

LUCAS COUNTY COMMISSIONERS
SPECIAL CITIZENS TASK FORCE FOR THE ZOO

FINAL REPORT

JULY 8, 2005

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**SPECIAL CITIZENS TASK FORCE FOR THE ZOO
MEMBERSHIP ROSTER**

Co-Chairs

Robert Reinbolt
Martin Skeldon

Members

Richard Anderson
Dr. Larry Conway
R. Michael Frank
Lloyd Mahaffey*
Stan McCormick
Dr. Susan Orosz
Steve Pollick
Dr. Richard Ruppert
Steve Serchuk
Sonia Troche
Linnie Willis
Doug Young

Subcommittees

Animal Care

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Finance

Stan McCormick
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Governance

Dr. Richard Ruppert
Dick Anderson
Martin Skeldon

Personnel/Operations

Linnie Willis
R. Michael Frank
Lloyd Mahaffey*
Robert Reinbolt
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*Lloyd Mahaffey served as a member of the Task Force until May 26, 2005, when he stepped down to become a member of the Toledo Zoo Board of Directors.

SPECIAL CITIZENS TASK FORCE FOR THE ZOO

INTRODUCTION

For decades, The Toledo Zoo has been one of Northwest Ohio's most valuable gems. It is an important local institution that our citizens have made a strong and lasting commitment to support. The Task Force has worked to ensure that this great institution with a tremendous Staff, dedicated Board, volunteers and its members, will thrive for decades to come.

Earlier this year, a number of questions were raised regarding Toledo Zoo practices and operations. After extensive conversations with members of the Toledo Zoo Board of Directors, on March 11, 2005, the Lucas County Commissioners called for the creation a Special Citizens Task Force for the Zoo. The Special Citizens Task Force was asked to review the finances and operations, including animal care, at The Toledo Zoo. Bob Reinbolt was asked to chair the Special Citizens Task Force and call upon a diverse group of community leaders to get involved in this process and propose a reasonable timeline and plan of action.

On March 24, 2005, the Special Citizens Task Force for the Zoo convened with 14 members and accepted the following charge:

For decades, The Toledo Zoo has been an important institution to our residents, an exciting destination for visitors, and a strong contributor to our local economy.

In recent weeks questions raised about operations and practices at the zoo have led the Lucas County Commissioners to establish this task force.

We are fortunate that our Zoo has a national reputation for excellence, and by almost any measure is considered to be in the top ten Zoos in the nation. It is because of this reputation for excellence that questions that have the potential to shake public confidence must be answered.

This Task Force is charged with undertaking a review of zoo finances and operations, including animal care, culminating in a report to be issued within 100 days.

We will leave the specifics of process and methods up to the quality individuals who have agreed to serve on this Task Force. The Board of Directors of the Toledo Zoological Society has offered its full cooperation with the process.

At that same meeting, the Task Force passed a motion to create four subcommittees: Animal Care, Finance, Governance, and Personnel/Operations. Steve Serchuk, Stan McCormick, Dr. Richard Ruppert, and Linnie Willis, respectively, were appointed as chairs of those subcommittees. Marty Skeldon was appointed as Co-chair of the entire Task Force at that time.

Over the next 100 days, the Special Citizens Task Force met weekly (and often more frequently) to interview Zoo administrators, members of the Board of Directors and Zoo staff. The four

established subcommittees also met frequently to review Zoo information and interview appropriate Zoo Board members and personnel.

After an exhaustive review of the Toledo Zoo, the Toledo Zoo Board of Directors and the Toledo Zoo Foundation, each subcommittee submitted a final draft report of their recommendations on June 23, 2005.

This report, with chapters on Animal Care, Finances, Governance and Personnel and Operations, is a culmination of those subcommittee reports and the overall recommendations of the Task Force as voted and unanimously approved on June 30, 2005.

This report was presented at a public meeting to the Board of Lucas County Commissioners on July 8, 2005.

SPECIAL CITIZENS TASK FORCE FOR THE ZOO

CHAPTER ONE – ANIMAL CARE

Introduction

The Animal Care Subcommittee of the Special Citizens Task Force for the Zoo was established on March 24, 2005 to review all aspects of animal care at the Zoo. That directive was to include a review of and a report on care, treatment, management, and handling of the animal collection as well as a review of animal care staff and management, via a wide-ranging survey of pertinent documents and interviews of staff, management, and other pertinent individuals.

The Animal Care Subcommittee reviewed provisions of the federal Animal Welfare Act and the role of the U.S. Department of Agriculture [USDA], which administers and enforces legal provisions of the Act and which is responsible for annual exhibitor licensing of zoos and licensing of other facilities and institutions, which keep and handle wild animals. The Subcommittee also reviewed the accreditation standards and policies of the American Zoo and Aquarium Association [AZA], an industry organization that serves and accredits zoos and aquariums and of which the Toledo Zoo currently is a member in good standing.

