

APPENDIX

Good morning ladies and gentlemen of the committee. My name is Lynn Haynes. Until January 2, 2019, I served as Governor Murphy's Deputy Chief of Staff for Cabinet Affairs and Operations, where I served as the front office initial point of contact for cabinet members and their staff and assisted with the day to day operations of their departments.

In November 2017, a day or so after Governor-elect Murphy and Lieutenant Governor-elect Sheila Oliver won the election, Peter Cammarano asked me if I would be interested in serving as the Director of Personnel on the Transition2018 team to help staff the sub-cabinet positions. At the time, I was a partner at the Advocacy & Management Group, a public affairs and issue advocacy firm.

Mr. Cammarano explained the roles and reporting structure of the transition office. He said I would be working with Al Alvarez, who had already begun serving as the Deputy Director of Personnel, to staff the sub-cabinet positions. I would report to Jose Lozano, the transition team executive director, and Mr. Alvarez and the personnel team would report to me. Mr. Cammarano said that Mr. Alvarez and I would be responsible for reviewing resumes, interviewing candidates and making recommendations for potential hires to him, for senior staff level positions, and to Mr. Lozano for all other positions. Mr. Cammarano said that he would be responsible for hiring for the front office and Mr. Platkin would be responsible for hiring for Counsel's Office and the Authorities Units. Finally, he, Mr. Lozano and Mr. Platkin would work with the Governor-elect to select Cabinet members.

After some consideration, I accepted Mr. Cammarano's offer but told him that I would need about a week to notify my clients, delegate some work matters and then take a leave of absence from my firm.

On November 15th, I began my volunteer position as the Director of Personnel with Transition2018. When I arrived at the office, Mr. Lozano escorted me to the office that I shared with Mr. Alvarez, whom I had previously met when his former law firm had served as outside counsel to the Senate Majority Office during my tenure as General Counsel and Deputy Executive Director of the Senate Majority Office. I was also introduced to Azra Baig and Sirfraz Piracha, who were part of the transition personnel team and former campaign staffers with Mr. Alvarez.

Mr. Alvarez and I decided that the best way to tackle the hiring process in the short time span we had, and given the thousands of resumes we had received, was to interview for senior staff positions first and then move to the mid and lower level staff positions time permitting.

The hiring process for the sub-cabinet positions was as follows: Mr. Alvarez and I would review a pool of resumes of potential candidates submitted for consideration and decide which candidate best fit the position. Most of the resumes were submitted online via a portal, but we also received resumes via unsolicited emails, in hard copy from individuals who dropped by the transition office to leave their resume, and from transition staff. At times, Mr. Cammarano and Mr. Lozano also provided us with resumes of potential candidates to interview. Members of the personnel team would print and gather the resumes from the portal and give Mr. Alvarez and me hard copies of all resumes to be considered in folders. We would then schedule and conduct

interviews with the candidate. Initially, Mr. Alvarez and I interviewed candidates together, but we conducted some interviews separately due to time constraints.

Post interview, Mr. Alvarez and I would discuss the candidates' performance, skills and other factors, then we would present our recommendations to Mr. Cammarano and Mr. Lozano. If they approved, Mr. Alvarez or another personnel team staffer would email the successful candidate a vetting and background questionnaire to complete, sign and return to Mr. Parikh, the transition Counsel.

If the candidate for a senior staff position was green lighted by Mr. Parikh, the next phase would be for the candidate to meet with the cabinet member (if one had been selected) for a second interview. A member of the personnel team would arrange a meeting between the cabinet member and the candidate. The cabinet members would either approve or disapprove the hire, and at times ask to meet with additional candidates. Alternatively, a cabinet member might select his or her own candidate and request that I meet with the individual.

