

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

M.C.A.D. & GARY COOPER,
Complainants

V.

DOCKET NO. 11-BEM-01635

RAYTHEON COMPANY,
Respondent

Appearances:

Joseph L. Sulman, Esq. and David I Brody, Esq. for Gary Cooper
James F. Kavanaugh, Jr., Esq. and Michael J. Rossi, Esq. for Raytheon Company

DECISION OF THE HEARING OFFICER

I. PROCEDURAL HISTORY

On June 22, 2011, Complainant, Gary J. Cooper, filed a complaint with this Commission charging Respondent, Raytheon Company, with discrimination on the basis of disability for failing to provide a reasonable accommodation for his traumatic brain injury, for not engaging in an interactive process to determine a proper accommodation, for subjecting him to disparate treatment on the basis of his disability and for removing him from his position as a Technical Support Engineer, in violation of M.G.L. c. 151B sec. 4(16).

The investigating commissioner issued a probable cause determination. Attempts to conciliate the matter failed and the case was certified for public hearing. A public hearing was held before me on May 4-8, 18 & 19, 2015. After careful consideration of the entire record in this matter, and the post-hearing submissions of the parties, I make the following findings of fact, conclusions of law, and order.

II. FINDINGS OF FACT

1. Respondent Raytheon Company is an industrial corporation with headquarters located in Waltham, Massachusetts. Respondent manufactures weapons and military and commercial electronics and is a major defense contractor.

2. Complainant Gary Cooper resides in New Hampshire. Complainant graduated from Salem High School in 1977 and completed a semester of electrical engineering courses at New Hampshire Technical Institute. He was hired by Respondent in January 1978, spent four months as a cable maker in Respondent's Lowell facility, and then transferred to the position of a test technician, a union position he held for 23 years until 2000. T. 501-503.

3. As a test technician, Complainant worked on a variety of test stations testing missile components. During this time, some test stations became computerized and others remained manual. T. 505-8.

4. Complainant's sister Brenda Godin has worked for Respondent since 1982.¹ Their late father, a 30-year employee of Respondent, was a manager in the test engineering department. T. 114, 694. Their brother, Godin's twin, had also worked in test engineering for Respondent. T. 51-552.

5. In July 2000, Complainant suffered a traumatic brain injury when he fell from a ladder or scaffolding while performing repairs at Godin's house. T. 696; Jt. Ex. 65. He has no memory of the accident. T. 509. After a period of hospitalization, Complainant underwent out-patient treatment including speech therapy. T. 510.

¹ Godin worked her way up from a union job and acquired undergraduate and graduate degrees with the financial assistance of Respondent. She currently works as a Business Interface Lead. T. 31-32.

6. Complainant took a medical leave of absence from work until January 1, 2001 in order to recover from the injury which left him with significant cognitive deficits. Complainant had to relearn basic activities such as eating, drinking, speaking and retrieving and retaining memory. T. 42-44; Jt. Ex. 114. Complainant was able to regain most of these functions but suffered permanent damage to his long-term and short-term memory and partial hearing loss in one ear. T. 43-45; 518-519; Jt. Exs. 114; 133; 135. Complainant has difficulty concentrating in noisy environments and he becomes anxious in large groups.² T. 513-514, 520-21.

7. Complainant relies on certain triggers to jog his memory. At home he puts notes on the counter and on dry erase boards. He has learned to retain information by repetition. T. 515. In order to compensate for his deficits, Complainant created memory aids, such as calendars and notes in his work space. T. 516. At work he carried a clipboard which he referred to when needing to recall information. He also refreshed his memory by re-reading emails. T. 520. Routine is very important to Complainant's ability to function and recall information.

8. When Complainant returned to work in January 2001, following his injury, his physician provided a letter to Raytheon stating that he could work full-time without restriction. Ex. R-3. Upon his return, he was laid off from his testing job, which he had done for 23 years, resulting from a union matter unrelated to his injury. He was given an assembly job, which he considered a "down-grade." He successfully performed that job for 90 days and was then offered the position of Technical Support Engineer I (A01) in Respondent's Test Engineering Department, located in Andover, MA. T. 504; Jt. Ex. 33; Stipulated Facts, at 4. He was assigned to the second shift and his job duties as a technical support engineer included overseeing the

² At the public hearing, Complainant spoke slowly and took time responding to questions, but understood all that was said to him and demonstrated knowledge of his job functions.

testing of components for military grade equipment that Respondent produced and sold to clients, primarily the United States government. T. 699-700

9. There are 437 test stations on Respondent's production floor. Twenty percent of the stations are older and print out copies of pass/fail records. The remaining eighty percent of the stations are newer and gather parametric test data which provides the tester with more detailed information beyond whether the test passed or failed. The data suggests the location of the part that caused the failure. T. 997-9.