Further, the Subcommittee conducted exhaustive interviews of the animal care staff, from keepers through curators, plus former Executive Director Bill Dennler, former Chief Veterinarian Tim Reichard, DVM, current acting Chief Veterinarian Wynona Shellabarger, DVM, veterinary technical staff, animal care volunteers, and Richard Flasck, chairman of the Animal Care Committee of the Toledo Zoological Society Board of Directors. The Subcommittee also reviewed extensive e-mails received by the Task Force as a whole but directed toward animal care issues, and conducted several outside interviews with outside authorities on zoo veterinary care and animal treatment and management. Lastly, the Subcommittee made on-site reviews of the zoo animal hospital and various animal care areas, from the hippopotamus holding area to the aviary.

Discussion and Highest Priority Recommendations

Not all animal departments in the Zoo have the same issues or problems. The Aquarium Department, for example, appears to be running fairly smoothly with good communications internally and up and down the chain of command. Much the same can be said for the Reptile Department. The Animal Care Subcommittee was able to surface few specific concerns in these departments, broader Zoo-wide concerns aside.

The Bird Department either has too few staff or too large a collection. A recommendation to that point appears below. In addition some communications and personality concerns between the curator and at least some staff appear to be long-standing and unresolved. This is a concern that should be addressed by upper level managers and administrators.

The Mammal Department is the source of greatest concern. Communications and personality issues between and among curator and staff here have reached a head and demand reconciliation. Part of the problem may be that the department as constituted is too large.

The problems with the Biological Programs Committee (BPC) are a major concern. Many of the problems today throughout the Zoo resulted from the creation of the BPC. The BPC has an important role in terms of coordinating animal husbandry and management, but it should not serve as a substitute for the management, oversight, and authority afforded by a general curator and executive director.

The results of internal investigations into the deaths of high-profile animals -- among others the sloth bear, giraffe, and hippopotamus -- have largely been disappointing. The investigations, which in most cases have been undertaken long after the incidents, largely have been marked by slow progress, and possibly revision of results to fit preconceived conclusions. Often even a thorough reading and discussion of reports and extensive interviews by this Subcommittee in given cases have failed to achieve acceptable results.

The failure of these investigations to arrive at anything but indeterminate conclusions in several cases is strongly indicative of a system that needs major overhaul. Moreover, such failures imply -- even if untrue -- that pertinent facts or unfavorable results were altered or covered up. Future investigations must be conducted openly and in timely fashion, and with oversight by a reconstituted Board's Animal Care Committee and possibly outside authority.

The Animal Care Subcommittee has prepared numerous Findings and Recommendations. These have been organized into six areas:

- A. Animal Staff
- B. Animal Care
- C. Zoo Board Animal Care Committee
- D. Biological Programs Committee (BPC)
- E. Veterinary Department
- F. United States Department of Agriculture/American Zoological & Aquarium Association (USDA/AZA)

Each section lists our findings followed by our recommendations.

The **Three Highest Priority Recommendations** from the Animal Care Subcommittee are:

- **Hiring a General Curator and a Chief Veterinarian, both from outside the Zoo.**
- **Reconstructing the Board Animal Care Committee to be an animal problem solving and internal investigation committee.**
- **Eliminating the position of Mammal Curator and elevating the assistant curators of small and large mammals to Curator of Small Mammals and Curator of Large Mammals.**

Animal Staff Findings

- Zookeepers and curators are passionate about the animals.
- Zookeepers like working at the Toledo Zoo.
- Many Zookeepers have been long-term employees, and as a result there is relatively low employee turnover.
- Lack of "trust" is a big issue among staff.
- Much healing is needed to get beyond recent staff changes/disruptions at the zoo.
- Despite administrative/management statements to the contrary, a culture of fear and retaliation, however subtle, exists. It is a culture in which keepers will not admit actions or mistakes, even when immunity is offered. Example: An internal investigation failed to identify the staff member[s] who summarily allowed a giraffe and male kudu to be exhibited together. The act led to the goring of the giraffe by the kudu and the giraffe's eventual death through a series of missteps and miscommunication that the investigation failed to clarify.
- It takes five written infractions within a 12-month period, known as "five steps," for an employee to be fired/terminated. This process is so insulated and cumbersome that terminations of union employees virtually, do not occur. Nancy Foley, Employee Relations Director, told the Task Force that no animal keepers/union employees ever have been fired in the past 20 years.
- Some keepers, and curators, may hold grudges and cannot put the past behind them.
- Keepers complain of little room for job advancement.
- Toledo Zoo union employees are well paid compared to other zoos.
- Keepers and curators meet within their departments at least once each day.
- Employees contend that keeper-to-keeper friction never gets resolved.
- Keepers refer to a small group of "bullies" who make it difficult for other keepers to do their jobs.
- Many zoo keepers/union employees do not see or support the "big picture" of the Zoo as both a wildlife conservation facility and a business. Further, the keepers think that the Zoo Board of Directors does not fully appreciate the conservation component of a zoo.
- The Zoo has an Assistant Curator of Large Mammals and an Assistant Curator of Small Mammals. The Task Force found the individuals in both of these positions to have excellent animal care backgrounds, refreshing insight into the zoo's communication problems, and to be respected by the zookeepers and curators.

