

PUBLIC COMMENT ALLEGATIONS
RESPONSIVE RESEARCH

1. 39:00 – Allegation: The Administration did not accept an ADA accommodation signed by SB’s Physician
 - a. False – the administration accepted the ADA reasonable accommodation certification; then HR requested a follow-up meeting and additional information from SB regarding implantation, SB did not supply any of the additional information nor did she ever comply with the follow-up meeting request; then SB started requesting an accommodation meeting with MM, CPRB, CNC, but when MM asked her for dates to have such a meeting, SB subsequently claimed that the meeting had already happened; the City also requested a medical release from the diagnosing physician for records, which SB was unable to provide; the City again requested a follow up meeting to discuss the disability and accommodation, which SB refused, then went on leave, then made this public comment. The City has not denied the ADA accommodation request. Since SB’s request the City has been working in conformation with the ADA¹ but SB has refused to cooperate.
 - b. Specific to the limited issue of the form, which is not a part of the written reasonable accommodation request (see attached travel of record #11(b)(i)) the Administration did not refuse use of the form but suggested that the clerk’s department personnel make use of the form as the form was problematic for Mayoral staff.
 - i. Please see attached travel of record, #11.
2. 39:30 – Allegation: The Administration told SB that she must go see a physician of the Administration’s choice to confirm that she has dyslexia
 - a. That the ADA accommodation form was not enough
 - b. That her physician’s note was not enough
 - i. Acknowledges that the City does have a right under the law to do this but alleges that the City does not have to
 - c. Following the travel of the record, the City’s IME request came as a result of SB’s failure to comply with HRVS original follow-up request, failure to meet with City staff despite several requests for meetings, and failure to provide a medical release.
3. 39:50 – Allegation: An agency specializing in disabilities in the state of Rhode Island claims that the City’s request for an IME is excessive
 - a. SB has not provided any documentation to support this claim.
 - b. I have reached out to the Governor’s Commission on Disabilities in writing in an effort to determine the veracity of this claim. Based on the entirety of the record, it appears as though that is the agency in question.
 - i. I have confirmed with the Governor’s Commission on Disabilities that it has not found that the City has done anything excessive or aggressive but merely stated the fact that under the ADA, an IME is not required.
4. 40:10 – Allegation: The requested accommodation was a form of her design
 - a. False. The written requested accommodation does not include a form. It does include the following:

¹ See attached review of record #12.

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1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]

b. Accommodation requests can be verbal. It is not disputed that SB has requested that the form in question be used. At this time based on the written record at hand it is not clear when the form was expressly requested as an ADA reasonable accommodation.

5. 40:20 – Allegation: SB met with Councilor Cahoon and Council President Britto who agreed that the requested accommodation of the form was reasonable, and that Councilor Cahoon and Council President Britto asked City Solicitor Marcello to work with the Administration on this front, but the Administration refused

- a. False. Council President Britto and Councilor Cahoon both deny that any request for any ADA accommodation or any discussion related to any ADA accommodation occurred.
- b. Moreover, the travel of this particular meeting is bizarre to the point of legitimately troubling. SB demands that such a meeting occur. MM then asks her for dates and times that work for her. SB then fails to give dates and times. MM follows up asking when to have the meeting. SB then, suddenly, claims the meeting already occurred by claiming a meeting about a totally different subject was in fact a meeting about her accommodation request.
 - i. See attached Summary of Travel #11 l-m.

6. 40:40 – Allegation: Napoleon Gonsalves refused the form

- a. False. See response to #1.
 - i. Napoleon Gonsalves suggested the clerk’s department implement use of the form as the form was problematic for Mayoral staff.

7. 40:45 – Allegation: “These are all facts and they are documented.”