10. Complainant's job was to troubleshoot and interpret test results, perform some statistical analysis, identify trends and engage in problem solving. Complainant was also responsible for drafting new test procedures and improving existing test procedures. T. 266. Complainant testified that he performed trouble shooting and understood "first pass yields."³ T. 535. Complainant knew how to create spreadsheets on Excel but was unable to perform certain functions of Excel, such as creating "Perato" data which is displayed on a graph. T. 405-6.

11. Similar testing was performed on all shifts; however, fewer people worked the second shift and Complainant was usually the only engineer in his unit working his particular station along with the union test technicians who performed the actual tests. T. 436-437. As there was no operations supervisor to oversee the union technicians on the second shift, Complainant had the additional duty of supervising the test technicians. T. 538.

12. The first and second shifts overlapped in time. Complainant began his shift by attending a meeting with engineers on the first shift, who passed on information about the work required to be performed on the second shift. T. 265.

³ "First pass yield" refers to the percentage of time a part fails the first time it is tested. It is important to know the first pass yield in order to understand the "root cause" of the failure, which could be a problem with the product, the test design, the test procedure or the assembly. A test engineer can determine the root cause of the failure by using "parametric" data, which instead of showing that the part passed or failed, showed where the part failed and how to analyze the data. T. 1000-1001.

13. On the second shift, Complainant had space to himself, it was quiet and he could work without interruption. T. 546. Complainant created a highly organized workspace that included a large desk calendar, a computerized reminder system, additional workspace lighting and extra office filing systems. T. 576-7. Complainant never requested accommodations from Respondent at the time because he did not need them. T. 702.

14. Complainant generally tested two types of hardware; new production, which referred to parts that had come directly from manufacturing and were being tested for the first time and “field returns,” which were testing components or parts that had already been sent to customers and were returned due to a problem. T. 531. Testing field returns differed from new production hardware in that field returns were expected to fail. In the case of field returns, Complainant would start troubleshooting by checking the status report from the field to understand what he should and should not do to test the part. T. 532-533.

15. In addition to Technical Support Engineers such as Complainant who did not have engineering degrees, Respondent employed Test Engineers with engineering degrees.⁴

16. All Raytheon employees received a yearly performance development summary (“PDS”) wherein their performance was rated by their supervisor with confidential input from co-workers called PENT feedback. The performance categories were “far exceeds expectations,” “exceeds expectations,” “meets expectations,” and “improvement required.”⁵ In addition, each employee received a mid-year review. T. 1021.

⁴ All degreed engineer positions at Raytheon are designated E01, E02, et seq. All other Raytheon employees are designated A01, A02, et seq.

⁵ The terms “improvement required” and “needs improvement” are used interchangeably.

17. From 2002 to 2003, Complainant was supervised by Jose Loureiro, a “test engineering lead.” At the time Complainant was assigned to the manufacturing department⁶ which made computer products or integrated data processors for radars for F-15 and F-18 fighter planes. T. 209-310. He was always assigned to the same test station. T. 332.

18. Soon after Loureiro became Complainant’s supervisor, Complainant told him that he had suffered a traumatic brain injury and sent him a power point presentation that he had created regarding the impact of traumatic brain injury on cognitive functioning. Loureiro testified that he never discussed the matter with anyone else at Respondent and he never observed that Complainant had memory issues or difficulty communicating with others or multi-tasking. T. 294-295, 311. I credit his testimony.

19. Loureiro gave Complainant an overall rating of “Exceeds Expectations” on his PDS for 2002 and 2003. He noted that Complainant’s support of the test station was “exceptional,” that he had good technical skills and knowledge, was organized and detail oriented and was able to develop simple solutions to complex problems. He also rated Complainant as “highly promotable.” Jt. Exs. 13; 14.