After a candidate was approved by the cabinet member, I would inform Mr. Cammarano or Mr. Lozano of the approval and they would sign-off on the candidate. The successful candidate's name, department, position and salary was catalogued on a spreadsheet. The Operations team used this spreadsheet to create offer letters, which were issued at the end of the transition. Once the Operations team created the offer letter template – around January 9th – we began sending the hard copy offer letters to the successful candidates.

By mid to late December, with the volume of resumes, scheduling conflicts and the impending holidays, we realized our window was closing and it became increasingly apparent that we needed to change course. We shifted from conducting a first interview of individual candidates and focused on preparing resume binders for each department to enable the cabinet members and their staffs to continue the hiring process post-transition. We included every resume received and placed it in the referenced department's binder.

Due to the volume of work, the personnel team added Stephanie Lezcano, Brandon Parrish, and Jillian Scott to assist with the workload. Mr. Alvarez oversaw the binder project while I continued with some outstanding interviews, onboarding cabinet members and meeting with transition staff that were interested in departments. If a transition staffer was interested in working in the front office, I would have them speak with Mr. Cammarano. If a staffer were interested in a position at an authority I would have them speak to Mr. Platkin or Mr. Cammarano, and if they weren't available Mr. Lozano. Mr. Alvarez never spoke to me about an interest in either.

During this time, from approximately mid-December, Mr. Lozano and I met almost daily to discuss personnel matters because inauguration day was fast approaching and we wanted to keep track of progress with staffing.

During the last couple of weeks of transition Mr. Alvarez, had begun splitting his time between the transition office and the inaugural committee. On one of the last days of transition I asked what he was doing post transition. He said "They're sending me over to SDA to be the chief of

staff." I congratulated him, he expressed how excited he was for the opportunity, and we moved on. Later that day or the next, during a personnel meeting with Mr. Lozano, he confirmed with me that Mr. Alvarez would be going to the Schools Development Authority to be Chief of Staff. I was not involved with his selection.

Mr. Alvarez's offer letter was among a number of other offer letters that was prepared by the Operations team and reviewed by me to ensure that the names, department, title and salary information was included and correct. I remember that Mr. Lozano provided me with Mr. Alvarez's salary information because the Operations team did not have access to the information. All other salary information was kept on the spreadsheet maintained by the Operations team. We had an electronic image of my signature in the office, so depending on the number of letters prepared at a given time, I either signed the letter by hand, or if there were multiple letters, they would be digitally signed for efficiency. I believe that Mr. Alvarez's offer letter was digitally signed.

After the transition, I served in the administration for one year. In mid-December, Mr. Cammarano had asked me to serve as deputy chief of staff for cabinet affairs and operations. He said that I would need to meet with the Governor-elect before it could be approved. Shortly thereafter, I met with the Governor-elect, Mr. Cammarano, and Mr. Platkin. Mr. Cammarano called me shortly after the meeting and said that the Governor had approved my hiring. I accepted and committed to staying in the position for one year, which ended shortly before my departure approximately one month ago.

I am happy to answer any questions that you have.



Melissa Liebermann – Opening Statement
Legislative Select Oversight Committee Testimony
February 5, 2019

My name is Melissa Liebermann and I am currently an Assistant Attorney General and, since January 2018, have served as the Chief of Staff for the Department of Law and Public Safety. I am aware that there has been testimony before this Committee regarding advice I provided to Heather Taylor and the Office of the Governor on March 27, 2018. Before answering your questions today, I thought it would be helpful for me to briefly provide you with my recollection of the relevant events.

On Thursday March 22, 2018, Heather Taylor called me and informed me that she was calling at the request of Matt Platkin regarding an allegation of impropriety made by Katie Brennan against Al Alvarez. Ms. Taylor indicated that while both individuals were current state employees, the conduct that was complained of took place prior to their state employment during a time period that both were working on the Murphy for Governor campaign. While I do not remember the exact words that Ms. Taylor used to describe the complained of conduct, I remember understanding that what was being reported was some type of sexual harassment and that Ms. Brennan was upset about how Mr. Alvarez had treated her during the time period they were working on the campaign.