Animal Staff Recommendations

- **Hire a General Curator.** This individual should have extensive animal/zoo experience and very strong personnel skills and would be in charge of all animal care activities at the zoo.
 - The General Curator would report to the Zoo Director.
 - Curators and veterinary staff would report to the general curator.
 - This person would be the key staff person for the Zoo Board Animal Care Committee.
 - The General Curator also would chair the BPC.
 - The Zoo Board should hire someone from outside the current Zoo staff for this new position.
- **Hire a Chief Veterinarian/Director of Animal Health and Nutrition.**

NOTE: Because of the longstanding personnel turmoil, particularly in some of the animal departments and with relationships with veterinary staff, it is felt that any new General Curator and any new Chief Veterinarian/Director of Animal Health and Nutrition/"Attending Veterinarian" should be hired from outside existing staff and management. Unfortunately, internal promotions in these slots may only serve to entrench long-standing personality issues, plus fresh ideas and management resolve are needed.

- **Eliminate the position of Mammal Curator and use the salary savings to pay for part of the General Curator's salary.** The two assistant mammal curators (large and small mammals) should be elevated to Curator of Large Mammals and Curator of Small Mammals.
- **Consider encouraging "roving keepers" who work with different animals, and also consider allowing keepers who transfer from one department to another to maintain their seniority.**
- **The Roles and Responsibilities of the Curators, Associate Curators, Senior Keepers, Keepers, and the Vets need to be clearly defined, documented, accepted, and practiced.**
 - Animal Management should be the curator's responsibility.
 - Medical and humane decisions should be the veterinarian's responsibility
 - Establish a uniform procedure for communication among the keepers, curators, and veterinary staff.
- **The Zoo should implement a program to offer early retirement to employees with more than 25 or 30 years. This would allow younger employees an opportunity for advancement.**

Animal Care Findings

- Each animal department has written animal care procedures, but all employees do not follow them consistently. This causes internal department conflicts.
- There appears to be poor adherence to written animal guidelines and protocols.
- The Zoo's "Guideline for Animal Care" policies and action steps do not adequately address what is meant by the statement, "each animal will be observed daily," in terms of how often and for what time periods and what documentation to provide.
- The Executive Committee spends a lot of time discussing adjacent property acquisitions, future board members, the Budget, and the Zoo Foundation. Very rarely are there any discussions about animals at the Zoo.
- Whether elephant interaction with keeper staff should be "free contact" or "protected contact" is an issue. Over the years more than one keeper has been injured under the present "free contact" system.
- The issue of "free contact" versus "protected contact" was discussed at the December 1999, Executive Committee meeting. Mr. Dennler stated that the El Paso zoo was under scrutiny by the Humane Society of the United States and the AZA Ethics Committee.
- A history of injuries is recorded relative to the Elephants. The elephant keepers use a "free contact" versus a "protected contact" system of handling the elephants. The Zoo management believes the Toledo elephant facility is not designed for long-term "protected contact," and also is not equipped for winter quarters for "protected contact". Rafiki, the elephant involved with injuries to at least two elephant keepers, was transferred to a North Carolina Zoo in October 2003.
- The AZA states that elephants should be maintained in social gatherings and a Zoo should strive to hold no less than 3 female elephants. The Toledo Zoo currently has two elephants -- Renee and her male baby, Louie.
- The bird collection appears to be larger than the current staff can handle to provide appropriate care. Keepers are not on board with the goals and objectives of the species that are housed on and off exhibit. The curator has limited ability to manage keeper staff for effective teamwork, even though training has been provided.
- The Toledo Area Humane Society investigated the sloth bear incident and considered pressing cruelty charges but did not. Subsequent investigations of high profile cases were not performed because it never received a complaint or request for an investigation. The Toledo Area Humane Society has jurisdiction for animal cruelty, in Lucas County, including the Toledo Zoo.

Animal Care Recommendations

- **All animals need to be observed with documentation for behavior and health at least twice during the day.** The current policy states, "Each animal will be observed daily" -- which could be only once.
 - The Zookeeper observed the hippopotamus that died, only when it was let outside in the morning.
- **Complete the process of having all Animal Logs and Observations documented electronically to allow for easy, immediate, and appropriate zoo-wide access to this information.**
 - Only two departments are currently set up electronically.
- **Schedule some senior management, curators, and veterinarians to be working at the Zoo grounds on weekends.** Time is of the essence when critical decisions in animal care are needed. According to the Animal Staff List provided to the Task Force, none of the above individuals work on Saturday or Sunday at the Zoo.
- **Keepers need to be involved with discussion and take ownership with the decisions made concerning numbers and species for breeding.** Teamwork and effective communication will enhance the overall operation and quality of care.
- **The Zoo administrators must reward team players and cooperative efforts to provide the highest standards of animal care.** Animal Health personnel, along with curators and keepers need to work together to continually enhance husbandry, enrichment and medical care for all animals housed at the Toledo Zoo.

