Tompkins, including yelling, controlling behavior, and unprofessional comments by Tompkins made to and about staff.<sup>5</sup> Each of those concerns was examined herein, beginning with the way Tompkins interacts with staff.

Among the staff, interactions with Tompkins are not always perceived favorably. For example, Jackson described that Tompkins “talks at you; she doesn’t talk with you.” Early on in her time with the District while working an event, Jackson said Tompkins would tell staff to go do

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<sup>4</sup> In that regard, all concerns within this engagement’s scope have been fully examined and the results described herein. However, this report is a summary only, and may not be inclusive of every theory or example provided by a given party. Nonetheless, investigators considered all information supplied related to this engagement’s scope.

<sup>5</sup> Jackson’s initial written submission was more focused on job mechanics, like the office condition and a lack of direction on the District vehicle. Jackson also had issues with payroll and expense reimbursement, which are largely being examined by County HR and are outside this engagement’s scope.

something, they would start working on it, then she would scream for them to come do something before they even had ten minutes to complete the first task. Jackson described Tompkins as someone who, when she walks into a room, can absolutely lead the room. Jackson's observation is that Tompkins is a personality type that is "outgoing, commands attention and likes contention, and so her style is to blow in and take over."

Eckdahl described Tompkins as "yelling" but could not remember any specific instances of what was said. Instead, Eckdahl explained it was more the way Tompkins talked and her tone. Eckdahl described recalling that Tompkins made her feel very small because she demonstrated some initiative to complete some unspecified task on her own.<sup>6</sup> As an example of controlling behavior, Eckdahl described arriving at a recent meeting thirty minutes before the time Tompkins had told her, and Tompkins made a comment to the effect of, "Oh, well you're here early." Eckdahl said she was there to help, but Tompkins said she was not needed at that time and used a tone that made Eckdahl feel insignificant. According to Eckdahl, when Eckdahl is needed, she has Tompkins's full attention, but only until Tompkins obtains what she wants and then Tompkins leaves her alone.

Eckdahl's coworkers were also asked if Tompkins yells at staff. When Jackson was asked if she has seen Tompkins yell at her peers, Jackson's response was: "I would say yes." But Jackson also said Tompkins has denied yelling and seemed to believe it. Jackson explained that Tompkins has a naturally projecting voice that carries, and when Tompkins gets excited or angry, it gets a little bit louder.<sup>7</sup> Computer Graphics Designer Linda Chion acknowledged that Tompkins can sometimes yell and has yelled at Chion, but Chion yelled back. Chion acknowledged voices were raised with Eckdahl at the fair, but she could not recall the details other than that perhaps it had been during the set up. Chion said she had not really noticed it. Part of it is that Tompkins has a lot of things she is working on at any given time, so raised voices tend to happen when a lot of things need to get done.

Chion felt she could not say whether Tompkins was disrespectful, or if instead it was just Tompkins trying to get things done. Chion said the work environment can at times be heated, emotions can flare, and deadlines can be crazy, and that people can take that differently. Chion's perspective is that she is used to it and knows how to handle it. Chion said that at times, she will tell Tompkins that she needs to slow down and pick and choose. But Tompkins is "like the Energizer bunny," and that is not a taste for everyone. Chion can see how others might feel Tompkins is disrespectful. But to Chion, even though it looks like that, Chion understood it was attributable to the unrelenting drive possessed by Tompkins. Tompkins is very passionate about what she is doing and must make sure everything is right. So, if that is not happening, and Tompkins must address an issue, people might feel disrespected. But in Chion's case, these are things she addresses directly with Tompkins. Chion said it would not be accurate to describe

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<sup>6</sup> Eckdahl said Tompkins did not treat Jackson this way and attributed it to some connection Jackson had in local Republican politics. Jackson said she felt she was treated more favorably than Eckdahl, recalling an instance she was allowed to leave at 6:00 p.m. from an event when others had to remain. Jackson attributed it to Tompkins knowing her husband. But Tompkins said Jackson was told to leave because she is part time, and her hours have to be managed.

<sup>7</sup> The example Jackson gave was in the tent at one of the fairs when Tompkins began yelling for Jackson while Jackson was talking to some customers, and then Tompkins began yelling for Eckdahl when Jackson yelled back that she was busy.

Tompkins as always arrogant and screaming and yelling. But even Chion acknowledged that there are times when Tompkins is like, “Well, we need this, and I need you to stop doing that and do this.” Chion described that no one works harder than Tompkins, but she admitted her manner can sometimes be volatile.

Regarding yelling at staff, Tompkins generally denied that was her general practice but recalled one instance at the County Fair (not directed to Eckdahl) when this occurred.

At least a portion of the alleged unprofessional behavior complained of concerns discussions between Eckdahl and Tompkins about Eckdahl’s performance. One component was alleged threats to Eckdahl’s job. Other unprofessional behavior Eckdahl complained about included Tompkins purportedly telling her that the Board did not care for her, but she also described Tompkins as contradictory because then Tompkins said the Board wanted Tompkins to give Eckdahl more responsibility and that Eckdahl should be doing invoices, to which Eckdahl responded “fine, train me.” Eckdahl also said that Tompkins has told her she made too much money, and that supposedly Chion has also that the same to Tompkins. Eckdahl did not agree she was paid too much and felt it was part of how Tompkins was pressuring her to quit.

Eckdahl said she has tried to establish boundaries<sup>8</sup> with Tompkins, describing one instance in which she said she flat out told Tompkins she could not work one weekend at the 2022 Hillsborough County Fair,<sup>9</sup> explaining she needed to go to Daytona to see a friend recently discharged from the hospital.<sup>10</sup> Eckdahl said that after several calls on that Saturday, she finally called Tompkins back. Tompkins apparently wanted her to deliver some copies to the County Fair, but Eckdahl said that when she told Tompkins she was in Daytona, that “ticked” Tompkins off. While Eckdahl at first seemed to suggest she told Tompkins in advance that she would not be at the fair because she was going to Daytona, Eckdahl’s later description of Tompkins being upset is consistent with Tompkins’ own description of how she was surprised to learned Eckdahl had driven to Daytona when Tompkins was under the impression Eckdahl was not available to work at the fair because she was ill.<sup>11</sup> Regardless, Eckdahl said she brought the materials Tompkins wanted to the Fair the next day after she returned.

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<sup>8</sup> A broader discussion of boundaries insofar as it relates to the alleged excessive after-hours phone calls is discussed later herein.

<sup>9</sup> This fair was from Thursday November 3, 2022, through Sunday, November 13, 2022. Weekday hours were 5:00 to 10:00 p.m., except Friday, November 11, 2023, which had hours of 1:00 to 10:00 p.m. Weekend hours were 10:00 a.m. to 10:00 p.m. on Saturdays and 10:00 a.m. to 8:00 p.m. on Sunday.

<sup>10</sup> Tompkins and Eckdahl both agree this was the weekend of November 4, 2022, which was the first weekend of the 2022 Hillsborough County Fair. This means that Eckdahl’s description of the volume of calls she received from Tompkins during the Daytona weekend could not be substantiated. Tompkins thought she called Eckdahl twice to check on her. Eckdahl claimed multiple calls. However, phone records supplied by Eckdahl show only a single call from Tompkins on November 5, 2022, and a single call on Sunday, November 6, 2022.

<sup>11</sup> Tompkins said that Eckdahl left the County Fair early that Friday due to not feeling well. Eckdahl could not recall if that happened but did not think so. Eckdahl recalled telling Tompkins she needed to leave at 6:00 p.m. at least one day to eat and was aware Tompkins thought Eckdahl might have been sick. Eckdahl claimed not to know why the idea of Eckdahl being sick was in Tompkins’s head, but admitted Tompkins thought Eckdahl needed the weekend to get better. Eckdahl said that was “why Tompkins allowed (Eckdahl)” to have the weekend off. Eckdahl said she then took advantage of that to see her friend in Daytona who had been released from the hospital.

Eckdahl said it was at that time that the first of several conversations Eckdahl had with Tompkins about the need for Eckdahl to seek other employment occurred. Eckdahl's description was that Tompkins initiated the discussion, telling Eckdahl that she (Tompkins) was not going to fire her, but that Eckdahl needed to find another job and that Tompkins did not think the HSWCD job was going to work out for her. One of Eckdahl's complaints is that Tompkins will just throw things at her and tell Eckdahl she needs to work on or fix whatever it is. Eckdahl said she does not feel comfortable questioning Tompkins about things.<sup>12</sup>

Eckdahl also claimed Tompkins threatened to fire Chion in her presence. Eckdahl said Tompkins has threatened to fire Chion in front of her at the fair but described Tompkins and Chion as "frenemies" with a relationship Eckdahl does not understand. Eckdahl said Chion is sometimes late on deadlines and recalled one instance when Tompkins complained to her about Chion. Jackson has also told her that Tompkins complains to Jackson about Eckdahl, a Board member, and County HR, all to try and get Jackson on her side. Eckdahl described Tompkins as a someone who can spin things, like telling the Board that they are working on the office, but no one questions what Tompkins specifically has done. If they did, Tompkins would likely say staff is working on it and then blame others for dragging their feet.

Eckdahl said Jackson has witnessed Tompkins being disrespectful to Eckdahl. Jackson recalled her experience with the staff at the County Fair and how Tompkins "bellowed." Jackson said she felt embarrassed to be under that tent. Jackson recalled telling her husband at the time that she (Jackson) "would not talk to a dog" the way Tompkins was speaking. Jackson also said that when Eckdahl was not in the tent, Tompkins was critical of her, saying Eckdahl could not do the job right, that Tompkins should have known better, and she should not trust Eckdahl with the event. Tompkins has said she should fire both Eckdahl and Chion, and has discussed their past employment histories with Jackson, which made Jackson uncomfortable. Based on this, Jackson also assumes Tompkins discussed her (Jackson) with her coworkers.

Chion said she heard Tompkins's comment to her about Chion being fired, but said it was nothing Chion took seriously, and she recalled joking back. Chion has not heard Tompkins say someone else should be fired. But she had heard Tompkins talk to Eckdahl about things that needed to be done. To Chion, working at HSWCD is a highly charged creative environment. She said at times, Tompkins will be critical of mistakes Chion has made, which can be frustrating because they might be errors Tompkins herself had not caught either. But underneath it, Chion knows there is a deep respect. When asked if she made a remark about Eckdahl making too much money, Chion said "kind of" but explained the context was around things Eckdahl did not want to do, like working fair hours, or when some mistakes on mailing labels were made and had to be redone. In terms of Tompkins complaining about others, Chion said it was not constant. Rather, it only happened now and then in the context of something that needed to be done or was expected and then did not get done.

Tompkins was asked about her own leadership style and described that she likes to think she hires people who have the level of skills and intelligence to carry out tasks that are assigned to them. She freely admits she does not believe in babysitting or monitoring people. Rather, she has

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<sup>12</sup> Eckdahl and Jackson both also complained over a lack of training or written office procedures. Those issues are addressed separately later herein.



confidence that people can do the job and proceed accordingly. With Eckdahl, however, Tompkins said she knew Eckdahl was not able to do the job.

Tompkins admitted a conversation with Eckdahl occurred about her job, but claimed it came about when Eckdahl, in the wake of the County Fair, told Tompkins upon her return from Daytona that she (Eckdahl) never realized how much work was involved and that Eckdahl wanted to find something with the County that required less effort. Regarding the Fair, Tompkins said Eckdahl knew (or should have known) about the Fair hours because while on the Board, she would have seen the flyer and known what the District planned and the expectation that everyone work the event. Even though Tompkins felt multiple grounds existed for letting Eckdahl go at that time, Tompkins said that they agreed Eckdahl would begin searching for another position with Hillsborough County.

