



## LIST OF PARTICULARS

I am employed with the City of Hinesville, Georgia. The City of Hinesville employs approximately 130 individuals. I was initially hired on or about February 27, 2017 as a Human Resources Assistant with the Human Resources Department. I hold a Master's degree in Human Resources from Troy University, and am working towards my SHRM-SCP Certification in human resources.

Beginning in April of 2017 and continuing through at least June of 2017, City Manager Kenneth Howard began making unwelcome sexual advances towards me at the workplace. This began with Mr. Howard being overly friendly and asking when I was going to bring him lunch. When asking how I liked my job, Mr. Howard stated that he would be able to get me a pay increase. Within the following weeks, Mr. Howard's advances became more frequent and physical. On one occasion in May of 2017, Mr. Howard came into my office asking about my weekend and when I responded that I attended a military ball with my husband, Mr. Howard proceeded to ask me if we had "something going on" and asked "if there was chemistry between us," to which I responded emphatically, "No, not at all." This episode made me feel extremely uncomfortable. On several other occasions, Mr. Howard approached me with his arms outstretched as if to invite a hug, including one where he sat down in my office and reiterated his promises to improve my pay rate. After asking what he could do to help with my pay, Mr. Howard went on to ask "what type of woman" I was, whether I liked gifts, whether I liked to take trips, and afterwards again tried to hug me.

In May of 2017, Mr. Howard began stopping by my office more frequently and chat with me, including a time when he asked when I was going to cook something for him. On or about May 31, 2017, I went to Ms. Niesha Williams' office to explain how I felt about Mr. Howard's behavior being more than just innocent, friendly conversation. I explained that I felt he was coming onto me and that it made me feel uncomfortable in the workplace. Ms. Williams said that she understood and advised that I should document the situation.

Then in June of 2017, Mr. Howard sat down in my office towards the end of the workday, kicked his feet up on my desk, and once more stated that he was working on increasing my pay. Meanwhile, my co-worker Alyssa McDuffie announced that she was leaving the office for the day, which left me alone with Mr. Howard in my office. Mr. Howard proceeded to get up and move towards my desk, and as I tried to exit the uncomfortable situation by leaving my office, Mr. Howard cornered me in the confined space and attempted to pull my body towards his. My arms were up between us pushing him back as I protested, "I don't like this, you need to let me go." Mr. Howard moved his face towards mine, stopping mid-way as if he were going in for a kiss. I turned my head away from him and told him that what he was doing was inappropriate and that I wanted him to stop. He responded, "Yes, I know, but you feel so good," and explained that he wanted me to be his and that he would take care of me. As soon as he left the office, I locked the door and called my husband to pick me up because I was upset over the incident. Then, Mr. Howard came back into the office with his key and asked me if I would be offended if he asked for another hug and to get a kiss this time around. Despite my strong protests and my saying that it was not okay; that I would be offended. Mr. Howard started walking towards me as I backed away until I told him that my husband would be arriving there shortly. In short, Mr. Howard's conduct during this

time was offensive and inappropriate, and I felt that it was unlawful and created a hostile work environment.

On June 14, 2017, I learned through my co-worker Alyssa McDuffie that Mr. Howard had told others in the office that I was the one who made advances towards him. Later this same day, I had a meeting with Mr. Howard and Ms. Niesha Williams in which Mr. Howard admitted that he was in fact the one who made the advances towards me, and admitted that he made a mistake but stated he could not help himself because he found me attractive. When I mentioned the attempted kissing incident that had occurred about a week earlier, Ms. Williams interjected that Mr. Howard had neglected to mention this to her. We agreed to document this situation and Mr. Howard agreed he would stop making advances. Before I left the meeting, I saw Ms. Williams print out some documents, hand a copy to Mr. Howard, and file a copy in her filing cabinet. I assumed this was some documentation related to our meeting. Even after the meeting, Mr. Howard continued to come by my office and make inappropriate comments and gestures for some time before finally stopping.