Board Animal Care Committee Findings

- o The Zoo Board Animal Care committee has met infrequently during the past five years.
- o The Animal Care Committee has not been asked to address issues in a timely manner, nor does it have access to internal/external investigations or reports of the USDA.
- o The Zoo Board Animal Care Committee has been functioning, according to some curators, the Chairman of the Animal Care Committee and others of this Committee, as a "dog and pony show". This Committee for the most part listens to the curators discuss new exhibits and new animals and "babies." This Committee really has not been involved with animal problems, issues, and solutions. The Animal Care Committee "reports" very infrequently to the Executive Committee -- the last time appears to be in September 2002, relative to a recommendation that the Zoo discontinue exhibiting koalas.
- o The Animal Care Committee consists of Board and community members with diverse backgrounds. Discussion has not centered on morbidity/mortality/humane care or internal investigations with yearly inspections. There also does not appear to have been oversight for research done at the Toledo Zoo by this Committee.

Board Animal Care Committee Recommendations

- **The Zoo Board Animal Care Committee should be transformed into a problem-solving committee and also empowered to perform all internal reviews relating to:**
 - o injured animals
 - o questionable animal deaths – with one page summaries signed off by the keeper, the curator, the vet and the general curator
 - o breaches of animal care policies
 - o animal mortality/morbidity and subsequent investigations as deemed necessary
 - o research proposals, including field work
- **The Zoo Board Animal Care Committee should be restructured to have eight members - three current board members and five outside members who have medical or animal expertise, including one of whom should be a current zoo animal keeper.**
 - o This Animal Care Committee should meet monthly.
 - o The Toledo Area Humane Society must provide timely external investigations for animal care issues where appropriate according to Ohio law. A mechanism must be established with the Zoo whereby a clearly understood threshold will automatically trigger a TAHS intervention.
- **Future Master Plans for the Zoo should have participation and input from board members, animal keepers, veterinary staff, and the community, as well as from the management of the Zoo.**
- **Future Exhibits built with capital funds should also be tied to having the necessary operating funds available to staff these new exhibits.**
- **In the Hippo inside enclosure, install a remote video camera to allow the keeper operating the door which lets the hippos outside to have a view of the entire doorway area to preclude any possibility of any accidental entrapment.**

Veterinary Department Findings

- o The veterinary department is the only animal department that does not report to the Zoo director. It currently reports to the chief operating officer.
- o The second veterinarian at the Zoo does not report to the Chief/Attending Veterinarian.
- o No defined communication path exists between animal keepers and the veterinary staff.
- o The role of the attending veterinarian and zoological institution as it relates to the Animal Welfare Act and the inspection criteria by an officer of the USDA is not well defined or understood by those in the zoo community (Toledo Zoo and the AZA). There was debate over the roles of the Director and the attending veterinarian in discussions with various staff members and with AZA officials. The specifics of the Act were not well understood. For example, Curators did not know that birds were incorporated into the Animal Welfare Act as of 2004.
- o Dr. Reichard was passionate about his work at the Zoo. It appeared that he was alienated from the decision making process over time with the curatorial staff and with other administrators. Zoo administrators, however, set the tone for work relationships. There was a lack of consensus building and cooperative team playing. Loyalty and allegiances did impede the highest quality of animal care and hampered internal investigations of animal care incidents.

Veterinary Department Recommendations

- **The Chief Veterinarian should be hired from outside the current Zoo staff.** This individual must be designated as the Attending Veterinarian to the USDA, and must be in charge of any other veterinarians on staff.
- **The Animal Health and Nutrition Department (veterinary staff) should report to the same manager/administrator (the proposed General Curator) as the curators and animal care departments at the Zoo.**
- **Medical care of ALL animals must be performed with at least the minimal supervision of the licensed veterinarians of the Toledo Zoo and their staff.**

BPC and Curators Findings

- o Curators are knowledgeable, have years of experience, and are active in regional/national conservation programs.
- o Curators like working at the Toledo Zoo.
- o Some curators may hold grudges and cannot put the past behind them.
- o The Biological Programs Committee [BPC] is perceived by keepers as "the group" that runs the zoo. It is regarded as secretive, exclusive, and is identified as a problem.
- o From the curators' perspective, their participation in BPC helped them learn more about the entire animal care and zoo operations and has helped them become closer to other curators. By rotating the chairmanship they have gained management knowledge and experience, but time as chair also has taken significant time away from their curatorial duties. Lastly, they think nothing is wrong with communication at the zoo, except for some "troublemakers".
- o Curators in some cases have not responded in a timely manner to keepers' proposals and suggestions for improving animal care. Some curators appear to be good at managing animals but weak at managing people.