20. In 2003, Complainant was promoted to the position of A02-Technical Support Engineer II, which resulted in an increase in his responsibilities. T. 259-260; 430-431. Jt. Exs. 13, 14. He became responsible for determining the cause of test failures and in some cases developing improvements to the testability of hardware. T. 281. In 2004, Loureiro rated Complainant’s performance as “meets requirements.” Jt. Ex. 16.

21. Loureiro testified that Complainant performed well at all the tasks he was asked to do and was able to understand the cause of test failures, was good at problem solving and

⁶ There was evidence that Respondent periodically reorganized its departments and lines of reporting; however Complainant remained a technical support engineer from 2000-2010.

working with union test technicians. T. 268. Loureiro stated that Complainant was actually performing the work of a union test technician who performed the actual testing and analysis to determine problems with the equipment. T. 215. In this position, Complainant was never required to use computer aided design equipment, investigate design factors or make recommendations to design engineers. T. 216, 321, 334.

22. From 2005 to 2010, Complainant had several direct supervisors; R.H., Michael O'Rourke, Guy Larcom and E. S. From 2005 through 2008, Complainant's supervisors rated him as "meets expectations" and described him as possessing strong technical capabilities. Jt. Exs. 18; 20; 22; 25.

23. Test Engineer Brian Hockney worked in test engineering with Complainant from 2005 to 2011. T. 382-383, 385. Hockney worked the day shift, but on those occasions when he worked late he interacted with Complainant. He got along well with Complainant and considered him a peer. Hockney provided PENT feedback for Complainant's PDSs for several years. Jt. Ex. 32.

24. Hockney testified credibly that Complainant gravitated toward the tasks he could do well and avoided tasks related to test yields and projects designed to improve testing. T. 893-4,897-905. Hockney recognized Complainant's limitations and the type of assistance he could expect from Complainant. T. 905-907.

25. Michael O'Rourke⁷ was Complainant's section manager in test engineering from 2006 to 2008. In that position he supervised approximately 16 test engineers and technical support engineers. Complainant did not report directly to O'Rourke as there was a supervisory level between them. O'Rourke understood Hockney to be Complainant's direct supervisor, or "lead." T. 344-345.

⁷ O'Rourke, who is now retired, worked for Respondent for 40 years.

26. O'Rourke testified credibly that he made a distinction between test engineers and technical support engineers, such as Complainant. He stated that test engineers were expected to have more technical knowledge than technical support engineers. T. 348-349.

27. O'Rourke testified credibly that Complainant's duties were to oversee and support the testing of products. He described Complainant as ambitious, attentive to detail and always eager to do a good job. He stated that Complainant was technically proficient, able to problem solve routine issues and provide technical support to the union test operators. T. 347-349.

28. O'Rourke completed Complainant's PDS for 2006 and 2007. He wrote that Complainant had excellent technical skills and knowledge of the test equipment, excellent problem solving skills and good technical writing ability for writing test procedures. T. 360-361. Complainant's in-depth knowledge in testing and his leadership skills facilitated the completion of a program within the time deadline. O'Rourke also noted that Complainant provided test validation, root cause and corrective action as required. T. 349-50; 356-359; 387-406; 419-421. Jt. Exs. 20; 22.

29. O'Rourke testified that Complainant did not perform detailed trouble shooting or possess the technical knowledge expected of test engineers. O'Rourke testified that he evaluated Complainant using a job classification guide for a "technical support engineer" position that was less technically complex than a test engineer and was more akin to the union test technician job. T. 386-7. I credit his testimony, which is consistent with Respondent's classification matrix describing an A02's functions as less complex than an E02's. Jt. Ex. 12.

30. Brenda Godin knew O'Rourke from her many years of employment at Respondent. O'Rourke testified that in 2006 or 2007, Godin came to him and described in detail Complainant's traumatic brain injury and its impact on his ability to perform certain daily tasks.

T. 61-4; 350-351. As a result of the discussion with Godin, O'Rourke consulted a human resources manager about Complainant's condition. O'Rourke testified that the human resources manager looked into the matter and told O'Rourke that Respondent's medical department had "nothing on file" regarding Complainant's disability.⁸ T. 353.