During our call, Ms. Taylor and I discussed whether the state's EEO policy was implicated such that an investigation of the allegations could be conducted. I recall that my initial reaction was that the policy was not implicated because the complained of conduct took place during the campaign, which is not state activity. However, I recall exploring potential jurisdiction by asking Ms. Taylor whether the complained of misconduct continued into either the gubernatorial transition or into Ms. Brennan's and Mr. Alvarez's employment as state employees. Ms. Taylor said that it did not.

Despite my initial reaction being that the state's EEO policy was not going to be implicated, I took the issue seriously and told Ms. Taylor that I wanted to speak with our Department's EEO officer, Jodi Stipick, to discuss the issue. Even though I planned on having a conversation with Ms. Stipick myself, I encouraged Ms. Taylor to contact her directly to discuss the EEO issue. In the event that the EEO policy did not apply, I also told Ms. Taylor that I would look into whether the state could hire outside counsel to conduct an investigation into the allegations.

Following my conversation with Ms. Taylor, I spoke to Ms. Stipick and discussed with her my conversation with Ms. Taylor. I also learned that Ms. Taylor and Ms. Stipick spoke separately with each other at some point about this issue. During my conversation with Ms. Stipick, I recall that she came to the same conclusion that I did—the state EEO policy was not implicated under the facts presented because the complained of conduct transpired prior to Ms. Brennan applying for or becoming a state employee.

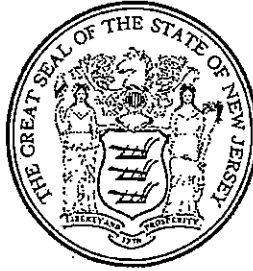
I also looked into whether the state could use public money to hire outside counsel. While I do not recall who in the Division of Law I spoke with, I was told that because the

complained of conduct all took place pre-state employment, hiring outside counsel with state funds was not possible.

After running these two issues down, I called Ms. Taylor back on March 27 and told her that unfortunately the state EEO policy did not apply and that state resources could not be used to conduct an investigation by private counsel. That said, I did recommend that Ms. Brennan's allegations be investigated and suggested that the campaign hire outside counsel to conduct the investigation.

Finally, I understand questions have been asked about whether I have a relationship with Al Alvarez. The short answer to that question is no. While I did meet and occasionally interacted with Mr. Alvarez when we both worked in the Corzine administration, I do not recall ever working directly with him nor did we ever develop a friendship. After the Corzine administration came to an end in early 2010, I do not recall seeing or speaking to Mr. Alvarez again until I happened to bump into and say hello to him and his then boss Charlie McKenna at the Governor's budget address in March 2018.

I would be happy to answer the Committee's questions.



NEW JERSEY STATE MODEL PROCEDURES FOR INTERNAL COMPLAINTS ALLEGING DISCRIMINATION IN THE WORKPLACE

Each State department, commission, State college or university, agency and authority (hereafter referred to in this section as "State agency") is responsible for implementing this model procedure, completing it to reflect the structure of the organization, and filing a copy of the completed procedure with the Civil Service Commission, Division of EEO/AA.

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.
2. Complaints of prohibited discrimination/harassment can be reported to either **(Name of Officer)**, the EEO/AA Officer, or to any supervisory employee of the State agency. Complaints may also be reported to **(Authorized Designee)**.
3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
4. Supervisory employees shall immediately report all alleged violations of the State Policy Prohibiting Discrimination in the Workplace to **(Name of Officer)**, EEO/AA Officer. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. An example of such a conflict would be where the individual against whom the complaint is made is involved in the intake, investigative or decision making process.