Tompkins denied having told Eckdahl the Board did not like her, but she admitted telling her that some Board members felt Eckdahl was not performing to the standard she needed to be performing and asked her to please help Tompkins out and improve on some things.<sup>13</sup> None of the performance issues that Tompkins had with Eckdahl were documented. Tompkins acknowledged that she should have done so but explained that she did not want to place anything negative in Eckdahl's record because she believed Eckdahl had already been released by the School District.<sup>14</sup> Tompkins denied telling Eckdahl she was paid too much or that another employee had said that about Eckdahl. But she admitted that she told Eckdahl that she was paid well for the work she did and that she needed to focus on getting the work done as correctly as she could. Tompkins described that some of Eckdahl's work was "a total abomination."<sup>15</sup>

When asked if she ever complained to staff members about other staff members, Tompkins said she tries to control her emotions and be professional, but admitted there may have been times she has made comments in the heat of the moment when they have something that has to get done, like when Eckdahl brought dessert plates instead of dinner plates to a Board dinner and she had to get the issue fixed right away. In terms of having disrespected anyone (for example, at the plant auction), Tompkins's recollection was that Roy Davis, the chair of the plant auction, was ready to toss Eckdahl out due to her poor attitude and behavior. Tompkins said it was critical with 140 lots of plants that everything be organized, sold, and recorded correctly, and Eckdahl was not doing it well. But to Tompkins, anyone else would have taken what Tompkins said as constructive criticism.

Tompkins confirmed that she and Chion might at times go at each other, but not in a mean way and they always got along after. For example, when doing the luncheon brochure, they went back and forth through twelve drafts, but there was never any yelling like they were mad at each other and the two have worked well together for years.

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<sup>13</sup> Tompkins said she heard this from Board members both before and after the new Board started in January 2023 but declined to name any specific Board supervisors who had shared these concerns. Eckdahl also said the statements by Tompkins about the Board not liking Eckdahl were by phone and not witnessed.

<sup>14</sup> Eckdahl said 80+ positions in her virtual unit were eliminated, but said she separated from the School Board via resignation once she decided not to accept the new placement offered her for in-person instruction at a local high school.

<sup>15</sup> The substance of Tompkins' performance concerns is discussed in more detail later herein.

Tompkins also said that any words between herself and Eckdahl would have been instigated by Eckdahl's rude remarks to Tompkins.<sup>16</sup> For example, Tompkins described that the HSWCD does a program called Ag-Venture for thousands of third graders. The program is done annually, two weeks in the fall, and one week in the spring. The District is one of the main presenters, with a program about bees, bats, bears, and butterflies as perfect pollinators. Tompkins described that Eckdahl said to her that she (Eckdahl) was not going to Ag-Venture and that Tompkins could not make her. Tompkins at that time said she told Eckdahl that she had not asked her to attend, but that it was possible. Tompkins said Eckdahl was insistent and immediately hostile. Tompkins said her normal practice is to walk away when someone is rude because she does not want conflict.

Tompkins admitted she told Eckdahl she wanted to know what positions Eckdahl applied for elsewhere. Tompkins explained she did not want to fire Eckdahl because then she thought Eckdahl would have two on her record, so she tried to be kind. Tompkins said Eckdahl told Tompkins that if Tompkins would just let her stay long enough, she would seek another job. Tompkins said Eckdahl did at first; she applied for a job with the Clerk of Courts. Tompkins gave her time off for the interview.<sup>17</sup> Tompkins admitted she did not give Eckdahl a time frame for finding a new job and none of her performance concerns about Eckdahl were documented.

The evidence showed that both Eckdahl and Jackson personally felt extreme frustration with Tompkins's manner of leading to the point that between the two, they appear to have taken to referring to Tompkins in monarchial terms<sup>18</sup> to capture the essence of what they believed to be an overbearing approach. While Chion has been able to work with Tompkins effectively for several years and has shown herself to be a valuable contributor to the District's mission with her graphics work, even Chion acknowledges that others' experiences may be different. Objectively, the information substantiated that Tompkins has a results-oriented and directive style that carries with it an expectation that those to whom direction is given are sufficiently skilled and experienced to be able to do any necessary research to determine how to accomplish the tasks assigned. In practical terms, new staff can expect little from Tompkins in terms of practical guidance on even basic practices like how to get approved to drive the County vehicle or to get reimbursed for mileage.

The information also substantiated that Tompkins at times experienced frustration with staff and their performance and has on occasion used poor judgment in discussing staff members' performance with their peers. However, this was typically in the heat of the moment when something was left undone, or an issue had arisen. It is more likely than not that by November 2022, Tompkins was having legitimate performance concerns with Eckdahl. Eckdahl herself seemed dissatisfied with the job's demands and the amount of autonomy and initiative she would

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<sup>16</sup> It is Tompkins's belief that Eckdahl is being disingenuous with her complaints and is just looking for a way to get paid without working. Tompkins claimed Eckdahl even told Tompkins she is seeking social security disability, but Tompkins does not know the reason or basis for such a claim.

<sup>17</sup> An email from Eckdahl (personal email) to Tompkins (personal email) dated December 14, 2022, titled *requesting ½ day off next week*, corroborated this assertion.

<sup>18</sup> Eckdahl, for example, commented about not questioning the "princess" or the "queen." Jackson referred to Tompkins as being very good in the waving of her hand "like the queen" as Tompkins's gesture to complete tasks. Eckdahl also expressed her opinion that Tompkins displays "narcissist" characteristics and, based on Tompkins's reluctance to get rid of anything, hoarding tendencies.

need to demonstrate to be successful. It is more likely than not that Tompkins attributed some of her dissatisfaction with Eckdahl's performance to the Board, and also commented on Eckdahl's pay, but both were in the context of Tompkins's attempts to impress on Eckdahl the need for greater effort. Tompkins and Eckdahl agreed that they discussed Eckdahl seeking other jobs and Tompkins supported that effort. But Tompkins gave Eckdahl no deadline, nor did Tompkins conduct any form of probationary review to capture her concerns.<sup>19</sup> While Tompkins perceived she was doing Eckdahl a kindness by not documenting her performance concerns, Tompkins's failure to squarely address the concerns and develop a plan for improvement meant the situation went unresolved.

## **2. Excessive After-Hours Phone Calls to Staff**

An additional concern by Eckdahl was that Tompkins called her after hours and on weekends excessively. Eckdahl described the call volume as very high, and all to Eckdahl's personal cell phone.<sup>20</sup> Eckdahl said she has tried to set boundaries on this with Tompkins but without success. In support of this concern, Eckdahl provided over six months of Verizon invoice excerpts showing the call logs from August 2, 2022, through March 2, 2023.<sup>21</sup> A review of those logs confirmed a significant number of calls exchanged between the two.<sup>22</sup> The fact of a large call volume generally was unsurprising. It is not disputed that the District moved offices in late December 2023, and office phones had not yet been installed at the time this investigation commenced. According to Tompkins, HSWCD staff was housed within the Natural Resources Conservation Services (NRCS) suite until the move but said their phone in the NRCS suite had not been working for some time.<sup>23</sup>

Regarding calls alleged to have occurred outside regular work hours or on holidays, Eckdahl anecdotally described that Tompkins would routinely call on Sundays to provide direction for the first day or two of the week. Call volume was high because that was how Tompkins preferred to communicate. When asked if she had requested a County cell phone at that time, Eckdahl said she had not but attributed her decision not to do so to believing she had gotten in trouble from Tompkins for securing a County laptop.<sup>24</sup>

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<sup>19</sup> It appears Tompkins may have contemplated doing some type of review since she asked Eckdahl for a self-evaluation, which Eckdahl supplied on December 13, 2022. But according to Eckdahl, Tompkins wanted changes to reflect the issue of Eckdahl sometimes having to work nights and weekends. Eckdahl prepared a revision, but said she never supplied it to Tompkins because Tompkins never asked.

<sup>20</sup> Addressed separately herein in Eckdahl's request for County-issued cell phones to conduct business.

<sup>21</sup> In those documents, Eckdahl highlighted in yellow all calls between Tompkins and Eckdahl, and then highlighted in purple those that she considered to be after hours for all months except December 2022, when she apparently reversed the highlighting for just that month. In addition, since Eckdahl did not begin employment with the District until August 15, 2022, calls prior to that date were not considered.

<sup>22</sup> See Appendix B for a summary of the calls identified by Eckdahl, broken out by those Eckdahl asserted were during work hours and those Eckdahl attributed to after-hours, weekend, or holiday periods.

<sup>23</sup> This matches Eckdahl's assertion that the District had not had operational phones since she started her position. The lack of proper office equipment is addressed in more detail later herein.

<sup>24</sup> Tompkins said it was she who told Eckdahl to secure a County laptop. Moreover, it is not credible that Tompkins would object since the office move away from NRCS meant the District would need their own equipment. Regardless, and as will be discussed later herein, the request for cell phones was included in a larger list of equipment sought in early January 2023 after the office move.

Both Jackson and Chion were asked about the volume and timing of calls from Tompkins. Jackson said she was already warned by a former employee that she should expect to receive calls “morning, noon, and night every day of the week” and was encouraged to set boundaries early. Jackson said that on the one hand, she was hesitant to not answer the phone because it was how she was given her work assignments. But at the same time, Jackson said the latest call she ever received was at 10:16 p.m. and she did not answer, assuming it was a “pocket dial.” In fact, Jackson said Tompkins mentioned the next day that she had called Jackson to try and confirm something before Tompkins sent an email.

Chion stated that most of her work assignments are received from Tompkins by phone. Tompkins does call at all hours, but Chion said that if she does not feel like answering, she does not. Midnight is the latest time Tompkins has called her, and that is because Tompkins never stops working. To Chion, it seems that Tompkins has last minute things that come up or that she is working on, and Chion feels like it is part of her job to be available. It is also a benefit because Chion said she can call Tompkins whenever she needs to. Chion has heard other staff members complain about this, but she has encouraged them to put guardrails up. One former employee told Chion she simply did not answer the phone after a certain time, and Tompkins had accepted that decision.

Tompkins was asked how frequently she thought she called staff members outside of normal business hours. Tompkins said that with Chion, they routinely talked to each other all the time, including when Chion called her. But Tompkins said it was not so much with the other staff. Tompkins said she does not remember any instance in which she called Eckdahl at an excessively late hour. Tompkins said she would typically call Eckdahl or Jackson if they were missing items for an event or if something came up. In addition, Tompkins admitted calling Eckdahl some Sunday evenings to go over what they had coming up in the week so that she could be aware. Tompkins did not view this as a problem because she believed she was clear with Eckdahl that Eckdahl was able to take comp time to adjust her schedule. This is consistent with Tompkins’ consistent assertion that she at all times understood Eckdahl to be a salaried employee exempt from overtime.<sup>25</sup> Eckdahl denied ever having any discussions with Tompkins about the need for her position to work events, even at night, and the latitude and flexibility to adjust her work schedule accordingly.

