



OFFICE OF
STATE INSPECTOR GENERAL

EAST JEFFERSON LEVEE DISTRICT
SEXUAL HARASSMENT

Report by

Inspector General Bill Lynch

Prepared for

Governor M.J. "Mike" Foster, Jr.

September 15, 2000

File No. 1-00-0107

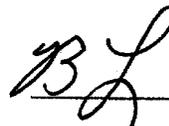


State of Louisiana

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East Jefferson Levee District

Sexual Harassment

The executive director of the East Jefferson Levee District engaged in inappropriate language with female members of his staff and displayed pornographic material on his office computer, thereby creating a hostile atmosphere in the work place and subjecting the levee district to potential liability for sexual harassment.

Allan Francingues, the director, resigned after being confronted by two board members.

The matter came to a head on June 9, 2000, after one female employee complained to a board member.

Mr. Francingues acknowledged using sexually explicit vulgar language, but asserted that such language was commonplace in the office. He admitted viewing pornographic pictures on his office computer, but denied specific acts of displaying pornography to the employees. He defends his language at the office, saying that type of “good natured banter” was engaged in by other employees in the office, and that it was consistent with the general office atmosphere.

As executive director, Mr. Francingues was responsible for maintaining an appropriate, businesslike atmosphere in the office. Complaints of the type now being made about his conduct and the disruptive impact they can have on an organization are predictable consequences of the type of atmosphere described by Mr. Francingues.

The levee district does not have written policies and procedures on sexual harassment.

Background

The East Jefferson Levee District comprises land on the east side of the Mississippi River within Jefferson Parish. The District operates autonomously under a five-member board. The governor of Louisiana appoints all board members with recommendations made by members of the Louisiana House of Representatives and Senate from that particular district. The board members are Glenn Bergeron, president, Ron Zibilich, vice president, Patrick Bossetta, Walter Dabbs and P.J. Hahn.

Mr. Francingues was executive director of the District for over three years.

Improper Actions

Mr. Francingues acted inappropriately with three female employees of the District by using vulgar language frequently and making remarks about one employee's anatomy. He also viewed pornographic material on his computer during the course of his tenure as director of the East Jefferson Levee District. One employee stated that she saw pornographic pictures on Mr. Francingues computer screen. All the female employees who worked with Mr. Francingues in the District's headquarters office, as well as other District employees, stated that his inappropriate actions were a frequent occurrence during his tenure as director.

Employee #1

Employee #1 was consistently identified by other employees as being the principal focus of Mr. Francingues' inappropriate remarks.

Employee #1 said Mr. Francingues used sexually explicit words and made comments to her referencing her attire and anatomy. The employee said the comments Mr. Francingues made focused on her legs, in particular, as well as her breasts, feet and buttocks.

Employee #1 said Mr. Francingues would make frequent comments to her about her legs in front of other people in the office. She stated she could not recall specific occurrences because he made these comments frequently.

Another female employee witnessed an instance when Mr. Francingues was standing close to Employee #1's desk and Employee #1 asked him why he was standing there. Mr. Francingues replied that he was admiring her legs. Jimmy Crawford, a manager in maintenance for the District, stated Mr. Francingues made frequent comments to him concerning Employee #1's legs. Mr. Crawford said these comments were sometimes made to him in the presence of the employee.

Rocky Daigle, chief of the East Jefferson Levee District Police, said Mr. Francingues made inappropriate comments to him about Employee #1's legs.

Chief Daigle stated he cautioned Mr. Francingues in February 1997 about talking in front of the women in the office in an inappropriate way. Nonetheless, Chief Daigle said, Mr. Francingues continued. Chief Daigle acknowledged Mr. Francingues' language was not

proper around the office. Mr. Francingues said he did not remember any instances when Chief Daigle counseled him about inappropriate comments to the women in the office.

Although Employee #1 stated she found these statements inappropriate, she said, “to work closely day in and day out with Mr. Francingues and keep up with my duties I had to ‘consider the source’ and not let it bother me.”

Mr. Francingues admitted using off color words in reference to Employee #1’s anatomy. At these times he said he made comments about her buttocks, breasts, and legs in a complimentary fashion because she used the same words while downgrading her appearance to him. Mr. Francingues contended the comments were not sexual.