- a. None of the documents provided to me by SB substantiate a single claim. In fact, several of them appear to directly controvert some claims.
 - i. For example, see 5/19/21 10:39am e-mail from Elmer Pina.
 - ii. See attached summary of record.
 - iii. See attached summary of SB Provided Documents

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8. 40:50 – Allegation: It was almost 50 days since the ADA accommodation form was turned in (Stated as of August 17, 2021)
- a. Accommodation form was submitted on 6/29/21. A review of the record indicates that the City was in constant contact with SB on the matter and the record indicates that SB was almost entirely non-responsive to the City's substantive requests, although SB was responsive in terms of narrative e-mails.
 - i. See Attached Summary of Record #11 re: "ADA Accommodation Request Travel, including IME" and #12(a)(iv)
 - b. To the extent that the statement is an implied allegation of undue delay, the City is in conformance with the ADA and there has been no undue delay.
 - i. See Attached Summary of Record #12(a)(iv)
9. 41:00 – Allegation: Another employee disclosed they have a disability and they were granted a modified work schedule to accommodate that disability but that employee was not required to do anything related to paperwork or doctors to acquire that accommodation
- a. 41:00 – Allegation: SB was provided documentation first hand that this occurred
 - i. False.
 1. See 5/19/21 10:39am e-mail from Elmer Pina refuting this allegation.
 2. See 5/19/21 10:54am e-mail from Victor Santos refuting this allegation and providing SB with the forms to seek an ADA accommodation.
10. 41:20 – references ADA1.2.11.2 and implies that the above-described amounts to discrimination
- a. The citation is unclear and the reference to prior activity is also unclear which makes it impossible to review this allegation.
11. 41:28 – Allegation: SB sent an email requesting help from the Council
- a. Partially accurate due to misleading omissions. While SB does make requests for help, when people seek to provide help or schedule meetings or ask for supporting evidence etc. SB almost universally evades their responses and offerings of help or requests for meetings or requests for information.
12. 42:00 – Allegation: [Unclear] referencing City obligations to employees pursuant to federal and state law and the employee handbook
- a. Unclear. The audio/comment is unclear in meaning and therefore I was unable to investigate its veracity.
13. 42:20 – Allegation: SB's disability application is being impacted by a political agenda and the desire to settle a score
- a. SB has not provided any evidence to support this allegation.
 - b. My review of the record provided has not uncovered anything that would give me reason to believe there is any merit to this claim. More to the point, there is no allegation as to what the political agenda is, whose political agenda it is, or what score needs to be settled.

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14. 43:00 – Allegation: There is widespread discrimination such that employees stay quiet because they fear reprisal
- a. SB has not provided any evidence to support this allegation.
 - b. At this point in time based on the records provided to me, there does not appear to be anything in the possession of the Solicitor's Office, the AA/EEO Office, nor the Human Resources Office to substantiate this.
 - i. On the contrary, there are a series of complaint files generated by or against SB where in each case SB fails to provide any evidence to substantiate her claims. This is relevant to the extent that it is indicative of a pattern of SB making allegations without any evidentiary support.
 - ii. Given the record I have reviewed and SB's pattern of failure to support allegations with evidence, any argument that a further investigation into this claim should occur should be rebutted with a requirement of concrete evidence prior to meriting an investigation as to SB's allegation.
15. 43:30 – Allegation: EEOC/Affirmative Action Officer cannot help employees if they have a concern about the Administration discriminating in the work place
- a. Misleading by omission. This is a reference to a conversation SB had with EP on or about May 4, 2021 where SB complained to EP regarding the administration (which reads as a term meant to be referencing the Mayor and his staff) and EP stated that he could not personally investigate the matter as he reports to the personnel SB wants investigated. However, EP expressly provides her with the information and resources of third parties that can perform such investigations and SB later claims in writing that she has taken EP up on his offered third-party support and is in contact and working with the third-parties recommended by EP.
 - i. To the extent that the third parties include the Human Rights Commission I have confirmed that there is no complaint against the City of East Providence.
16. 44:00 – Allegation: The Administration is discriminating against [list of protected classes]
- a. Further alleges that SB is personally currently going through that
 - i. SB has not provided any documentation to support this claim.
 1. Again, on the contrary, there are a series of complaint files generated by or against SB where in each case SB fails to provide any evidence to substantiate her claims.² This is relevant to the extent that it is indicative of a pattern of SB making allegations without any evidentiary support.
 - ii. Moreover, the more recent and more consistent discrimination complaint appears to be SB's claim that people of Portuguese heritage receive special treatment. This alleged discrimination is not a protected class issue. See Summary, "Discrimination Claims Generally"

² The lone exception is a 5/11/2021 complaint against a subordinate where supporting evidence was produced and the City imposed responsive disciplinary action against said subordinate.