Eckdahl’s allegation that she received calls outside of a typical M-F workweek was substantiated.<sup>26</sup> The majority of those calls were brief, and only occasionally were any calls exchanged past 9:00 p.m. The information established that Tompkins’s preferred method of communication is by phone. It was also determined that when/if Tompkins felt, at her discretion, an evening or weekend call was warranted, she would call employees outside of what might have

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<sup>25</sup> It cannot be said that Tompkins’s assumption was unreasonable. Although the Job Information page provided by the County stated “nonexempt,” that may have been a data entry error since the actual job posting under which Eckdahl was hired stated, “This will be a salaried position, and the ideal candidate will have flexible hours, with capabilities to work nights and weekends as needed.” Moreover, County payroll records show the position was likely coded as exempt since a fixed and recurring schedule is shown and both Eckdahl and Tompkins said manual time entry (used for hourly staff) was not possible for Eckdahl in the payroll system.

<sup>26</sup> The greater volume of calls was during work hours, but that makes sense because the absence of working office phones or County-issued cell phones made personal cell phones the only option. That issue is discussed in more detail later herein.

been their regular workday. While Eckdahl did not want any calls after hours, it could not be shown that Eckdahl made it clear to Tompkins that her calls were unwelcome. No evidence was established to indicate employees were punished or penalized by choosing not to answer after-hours calls, which both Jackson and Chion did. Moreover, not all employees were concerned about this issue. For example, Tompkins and Chion would routinely call each other.

### **3. No Breaks or Lunches at Fair Events**

Eckdahl also complained about Tompkins failing to grant her breaks or lunch periods while working at fairs and festivals. In one specific instance, Eckdahl described that she was at the County Fair when she learned that her cousin had passed away. Eckdahl said she was upset and left the tent for about an hour. When she returned, Tompkins was at the tent and questioned where she had been in a way Eckdahl and felt berated her for being gone an hour, even though Eckdahl said it was apparent that she (Eckdahl) was visibly upset and told Tompkins about her cousin's death. Tompkins. Eckdahl said Tompkins's reacted by telling Eckdahl she was useless and showed her no empathy. Another instance Eckdahl complained about at the County Fair was when Eckdahl told Tompkins she needed to leave at 6:00 p.m. to eat, but she said Tompkins ignored her. Eckdahl finally just grabbed her things and turned to leave, at which time Tompkins allegedly made a comment to someone about Eckdahl being new.<sup>27</sup>

Jackson's perspective was that there was a lack of communication on the issue. No one discussed any form of relief or rotation option. She recalled that at least with the State Fair, Tompkins was traveling a portion of that time and was not even in attendance. But she did not understand why someone would not have planned this out with Eckdahl and Chion. Jackson said Eckdahl came out to the State Fair at times, so Jackson was able to leave and eat without people watching. On other occasions, Jackson ate at the table although it admittedly was not ideal.

Tompkins's perspective on this issue was, quite simply, that no one told Eckdahl she could not take lunch or breaks. To Tompkins, it was not reasonable for Eckdahl to expect Tompkins to call Eckdahl, especially on those occasions when she was Tompkins was out of town, just to tell Eckdahl to go on break.<sup>28</sup> Tompkins said she even told Eckdahl on more than one occasion that there was no reason for her and Jackson to both be there at the same time during the weekdays. During the time she was in New Orleans and not available herself to attend, Tompkins told Eckdahl she would be happy if Eckdahl and the others worked it out amongst themselves, and that she did not need to be there by any means during the workdays. But Eckdahl said they worked better if both she and Jackson were present. Tompkins also disputed Eckdahl's suggestion that she was given no breaks at the County Fair, claiming instead that Eckdahl regularly used the air-conditioned conference space available to the volunteers because Eckdahl did not like the non-air-conditioned tent.

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<sup>27</sup> Eckdahl said she and Jackson had similar concerns at the Strawberry Festival. Eckdahl said that at the Strawberry Festival event, food and drink were not allowed in their building because of the livestock.

<sup>28</sup> Tompkins presented at the AFCD annual meeting on February 8, 2023, and the National Association of Conservation Districts (NACD) annual meeting in New Orleans on February 14, 2023. The Florida State Fair was February 9-20, 2023.

Eckdahl confirmed the availability of the air-conditioned volunteer space at the County fair but criticized Tompkins for failing to be clear about what Eckdahl could or could not do in terms of breaks or meal periods. Eckdahl understood someone needed to staff the District exhibit to interact with the public or to receive plant auction items that were being delivered. That person was mainly her. But Eckdahl admitted she also used the volunteer space, stating, “Oh yeah, sure. We did the Harvest Award gift bags in there. If I could get away from the tent, that’s where I would eat for a half an hour or whatever. We weren’t able to be there that long, but yeah.”<sup>29</sup>

Eckdahl later seemed to recant this statement, claiming she had used the space just once, and only in the instance described earlier after she became upset at learning her cousin had died. Eckdahl then claimed she was verbally “reprimanded” for using it. According to Eckdahl in this later account, Tompkins said:

. . . she could not trust me to get things done. I was still upset. I said I was having a bad day and told her a family member died. (Tears in my eyes) She said I was worthless and to just go home. I said, “What do you need me to do?” She finally relented and said I could hand (sic) up poster contest entries using a ladder on uneven ground while she sat at the table and made phone calls. I never took a break in the volunteer room again because of this situation.<sup>30</sup>

Regarding that same event and the “reprimand,” however, Tompkins’s recollection differs. According to Tompkins, she went to the County Fair one day as they were getting ready, and Eckdahl was not there. Tompkins said she “waited and waited and waited and waited, and she was supposed to be there,” but Eckdahl showed up about an hour and a half later. Tompkins said Eckdahl told her at the time, “Oh, I only left 15 minutes ago.” Tompkins told her that was not true, and Eckdahl finally admitted she had been gone a lot longer.

The evidence established that Tompkins did not establish a specific written schedule delineating breaks and meals periods when making plans to staff the various festivals and events. Ideally, Tompkins could have been more proactive in working with staff to plan a schedule and review expectations around breaks and lunches given that both Eckdahl and Jackson were new. But instead, Tompkins left those types of details to the staff to work out, which they apparently did but with some hesitation because they felt more communication was needed. While Eckdahl denied ever receiving any breaks other than the one instance in which she was reprimanded, that assertion lacks credence given the inconsistency in her account on that point. Moreover, it was not proven that Tompkins prevented Eckdahl or Jackson from taking reasonable breaks or lunches, nor was it necessarily reasonable to expect Tompkins to monitor and manage every moment of their time while they are at a fair or festival.

#### **4. Impermissible Medical Inquiry/Comments**

A collateral issue that arose with respect to Tompkins is Eckdahl’s disclosure of a medical condition<sup>31</sup> to Tompkins, and Tompkins’ subsequent sharing of that private information. Eckdahl

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<sup>29</sup> K. Eckdahl second interview dated May 4, 2023.

<sup>30</sup> Email from K. Eckdahl to D. Brown dated May 8, 2023 (9:39 a.m.), titled *Re: FYI*.

<sup>31</sup> For privacy, the specific condition will not be named.

described that she and Tompkins were working on the gift bags for the Harvest Awards and Tompkins noticed that Eckdahl's face had gotten red, which Eckdahl said is natural for her when she gets warm. Tompkins asked if she was okay, and Eckdahl said she was fine, but she said Tompkins kept asking, so Eckdahl told Tompkins she does get ill at times. Eckdahl said Tompkins kept at it and Eckdahl finally admitted she had a specific condition and some other (unspecified) issues.<sup>32</sup> Eckdahl now regrets sharing that information because she asserts Tompkins uses it as a weapon. By that, Eckdahl said Tompkins has announced to Board members that Eckdahl is not able to eat this or that food, but rather than naming the medical condition, Tompkins stated Eckdahl is allergic. Eckdahl said that at times, Tompkins has named her medical condition.

Chion and Jackson were both asked if they had ever witnessed any statements by Eckdahl or Tompkins about any medical conditions or allergies Eckdahl had. Chion had little recollection of specific comments by Tompkins. Jackson recalled some very general comments but could not be certain if Tompkins ever specifically named a medical condition or had merely alluded to one in some way.

Tompkins shared that it was Eckdahl that raised her medical condition, made a big deal of the fact that she had medical issues, and could not eat certain foods. Tompkins said she wanted to be sure that maybe there was something Eckdahl could eat at the meetings. But she said it was Eckdahl that raised the issue, and Tompkins's only concern was for Eckdahl's safety and that if Eckdahl was not allowed to eat certain things, the District needed to make sure they had something she could eat. Tompkins said she was only trying to be kind and only addressed it in the vein of trying to be helpful to Eckdahl's needs.<sup>33</sup>

## **B. Lack of Job Information or Training**

The next category of concerns relates to the staff jobs themselves and the lack of any written procedures on the office's operations. Eckdahl has alleged Tompkins never provided her with a job description or any training on how to perform her duties. Eckdahl initially stated that she had never seen a job description and had no idea what she was doing day to day. Another component of Eckdahl's complaint is that she lacked basic information about her job, including a job description and training to perform her various tasks. Moreover, Eckdahl claimed that the way Tompkins led the organization created an environment in which she was not comfortable seeking guidance and direction. Both Eckdahl and Jackson also expressed frustration that they were the ones physically executing various assigned tasks, like moving the boxes from the old NRCS suite to the new office and attempting to bring order to the array of boxes and other items to create a suitable office environment. Both complained that the District lacked structure and process, from a basic filing system to checklists or procedures for what was expected when they worked external events like fairs and festivals. Rather, both described an environment in which tasks and assignments were doled out only as they arose.

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<sup>32</sup> Eckdahl seemed to tie this medical condition back to the day she left the County Fair at 6:00 p.m. because she needed to eat. If so, this could conceivably account for how Tompkins gained an impression that Eckdahl was ill when working the County Fair, but Eckdahl instead used the weekend to go to Daytona.

<sup>33</sup> Tompkins said that additional evidence that she is not intrusive on medical matters is the fact that she asked no follow-up questions at all when Eckdahl volunteered that she was seeking social security disability. Tompkins said she asked no questions at all about that assertion or the basis for it. It was not pursued as part of this investigation because it is outside the scope.

As noted earlier, with Eckdahl, the pattern was for Tompkins to call on Sundays to provide direction for the first day or two of the week. Eckdahl also described that even after Tompkins had made the decision on a particular assignment, she would then call the next day after having changed her mind. Eckdahl felt that Tompkins was inconsistent in work assignments, stating that she often has no idea what is coming on a given day. As an example, Eckdahl's complaint regarding the County Fair was that Tompkins did not tell her in advance that the fair was several weekends in a row. It was only a couple of days before the fair that Tompkins started asking Eckdahl what night she wanted. Eckdahl said the schedule could change based on what was going on at the event and felt there was no consistency. Jackson similarly described that the allocation of work to her was not defined, nor is she given a set schedule. Rather, the system is for Jackson to wait for Tompkins to tell her what to do. Jackson said she has no set work schedule from week to week, and as a result feels like "the doll at Christmas that gets set on the shelf until you want to do something, then you wind it up and you tell it to go perform, and then when you're done, it goes back on the shelf."

It seems undisputed that Tompkins never physically handed Eckdahl a job description. But it was not proven that Eckdahl was never exposed to that information. As an external candidate posting through the County system, Eckdahl would have been exposed to the full external job description included as part of the posting. In addition, and although she did not recall doing so, Eckdahl went through a series of screening questions as part of the application to determine her suitability for the job. In addition, when interviewed by investigators on April 25, 2023, Eckdahl admitted she had received a job description from the County's HR nearly a month earlier (March 31, 2022) based on her own request. But Eckdahl admitted she had not yet even really read it, both because she wanted to maintain her complaint that Tompkins had not given it to her and because she was just tired of Tompkins and this whole thing. Eckdahl then admitted she really should read it because it would probably tell her information Eckdahl should know, but "honest to goodness, knowing what that says doesn't help you." Eckdahl said her only thing was that Tompkins never handed the job description to her.

