

# Former IT director sues El Dorado County

By Kathryn Reed

An El Dorado County employee has filed a lawsuit against the county, interim chief administrative officer/human resources director, district attorney and auditor-controller.

Kelly Webb, one-time director of Information Technology for the county, in the suit alleges her First Amendment rights were violated, that she was discriminated against because of her age and gender, and that she was harassed.

Webb started working for the county full time in May 1985. She was appointed acting IT director by then CAO Terri Daly on March 15, 2011. This appointment came with a substantial pay raise. On July 23, 2013, she became permanent IT director at the direction of the Board of Supervisors.

Two days later, Auditor-Controller Joe Harn sent an email to Daly that said, "I believe that section 210.a(3) of the County Charter requires a formal recruitment for the IT director position." The appointment also violated the Brown Act because it was not on an agenda.

According to the lawsuit, Webb doesn't know why the IT directorship was revoked.

*Lake Tahoe News* asked Human Resources Director Pamela Knorr, District Attorney Vern Pierson and Harn to respond to the allegations in the lawsuit. Neither Knorr nor Pierson responded. Pierson also has the role of chief technology officer.

"I have read Ms. Webb's complaint and I can't figure out exactly what I have allegedly done. When she was acting IT

director she worked directly for the Board of Supervisors, not me, not the DA. IT director is an at-will position. If the Board of Supervisors wanted Ms. Webb to be IT director, they would make her IT director. It's the board's call," Harn told *Lake Tahoe News*. "When the Board of Supervisors appointed Ms. Webb IT director in July of 2013, I did write the CAO and inform the CAO that the appointment violated the County Charter (the law). That's just me doing my job. Ms. Webb has been an analyst for a long time in the CAO's office. She should have known the County Charter and realized her July 2013 appointment was invalid."

County Counsel Robyn Drivon told *Lake Tahoe News*, "The county of El Dorado has just recently received this suit and is in the process of assigning it to counsel for review and response."

"The facts are:

- Ms. Webb has worked for the county of El Dorado for many years.
- She served for three years as the Interim Information & Technology Director.
- Ms. Webb did not meet the minimum educational qualifications for the permanent IT director and therefore, was returned to her prior employment position as a CAO analyst.
- There are no facts to support Ms. Webb's allegation that her disqualification was based upon gender or age."

Even in the lawsuit Webb admits she does not have the education requirements for the IT job: "Plaintiff realized that she did not even meet county's minimum qualifications for the principal administrative analyst position, even though she had on or about Feb. 12, 2014, plaintiff finally met with (Human Resources Director Pamela) Knorr regarding the ageist

comments (District Attorney Vern) Pierson had repeatedly made, and the ominous tone he took about plaintiff's future employment as county IT Director. Much to plaintiff's dismay and disappointment, Knorr brushed aside Pierson's actions, and chalked up plaintiff's concern over these issues as plaintiff 'over-reacting' and being 'overly sensitive.' Rather than doing the HR director's job and investigating obvious, unlawful ageism, Knorr made plaintiff feel like a mere complainer without a valid complaint," the suit says.

During the time period Webb said she was being harassed and discriminated against there were also negative things coming out about her. The state Controller's Office issued a negative audit report in August 2013 about IT's cost accounting and the knowledge level of IT's management.

A 2014 survey of county employees found that 41 percent of the IT employees were dissatisfied with their employment.

In the suit, Webb is asking for:

- economic damages in an amount according to proof;
- for punitive damages against the individual, non-entity defendants only;
- for general damages in an amount according to proof;
- for costs of suit, including but not limited to reasonable attorneys' fees;
- for prejudgment interest in an amount according to proof;
- for such other and further relief as the court may deem proper.
- a trial by jury.