31. After meeting with Godin, O'Rourke informed his own supervisor, who was then test engineering department manager, about Complainant's disability. The manager asked O'Rourke if he had provided Complainant with any specific accommodation or special treatment and O'Rourke said that he had not. O'Rourke told the manager that other than "asking a lot of questions," Complainant had "no issues." After meeting with the manager, O'Rourke never spoke to anyone else at Respondent about Complainant's disability. T. 353-355.

32. Barbara Moreau has worked for Respondent since 2000. In January 2008, Moreau became department manager for test engineering. T. 1005. At the time, the test engineering department was divided into six sections and employed approximately 150 test engineers as well as 30 electrical engineers on loan from other departments. T. 990-991.

33. Moreau testified that Respondent's guidelines required a certain distribution of the four performance ratings among employees in each department. The numbers changed yearly and she did not recall what the requirements were in 2009. Regardless of how a supervisor originally ranked each employee, Moreau had to work with the supervisors to re-evaluate and manipulate the ratings to ensure that the employees' performance conformed to the bell curve, i.e., to ensure a certain percentage of employees received ratings in each category. T. 1021.

34. Moreau testified that in her first week as head of test engineering, her manager told her that her predecessor had never rated anyone as "needs improvement," and it was her job to

⁸ Complainant also spoke to the same human resources manager at some point and showed him the PowerPoint presentation. T. 568-9. He did not request any accommodations.

ensure that her section managers provided her with employee ratings based on a curve for the performance year 2007. Moreau began to assemble all of the information from her sections managers but stated the process of making all the files “compliant” with the bell curve did not begin in earnest until October or November 2008. T. 1026-1027.

35. In 2008 a piece of hardware called the sub-interface assembly (“SIA”), which is a component part of a radar system, was damaged during a vibration test that applied excessive vibration. The SIAs were fixed and retested, however there were continued problems with the part. Respondent conducted an investigation into the incident and discovered that the test procedure was vague and should have been corrected. The damage was not obvious at the time of the vibration test, but SIAs were failing at a higher level test in assembly and out in the field. T. 561-3; T. 1014-15. 36. Ultimately, a test engineer or technical support engineer determined how to perform the test correctly and instructed the union workers to perform the test correctly and the problem was corrected. T. 365-8. Moreau testified that the customer was upset about the error which caused the part to fail in the field and the repairs were costly to Respondent. T. 751.

36. The matter was investigated and on July 9, 2008, O’Rourke verbally reprimanded Complainant, who oversaw the SIA testing on second shift, for not immediately stopping the testing process and investigating why it couldn’t be run as written. Complainant received the lowest level of discipline from O’Rourke because it was his first offense. Complainant’s mistake was not due to lack of technical knowledge. Ex. R-8; T. 370. The SIA incident is not reflected in Complainant’s PDS for 2008, where he rated “meets,” except by stating that Complainant “needed to develop the courage to stop a process if there was a potential issue.” Moreover there was evidence that a test technician tried to stop the test and told his union representative but still

it was not stopped suggesting that numerous people were aware of the faulty test and did not immediately stop it. According to Complainant, the faulty test was written by engineers in the environmental test lab, and was rewritten by those engineers, who were responsible for changes in the software profile and procedures. Complainant stated that he was not responsible for re-writing the procedures, but he was unjustly blamed for failing to do so. T. 734-743. There was no evidence as to whether the test writer was disciplined for creating a faulty test, nor is there evidence as to problems with SIAs being tested on first shift, which was also testing SIAs.

37. After learning about the faulty test, Moreau and O'Rourke met with Complainant, who identified additional faulty test procedures that he had not corrected for some time. Complainant followed up and corrected the faulty test procedures. T.1016-1017; Ex. R-7.

38. In November 2008, Guy Larcom replaced O'Rourke as section manager and remained in that position for approximately nine months. T. 432. During this time he supervised 18 employees, including Complainant and two other technical support engineers. T. 434, 439. Larcom did not know that Complainant suffered from a brain injury. T. 460.

39. Larcom testified that on a day-to-day basis, Complainant was responsible for instructing the union test technicians, prioritizing tests to be performed and ensuring the tests were performed correctly. He stated that Complainant was not asked to perform the full scope of duties performed by other engineers, who performed parametric data analysis, statistical process control and participated in design reviews for new products. T. 480-81.