More broadly, Eckdahl claimed she unaware of the potential evening and weekend event work and denied that Tompkins shared that with her the option for flexibility in Eckdahl's schedule to account for these position demands. But this claim was not credible for several reasons. First, Eckdahl had been on the District Board and thus knew the types of events and activities the District has been undertaking to support its mission, including fairs and festivals. Regarding the County Fair specifically, Tompkins produced a flyer she said had been released by the District during the first week of June 2022, with the Fair event details and dates. This was when Eckdahl was both the District's Board Chair and a job candidate. Also, as evidenced by the few agendas that were posted on the District's website, Tompkins regularly listed the activities in which the District was involved, and often included dates and other details.<sup>34</sup> Several of these show Eckdahl as Board Chair at the time.

Second, Eckdahl also admitted that Tompkins told her on multiple occasions that she was salaried, which was consistent with the express language in the posting for the District job for

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<sup>34</sup> See <https://www.hillsboroughswcd.com/post/hswcd-board-agendas-and-minutes> (last accessed May 10, 2023).



which Eckdahl had applied. Third, the job description that Eckdahl was exposed to when she applied included specific language on this point, stating:

While the position is located in Plant City, it will have some travel within Hillsborough County. This will be a salaried position, and the ideal candidate will have flexible hours, with capabilities to work nights and weekends as needed. The ideal candidate will support the director, and will assist with attending and planning the departments' events.

Even if one could believe Eckdahl somehow overlooked this express language, the County used screening questions that required an affirmative response before a candidate could be considered. Those questions, to which Eckdahl had answered "yes," included:

This position is in Plant City and has some travel throughout Hillsborough County. Do you understand that traveling is part of the position?

This position reports to the Director of Soil and Water Conservation and can require working nights and weekends as needed. Do you understand If offered a position, you would have to work these hours as needed?

Moreover, Eckdahl's suggestion that she was wholly unaware of what event support would entail and what she might be expected to achieve is not credible. Eckdahl had been asked on the application to, "*Please describe in detail how you organize, plan and prioritize your work.*" In response, Eckdahl used event planning as her example, writing on her application:

Depends on what your (sic) are doing. If I am planning an event.

First figure out what needs to be done.

Ask the questions: When is this happening? Day/Evening? What is the event for? Number of People invited. Theme? Food to be served or not. Formal or business. Goodie bags? Door Prizes? Awards? Thank you bags/cards? Those kinds of questions. Make a list.

First: Figure out date(s) of event.

Then find a place for event Enough Parking for all?

What kind of food? Get that list and figure out who/what is going to bring that.

Bar? No Bar? Waiters? No waiters?

Cleaning crew. Volunteers? Greeter? Valet? No Valet? Decorations for event.

Goodie bags. Organize that.

Hand outs: folders/t-shirts etc. Invites to be sent. Email, mailed etc. Flyer?

Event: order of ceremony? speeches?

Music? DJ, band, orchestra, over the speaker

RSVP .. nail down number of people.

Day of Event:

Have decor set up already

Food ready

Goodie bags

Guest of Honor(s)

## Awards already picked up

So, while it is true that Eckdahl was not physically handed a job description, her claim that she was wholly unaware of what she would be expected to do was not substantiated.

The remaining staff experiences were different from Eckdahl. Jackson, for example, was not shown by County records to have applied directly through the County website in response to a specific posting like Eckdahl. Jackson herself also said she did not see a job description or job posting because she was on the District Board briefly before she was recruited by Tompkins to fill the job.<sup>35</sup> Jackson thought she knew what community outreach meant, but said she asked Eckdahl, who had access to the County system, to help her obtain a job description because she thought she might have been wrong about what the position entailed. When asked what Tompkins told her when she was hired, Jackson said it was reaching out, a lot of community work, and would involve weekends and evenings. That made sense to her because that is when community is available. Tompkins specifically mentioned that Ag-Venture was her priority and then the County Fair in November. Jackson said she did not even know what her job title was when initially hired until the person who previously held the job (Stephanie Collins) contacted her. Jackson thought community outreach meant community, HOAs and irrigation systems, farmers, and water. She did not know it only meant fairs and festivals. Chion did not express any concern on this point. Chion said she saw a job description and described it as the one the County found that most closely matched the type of work she did. Chion also said she also knew what she was getting into, the type of work she would be doing, and she was well versed in what it was like working with HSWCD, the fairs, and the festivals and the different programs.

Turning to the lack of training, Eckdahl complained she was given tasks outside her skill set without any training and told to figure it out. One example was completing the District's vendor 1099 forms. Another was in creating a template for the District's bank reports. Eckdahl also took on the payroll processing in 2023, but for that task, she received training from the County. Jackson also said she had no training but at least became aware of the *Supervisor Handbook*.<sup>36</sup> Jackson's perception is that the District lacks communication and process. Chion again had no concern in this area, stating she was a District contractor before becoming employed and felt she knew what to expect in terms of the work. Chion also explained that in the context of events like fairs and festivals, they are, for the most part, all very similar from event to event.

When questioned about training, Tompkins seemed not to dispute that she did not provide any material training herself beyond assigning the various tasks to be completed. But Tompkins said she encouraged the staff to take any training they wanted. From her perspective, Eckdahl as the Administrative Specialist III was supposed to be take responsibility for that type of activity. For example, with the 1099 project, Tompkins said she told Eckdahl to just go online and get training for it, but to be sure it is a reliable source and to use the programs the County HR has available. Tompkins' belief was that an Admin III by definition should be able to learn such things and she should not be expected to sit down and walk Eckdahl through such tasks like she was a

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<sup>35</sup> Like Eckdahl, Jackson had to resign from the Board to accept, which she did.

<sup>36</sup> Referencing the *Florida Soil and Water Conservation District Supervisor Handbook*, a publication by the Florida Department of Agriculture and Consumer Services intended to aid new Board Supervisors and Districts in fulfilling their responsibilities.

child. The position description for Eckdahl's job supports this belief. That description lists as requirements that the incumbent possess "(s)kill in using logic and reasoning to identify complex problems and evaluate and implement alternative solutions, conclusions or approaches" and the (a)bility to use discretion and independent judgment in evaluating information."

When asked about Jackson and what she was trained on as far as outreach activities, Tompkins said that whenever she talked to Jackson, Jackson's reaction was that she had been a schoolteacher and knew how to do outreach. Tompkins admitted that the District has no written checklist or procedure on fairs and festivals, but her perspective was that "when people say, 'I don't know how to do it,' it's because we're doing it on the fly, so to speak." But Tompkins knows (and thinks the others likely understand) that they have items, like panels and trifold with sponsors, that are brought, and which change with every event.

Regarding training, a related issue raised by Tompkins is that Eckdahl's complaint is driven by the fact that Eckdahl has not been successfully performing her District duties for some time. Tompkins believes it is Tompkins's effort to enforce their agreement that Eckdahl seek a job elsewhere that led to Eckdahl's formal complaint. To understand how this relates, some background on how Eckdahl came to be employed with the District is helpful. Eckdahl was the District's Board Chair (volunteer) but was working for the School District as a virtual teacher until her unit was eliminated. While Eckdahl had an in-person placement opportunity that would allow her to remain with School District,<sup>37</sup> Eckdahl asked Tompkins about any available positions once she learned her virtual job had been cut. Eckdahl said that at that time, working for Tompkins sounded like a good idea because being an administrative assistant was something Eckdahl was interested in. Tompkins said Eckdahl approached her after she got word from the School District that she was being released and approached Tompkins saying she really wanted the admin job at HSWCD. Eckdahl said Tompkins told her what the job was titled and directed her to go through the process for applying.

Eckdahl said she applied to the District around May, with County records confirm she applied May 29, 2022.<sup>38</sup> Tompkins took no action to interview or hire Eckdahl until August. Eckdahl believed the delay was due to Tompkins' focus at the time on some proposed legislation that would have affected the District. However, Tompkins said at least part of the delay was because she had not wanted to hire Eckdahl and did not think she was qualified. Tompkins was surprised that Eckdahl was interested in being an admin as her background was in teaching rather than in administrative services. Tompkins initially assumed the County screening process would have screened Eckdahl out. When that did not happen, Tompkins claimed she went back to HR asking for more candidates in the pool.<sup>39</sup> But Tompkins felt like she was in a box because Eckdahl

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<sup>37</sup> Eckdahl kept that option open until August 2022, when Eckdahl attended preplanning at the high school. Eckdahl said that it was then that she decided the school's working conditions were not suitable for her and resigned. It was around that time that Tompkins offered for the HSWCD position.

<sup>38</sup> This was one of multiple applications that Eckdahl submitted to the County last summer. County records included cover letters and resumes Eckdahl apparently submitted for Administrative Assistant (Solid Waste), Human Resources Specialist, Talent Acquisition, and a resume referencing for an unspecified Customer Service position. Eckdahl said she applied for other positions because she had not heard back yet from Tompkins.

<sup>39</sup> She could not recall who she had spoken to in County HR.

was Board Chair at the time.<sup>40</sup> Eckdahl was offered the position sometime in August 2022, and started August 15, 2022, at which time Eckdahl resigned her position as Board Chair.

By Eckdahl's own admission, Tompkins made clear by November 2022 that she was dissatisfied with Eckdahl and felt she should seek other opportunities. As was explained earlier herein, it is not disputed that Tompkins and Eckdahl had the first conversation about Eckdahl looking for another job in November at or around the County Fair. At that time, Tompkins was frustrated that Eckdahl left the event early under the auspices of not feeling well and used that excuse to not work the weekend, only to then travel to Daytona. Eckdahl said that it was after her return from Daytona that Tompkins told Eckdahl that they needed to have a chat and Tompkins was not going to fire Eckdahl. But Tompkins then explained to Eckdahl how Tompkins did not think the job was for her, etc. Tompkins's recollection was that Eckdahl had shared with her that the job was really so much more work, that Eckdahl said she had no idea all the stuff that would be going into it, and also that she (Eckdahl) wanted to find a job elsewhere in the County that was easier. Eckdahl said that from that point on, she started looking for a job.

Eckdahl said the topic of her seeking another position came up several more times. Once was right after Thanksgiving, when Eckdahl said Tompkins told Eckdahl she should have gotten rid of Eckdahl in October. Eckdahl told Tompkins she was applying to other jobs every day. The topic surfaced again just recently<sup>41</sup> when Tompkins again told Eckdahl she should have fired her. Eckdahl confirmed Tompkins had just recently asked Eckdahl to prove that she was applying for other jobs.<sup>42</sup> Tompkins believes it was this effort by Tompkins to try and force the issue of getting Eckdahl to move on that provided the impetus for Eckdahl to register a formal complaint. Eckdahl said she was told by Tompkins that the Board did not like her, that she should have more responsibilities, that she was not doing everything Tompkins has asked her to do, and that it was the little things that Eckdahl was not doing right. Eckdahl said she asked Tompkins what the little things were that she was not doing, but claimed Tompkins could never specifically say what Eckdahl was not doing for her because she has done everything Tompkins has asked.