BPC and Curators Recommendations

- **Pre" & "Post" meetings need to be eliminated by BPC members. All discussions and decisions need to be during regularly scheduled BPC meetings. Minutes of each of these meetings should document all decisions.** The minutes should be posted within 24 hours on the Zoo's Intranet.
- **The process of "peer review" by the BPC should be eliminated. All curator reviews need to be done by the new General Curator.**
- **The new General Curator should chair the BPC meetings.**
- **The Zoo Board [now] and later the Executive Director and General Curator, when hired, must define the BPC's role, responsibilities, and area of authority.**

USDA/AZA – United States Department of Agriculture/American Zoological & Aquarium Association Findings

- o The AZA indicates the governing body (the Board of Directors of the Zoo) has the responsibility for policy matters and oversight of the zoo, while the Executive Director is responsible for all the day-to-day management of the staff, animals, and zoo programs.
- o The USDA investigation in February 2004, found that "the attending veterinarian has not been given the appropriate authority to ensure all aspects of adequate veterinary care".
- o In February 2004, the USDA inspection report raised questions about the Zoo's management system and the role of the BPC. According to the May 17, 2004, Executive Committee minutes, Bill Dennler felt these issues were out of the USDA's jurisdiction.
- o The AZA and USDA both state that the ultimate responsibility for compliance with the U.S. Animal Welfare Act belongs to the zoo "license" -- which would be the Executive Director. The USDA did indicate, however, "the attending veterinarian should have authority to make the medical and humane decisions for the animals".
- o AZA accreditation of a zoo runs for five-year periods. The Toledo Zoo's accreditation expires and is up for renewal in 2007.
- o The Toledo Zoo has to renew its USDA Exhibitor's License every year. The USDA is a regulatory body, while the AZA is an accreditation body without regulatory authority. The Zoo legally can operate with a USDA license but without AZA accreditation.
- o The federal Animal Welfare Act, subpart D, 2.40, requires "daily observation of all animals to assess their health and well being." It further states that there be "a mechanism of direct and frequent communication required so that timely and adequate information is conveyed to the attending veterinarian."
- o The USDA has jurisdiction over both mammals and birds. This fact is not widely recognized among the zoo staff.

USDA/AZA – United States Department of Agriculture/American Zoological & Accreditation Association Recommendations

- **The Toledo Zoo should lead the way and bring together other organizations that are impacted by USDA regulations, such as, AAVZ and the AZA to develop a dialog with USDA officials.** This dialog may take the form of a symposium or workshop to clarify roles of staff within institutions, criteria for functioning and inspection goals for Animal Care, Institutional Animal Care Committees and research endeavors at zoological facilities in the United States. This understanding would be important for all institutions and their staff to further advance animal welfare in zoological institutions.

SPECIAL CITIZENS TASK FORCE FOR THE ZOO

CHAPTER TWO – FINANCES

Introduction

The Finance Subcommittee was established on March 24, 2005 by the Special Citizens Task Force for the Zoo to review Zoo financials and financial management, interview Zoo financial personnel and Board members, review the Toledo Zoological Society Foundation and make a final report with recommendations.

The Finance Subcommittee met in regular open meetings between April 5, 2005 and June 14, 2005. On May 17, 2005, the Finance Subcommittee interviewed Allison Duncan, Director of Finance, Gary Smith, Zoo Board of Directors' Treasurer, and Richard Faist and Todd Deindoerfer of Clifton Gunderson, the Zoo's independent financial auditors. On May 31, 2005, the Finance Subcommittee interviewed Mary Fedderke, Director of Development and President of the Toledo Zoological Society Foundation, Mark Schaffer, Zoo Foundation Chair, David Strup, Zoo Foundation Treasurer, and Doug Luksco and Laura Noble of National City Bank, the Zoo Foundation's investment managers.

The Finance Subcommittee's efforts were focused primarily on four areas:

- A. Financial Oversight
- B. Financial Controls
- C. Management Financial Reporting
- D. Fund Development

General Observations

The following recommendations are not being submitted lightly. They are the result of considerable debate by the members of the Finance Subcommittee, many hours of exhaustive review of the Toledo Zoo's current and past financial practices, many hours of stakeholder testimony from Allison Duncan, the Director of Finance for the Zoo and Gary Smith, Treasurer of the Toledo Zoo's Board of Directors, among many others and considerable counsel from the Finance Subcommittee's consultant, Dan Hiskey.

General Findings and Recommendations

In reviewing the financial records of the Toledo Zoological Society, it does not appear that either a written formal business plan or a strategic plan are available to provide a framework to enable the Board to review financial decisions in an appropriate context. It also does not appear that comprehensive salary survey information is available to enable rational salary and wage decisions to be made.

For further clarification, using the staff submitted budget information for Funds 01 and 02; the year-end excess/(deficit) figures are showing a downward trend at year-end. For instance, the actual year-end excess/(deficit) balance for 2000 was \$748,746.00 while the estimated year-end for 2005 is \$234,503.00. It appears, from the information submitted, that there is now a smaller year-end balance of funds on hand than there were a few years prior to the passage of the new levy. If revenues simply continue growing as they have been over time, and expenditures continue to increase as they have been over time, the year-end balance for 2006 may be less than \$100,000.00. If, on the other hand, staff expects Zoo attendance revenue or some other revenue class to increase greatly in 2006, then that would of course impact this year-end estimate.