Employee #1 stated that in March, 2000, she saw Mr. Francingues place on her desk a picture of a woman exposing her breasts during Mardi Gras. She said she wrote directly on the picture: “This is unacceptable, non-professional,” and then placed the picture on Mr. Francingues’ desk.

Mr. Francingues denied putting the picture on Employee #1’s desk. He said he found the picture, with the note written on it, on his desk and did not know where it came from. He said the picture was an office joke the whole office got a laugh from. Mr. Francingues said he perceived the statement Employee #1 wrote on the picture as part of the joke. He stated he assumed the comments referred to policemen also in the picture. Employee #1 stated she did not consider the picture a joke, nor did she recall it being an office joke.

Employee #1 stated she occasionally espied pornographic material on Mr. Francingues’ computer screen. On one occasion, she stated, Mr. Francingues was present when she witnessed the image of a woman engaged in an explicit sex act on his screen. She said he made no attempt to conceal the material, and sometimes he would go out of his way to point the material out to her. Employee #1 said there were times that he laughed when she stated her objections to seeing the pornography.

In the performance of her duties, Employee #1 occasionally had to use Mr. Francingues’ computer. She stated Mr. Francingues’ password to access his computer was an expletive—the “f” word.

Mr. Francingues admitted to having pornographic material on his computer. He claimed he did not show this material to Employee #1. Mr. Francingues further claimed his computer screen was not visible beyond his desk, but an examination of the office indicated it could be seen from the doorway.

Employee #2

Employee #2 stated Mr. Francingues used inappropriate sexual language frequently. She stated he sometimes made references to being physically aroused when women visited the office.

Employee #2 said these types of comments offended her.

Employee #2 stated there was an instance when Mr. Francingues complimented her about her attire by saying that “she looked nice and I would even have you,” which she interpreted as a reference to sex.

Employee #2 said that, on Friday, June 2, 2000, while helping her fix her internet e-mail, Mr. Francingues described a particular sexually explicit picture. He also showed her how pornography could be found on the internet. Mr. Francingues denied describing the picture and, when questioned, said he showed her where pornography was because he wanted to protect her from pornography.

Employee #3

Employee #3 stated inappropriate sexual language was a daily part of Mr. Francingues’ character at the office and it offended her. Employee #3 said, when she told Mr. Francingues she did not like that language, he sometimes laughed.

Employee #3 said that, on Monday, June 5, 2000, she attended a budget meeting with Mr. Francingues and three other District supervisors. She stated Mr. Francingues engaged in talk about the act of “passing gas” throughout the meeting. At the end of the meeting, she said Mr. Francingues used slang words to describe oral sex. Jimmy Crawford, who was present at the meeting, stated he heard Mr. Francingues say the slang oral sex words. The two other employees who attended the meeting did not hear Mr. Francingues mention the words. Employee #3 said she was highly offended by this remark. After the meeting she expressed her displeasure to Board member Hahn.

Mr. Francingues denies having said anything about oral sex or passing gas at the budget meeting.

As a result of this complaint, Mr. Hahn and Mr. Bossetta interviewed the three female employees and received information from them about Mr. Francingues’ conduct.

After interviewing the women, Mr. Hahn contacted Mr. Bergeron about the incident. Mr. Bergeron asked him to defer action until Monday, when he would return from an out of

town trip. Mr. Hahn and Mr. Bossetta decided not to wait, stating that they felt the situation required immediate action. Mr. Hahn stated that, on Friday, June 9, 2000, he and Mr. Bossetta called Mr. Francingues into the office and confronted him about the allegations. Mr. Hahn and Mr. Bossetta said Mr. Francingues admitted to certain allegations. Mr. Bossetta gave Mr. Francingues the choice of being fired or resigning. He resigned. Mr. Francingues denies having admitted to the allegations to Mr. Hahn and Mr. Bossetta during this meeting and felt he was forced to resign.

Mr. Francingues

Mr. Francingues, while not agreeing with some details and specific accusations, concedes that he used vulgar language with the female employees and made comments about Employee #1's appearance. He defends his actions as being acceptable because they were consistent with the overall office atmosphere. He describes the female employees as having been willing, mutual participants in exchanging such remarks, and describes the atmosphere as friendly, joking and good natured.

Although individual accounts vary, they lend some limited support to Mr. Francingues' assertion about the office atmosphere, although not necessarily as to all employees. Whether the atmosphere truly was mutual is in the minds of the participants, however, and is difficult to determine. A participant's subjective perception that his conduct is acceptable to others may simply be wrong. Moreover, attitudes can shift, and conduct that is acceptable to the participants can create a hostile environment for office bystanders.