40. In 2009, Larcom was responsible for writing a PDS for 2008 for his subordinates. T. 44. Each employee ranked himself, and Larcom received PENT feedback from each employee's colleagues. Larcom then ranked his employees in each job grade. Since he had been in the

position for such a short time, Larcom relied heavily on the PENT feedback in writing the PDSs for his subordinates. T. 445.

41. In Complainant's PDS for 2008, Larcom wrote that Complainant's key strengths were technical capabilities on many variations of test equipment, good technical writing ability, test procedures and excellent problem solving skills. Jt. Ex. 25; T. 449-450. Larcom noted that Complainant struggled to communicate with others. T. 456-7. Larcom placed Complainant at the lower end of "meets" rating and sent his rankings to Moreau. T. 491. Larcom testified that he did not believe that Complainant's performance merited a "needs improvement" rating, nor did he believe Complainant needed to be placed on a PIP. T. 450.

42. In July 2009, Larcom transferred from the Andover facility to a position in Seattle. T. 476-7.

43. In October or November, 2009, D.S. became Complainant's interim section leader. T. 573. Complainant, who knew D.S. from Respondent's Lowell facility, showed him around the areas he would be overseeing. During their conversation, Complainant told D.S. about his TBI and offered him his PowerPoint presentation. T. 575. D.S. asked Complainant whether his TBI affected his performance and suggested obtaining information from Respondent's medical department.⁹ T. 577-579; Jt. Ex. 65.

⁹ Around November 2009, Complainant's office along with others, were temporarily moved from the manufacturing area as result of reconstruction at the Andover facility. Complainant found the move difficult because his possessions had been placed in boxes and were not in order and he did not have the extra lighting he required. T. 592. While Complainant previously had his own cubicle, he now shared a larger cube with one other person. He complained about his situation to Moreau, who stated that he, like everyone else, would have to put up with the temporary move. Moreau consulted an ergonomic expert who determined that Complainant did not need more light. Complainant bought his own lamp to work and was able to procure some furniture. T. 717-719.

44. D.S. told Moreau about Complainant's disability. Moreau and an HR specialist then instructed Complainant to go to Respondent's medical department in order to determine whether he required any accommodations. T. 1041-1043.¹⁰

45. Complainant tried unsuccessfully to arrange a meeting with a nurse in Respondent's medical unit and D.S. T. 581-582. Jt. Ex. 66. Respondent's medical unit logs for November 3, 2009 indicate that Complainant called with a chief complaint of "workplace accommodations," and noted that he had an appointment with a nurse the following day. Jt. Ex. 66.

46. Complainant testified that he met with a nurse in Respondent's medical department on November 4, 2009 to whom he expressed concern about D.S.'s reason for wanting information about his TBI and the possible effect on his evaluation. The nurse told Complainant that the medical department, a contractor to Raytheon, did not become involved with such matters. The nurse introduced Complainant to Dr. Miller¹¹ with whom he spoke briefly about his TBI. T. 585-6. Miller had access to all employees' medical data. Ex. C-11

47. On or about November 12, 2009, D.S., who did not testify at the public hearing, went to the medical department to ascertain what, if any, obligation he had to accommodate Complainant's disability. Jt. Ex. 71. The following day an HR specialist emailed D.S. that Complainant and his prior manager had set up special reminder calendars, notes and clocks for Complainant and that Complainant was "medically cleared." He advised D.S. that unless he noticed anything out of the ordinary Complainant "should not be treated differently from any other employee." Jt. Ex. 71; T. 1042-3.

¹⁰ Global Health Resources is Respondent's medical department

¹¹ Dr. Miller testified via deposition that he was the site physician at Respondent. He testified that if an employee came to him and reported having a disability, he would evaluate and could examine the employee and would seek permission to speak with the employee's physicians. Miller did not recall meeting with Complainant. Ex. C-11.

48. In March 2010, Kristin Buckley became the HR generalist for the Test Engineering Department. Shortly afterwards, D.S. told Buckley that Complainant had fallen off a roof and had a disability. T. 144; 149-150.

49. Buckley and Moreau testified that the medical office could do nothing for Complainant without a signed release from Complainant. T. 156, 167, 1186. Buckley testified that she asked Complainant on numerous occasions to sign a release to allow the medical office to speak with his personal physician about his disability, but Complainant did not provide such a release. T. 214, 217. Complainant denied that Buckley ever asked him to sign a medical release form.