Tompkins, however, provided several performance examples she supplied to Eckdahl including the poor quality of the minutes, errors in the local working group postcard mailers, and errors on the 2023 Hillsborough 100 Conservation Challenge luncheon mailing list.<sup>43</sup> Starting first with the minutes, both Eckdahl and Tompkins provided examples of the minutes Eckdahl drafted and Tompkins corrected. Indeed, Tompkins's actions in taking her own notes at Board meetings and correcting Eckdahl's work were a component of Eckdahl's complaint against Tompkins.

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<sup>40</sup> No findings are made regarding whether any potential conflict of interest existed by virtue of Eckdahl as the Board Chair seeking employment from an individual (Tompkins) that reported to the body of which she was a part. That issue is not part of this engagement's scope.

<sup>41</sup> Eckdahl thought this was after the Strawberry Festival, which was March 2-12, 2023. Tompkins also said they discussed this recently, going so far as to suggest it was this latest discussion that was the impetus for Eckdahl's complaint.

<sup>42</sup> When Tompkins first asked about applying elsewhere in November, Eckdahl said she responded generally because it really was not Tompkins's business. In the most recent instance when Tompkins asked, Tompkins attributed it to the Board supposedly asking what jobs she was applying for. Eckdahl said it was none of their business.

<sup>43</sup> It is possible that the label issue with the Hillsborough Conservation luncheon invitation was after the fair since the luncheon was on April 12, 2023. But Eckdahl presumably began taking minutes right after her August 15, 2022, start date, and the local working group meeting was November 29, 2022.

Eckdahl wrote: “I am not sure why she takes meeting notes. That is my job. I turn them over to her. She edits. Then I update. Then she copies them. She has a history of doing this with past HSWCD employees as well.”

In the context of Tompkins’s concerns,<sup>44</sup> several of the provided drafts show some work quality issues, like formatting and title errors,<sup>45</sup> and even the misspelling of Tompkins’s name.<sup>46</sup> However, Tompkins said that in recent weeks, Eckdahl has improved. For the other examples, Eckdahl does not dispute that she made errors with either the local working group mailer or the Hillsborough 100 Conservation Challenge luncheon invitations. But Eckdahl characterized them as minor and deflected personal accountability because of the lack of training. For instance, in the case of the postcards, Eckdahl blamed Tompkins for not specifically telling Eckdahl how to apply the mailing labels so as to not cover any writing. But Tompkins was upset she did it wrong, which Eckdahl then claimed she was punished for by having to go to the post office to inquire if they would still be acceptable for mailing (they were). Eckdahl also claimed she made the mailing label error on just five cards.

A further error Eckdahl made on the working group postcard mailer was Tompkins’s claim that she asked Eckdahl to take Chion’s design and print a single card to insure it would format and fit properly before she printed the batch. However, Eckdahl instead printed the entire batch without testing and a whole box of cardstock had to be thrown away. Eckdahl did not deny this happened but excused it by explaining she had no idea what she was doing, had never done it before, and Tompkins was not there to help her, so she screwed up. However, it was reasonable for Tompkins to assume Eckdahl would be competent on this task given that Eckdahl had claimed, as part of the screening questions used at hire, that she was “expert” in the use of the Microsoft Office Suite.

With the mailing list for the Hillsborough 100 Conservation Challenge luncheon, Eckdahl acknowledged corrections were made to the mailing list for the invitations to the Hillsborough 100 luncheon. Eckdahl admitted only two mistakes on what she described as a lengthy list, and felt Tompkins could have just said, “Please just update it and send it back to me. Good work,” but instead made a big deal out of it. Tompkins, however, described the errors as relating to titles of current Hillsborough County officials and provided a copy of the three corrections made. Tompkins felt these errors would have reflected poorly on the District and may even have meant their invitation would not be received.

In summary, Tompkins did not physically hand Eckdahl a job description. Moreover, Tompkins did expect Eckdahl to use her own initiative to obtain what training she needed to execute on her assignments. This expectation was not necessarily unreasonable given the skills, attributes, and expectations for this role in the job posting and description. While Tompkins routinely works at the Brandon location, it cannot be said that Tompkins was unavailable for questions given the volume of phone calls between Eckdahl and Tompkins during the workday. Moreover, greater initiative could have been shown by Eckdahl to figure out some basics, like how

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<sup>44</sup> When interviewed, Eckdahl also alluded to the possibility that perhaps Tompkins was embellishing the minutes to her advantage. That issue is discussed later herein.

<sup>45</sup> See February 22 and March 3, 2023, drafts.

<sup>46</sup> See March 3, 2023, draft.

to get reimbursed for mileage.<sup>47</sup> But the overall work environment was shown to be fast paced with little in the way of captured institutional knowledge like checklists or procedures that would allow staff without Tompkins' historical knowledge to be independently effective. While it was proven that Tompkins had performance concerns about Eckdahl and even that those concerns had some validity, Tompkins used poor judgment in failing to document those performance concerns, instead electing to try and encourage Eckdahl to seek employment elsewhere.

### **C. Physical Work Environment and Lack of Equipment**

Another category of staff concern, the lack of a suitable office environment, has several layers. First, it is alleged that the District's Plant City office has and continues to lack the proper equipment to fulfil their District duties. Second, it is alleged that the office had some type of rodent infestation. Third, it is alleged that a significant volume of Tompkins's personal belongings is inter-mingled with County property and are a hindrance to bringing proper order to the space.

It seems undisputed the District's primary office was housed in space leased by NRCS (Natural Resources Conservation Services) until late 2022.<sup>48</sup> As part of that arrangement, District staff were apparently using NRCS computers, phones, and printer/copiers, some of which were apparently out of service or unavailable for periods of time. In December 2022, the decision was made for the District to move into its own space in the same building.<sup>49</sup> Upon moving into the new space, Eckdahl and Jackson compiled a list of equipment needs and emailed it to Tompkins on January 6, 2022. That list requested the following:

- Shelving units (23" deep) Total of 7
- Workstation desks Total of 4
- Chairs for Workstations Total of 4
- Conference table with chairs
- Laptop for Comm Outreach
- Desktop computers Total of 4
- Extra monitors Total of 4
- Printer/Copier/Collator
- Phones Total of 4
- Cellphone Total of 2
- Internet Access for all desktop computer
- Router (for internet)

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<sup>47</sup> This was something Chion managed to figure out on her own and had no issue with Tompkins's approving. So, it cannot be said that Tompkins was reluctant to pay if the claim was properly documented.

<sup>48</sup> Tompkins apparently secured a different location in Brandon that she used as office space throughout the pandemic (initially due to limits on the number of people who could work on a given floor in the Plant City building. The Brandon office also features a conference room Tompkins uses for meetings. Tompkins said she now prefers that space because she likes to work late into the night and believes it to be a safer location for her schedule. But like the new space in Plant City, the Brandon space is a verbal arrangement. While Tompkins met with investigators only in the Brandon conference room and declined to allow investigators into her office, a brief glance into the office by one investigator while picking up document copies seems to suggest it is likely that a large amount of District records are likely stored at that site.

<sup>49</sup> Tompkins had already been storing District items in a separate part of the same building without charge as a courtesy from the building owner. Tompkins later persuaded the owner to donate that suite of offices for District use without charge. The arrangement is informal and verbal only.

Business Cards  
Projector for computer presentations

Little progress had been made on this list at least while this investigation was pending. Some rain barrels have been removed, and bins from items pushed into a large back office being used for storage. Eckdahl managed to secure a County laptop in December, but beyond that, no office phones, desktop computers, printers, copiers, or even internet access<sup>50</sup> to use the laptop at work are yet available. Much of the printing is either done at Office Depot or is donated by Odiorne Insurance. One can argue that Eckdahl should have taken a more proactive role in pursuing and pricing equipment. Her job description specifically includes, “Makes recommendations and advises director or agency head on budgetary matters concerning office expenditures, such as equipment and supplies.” But Eckdahl did not feel empowered based on her interactions with Tompkins, and Tompkins apparently did not make these requests a priority or delegate any actions for Eckdahl to take.

A draft of the March 3, 2023, minutes<sup>51</sup> indicated Board member Ryan Gill commented on the condition of the Plant City office and Tompkins provided assurances it would be addressed following the Strawberry Festival. The Strawberry Festival ended March 12, 2023. Conditions apparently did not improve since a draft of the April 19, 2023, minutes reflect a motion was passed by the Board requiring the Plant City office to be in acceptable condition by May 17, 2023. Staff members continue to use their personal cell phones for County business,<sup>52</sup> although they have been told cell phones have been ordered.

The lack of a County vehicle and/or mileage reimbursement<sup>53</sup> is another resource complaint. Apparently, the District has a County vehicle assigned to it, but it has been unused for many months and staff were expected to use their personal vehicles. When staff inquired, they were told they could use it if they “took the test” but no one seemed to understand what that meant.<sup>54</sup> It was learned just recently that what was required for staff to drive the County vehicle was to have taken the County’s defensive driving course. Investigators were told this has now been completed by the staff. Tompkins said the vehicle had also just come up for the County’s annual servicing, so she expects the vehicle to be made available to them at the Plant City location soon. Tompkins also said no one had ever complained before about using their personal vehicles so she did not know this was a concern. Tompkins also said it was Eckdahl’s job to figure out the reimbursement process.

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<sup>50</sup> Jackson said she has heard from other tenants that they think the building has no capacity to add additional connections, but that has not been confirmed or offered as an explanation by Tompkins for the continuing lack of internet service for staff.

<sup>51</sup> Final minutes for this meeting are still not on the District website.

<sup>52</sup> To the extent one of Eckdahl’s submissions suggested an out-of-pocket cost to phone calls, that may be incorrect. When speaking with investigators on this topic, Eckdahl indicated minute usage on her plan did not cost anything. Regardless, it is the County that is tasked with sorting out any reimbursable expenses.

<sup>53</sup> The County is tasked with addressing any mileage reimbursement issues. However, it was determined through the process that Tompkins was not unwilling to reimburse for mileage. Rather, she failed to take the time to delineate any specific process or form and Eckdahl, who typically was tasked with those types of activities, took no initiative to contact the County to figure out the process. Chion, however, was able to provide proof that she had created her own form for reimbursement and had been reimbursed by Tompkins when requested.

<sup>54</sup> This is an example of Tompkins giving a generalized answer and then expecting staff to figure it out on their own.

Tompkins generally did not dispute the state of the office. On the issue of phones, Tompkins alleged that staff members had no objection to using their personal cell phones until recently. Even if that were true, Tompkins was at least on notice that they were seeking to change the status quo by virtue of the equipment request sent on January 6, 2023, in which staff requested two cell phones and four desk phones. It should also be noted that no share drive or repository of electronic files has been established for the District since separating their physical space from NRCS. Prior to the office move, all of the District's work was housed on the NRCS computers and Tompkins's personal computer. Chion's work product is housed on her own computer, although she seemed confident it has all been emailed or otherwise provided to Tompkins. According to Tompkins, the District's files were housed on the NRCS computers before the office change in December. When asked how that data was transferred over, Tompkins said they had hard copies of the most important data, but the files were not copied electronically in most cases.