Not long after this meeting, I began to notice changes in how I was treated by Mr. Howard and my immediate supervisor, Ms. Holly Fields, who was the HR director. There was a rumor in the office that Ms. Fields had an ongoing romantic relationship with Mr. Howard. Ms. Fields appeared to harbor some personal animus against me which manifested in her being openly hostile towards me and her refusal to communicate information necessary for me to complete my job duties. Also during this time, I noticed that several of my personal belongings in my office had been moved, tampered with or broken, or removed entirely, including an oily substance being placed on my notary stamp inside my desk and on other areas of my office, but I did not know who was responsible. For example, on June 27, 2017, I noticed stains on my office carpet which appeared to be from an oily substance. When I asked the janitor to help clean them, he mentioned that he had seen similar spots frequently in the receptionist area which seemed to re-appear after cleaning them. On August 7, 2017, I noticed that several books and forms were missing from my office, and also noticed more oil spots on my office carpet and on my bookshelf, which I cleaned up. Ms. Williams told me that Ms. Fields had been in my office over the weekend. Within the following weeks, I continued to notice oil on various locations in my office, and each time I would clean up the oil only to find it again a few days later. I raised these concerns to Councilman Jenkins when he asked me if there were any problems going on at the office. On August 21, 2017, I noticed that a statute in my office was broken and a corner of my desk was damaged. The next day, I suddenly became ill after drinking coffee in the office, and Ms. Fields followed me into the restroom.

I raised several of these concerns to Mr. Howard at an informal staff meeting on August 22, 2017, during which Mr. Howard suggested holding weekly meetings between himself, myself, Ms. Fields, and my supervisor Ms. Niesha Williams in order to communicate and correct the issues raised. The meetings continued for about three weeks until they started being rescheduled and then cancelled entirely. After that, I felt that I began to face even more hostility from Ms. Fields. Ms. Fields told me that I would have received a two-step pay increase but that had changed because I had made a complaint to Councilman Jenkins, and instead I received only a one-step pay increase.

Ms. Fields continued to act openly hostile towards me personally, exclude and isolate me from workplace events, ignore my emails and requests including my semi-annual performance evaluation, minimize concerns I raised regarding my personal items in my office apparently being tampered with, undermine my work, and change expectations to make it more difficult for me to properly perform my job duties. In short, Ms. Fields clearly harbored some personal animus against me, and I felt that I was being set up for failure in an effort to force me to leave my position.

On December 12, 2017, I submitted a formal written grievance against Ms. Fields to Mr. Howard. Mr. Howard gave Ms. Fields a copy of my internal grievance and requested that Ms. Fields respond to the concerns I raised. On December 22, 2017, Ms. Fields responded with her own formal written response, of which I was never given a copy or allowed to rebut in any way. On January 22, 2018, I received a memorandum from Mr. Howard on which Ms. Fields was copied, explaining that Mr. Howard had concluded that my grievance was unfounded but that I would thereafter report directly to the Human Resources Specialist instead of Ms. Fields.

During the time period following Mr. Howard's memo, I continued to experience the same hostility and difficulties and felt that I was being harassed. For example, in January of 2018, I noticed more oil being placed in my office and items being deliberately moved around my office. On January 25, 2018, Mr. Howard called me into a meeting with Ms. Fields, during which Mr. Howard told me that if I attempted to submit an appeal or rebuttal to my grievance, I would be fired. Mr. Howard then informed me that I would be taking on additional duties from Ms. Williams and Ms. Fields. Since Mr. Howard authorized a two-step pay increase for Ms. Williams becoming my supervisor, I asked if I would receive a pay increase for having extra duties. Mr. Howard and Ms. Fields laughed, and Mr. Howard replied that I would not. Ms. Fields expressed that she was reluctant to work with me. Throughout the following months in 2018, I continued to notice objects being moved in my office and oil marks being placed throughout my office. More importantly during this time, I had several fellow city employees come to me to check on the status of tasks they needed completed, and each time I had no idea what the employee was talking about. As it turned out, each of these employees had come to Ms. Fields who apparently told them that I would take care of it, but then never communicated the task to me so that I would fail to complete it.

