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Fired officials say they raised red flags over no-show worker

NORFOLK

Top Community Services Board administrators were told repeatedly that an employee was collecting a paycheck without working, and they did nothing to stop payments for more than a decade, said an attorney for two employees who recently were fired.

Virginia Beach attorney Kevin Martingayle, who represents former board employees Linda Berardi, a human resources officer, and Anthony Crisp, director of clinical services, said they both asked administrators, including Administration Director Brenda Wise, about the status of office assistant Jill McGlone.

They were told McGlone was on administrative leave, Martingayle said. At one point, Wise told Crisp "that it will all be over soon," and not to worry about McGlone's status, Martingayle said.

"The city of Norfolk's payroll department would ask if she was supposed to be on administrative leave, and the answer would go up the chain of command and would always come back as yes," Martingayle said.

Community Services Board Executive Director Maureen Womack announced Sept. 3 that five employees had been fired or were forced to resign because they knew McGlone was being paid for not working and didn't report it. Womack, who began work in February 2009, discovered last spring that McGlone was paid for 12 years without working. Womack then reported it to City Attorney Bernard A. Pishko, whose office helped her investigate.

Wise was among the employees terminated. She could not be reached Monday.

Martingayle sent Womack a letter late Monday demanding "that you issue a press release stating that you have no facts or information indicating any criminal wrongdoing" by his clients and apologize. Martingayle said Womack "made a reckless and false assertion" that his clients knew criminal behavior was occurring.

"To this day, they still don't know why Ms. McGlone was paid for not working," Martingayle said of his clients. "It could have been part of some kind of confidential settlement to a lawsuit. The bottom line is that they told their superiors and nothing was done."

Womack, by e-mail, declined to comment.

McGlone was suspended from her job in 1998 after she was accused of releasing confidential medical information about a patient, said two sources who asked not to be identified. Both are

familiar with a Norfolk police investigation.

Toni Rae Harris filed a lawsuit in Norfolk Circuit Court in June 1999 against the Community Services Board and McGlone. While the alleged infraction explains why McGlone originally was suspended, the sources said it does not explain why she was allowed to sit home for 12 years and collect pay and benefits.

Womack turned over evidence to Norfolk police, who are now investigating. McGlone's ending salary was \$20,900, according to the city attorney's office.

Harris, who died in 2006, alleged in the lawsuit that on or about June 26, 1998, McGlone illegally obtained medical test results about her. Harris alleged that "McGlone disclosed plaintiff's test results and other medical information to persons not authorized for such disclosure."

McGlone "acted deliberately and with actual malice and ill will towards Plaintiff, intending to cause Plaintiff harm and injury from the disclosure of the information."

Harris suffered "emotional pain and suffering, mental anguish, inconvenience and loss of enjoyment of life," the lawsuit alleged.

The Community Services Board cited "governmental immunity" in asking a judge to dismiss the lawsuit against the board. The lawsuit did not specify how or to whom Harris believed McGlone disclosed the information.

Harris asked for \$200,000 in compensation. However, in March 2000, two days before the case was to go to trial, Harris' attorney, Scott Reed, dropped the lawsuit.

It is not clear if the city attorney or Community Services Board determined whether McGlone disclosed confidential information. McGlone, who lives in Norfolk, has declined repeated requests for comment.

At the time the allegation was made, it was a federal crime to disclose confidential medical information and would have resulted in termination under Community Services Board policy, said Terry Bishirjian, communications director for the city of Norfolk.

Daniel Hagemeister, who then worked for Pishko, represented the Community Services Board in the 1999 lawsuit. He said he had only a vague recollection of the case.

Reed was unavailable for comment.

Pishko said Friday he had "no recollection" of the case.

In addition to Wise, Berardi and Crisp, other board employees forced out were Laurie Paquin, Womack's assistant, and Suzanne Williams, the chief financial officer.

Although the Community Services Board's board of directors is appointed by the City Council, is represented by Pishko's office in legal matters and receives some funding from the city, it is an independent agency chartered by the state.

It is one of 40 such boards in Virginia that provide treatment for drug abuse and mental health problems. The board has a budget of about \$25 million, of which about 16 percent comes from the city. The rest comes from state and federal funding and fees for services.

Some council members said the lawsuit does not get to the heart of why McGlone remained on the payroll. They would like an update from Pishko sooner rather than later.

But Councilman Andy Protogyrou, a criminal defense attorney, said council members need to be patient.

"Let the criminal authorities handle this and let's move on with the business of the city," he said.

Councilman Tommy Smigiel responded: "I get asked about this 10 times a week. We haven't discussed this at all since the story broke. It's kind of a big deal. I believe we need an update."

Councilman Paul R. Riddick said: "I'd like to wait until the entire thing has unfolded. The main question I want answered is who at the Community Services Board dropped the ball."

The council unanimously adopted changes to the grievance procedure for Community Services Board employees on Aug. 31, essentially giving employees the same grievance procedure as city employees. City officials, who asked not to be identified, said the five board employees weren't let go until the grievance procedures were updated.

"Once they made sure there were no grievance rights, they rolled my clients under the bus," Martingayle said.

Pilot writer Joanne Kimberlin contributed to this report.

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[1999 lawsuit against Norfolk Community Services Board](#)

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

TONI RAE HARRIS

Plaintiff,

v. AT LAW NUMBER: L99-1455

COMMUNITY SERVICES BOARD
OF THE CITY OF NORFOLK, VIRGINIA

SERVE: Dr. George Pratt, Executive Director
Community Services Board
248 West Bute Street
Norfolk, Virginia 23502

And

JILL McGLONE,

SERVE:

Defendants.

MOTION FOR JUDGMENT

NOW COMES your plaintiff, TONI RAE HARRIS , by counsel, and moves for judgment and award of execution against the defendants, COMMUNITY SERVICES BOARD OF THE CITY OF NORFOLK, VIRGINIA and JILL McGLONE, jointly and severally, on the grounds and in the amounts set forth below:

1. The defendant, Community Services Board of the City of Norfolk, Virginia ("the CSB") is an agency of the City of Norfolk, Virginia, having a principal place of business at 248 West Bute Street, Norfolk, Virginia. The Executive Director and chief officer of the CSB is Dr. George Pratt.
2. The defendant Jill McGlone was employed by the CSB at all relevant times.
3. On or about June 26, 1998, and at other times, in the course of performing her employment responsibilities, McGlone obtained information about Plaintiff's medical test results

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