A second concern is that rodents of some type may be in the Plant City space. This was reported and photographs taken show evidence of intrusion. Jackson said she has seen droppings. Eckdahl attributed it to food items and wrappers left by Tompkins. Tompkins explained they sometimes use food items in demonstrations so something may have been present that attracted rodents. One of the photos showed an open flour bag, which matched Tompkins's description. Eckdahl at Tompkins's instructions purchased some rat poison pellets.<sup>55</sup> Even as of May 10, 2023, Jackson said some of the pellets were spread on the floor, suggesting there may still be an issue. But Jackson said that Tompkins's direction with building issues like this is for the staff to handle it themselves rather than make a complaint. Jackson said Tompkins told her she did not want to file a complaint or do anything to create an expense for the owner since they were receiving the space for free. Tompkins herself admitted she did not want to file a complaint for that reason and because she felt the staff could correct it. Tompkins also said no one objected to her correction plan at the time.

The remaining issue is the state of the filing system and the inter-mingling of personal items belonging to Tompkins with District property. Eckdahl said that everything from unopened personal mail to medical information are mixed in with some of the bins of loose documents in the office. In addition, there are bins with personal scarves and items of clothing and the like. A lot of the furniture is in poor condition but has not been discarded. One entire office at the time of the investigators' initial visit was unusable due to the number of chairs that had been placed in it.

Regarding the filing system, Tompkins appears to attribute that to the lack of support staff during the pandemic and the recent office move. The presence of personal items is also not really disputed by Tompkins, but her perspective is that she has saved the District thousands of dollars by using her own personal items for various events and activities. Tompkins did not doubt that some of her own personal mail and clothing is mixed in as well.

In the context of resources, mention must be made of the District's use of personal emails to conduct District business. Neither of the complainants raised any concerns about the use of personal email in their written complaints. However, the issue surfaced during discussions with County HR staff, so it is briefly addressed. At present, District supervisors and staff have all been assigned County email addresses. Tompkins said this was at the request of one of the Board

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<sup>55</sup> This is one of the alleged unreimbursed expenses being addressed by the County.



members after they were elected in January. Tompkins thought County email addresses could have existed at least for some period of time even before then, but it was never mandated that the District use them. The transition to these emails appears to be underway but may not be fully in place yet. Prior to the past few months, it was common for all staff, including Tompkins, to use personal email for District business.<sup>56</sup> Tompkins's personal email even appeared on the District website.

While discussed somewhat as a compliance issue, it is important to note that the practice of soil and water district conservation boards using personal email, both generally and within this District specifically, is commonplace.<sup>57</sup> The use of a personal account for District business simply means those users would be responsible for ensuring that the information is maintained in accordance with the Florida public records law. It is not ideal to use personal accounts because the comingling of personal and District emails can make the retention process for public records more cumbersome and carries some risk of inadvertent disclosure of personal information.

The evidence established that the Plant City office has challenges that have been known to Tompkins and existed for some time. The office lacks basic equipment, like computers, a printer, or even an office phone. Until recently, the amount of clutter and lack of organization made it difficult to even use the office as a regular workspace. While that is understood to have improved since the investigation commenced, the office still lacks internet and phone service. It has no central repository of electronic files. It contains no printers or copiers. It may have a rodent problem, or at least had one in the past. But the rodent issue, and how it was addressed, highlights the challenge of accepting "free space" without even a written agreement, namely an inability or unwillingness to impose upon the owner for the correction of such issues.

Even if one accepts Tompkins's assertion that no formal complaint was made before March about using personal cell phones, Tompkins was put on notice of the office's needs in early January 2023. However, the need for cell phones could potentially be reduced or negated by the installation of computers, internet, and an office phone. Regarding paper files, the District records appear to be spread across two different "free" offices and do not at present appear to be organized in a way that makes specific records easily accessible should the need arise.<sup>58</sup> They are also intermingled with some of Tompkins's personal items, which makes staff uncomfortable to handle. Consideration was given to Tompkins's assertion that she lacked staff to adequately manage the files. But even before the pandemic, staff turnover under Tompkins was high, so staffing is not necessarily a new issue.<sup>59</sup>

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<sup>56</sup> Chion is the exception, having established a g-mail account ([Hillsconserve@gmail.com](mailto:Hillsconserve@gmail.com)) early on to segregate all her District activity.

<sup>57</sup> The District Roster posted on the Association of Florida Conservation Districts website is replete with personal emails used as contact information for numerous districts. See <https://afcd.us/district-roster/> (last accessed 5/10/23).

<sup>58</sup> For example, records requested for this investigation, like past NRCS agreements and Tompkins's past evaluations by the Board, could not be promptly located and supplied.

<sup>59</sup> Tompkins started as Executive Director on November 23, 2015. Eckdahl is the third full time administrative staff member, and Jackson is the second Community Relations Worker. The District also employed and then lost via resignation four other full time staff members with various titles (Environmental Outreach Coordinator, Agricultural Conservation Technician and Conservation Outreach Technician). Of these seven staff members that were employed and then resigned since Tompkins's hire, most lasted less than a year and none made it to two years. This engagement's scope did not encompass any assessment of the turnover reasons, so no specific conclusion is drawn from the fact of turnover alone. However, it is known that at least one of those who departed made a complaint

#### **D. Payroll and Donor Practices**

Several issues that could be loosely characterized as financially related have been brought forward. The most significant of these is the alleged inaccurate reporting and payment for time worked.<sup>60</sup> Additional concerns include a lack of clarity about the financial accounts and the way donations (particularly in-kind solicitation of giveaways, free office space and printing services) are sought.<sup>61</sup>

Part of Eckdahl's complaint is that she regularly works more than 40 hours and is not either compensated for overtime or given "comp time." Tompkins asserts, and the original job posting confirms, Eckdahl's role was described as a salaried position. It appears she was set up in the payroll system as salaried since her hours appear to automatically populate at 40 each week. Regardless, the County is tasked with examining the pay concerns Eckdahl has raised. The only issue being examined as part of this report are allegations that the process of capturing and recording Jackson's hours was flawed.<sup>62</sup> More specifically, both Eckdahl and Jackson reported that Tompkins directed that Jackson be paid the same twenty hours on a fixed schedule of 9:00 a.m. to 2:00 p.m., Monday, Tuesday, Wednesday, and Friday each week regardless of Jackson's actual work hours.<sup>63</sup> Jackson is a part-time nonexempt staff member. Eckdahl said this was being done regardless of whether Jackson worked more or reported something different to the point that Jackson just stopped reporting her hours. This made Eckdahl uncomfortable based on the County payroll training she received.<sup>64</sup>

Eckdahl said that recently she began putting the actual hours in because that is what she understands to be the correct process. Eckdahl thought Jackson should just get paid for what she worked, whether it was more or less than 20 hours. But according to Eckdahl, Tompkins's view was that it would just all work out. Jackson said that when she started, she was told she worked 20 hours per week, and she was to always report that. Jackson said it made her nervous. Her first week, Jackson said she worked at Ag-Venture for 22 hours and was concerned she did something

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similar in nature to some of the issues raised by Eckdahl. No further observations can be made because no County HR records could be located to show the matter was ever sent to the County for investigation.

<sup>60</sup> A concern was also expressed that Tompkins promised staff bonuses as a Christmas luncheon, but no bonus was ever paid. Tompkins denied promising bonuses but did admit she told staff she hoped it would be possible. It is unclear whether bonuses would even have been permissible for District staff given the typical prohibition of such payments for public employees except under certain circumstances. *See* §215.425, *Fla. Stat.* Regardless, that issue, had it arisen, would have likely been addressed by the County's Payroll Office.

<sup>61</sup> While the issue was raised that the District was subjected to financial penalties because of Tompkins's failure to timely submit certain paperwork, that issue is beyond our scope and is only referenced herein in relation to some concerns over the appropriateness of some of Tompkins's edits to the Board minutes, discussed later herein.

<sup>62</sup> Eckdahl said that no issue existed with Chion's hours, which were entered as reported by Chion and approved by Tompkins.

<sup>63</sup> Eckdahl said she was present when this direction was given when Jackson started, but the task of entering the fixed schedule hours only fell to her when she took over the payroll processing sometime around January 2023.

<sup>64</sup> Eckdahl's perception is that Tompkins wants the staff to be "beholden to her" by giving them something that then had strings attached. She used Jackson as an example, saying that throughout the Fall, Tompkins paid Jackson twenty hours per week even in weeks she did not work, but then did not pay her more than 20 hours per week when Jackson worked more than that amount during the Strawberry Festival because she had already been paid for time not worked.

wrong.<sup>65</sup> But she turned in those hours and was paid. However, in that instance, it turned out that her official County start date was not until October 31, 2022, so Tompkins wrote her a District check for \$352.00 to cover those hours.<sup>66</sup>

Jackson said she followed the direction given but then began to have weeks in which she was not working 20 hours. Jackson said she stopped emailing any hours at that point because she felt like she was participating in fraud. The verbal comment from Tompkins had been, “Melissa gets twenty hours, no matter what, Melissa gets twenty hours. When asked if she questioned Tompkins about getting paid for hours that she did not work, Tompkins would just say something along the lines of Jackson just needed to “bank those hours, because, you know, there’s events coming. The County doesn’t understand. When there’s work to be done, there’s work to be done. So, I know you’ll owe hours.” Jackson said that there were then times Tompkins was like, “oh, you owe hours. You know you should be doing this; you owe hours.” The whole situation made Jackson feel like she could not quit at the end of the year because she felt like she had not worked many hours for which she had been paid and she would be in trouble.

Regarding comp time, Tompkins said it is an honor system and not something she tracks. Her perspective is that if you hire people and they cannot be trusted to monitor their time and do it right, then you’ve hired the wrong people. Tompkins also said that Eckdahl is supposed to be monitoring the hours for people anyway since that is part of her administrative role and she took over payroll in January.<sup>67</sup>

When asked how she put the hours in for Jackson, Tompkins admitted that at first, they were putting down just the straight hours. Tompkins claimed that County had said that was fine as long as the hours were worked. So, Tompkins said she told them it was easier just to put down the number of hours a day, as long as that works out to the number. Tompkins said that it was when they went to the new system that they changed over to record the exact hours. Tompkins said it had not been an issue before but then became one with the recent complaints.

Tompkins admitted there were several times in December 2022 when Jackson did not work at all, and she allowed that because she knew Jackson would have a large block to work the next week of the cycle. Tompkins claimed she had been told “a long time back that as long as people were in that pay period, they could balance the hours out any way they want.” When asked if what was happening was that she was banking hours in December when Jackson was not working, knowing that she had a festival coming up where she would be working extra hours, Tompkins replied, “I don’t know if I ever used the term banking hours, but that’s basically, yes.” But Tompkins also said she would “never have agreed that someone could get paid unless they had previously agreed and committed that they were going to work the extra time in the next cycle.”

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<sup>65</sup> Jackson said she did not know how to report her hours. She initially sent her hours to Tompkins with a copy to Eckdahl but said she was then told by Tompkins to not copy Eckdahl.

<sup>66</sup> This is the accurate figure since Jackson’s rate was \$16 per hour. Tompkins said she paid Jackson as a contractor for those hours because she was needed to work Ag-Venture, but that County told her it was easier to have Jackson start on October 31 in the payroll system. In all fairness, the *Agency Personnel Request Form* submitted requesting Jackson’s hire requested an October 17, 2022, effective date.

<sup>67</sup> Eckdahl’s job description does state her position “(i)ndependently processes, coordinates and adjusts payroll, timekeeping, schedules and leave requests for department or agency.”

Jackson also said it was the employee’s responsibility to “be sure she worked the full amount of time for which she was compensated.”