6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a Division of EEO/AA Discrimination Complaint Processing Form. An investigation may be conducted whether or not the form is completed.
7. Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Civil Service Commission, Division of EEO/AA, by the State agency's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.
8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the State Policy Prohibiting Discrimination in the Workplace.
9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.
10. An investigatory report will be prepared by the EEO/AA Officer or his or her designee when the investigation is completed. The report will include, at a minimum:
 - a. A summary of the complaint;
 - b. A summary of the parties' positions;
 - c. A summary of the facts developed through the investigation; and
 - d. An analysis of the allegations and the facts.The investigatory report will be submitted to **(State agency head or designee)** who will issue a final letter of determination to the parties.
11. The **(State agency head or designee)** will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the **(State**

agency head or designee) will determine the appropriate corrective measures necessary to immediately remedy the violation.

12. The **(State agency head or designee)** will issue a final letter of determination to both the complainant(s) and the person against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Civil Service Commission, as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Civil Service Commission, Division of EEO/AA shall be furnished with a copy of the final letter of determination.

a. The letter shall include, at a minimum:

1. A brief summary of the parties' positions;
2. A brief summary of the facts developed during the investigation; and
3. An explanation of the determination, which shall include whether:
 - i. The allegations were either substantiated or not substantiated; and
 - ii. A violation of the State Policy Prohibiting Discrimination in the Workplace did or did not occur.

b. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in Paragraph 8, above, is completed.

c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the State agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.

13. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the **(State agency head or designee)**, may submit a written appeal to the, New Jersey Civil Service Commission ("NJCSC"), Division of Appeals and Regulatory Affairs, Written Record Appeals Unit, P.O. Box 312, Trenton, NJ 08625-0312, postmarked or delivered within 20 days of the receipt of the determination from the **(State agency head or designee)**. The appeal shall be in writing and include all materials presented by the complainant at the State agency level, the final letter of determination, the reason for the appeal and the specific relief requested. Please be advised that there is a \$20 fee for appeals. Please include a check or money

order along with the appeal, payable to NJCSC. Persons receiving public assistance and those qualifying for NJCSC Veterans Preference are exempt from this fee, to the Civil Service Commission PO Box 312, Trenton, N.J. 08625.

- a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Civil Service Commission Chair may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Chair deems appropriate. See N.J.A.C. 4A:2-1.7.
 - b. The Civil Service Commission shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).
 - c. The appellant shall have the burden of proof in all discrimination appeals brought before the Civil Service Commission.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party (ies) against whom the complaint was filed may appeal the determination to the Civil Service Commission at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by the State agency head or designee.
- a. The burden of proof shall be on the appellant.
 - b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
 - c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.
15. The Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comments on, appeals filed with the Civil Service Commission of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Division of EEO/AA.
16. Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only.

An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State agency head or designee.

Complaints may be filed with the following external agencies:

**Division on Civil Rights
N. J. Department of Law & Public Safety
(Within 180 days for violation of the discriminatory act)**

Trenton Regional Office
140 East Front Street
6th Floor, P.O. Box 090
Trenton NJ 08625-0090
(609) 292-4605

Newark Regional Office
31 Clinton Street, 3rd floor
P.O. Box 46001
Newark, NJ 07102
(973) 648-2700

Atlantic City Office
1325 Boardwalk
1st Floor at Tennessee Avenue
Atlantic City, NJ 08401
(609) 441-3100

Southern Region (formerly named Camden Regional Office)
5 Executive Campus Building 5, Suite 107
Cherry Hill, NJ 08002
(856) 486-4080

**United States Equal Employment Opportunity
Commission (EEOC)
(Within 300 days of the discriminatory act)
National Call Center – 1 800-669-4000**

*Newark Area Office
2 Gateway Center, 17th Floor
Newark, New Jersey 07102
(973) 645-4684

**Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 440-2600

* Newark Area Office has jurisdiction over the State of New Jersey Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

** The Philadelphia District Office has jurisdiction over the State of New Jersey, Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

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Revised July 26, 2013
Revised March 22, 2016
See *N.J.A.C. 4A:7-3.2*