In July of 2019, I was transferred from my position as a Human Resources Administrator to a new position of a Homeless Prevention Program Administrator. I currently still hold this position. Although I am paid at the same rate as I was previously, I feel that this transfer was effectively a demotion for several reasons. First, the manner in which I was transferred made it seem more like I was being fired. Ms. Williams and Ms. Fields informed me that I needed to turn in my keys immediately, and then Ms. Williams escorted me to my office and supervised me as I packed up my personal belongings into boxes. I found this entire process humiliating and demeaning. Second, this is a non-HR position meaning that I cannot continue to earn my SHRM-SCP certification which requires work experience in a human resources position. Third, I no longer have my own private office and instead work at the front desk. Fourth, I essentially perform secretarial duties in this position, such as answering phones and greeting people, instead of the HR responsibilities for which I was hired to perform. Fifth, with this position came a significant loss of autonomy; for example, whereas before I could work flexible hours to accommodate my

personal needs and family responsibilities, now I must obtain permission to even leave my desk to go anywhere else in the building, even to use the restroom, and I must give a two-week notice in advance in order to be out of work. As a mother with children, this is sometimes impossible to do because of unforeseen illnesses or medical needs, especially when my husband was away from home on military orders. As far as I am aware, I was the only employee required to give two weeks advance notice in order to use my leave, or to get permission to leave my desk momentarily. Ms. Fields also knew that I needed the flexibility afforded by my previous position and in my opinion imposed this requirement on me knowing that it would be detrimental to my employment with the City. Finally, I was placed on a probationary period on the same day as I was transferred to this new position, and on September 18, 2019, I was formally reprimanded for having unscheduled absences.

On July 19, 2019, Councilwoman Vicki Nelson called me and asked how I was doing. When I responded that I felt the transfer was effectively a demotion that could hurt my career and constituted retaliation for my complaints of sexual harassment against City Manager Kenneth Howard. She said she thought this was what I wanted. I would respectfully ask Councilwoman Nelson to recuse herself from any investigation into this matter, as I believe her to be complicit in the retaliation that I believe has occurred. Councilwoman Nelson came to me and tried to convince me not to make a complaint, telling me I was not a victim of retaliation or sexual harassment. I also understand that her husband has pending felony drug charges and is represented by the same attorney who also does legal work for the city. Councilwoman Nelson's husband is accused of being a major drug dealer caught near their home on March 27, 2017 with in his possession heroin, methamphetamine, ecstasy, marijuana, prescription medication and digital scales; he was indicted by a grand jury on or about December 4, 2018 and charged with trafficking in illegal drugs, possession of a Schedule I controlled substance with intent to distribute, and multiple counts of possession with intent to distribute a controlled substance. The arrest and case have been pending since 2017, but a delay past the November 2019 city election has been pursued. Councilwoman Nelson is a "bully" and has on occasion bullied the Hinesville Police Department asserting that rules governing public conduct in the city court do not apply to her because she is a city council member. I have had great difficulty obtaining documents through open records requests and have been denied access to documents I feel are necessary to substantiate my case. In light of all these circumstances, I do not feel it would be appropriate for Councilwoman Nelson to participate in investigating this complaint or take any part in it whatsoever.

I charge Respondent(s) with sexual harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended.

*Danyell Barboa*

Danyell Barboa

Sworn to and subscribed before me  
this 10<sup>th</sup> day of October, 2019

*Nicole E. Bonden*

Notary Public

My Commission Expires: 02/15/20

(SEAL)



*3/15*

AFFIDAVIT OF ALYSSA MCDUFFIE

PERSONALLY before me, an officer duly authorized by law to administer oaths, came Alyssa McDuffie, who after being duly sworn, did state the following:

1. My name is Alyssa McDuffie. I am more than 20 years old and I am under no legal disability which would prevent me from giving this affidavit. I have personal knowledge of the matters contained herein.
2. I am giving this affidavit to be used by Mrs. Danyell Barboa for any legal purpose relating to Mrs. Barboa's complaints of sexual harassment and retaliation by her supervisor(s) at the City of Hinesville.
3. I was employed with the City of Hinesville as an intern from approximately August 2016 to late July 2017.
4. During my employment with the City of Hinesville, between approximately August 2016 to late July 2017, I personally observed the City Manager Kenneth Howard make sexual advances towards Danyell Barboa at the workplace on multiple occasions.
5. On or about April 2017, Kenneth Howard told Danyell Barboa that he could "fix" her pay and increase it or words to that effect. Mr. Kenneth Howard had this conversation with Mrs. Barboa in a sexual and flirty way. It was unprofessional and improper.
6. On or about May 22, 2017, Kenneth Howard asked Danyell Barboa if they had "something going on" or words to that effect, or "if there was chemistry between them" or words to that effect. I approached Danyell Barboa after the incident occurred and stated to her, "did he say what I thought he said?" I thought his comment(s) were inappropriate, unprofessional, and made me feel uneasy and apprehensive to be around

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him. I observed Danyell Barboa when the comment(s) were made by Kenneth Howard and she looked uncomfortable, afraid and not pleased with his unprofessional conduct.