The more complicated issue is the handling of in-kind donations. The District’s website presents a laundry list of what are referred to as “Cooperating Partners.” An example from one staff member was Odiorne Insurance, a Cooperating Partner that donates a large amount of printing services to the District and is in turn routinely recognized in the materials for that contribution. While one of the staff members expressed discomfort at soliciting for in-kind donations and giveaways for the various goodie bags and prizes the District uses as part of its program, the practice is common.<sup>68</sup> Even the Hillsborough County Board of County Commissioners uses sponsorships. The difference is that the Board of County Commissioners has a process in place to track and account for sponsorships in a more formal manner and to screen any such endeavors for potential conflict.<sup>69</sup>

It cannot be disputed that the District appears to have a robust and successful sponsorship program on the surface. The list of Cooperating Partners is extensive, and the volume of events and activities seems impressive. No formal structure or process for the tracking and accounting of the value of these in-kind contributions appears to exist, so the value is difficult to quantify monetarily. That is not to say that the Board is not aware. The website and printed materials for a variety of District program materials refer to the many Cooperating Partners without whose contributions the District would be hard pressed to achieve their goals. Some of the Board minutes also reflect Tompkins sharing with past Boards when significant in-kind contributions are made.<sup>70</sup> Tompkins also said that a list of these in-kind contributions are kept in the various event folders while any *monetary* contributions are deposited and acknowledged.<sup>71</sup>

A final issue of concern is that Eckdahl alleged that she had been made to sign a “contract” on behalf of the District at the Strawberry Festival, which made her uncomfortable. According to Tompkins, all she asked was for Eckdahl to pick up the parking passes and the tickets for the staff and volunteers while she was at the Strawberry Festival. Tompkins said that is an admin assignment. No “contract” was provided, and the description Eckdahl gave matched Tompkins’s description that Eckdahl had merely been asked to sign for receipt of the tickets and parking passes needed for the District to enter the fair to set up and then staff their exhibit space.

The information established that the hours recorded for Jackson in the County’s payroll system were not necessarily an accurate reflection of the actual hours worked from the date of hire through March 26, 2023. Rather, a typical 20 hour per week schedule was recorded regardless of

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<sup>68</sup> For example, the Hillsborough County Fair, an event in which the District participates, has its own program brochure highlighting various sponsors, one of which is Odiorne Insurance. *See* <https://hillsboroughcountyfair.com/hours-of-operation/> (last accessed 5/11/23).

<sup>69</sup> *See* Board Policy: 01.19.01.02 titled *Sponsorship*.

<sup>70</sup> For example, while newly elected Board members may not have been aware of the Brandon office that Tompkins was using, the Agenda for the April 13, 2022, meeting, under the entry for the Hillsborough 100 Conservation Challenge Kickoff Luncheon listed as an action item to “(p)rovide an award to John and Kay Sullivan for providing free office space in Brandon for HSWCD for the past two years.”

<sup>71</sup> A financial audit or assessment of financial practices surrounding donations and sponsorships is beyond the scope of this engagement. Rather, the only issue addressed herein is Jackson’s concern over whether a public agency can permissibly solicit sponsorships and donations, which it can.

actual hours worked, or whether Jackson worked more or less than the recorded time. This practice was at Tompkins' direction. While Tompkins claimed to have been told this was allowed by a County HR official, she could not name who that had been. Moreover, no legitimate reason to follow such a practice with Jackson could be discerned. Tompkins also followed the correct practice as to Chion, whose hours appear to have been captured in the system as she reported them.

To the extent Tompkins at one point appeared to attribute part of the explanation to the change in County payroll systems, the timing of the practice as to Jackson and when it changed do not match Tompkins's explanation. The prior payroll system (Kronos) was used up until October 22, 2023. The new system (Oracle Time and Labor) began on October 23, 2022. Jackson started on October 31, 2023. But a review of Chion's records in Kronos for the six weeks prior to the change showed that her time was being reported in Kronos based on what she actually worked and the time of day she worked, not a fixed schedule. This continued after the payroll change. It was just Jackson that was reported as working a fixed schedule (even though she was not). That continued until Eckdahl was told by County HR to report the time accurately. Jackson's payroll hours then became variable based on actual time worked starting March 27, 2023. It was also shown that Tompkins elected to simply pay Jackson as a contractor via check for work performed prior to her start date, meaning those hours were not captured and accounted for in the County payroll system. In addition, taxes were not withheld. No Form 1099 was issued because Tompkins explained it was under the IRS threshold reporting amount.

Regarding sponsorships and contributions, the District appears to have a robust (albeit informal) process for securing donations and in-kind services to support their activities. No system appears to be in place at present to place a monetary value on the in-kind contributions, some of which (like office space) might be considered significant. While the *Supervisor Handbook* seems to contemplate a more robust role for the Board to play in budgeting and expenditures, past Boards have, according to Tompkins, been satisfied to delegate most financial responsibilities.

#### **E. Meeting Minutes**

A final issue of concern is over the Board minutes. Eckdahl is responsible for taking notes and preparing the Board minutes in draft. She then provides those minutes to Tompkins for review. In her written complaint, Eckdahl's concern was both frustration over Tompkins taking notes when she (Eckdahl) is tasked with drafting the minutes, and then that Tompkins edits the minutes. Eckdahl was also concerned about the volume of missing minutes.

When questioned on this, Eckdahl said that Tompkins has altered the minutes to make herself look good. Eckdahl used the March 3, 2023, minutes as an example, referring to an exchange between Board member Christopher "Bear" McCoullough and Tompkins was not even described by Eckdahl in her draft. According to Eckdahl, Tompkins inserted language in the minutes stating that the Board member had been "derisive" to Tompkins.

The original draft and edits by Tompkins are below:

**Eckdahl Draft:** MCCOULLOUGH reported that he had a conversation with Tompkins on 2/20/23. MCCOULLOUGH spoke with TOMPKINS about the lateness of the invoices and when the invoices are sent.

**Tompkins's Edited Version:** MCCOULLOUGH reported that he had a conversation with Tompkins on 2/20/23. MCCOULLOUGH **claimed he** spoke with TOMPKINS about the lateness of the invoices and when the invoices are sent. **He then used derisive language to Tompkins.**<sup>72</sup>

Eckdahl's perspective was that if the actual exchange between the two had been quoted, it might have placed Tompkins in an unfavorable light. Eckdahl said Tompkins did not dispute that the two had spoken, and that Tompkins told McCoullough the invoices were done. The conflict arose, according to Eckdahl, because although Tompkins had told McCoullough in their discussion that the invoices were done, she had in fact not mailed them until the following day, which Eckdahl said caused McCoullough to say Tompkins had lied to him. Within that same edited draft from the March 3, 2023, meeting, other changes were made as well.

Another example is when Eckdahl summarized a multi-party discussion about certain penalties being assessed against the District. Tompkins's edits both added and deleted components:

**Eckdahl Draft:**<sup>73</sup> TOMPKINS reported that she had been working with FDACS for years. TOMPKINS and STEPHEN reviewed the process of how FDACS money is received and what is to be submitted back to FDACS. Direct deposit is being worked on. TOMPKINS reported that using checks is a cost saving measure. STEPHEN reported Hillsborough County is the only county not using ACH at this time and further clarified that HSWCD is allowed to use checks to pay producers. TOMPKINS clarified that other banks fees will be removed by the bank retroactively. STEPHEN clarified what is to be sent to FDACS which includes: copies of canceled check to producer and HSWCD adm fees, package received from FDACS and invoice from HSWCD. STEPHEN clarified when ACH is utilized copies of bank statements can be sent to FDACS. STEPHEN reported on the financial consequence notifications were sent multiple times over a period of 3 months using multiple methods starting 12/14/2022. TOMPKINS reported receiving emails from FDACS about content including 4 Star Tomatoes, J & L Triple B Ranch, and Daniel Cline Sr.. Star Tomatoes did not complete their project. TOMPKINS reported an issue with the numbering sequence. J&L Triple B Ranch check cleared 1/5/2023. HSWCD Invoice for J&L Triple B Ranch was sent to FDACS on 2/21/2023. STEPHEN clarified she is the supervisor of Matt Warren who works for FDACS. STEPHEN reported that there is a timeline when a check clears and when an invoice is to be sent to FDACS is in the contract. STEPHENS reported that Daniel Cline, Sr. check cleared 12/20/2022 and FDACS was sent the

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<sup>72</sup> While Eckdahl provided some partial recordings of several meetings, including one which purported to be March 3, that recording did not appear to contain this specific exchange. Therefore, the Board will have to use their own recollections to assess the accuracy of the assertions.

<sup>73</sup> Errors in this draft not corrected by Tompkins (like the spelling of certain names) are shown as they appeared in Eckdahl's draft.

invoice on 2/21/2023. MORRIS clarified the issue is when the check clears and when the invoice is sent to FDACS. J&L Triple B Ranch, Sr, LaNae Luttrell invoices are part of the fines incurred by HSWCD. J&L Triple B Ranch issue for lateness was an incorrect address. STEPHENS clarified fines are 100 dollars per business day per agreement as per the contract with FDACS. STEPHENS reported that the Luttrell check cleared on 11/4/2022 invoice was sent to 2/21/23. TOMPKINS reported that there was no reminder of the fines in the FDACS report received. TOMPKINS reported that there was an issue with the numbering problem with the contracts and she was not aware of the timeline in the contract. YOUNG & MORRIS clarified that TOMPKINS signed the contract.

STEPHEN reported that invoices from HSWCD have a history of missing information, canceled contract, and time extensions being requested in the past. TOMPKINS clarified about the technician that resigned from HSWCD. STEPHEN reported that after multiple communications and failure to meet the contract, the district and the department agreed mutually to terminate the contract.

**Tompkins's Edited Version:** TOMPKINS reported that she had been working with FDACS for years. TOMPKINS and STEPHEN reviewed the process of how FDACS money is received and what is to be submitted back to FDACS. Direct deposit is being worked on. TOMPKINS Tompkins reported that using checks is a cost saving measure. STEPHEN reported Hillsborough County is the only county not using ACH at this time and further Stephens clarified that HSWCD is allowed to use checks to pay producers. TOMPKINS clarified that other banks fees will be removed by the bank retroactively. STEPHEN clarified what is to be sent to FDACS which includes: copies of canceled check to producer and HSWCD adm fees, package received from FDACS and invoice from HSWCD. STEPHEN clarified noted when ACH is utilized, copies of bank statements can be sent to FDACS. STEPHEN reported on the financial consequence notifications were sent multiple times over a period of 3 months using multiple methods starting 12/14/2022. TOMPKINS reported receiving emails from FDACS about content including 4 Star Tomatoes, J&L Triple B Ranch, and Daniel Cline Sr.. Star Tomatoes did not complete their project. None of the emails mentioned any financial penalties being accessed and read e-mail contents. TOMPKINS reported an issue with the numbering sequence. J&L Triple B Ranch was originally listed with an incorrect address by FDACS and HSWCD went to great lengths to get return call to producer over the holidays. check cleared 1/5/2023. HSWCD Invoice for J&L Triple B Ranch was sent to FDACS on 2/21/2023. STEPHEN clarified she is the supervisor of Matt Warren who works for FDACS. STEPHEN reported that there is a timeline when a check clears and when an invoice is to be sent to FDACS is in the 2021 contract. STEPHENS reported that Daniel Cline, Sr. check cleared 12/20/2022 and FDACS was sent the invoice on 2/21/2023. MORRIS clarified the issue is when the check clears and when the invoice is sent to FDACS. J&L Triple B Ranch, Sr, LaNae Luttrell invoices are part of the fines incurred by HSWCD. J&L Triple B Ranch issue for lateness was an incorrect address. STEPHENS clarified fines are 100 dollars per business day per agreement as per the contract

with FDACS. STEPHENS reported that the Luttrell check cleared on 11/4/2022 invoice was sent to 2/21/23. TOMPKINS reported that there was no **reminder mention** of **the any** fines in the FDACS report received. TOMPKINS reported that there was an issue with the numbering problem with the contracts, **and she was not aware of the timeline in the contract.** YOUNG & MORRIS clarified that TOMPKINS signed the contract.