Therefore, the Finance Subcommittee makes the following recommendations:

- **When the Zoo hires a new Chief Executive Officer, that person should exhibit the following qualities and capabilities:**
 - A sound business background
 - A successful ability to work well with subordinate staff
 - A strong vision and direction for the Zoo's financials
 - An ability to review, analyze and interpret financial and economic data
 - An ability to be an arbiter of last resort regarding all financial matters for the Zoo staff
 - An ability to adopt and set plans for changing economic conditions at the Zoo
 - An understanding of and an appreciation for the role of public funding for the Zoo and the long-term potential for the elimination of public funding

- **Develop a comprehensive Business Plan. The Business Plan should include a revised Mission Statement, a clear statement of objectives and a precise delineation of goals.** To be meaningful, time targets should be associated with both objectives and goals. In addition to the standard components of a Business Plan, i.e., the Organization Plan, the Marketing Plan, the Financial Plan, and the Staffing Plan, the Business Plan should include an educational component and a Community Relations Plan. This Plan should be given to all present and prospective Board members as well as all employees. It is extremely important that all employees be included in the formulation of the Business Plan in order to promote the beginning of an operational team.
 - If not already being done, staff should consider developing a three-year revenue and expense forecast to try to project year-end Excess/(Deficit) balances in the 'out years.' The Zoo's operating financial base for funds 01 and 02 is relatively simple to project as the property tax base is a relatively stable tax, however, much of these funds' revenue comes from Development and Earned revenue streams that, while appearing to be growing by and large, could be subject to economic conditions now affecting the area.

- **Develop a comprehensive Strategic Plan. An informal strategic vision may have been in place with certain Board members and also former executive staff members, but that long-range reality has now changed.** Once again, employees should be involved in the development and implementation of this Strategic Plan. Additionally, all

Board members should be knowledgeable in regards to all of the components of the Strategic Plan. Further, the Strategic Plan should be the primary subject of discussion at a regular Board meeting at least once per year.

- **Develop a comprehensive wage and salary survey. Survey data may be obtained from the American Zoological Association and should be used, after it is standardized, to develop a rational compensation program for all employees as well as the executive staff.**
 - o In reviewing the 2000-2005 financial information submitted by the Zoo staff for their operating funds, the wage and salary line item has shown continual growth over three years. In fact, it is the only expense category to do so. While the 13.8% growth in 2003 is explainable, other year's average growth rate (currently standing at approximately 8%) should be monitored.

While prior year cash balances have offset operating fund deficits in prior years, they will probably not be as readily available in the coming years. Pressures on Zoo capital funds to retire recently issued bonds will require that these funds be maintained in the capital accounts. Conversely, as the Zoo Foundation has not yet reached its threshold balance, those funds may not be imminently available either. The Zoo Board of Directors and Zoo staff should strive to have the operating budget expenditures balance itself within the revenues available to the operating fund.

Financial Oversight Findings and Recommendations

In regards to financial oversight at the Toledo Zoo, the Task Force makes the following recommendations:

The Board of Directors

- **The Finance Committee should meet monthly at a set time and date at the Zoo. The time should be 7:30a.m.** This time would afford members of staff to be away from their responsibilities minimally. Furthermore, members of the Finance Committee would be away from their responsibilities minimally as well.
- **The Finance Committee should undertake as a matter of course the approval of any and all capital requests for the month.** This should be the procedure whether the request falls in or out of budget for the current fiscal year. Members of staff must present the requests and justify the expenditures to the finance committee.
- **Review of prior month's financial statements should be done by the Zoo's Chief Financial Officer. This should include the following: a review of the month's operating statement for year to date showing, *actual indexed to budget with variance then prior year*.** After review of the numbers, written explanation of the month's results should follow for Revenue, Expenses, and Balance Sheet. Graphs detailing operating margin indexed to *budget* and *prior year* and performance against a *set goal* is recommended as well. A review of the Balance Sheet indexing *current month* (Jan. thru) to *prior month* (Jan. thru) then indexed to *prior fiscal year's performance*. A review of the Statement of Cash Flows should follow showing *Month ending* (review month), *prior month ending* and *year to date*. A review then should follow of any key statistical data the Zoo and the Board is interested in tracking. This data should be prepared for each of the finance committee members for each meeting.
 - The Finance committee should approve these financials monthly by vote.
- **All Zoo Board members should receive the review month's financials in advance, including the operating statement and changes in unrestricted net assets, balance sheet, statement of cash flows, revenue comparison summary indexing actual to budget with percent variance, budget expense comparison by department showing review month actual to budget with percent variance, then year to date actual to year to date budgeted with percent variance.**
- **The Zoo should establish quarterly meetings with management to discuss fiscal reports, year to date, and all other pertinent Zoo financial information.** The Zoo should make all employees aware of the decision-making process regarding large capital expenditures. These actions could help facilitate team building and provide a sense of involvement for all staff in the capital expenditure process.