Employee accounts of Mr. Francingues' conduct portray him as using vulgar language to an extent far greater than the occasional expletive. Likewise, multiple accounts portray Mr. Francingues' repeated comments such as those he made about Employee #1's legs as having gone far beyond an occasional pleasantry about her general appearance. Regardless of perceptions, such conduct is objectively inappropriate.

Mr. Francingues also questions the motives of many of the individuals who have made statements about his conduct, alleging they had other reasons to bring about his removal. Regardless, while there is some disagreement over details, there is fundamental agreement among the employees, and even Mr. Francingues, that he engaged in unacceptable conduct.

As executive director, Mr. Francingues was responsible for establishing and maintaining a professional working environment in the office. For numerous reasons, including the potential impact on employee morale and potential liability for sexual harassment, the office atmosphere described by Mr. Francingues is not acceptable in the workplace.

Lack of Policy

The East Jefferson Levee District does not have written policies and procedures for defining and dealing with sexual harassment in the work place. The levee district does not have in place a training system for all its employees that provides instruction on how to handle sexual harassment situations. In October, 1999, the board adopted a resolution to hire a company to provide sexual harassment training for its employees, but, according to the board, Mr. Francingues and two other administrative employees did not attend.

Conclusions:

1. Mr. Francingues engaged in inappropriate conduct with three female employees while he was serving as director of the East Jefferson Levee District. Although the board set up a program for training on sexual harassment, the executive director did not attend.
2. The East Jefferson Levee District does not have written policies and procedures on sexual harassment in place.

Recommendations:

1. The East Jefferson Levee District should adopt policies and procedures for dealing with sexual harassment.
2. The East Jefferson Levee Board should ensure that all personnel receive training and instructions in avoiding and dealing with sexual harassment in the work place.

Management Response

See attached.

IG Comment

A draft report submitted to various persons involved in this inquiry has been changed substantially based on responses from those persons, including Mr. Francingues who chose not to issue a further response to the final report.

BL/FR/lk

File No. 1-00-0107

Glenn J. Bergeron
5328 Craig Ave.
Kenner, La. 70065

September 8, 2000

State of Louisiana
Division of Administration
Office of State Inspector General

Attn: Mr. Bill Lynch
State Inspector General

Ref: File No. 1-00-0107

Dear Mr. Lynch,

Once again, thank you for your consideration in allowing a response to be made to your August 31, 2000 draft report.

The statement made on page four, last paragraph is factual, however further clarification is needed. Mr. Hahn contacted me on Thursday, June 8th. at approximately 12 noon. Roughly three days after the June 5th. meeting. My commitment required that I leave town the afternoon of June 8th. and return to the city on Sunday, June 11th. Your report states that Mr. Hahn and Mr. Bossetta felt that this situation required immediate action. I question their waiting three days to notify me and then needing to take immediate action in my absence (one work day). It was my intention to address this issue on Monday morning, June 12th. and present my findings to the Board during executive session of our monthly meeting to be held on June 13th. Upon my return, the actions taken on June 9th. were confirmed.

In the event that you require any further information regarding this matter, please do not hesitate to call.

Respectfully yours,



Glenn J. Bergeron
President, East Jefferson Levee District



MIKE J. FOSTER
GOVERNOR

The Board of Levee Commissioners
of the
East Jefferson Levee District

203 Blanche Court
Harahan, La
70123
September 7, 2000

COMMISSIONERS

GLENN J. BERGERON
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P. J. HAHN
COMMISSIONER

ALAN J. FRANCINGUES
EXECUTIVE DIRECTOR

Mr. Bill Lynch
Inspector General
State of Louisiana
P.O. Box 94095
Baton Rouge, LA 70804-9095

RE: File No. 1-00-0107

Dear Mr. Lynch:

In response to your August 31, 2000 letter, I would like to confirm that this Board agrees with your conclusion and that we will follow your recommendations as stated in my previous response.

As a point of information, Mr. Crawford is a Mobile Equipment Shop Foreman in our Maintenance Department.

In the event you require any further information regarding this matter, please do not hesitate to call.

Very truly yours,

Glenn J. Bergeron
President

GJB/yab

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