7. On or about May 29, 2017, Mr. Kenneth Howard tried to get a hug from Danyell Barboa. This unprofessional, unsolicited, and uninvited attempt took place on the 2<sup>nd</sup> floor of City Hall of Hinesville at the water fountain. From my observation, it was inappropriate, not expected by Danyell Barboa, and not with her consent. It was another example of Kenneth Howard's unprofessional conduct in the workplace around Danyell Barboa.
8. On or about June 8, 2017, I was the last to leave the office around 1600. Danyell Barboa called me shortly thereafter and stated that Kenneth Howard had unwantedly touched Ms. Barboa and attempted to kiss her. I apologized to Danyell for leaving her alone and I inquired if she wanted me to come back to the office. Danyell stated that her husband was on the way. I received another call from Danyell and she stated that Kenneth Howard had approached her again and tried to ask her for another hug and kiss before her husband arrived. I was very distraught and went home crying and told my parents what happened. I felt guilty for leaving Danyell alone with Kenneth Howard.
9. On or about June 14, 2017, I heard a rumor that Kenneth Howard was claiming that Danyell Barboa was the one that made advances toward him. I believe that this rumor caused Holly Fields to turn against Danyell Barboa. On this same day, I also saw Kenneth Howard, Niesha Williams and Danyell Barboa meeting. I knew that the meeting was about Kenneth Howard's continued sexual harassment toward Ms. Danyell Barboa and felt uncomfortable about the situation that Mr. Kenneth Howard created. I also knew that Ms. Danyell Barboa's husband, James Barboa, was around

and I tried to find him to ensure that he remained calm and the situation did not escalate. During this meeting, Kenneth Howard admitted to both Danyell Barboa and Niesha Williams that Mr. Kenneth Howard was the one to sexually pursue Danyell Barboa and apologized for his actions.

10. Also, during my employment with the City of Hinesville, between approximately August 2016 and July 2017 I observed another female employee, Holly Fields and Kenneth Howard inappropriately interact with each other. They would speak to each other in a sexual and flirty manner. They would hold meetings behind closed doors. It seemed that they were having an inappropriate and unprofessional relationship.
11. During my employment at the City of Hinesville, I witnessed Ms. Holly Fields act inappropriately toward Ms. Danyell Barboa. She would remove pertinent files from Ms. Barboa's office. She had poured oil all over Ms. Danyell Barboa's office.
12. On or about July 2017, Danyell Barboa was sick after she had made a cup of coffee. Ms. Danyell rushed into the restroom. I warned Ms. Barboa that Holly Fields was coming in behind her. It seemed odd that Ms. Holly Fields followed her into the restroom after Ms. Danyell became sick.
13. I make this statement freely and voluntarily. No one has coerced me and this statement is not the product of any undue influence. This statement is made without consideration or with no request or hope for reward.
14. I have read the above statement. It is the truth and it is correct. I have been sworn before a Notary Public as to the truth of the matters that I have asserted in this sworn affidavit.

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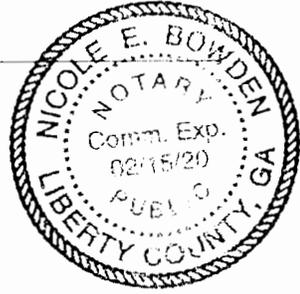
Further, the affiant stateth not.

This 4 day of October, 2019.

Alyssa McDuffie  
Alyssa McDuffie

Sworn to before me this the 4<sup>th</sup>  
day of October, 2019.

Nicole E. Bowden  
Notary Public  
My Commission Expires: \_\_\_\_\_  
(SEAL)



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