- **The Zoo should promote a financial management workshop for all non-financial managers to educate staff members.**

Financial Controls Findings and Recommendations

The Finance Subcommittee deliberated in regard to the financial controls in place at the Zoo and the yearly external audit process and interviewed at great length the major participants in regard to financial controls at the Zoo.

In that context, the Task Force makes the following recommendations:

- **The Zoo needs to develop an internal audit process separate and apart from the external audit process.**
 - The Zoo should establish an Audit Committee with oversight responsibility for the internal and external audit.
 - The Chair of the Audit Committee should be a practitioner in the field of accounting or the financial sector.
 - The Audit Committee should:
 - Hire and oversee auditors
 - Approve annual audit and recommend to full Board
 - Monitor internal controls
 - Handle whistleblower complaints related to accounting and internal control issues
 - Assure no conflicts of interest exist with Audit Committee members
 - The Audit Committee should develop an action plan to address the concerns of the annual external audit, such as the three-year outstanding fixed asset disposal policy concern. This plan should include the auditor's concerns, recommendations for improvement, action steps, persons responsible and date when they should be implemented and/or accomplished.

- **The Zoo should consider rotating the managing partner of Clifton Gunderson each year for the external audit to provide a fresh set of eyes to the external audit process.**

Policies and Procedures

- **The Zoo should establish written policies and procedures for all expense areas, including Travel, Automobiles, Entertainment, Dues and Publications.** All policies should be approved by the Zoo Board with an effective date.
 - The Zoo should reference the Auditor of State's Best Practices manuals attached in appendix to this report for guidelines on how to proceed with such policies and procedures.

- **The Zoo should adopt and publicly disclose for senior management, executives and the Board of Directors a Code of Ethics and conflict of interest policy.**

- **The Zoo should institute a fleet management policy in regards to maintenance and vehicle replacement as part of its annual operations and capital budget process.** This policy should encourage vehicle safety, job efficiency and less time lost due to improper equipment or equipment failure. This recommendation is made in conjunction with recommendations of the Personnel/Operations Subcommittee.
- **The Zoo should implement a Local Preference and/or “Buy Ohio” policy that provides local and State vendors a first option on Zoo contracts and expenditures.**
- **The Zoo should implement a program to encourage participation by Disadvantaged Business Enterprises (DBEs) in the bidding process.**
- **The Zoo should develop a funding policy and strategic goals for conservation projects.**

During this process, the Finance Subcommittee requested detailed information about four specific expense areas: Travel, Entertainment, Dues, and Publications. Using this information provided by Zoo staff, a schedule was developed for the years 2000-2004 that showed increases in three of these line items (the fourth, Library/Publication costs has shown continual decreases). Please note that the year 2004 is based upon the proposed budget amount, as 2004 year-end audit information is not now available.

Observations

1. Entertainment costs were \$21,197.29 in the year 2000, increased steadily to \$25,300.89 in 2001, \$26,194.57 in 2002, and \$53,144.34 in 2003 and decreased significantly to \$28,045.35 in 2004.
2. Dues’ costs were \$35,857.01 in 2000, \$50,657.56 in 2001, \$45,855.88 in 2002, and \$51,184.32 in 2003 and finally increased to \$52,398.01 in 2004.
3. Travel costs were \$8,624.91 in 2000 and showed continuous increases from that year to \$10,981.62 in 2001, \$12,719.76 in 2002, \$17,381.46 in 2003 and \$23,172.02 in 2004.

Given these facts, the Task Force makes the following recommendations:

Expenses

- **In regards to Zoo expense areas, during the budgeting period, the Zoo should look for ways to minimize costs and increase efficiencies in order to lower these variable costs.**
 - Management should consider whether these discretionary items are appropriate given a gradually eroding year-end balance as reported and projected by staff. The Zoo should consider a policy that sets aside only a set percentage of overall revenue for each discretionary item such as those listed above.

Management Financial Reporting Findings and Recommendations

- **The Full Board of Directors should receive, as a matter of course, a monthly report summarizing key statistical performance such as year-to-date data for attendance, membership, development, giving, expense and capital expenditures over \$5000.** This document should be mailed the week before the scheduled Board meeting.
 - It should also highlight other financial activities and accomplishments for the month so that all Board members have a clear and unequivocal understanding of the institution's performance for the month and what the implications, if any, are going forward.
 - The economic, political and social climate should be covered as it relates to the Zoo and future projects or campaigns.
 - Areas such as short staffing, healthcare changes to the benefits package etc. should be addressed in this monthly report to the Board members. There should also be continuous review of the current schedule of benefits and coverage for union and non-union employees.

- **The Zoo should establish and publicize a document retention/destruction policy, including electronic media.**

- **The CEO and CFO of the Zoo should sign off on the accuracy, completeness and fairness of financial statements, IRS Form 990 and the adequacy of internal controls.**

Fund Development Findings and Recommendations

The Toledo Zoological Society Foundation was created as a separate 501(c) 3 entity in 2001. The Foundation has a separate Board of Directors. Total assets at the end of 2004 were \$4.5 million. National City Bank is the contracted investment manager. Portfolio management is outsourced to various investment fund managers. The two principal components of the Fund are: the National City Bank investments and investments in the Toledo Community Foundation. The Foundation does not have a formal written business plan or a formal written strategic plan.