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17. 44:10 – Allegation: Many City employees are suffering similar discrimination but cannot speak for fear of losing their job
- a. False. See response to #14.
18. 45:00 – Allegation: There are a lot of people asking for SB’s preceding list of demands
- a. SB has provided no documentation to this effect.
 - b. A review of the record provided does not appear to provide any reason to believe this is an accurate claim.
19. 46:00 – Allegation: [Unclear] seems to be a suggestion that the Administration is ‘shaming into violence’ [Unclear]
- a. Unclear. The audio/comment is unclear in meaning and therefore I was unable to investigate its veracity.
20. 49:00 – Allegation: Napoleon Gonsalves discriminates against SB
- a. SB has provided no documentation to this effect.
 - b. A review of the record provided does not appear to provide any reason to believe this is an accurate claim.
21. 50:40 – Allegation: The Administration is silent and hostile
- a. SB has provided no documentation to this effect.
 - b. Moreover, the Administration is in almost constant contact with SB and based on my review of the record provided has been universally and immediately responsive to all of her claims and SB’s defenses to claims made against SB, including the following:
 - i. 7/19/2019 – [REDACTED]
 - ii. 10/1/2019 – [REDACTED]
 - iii. 12/2/20 – [REDACTED]
 - iv. 2/12/20 – [REDACTED]
 - v. 2/27/20 – [REDACTED]
 - vi. 5/11/21 – [REDACTED]
 - vii. 5/26/21 – [REDACTED]
 - viii. 8/13/21 – [REDACTED]
 - c. It is worth noting that a review of the record and the correspondence therein consistently shows that the Administration is responding professionally while SB’s correspondence includes myriad claims, threats/claims of litigation, and other generally charged language.
22. 51:00 – Allegation: Nobody Answers emails anymore
- a. False. A review of the record indicates that SB’s emails are consistently responded to.
23. 51:30 – SB again acknowledges that a request for an IME is appropriate
- a. Of note because SB also seems to claim that the IME request is the result of discrimination.

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24. 51:30 – Allegation: SB has not received an IME from anybody
- a. A review of the record shows a struggle to find a qualified doctor starting on or before July 22, 2021 with a doctor finally being identified and referred to SB on 8/19/21, two days after this claim was made.
 - b. To directly address any allegation that a July 22, 2021 search for an IME doctor is an inappropriate delay relative to a 6/29/21 reasonable accommodation request, it is critical to note that the IME was resorted to only after SB failed to have informal meetings or otherwise provide follow up information as requested by the City in conformance with the ADA.
 - i. The City made such requests beginning on 7/2/21 and continued to make such requests for meetings up until approximately 8/13/21 when SB, after refusing to provide a time for such a meeting to take place suddenly claimed that the meeting had already occurred.
 - ii. A fair but rough estimate of written meeting and information requests made by the City whereby SB fails to respond is eight (8) separate occasions within the documentation that has been provided to me.
25. 55:00 – Councilor Cahoon requests that AS Conley determine if there was another employee who received accommodations in a distinct manner from what SB has thus far been going through
- a. No employee has received an accommodation in a distinct manner.
 - b. Upon information and belief, the only comparable fact pattern regarding an ADA request occurred approximately six (6) years ago and the process and forms employed appear substantially identical.
 - c. The claim that some other employee received an accommodation appears to stem from an angry email exchange between SB and another employee where the employee self-identifies having a medical condition and being supported by her colleagues. Nothing in the correspondence indicates that an ADA accommodation has occurred, that interpretation of the correspondence is without merit given the balance of the entire email exchange.
26. 56:10 – Allegation: The City of East Providence does not have an “ADA Point Person”
- a. False. Upon SB’s first statement regarding an ADA reasonable accommodation, HR VS immediately responded with the documentation and offer to help with the process.
27. 56:20 – SB Confirms that she does not have representation
- a. This is in contrast to numerous prior e-mail correspondence where SB has claimed that she is represented by counsel or some third-party agency.