50. Moreau testified that Complainant was given an A classification and the title of “technical support engineer” and not “test engineer” solely because he did not have an engineering degree. She stated that the “As” and the “Es” in test engineering were performing the same tasks. T. 1003-4.

51. Moreau testified that part of the test engineer job was to use statistics and interpret data in order to make improvements in the testing process, work with fellow engineers in test production and design to develop test stations to reduce costs. She stated that although Complainant acknowledged such tasks as goals in his yearly PDS, he told his managers that those tasks were not part of his job and that he only did the portions of the job with which he felt comfortable, such as supporting union workers who needed help with a test problem or test failure. Moreau stated that Complainant was actually performing some administrative duties of a group lead union position, some duties of an operations lead, as well as some engineering functions such as updating test procedures and floor support. T. 1053.

52. While Moreau may have determined that the test engineers and the technical support engineers should perform the same duties, the practice in the test engineering department differed from her conception of the roles. I find that in practice Complainant had consistently performed fewer, simpler technical duties that he performed well and his supervisors O'Rourke and Loureiro did not consider him a test engineer, did not require him to perform the duties of test engineer and evaluated his performance based on the duties he actually performed.

53. I also find that Moreau's testimony was inconsistent with Respondent's job matrix, which distinguished As from Es in terms of their duties; As' job functions were less complex. The matrix also described each level of A0 as having increasing responsibility, with an A03 having more responsibility than Complainant, who was an A02. Jt. Ex. 62.

PDS for 2009

54. Moreau testified that in 2009 employees were ranked on a bell curve that required that a certain percentage of employees' ratings fall in each category. Moreau asked each section manager to make a recommended rating for each employee. The ratings of the employees of each section were then merged and manipulated to comport with the bell curve. T. 1021-1022.

55. D.S. originally gave Complainant a "meets" rating in a preliminary PDS for the 2009 performance year. T. 1046; Jt. Ex. 27. After meeting with the section managers, D.S. and Moreau changed Complainant's rating to "needs improvement" before it was finalized. T. 1047. Complainant reviewed and commented on the final PDS on June 14, 2010. The final PDS was issued on June 16, 2010. Jt. Ex. 28. Complainant was ranked against the two other A02s in test engineering. T. 1024. Complainant received the lowest ranking.

56. In rating Complainant's performance for the 2009 PDS, D.S. relied on information from the PENT Feedback of a co-worker who gave a low numerical rating to Complainant and

wrote that Complainant needed to improve his technical skills and that at times Complainant “appears to lose focus and seems to be concentrating on trivial matters... needs to shorten his conversations... and get to the point quicker...” Jt. Ex. 28.

57. D.S. also used language in the PDS that was similar to the PENT feedback from Brian Hockney. D.S.’s comments purportedly summarized the comments from Hockney and were as follows: “Gary requires more than usual guidance to close the loop on engineering tasks for his current level and struggles with more technical issues.” Jt. Ex. 28. However, in Hockney’s actual PENT feedback, he wrote that Complainant “...requires guidance to close the loop on engineering tasks, which is in line with his current level.” Jt. Ex. 32. Hockney testified that he was unsure what he meant by this language, although at his deposition he stated that “in line with his current level” referred to Complainant’s classification as an A02. T. 933-936. The summary assessments of other co-workers who gave Complainant a higher qualitative rating were largely omitted from his 2009 PDS. Jt. Ex. 32.

58. Moreau wrote in Complainant’s 2009 PDS that Complainant did not meet the core competencies of his level. T. 1050. In comparing him to the two other A02s, Moreau wrote, “He could not compete with his peer group.” T. 1051. Moreau wrote that Complainant did not have a bachelor’s degree and did not have the relevant experience to make sound judgment decisions or good decisions on the production floor regarding test failures, and did not have the skills to troubleshoot basic problems. T. 1051-1052. Jt. Ex. 28.

59. On June 14, 2010, D.S. informed Moreau that Complainant raised the issue of his disability with Respondent’s Ethics office.¹² T. 160-161. Moreau emailed her bosses Paul Ferraro and Michael Houston and HR Specialist Kristin Buckley and advised them that, “Medical had provided an email stating that Complainant’s disability does not give him any

¹² A department within Respondent’s office of general counsel where employees could report ethics concerns.