**STEPHEN reported that invoices from HSWCD have a history of missing information, canceled contract, and time extensions being requested in the past. TOMPKINS clarified about the technician that resigned from HSWCD. STEPHEN reported that after multiple communications and failure to meet the contract, the district and the department agreed mutually to terminate the contract.**<sup>74</sup>

According to Eckdahl, Tompkins changes things like that all the time, but it is subtle. When asked about whether Board members can review and correct the minutes before voting, Eckdahl said that when she was on the Board, she only saw them at the meeting and had about thirty seconds to look them over before a vote was called. Regarding missing agendas and minutes, Eckdahl provided emails showing the efforts she made to locate and account for missing agendas and minutes for the past several years. Eckdahl claimed Tompkins has never responded and is also in possession of the official binders with the agendas, minutes, and financials. Based on the list prepared by Eckdahl and the drafts of minutes provided by both Tompkins and Eckdahl, the District's website is not current even for 2023.

Tompkins dismissed Eckdahl's complaint about Tompkins taking notes, explaining that she attends dozens of meetings, and it is her practice to write minutes of action items, so she can track the items she is responsible for. Tompkins also admitted that she routinely edits the minutes but added that the Board then votes to approve them. Tompkins said there were a lot of mistakes in the work Eckdahl did, but her drafts have improved for the past two meetings. Tompkins said Eckdahl is also not receptive to constructive criticism.

No one appears to suggest that minutes are not kept, or that the level of detail in general is not sufficient. The *Supervisor Handbook* is plain on this point, stating simply that the "minutes of a meeting are to be promptly recorded and available for public inspection." However, the *Supervisor Handbook* states that minutes "taken do not need to be verbatim transcripts of the meeting; rather, they can be a summary of the major action items taken." Moreover, minutes are also approved by the Board, as presumably the ones referenced above were at the next meeting following March 3, 2023. It was not alleged that any Board member had in the past corrected or even questioned whether the minutes accurately reflected what had occurred at the prior meeting before approving them.<sup>75</sup> Therefore, it is conceivable and even likely that the final minutes were sufficiently accurate and detailed enough to meet the minimum legal requirements. Moreover,

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<sup>74</sup> Later in this same set of minutes, Tompkins edited another sentence about the fines as follows: "TOMPKINS inquired about extenuating circumstances **and she is involved in a lot of projects, events and activities and reported that all producers received their monies in a timely manner and this deals only with reimbursement from FDACS.**"

<sup>75</sup> Tompkins provided an edited draft of the April 19, 2023, minutes in which it appears the current Board made a correction concerning a motion about Tompkins being suspended with pay pending the investigation outcome before approving the March 29, 2023, minutes.



Tompkins did not engage in any form of misconduct by either taking notes herself or even editing the minutes generally. Eckdahl made grammatical, spelling, and typographical errors at times. Insofar as Eckdahl has suggested a tendency by Tompkins to edit the minutes to try and place herself in a more favorable light, that allegation is substantiated.

#### IV. Conclusion

Conclusions, as applicable, have been included in each of the above sections. However, the final aspect of this report, this conclusion, addresses the larger issue that was the underlying subject of the engagement, namely, the management and operation of the District office, and in particular the actions taken or not taken by Tompkins as the District's Executive Director. In that regard, Tompkins's actions would typically be assessed against a backdrop of policies or contractual expectations. In this instance, Tompkins's employment contract with the District provides for general expectation that her duties be performed in a competent and professional manner to the reasonable satisfaction of the HSWCD. A job description was also incorporated by reference into Tompkins's employment contract with the County. However, the job description could not be located by Tompkins, nor could she find any of her own performance reviews.<sup>76</sup>

County policies may also be helpful, although some ambiguity likely exists as to what County policies, if any, directly apply to the District. The District is a creature of statute. However, the District appears to enjoy a level of funding and services<sup>77</sup> support under the general auspices of Hillsborough County's Board of County Commissioners, so it can be inferred at a minimum that Board policies<sup>78</sup> might be viewed as instructive.<sup>79</sup> Another source of practical guidance<sup>80</sup> as to the effective operation of Districts is found in the *Florida Soil and Water Conservation District Supervisor Handbook*.<sup>81</sup> These sources are referenced because they are instructive in understanding how some of the substantiated concerns are inconsistent with those standards.

In this investigation, it was determined that Tompkins has a strong personality. She can at times be seen as remote by some staff. Tompkins works long hours and has few reservations about calling staff after hours even if it is not an emergency. Tompkins employs a high level of delegation as her way of managing the work but has not necessarily spent the time reasonably needed to ensure new staff truly understand what is expected of them. At least some (but not all) of the staff

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<sup>76</sup> It can be assumed that prior Boards were satisfied by the fact of Tompkins having received increases and contract extensions.

<sup>77</sup> For example, the County provides budget funding, payroll services, recruiting support, and a vehicle. In the past, it also at times provided legal services.

<sup>78</sup> The reference to Board policies is not inclusive of staff policies adopted by the Hillsborough County Administrator as to the County's own staff since the Board of Supervisors are elected officials in their own right and do not report to the County Administrator.

<sup>79</sup> For example, as noted earlier, the Board has a structured policy for the tracking and management of sponsorships.

<sup>80</sup> The Association of Florida Conservation Districts (<https://afcd.us/>) contains links to additional resources and training, including but not limited to the [Florida Special District Handbook](#). This handbook is intended to help Florida's special districts comply with the requirements specified in Chapter 189, Florida Statutes (the Uniform Special District Accountability Act).

<sup>81</sup> The handbook was last updated in 2018, and certain aspects like qualifications for election as a supervisor were changed by statute in 2022. *See* Chapter 582, Fla. Stat. But regarding the mechanics of best practices on the operation of Districts, it remains a valuable tool and one Tompkins was familiar with.

have struggled under Tompkins's leadership style. Tompkins was also shown to have been ineffective in addressing staff performance concerns as they arose.

In some areas where concerns were substantiated, Tompkins was shown to have been less than successful in fulfilling core duties that the Board might have reasonably expected. For example, the *Supervisor Handbook* listing of District Staff Responsibilities includes tasks like "(a)nticipate and determine the need for office supplies and equipment at the lowest possible cost to be purchased by the SWCD, and order items upon approval of the board" and "(m)aintain the appearance of the office and work area." Yet, the evidence showed that this did not happen in conjunction with the office move and has only recently been made a priority, and only then because of the Board's insistence. Another example is in the area of recording keeping. The *Supervisor Handbook* suggests that District staff are tasked to "(m)aintain a standardized filing system for the SWCD and "(m)aintain accurate employee time and attendance reports."<sup>82</sup> But the filing system, such as it is, appears to be in disarray, with no central repository for electronic files, and physical records spread across two locations and not organized in a format that allows for easy retrieval of documents. In addition, Jackson's time was not reported accurately for several months.

It should also be noted, however, that past Boards do not appear to have made some of the issues described herein a priority. Tompkins asserts that she was evaluated positively by past Boards. While Tompkins could not produce any evaluations, Tompkins is correct in observing that she has received both pay increases and contract extensions. However, each Board can set its own priorities for the Executive Director. If the current Board elects to retain Tompkins, a path forward can be crafted that capitalizes on her strengths and sets forth a vision and set of expectations going forward.

Respectfully submitted,

Deborah C. Brown, Esq.  
Florida Bar No. 0749648  
James F. Brown  
Sr. HR Consultant  
Brown Law and Consulting, PLLC

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<sup>82</sup> See *Supervisor Handbook* at p. 16.

## Appendix A

### Individuals Interviewed by BLC:

<b>Name</b>	<b>Title</b>	<b>Date(s)</b>
Linda Chion	Computer Graphics Designer	4/26/23
Kathryn Eckdahl	Administrative Specialist III	4/25/23, 5/4/23
Melissa Jackson	Community Relations Worker	4/25/23, 5/10/23
Betty Jo Tompkins	Executive Director	4/27/23

## Appendix B

Below is a summary based on phones records provided by and relying on Eckdahl's characterization as having been to or from Tompkins, and whether they were during work hours or attributed to after-hours, weekend, or holiday periods.

<b>Invoice Excerpt Dates<sup>83</sup></b>	<b># of Calls During Workday (Duration)</b>	<b># of After-Hours/Weekend/Holiday Calls (Duration)</b>	<b>Comments</b>
August 15-September 2, 2022	40 (194 minutes)	16 (123 minutes)	Calls before 8/15/22, even if highlighted by Eckdahl, are not included since Eckdahl was not yet a District employee.
September 3-October 2, 2022	56 (252 minutes)	17 (131 minutes)	
October 3-November 2, 2022	112 (366 minutes)	51 (277 minutes)	Ten calls (31 minutes) on 10/10/22 were marked as holiday. even though eight were during the normal workday. A log by Eckdahl cites Columbus Day, but County policies <sup>84</sup> do not recognize this date as a holiday
November 3-December 2, 2022	70 (228 minutes)	18 (85 minutes)	While all calls <i>alleged</i> to be outside work hours are included, eight calls occurring on November 11-13 appear to be within the time frame in which Eckdahl would likely have been working at the County Fair.
December 3, 2022-January 2, 2023	71 (420 minutes)	15 (98 minutes)	
January 3-February 2, 2023	94 (345 minutes)	24 (131 minutes)	

<sup>83</sup> Not all entries are necessarily reflective of calls initiated solely by Tompkins, or even that conversations between the two occurred. Many have a duration of just 1-2 minutes, and a few have a separate coding (VM Deposit, CL) suggesting that a voice mail may have been left.

<sup>84</sup> The Board of County Commissioners' *Holiday Schedule* policy (Board Policy - Section Number: 07.05.01.00) does not list Columbus Day, President's Day (claimed by Eckdahl in February 2023) or even Good Friday, which Tompkins said Eckdahl attempted to claim. These dates are also not listed holidays under the Hillsborough County Administrator's Policy Manual titled *Paid Holidays*, Policy 2.2.

February 3- March 2, 2023	40 (125 minutes)	13 (56 minutes)	Four of the claimed after-hours calls on 2/20/23 were noted as holiday hours, but the holiday in question was Presidents Day, which is not a recognized County holiday.
<b>TOTALS<sup>85</sup></b>	<b>483 (1,930 minutes)</b>	<b>154 (901 minutes)</b>	

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<sup>85</sup> Eckdahl provided a spreadsheet in addition to the call log excerpts in which she claimed 3,000 minutes (50 hours) for calls outside her regular work hours. However, that number was achieved largely by Eckdahl rounding up in 15-minute increments even for calls that lasted three minutes or less. Moreover, as noted, some instances of claimed holidays were not actually recognized as such by the County. Regardless, whether Eckdahl is in fact exempt from overtime, as Tompkins claimed, or if not, if Eckdahl’s rounding is appropriate, will be determined by the County.