In reviewing the minutes of the Toledo Zoological Society Development Committee for the past five years, the following facts came to light. During 2000-2002, the Development Committee met on average less than three (3) times per year. In 2003 and 2004, the Committee met at least 7 times per year. The variance could be due to a number of factors. i.e. a change of members and or chairperson, the change over in the Director of Development position, and time commitment by members.

The change in the frequency of meetings has led to positive changes at the Zoo, most notably the increase in Zoo memberships. Also, new fundraising programs have been developed and appear to be prospering. The Zoological Society has created a Foundation “to ensure that the Zoo will remain a source of community pride for many generations to come and in all economic climates.” Of particular note is the effort being put forth to ensure that the “historic” buildings at the Zoo are maintained as the cost to do so escalates.

Given this information, the Task Force makes the following recommendations:

- **Establish written criteria for selection of Foundation Board members.**
- **Develop a written Business Plan. A written Business Plan would help clarify the objectives and goals of the Foundation.**
- **Develop a written Strategic Plan. A written Strategic Plan would assist the Foundation in developing and implementing a long-term program.** In addition, such a plan would clarify the roles of the Foundation vis-à-vis the Toledo Zoo operation.
- **Establish a Pacesetters Club for the Foundation that includes Board members and others and sets the pace for fundraising for the organization.**
- **Review Zoo Foundation documented policies and procedures to ensure they reflect a commitment to the highest professional standards and gender-neutral language.**
- **The Development Committee should continue to meet often as the communication generated between the Zoo administration and the Board is truly beneficial.**
- **The Development Committee should continue to strive toward the goal of eliminating taxpayer support from the operating and capital improvement levies.**

SPECIAL CITIZENS TASK FORCE FOR THE ZOO

CHAPTER THREE – GOVERNANCE

General Observations

The Zoo has been operating under a Code of Regulations dated June 19, 1995 and Certificate of Amended and Restated Articles of Incorporation dated April 12, 2005.

Officers of the Zoo Board and Zoo Staff have been cooperative and open to our requests for information and responsive to our questions.

The Zoo Board has been constructively active in dealing with the many issues that have come to light in recent months since the Task Force was formed. They have been open in discussing their actions in this regard and also have welcomed our suggestions for change and improvement. Several of the changes now in place are as a result of discussions with the Task force Governance Committee.

In light of the difficulties that caused this Task Force to be formed and the investigation undertaken by the Task Force and this Governance Sub-Committee, We have restricted our focus to six specific areas as follows:

- A. Size and makeup of the Board of Directors
- B. CEO Working Relationship with the Board of Directors and its Chairman
- C. Board Committees and their Function
- D. The Organization Chart
- E. The CEO Search Process
- F. A Check List for the Board of Directors

Size and Makeup of the Board of Directors Findings and Recommendations

The current size authorized by the Code of Regulations is 18. No change is recommended.

The current Term is 3 years with two three-year renewals possible if nominated by the Nominating Committee and approved by the Board of Directors. No Change is recommended.

Lucas County has had an unfilled slot until recently when the Task Force proposed to the Zoo that Lloyd Mahaffey be nominated to the Board. Both Mr. Mahaffey and the Zoo have accepted that proposal and Mr. Mahaffey has been elected. This fills the current County slot on the Board.

In due course at the Zoo, two Board Members have termed out and rotated off the Board and one Board Member has died. Three new Board members were approached and have accepted nomination to the Board.

At the next Zoo Board Meeting these four nominees were elected (Lloyd Mahaffey and the three new nominees) bringing the Board up to the authorized number of 18.

- **We recommend that an additional slot on the Board be temporarily opened so that Lucas County can have an additional appointment immediately.** The complement would be brought back to 18 as soon as the next board member rotates off the Board.
- **We recommend that the County appoint an additional board member as soon as possible after the next board slot opens up.**
 - This would bring the number of County appointments on the Zoo Board to three.

The Zoo Board and the County Commissioners should work constructively together to select candidates for the board that fulfill requirements the board may have for diversity, geographic representation, specific expertise and other needs that will strengthen the Board in pursuit of its mission.

- **We recommend that the officers of the Zoo Board of Directors meet at least annually with the County Commissioners in a public session, to provide a comprehensive report and answer questions.**
- **We recommend that close attention be given to the following issues relating to the makeup of the Zoo Board**
 - Cultural and geographic Diversity that reflects the community being served. (There are few, if any, members of the current Zoo Board living in the city of Toledo.)
 - Animal care expertise. At least one outside, practicing Veterinarian
 - Human Resources expertise

CEO Working Relationship With The Zoo Board and Its Chairman Findings and Recommendations

A climate of trust and openness in the working relationship of the CEO and the Zoo Board and especially with the Zoo Board Chairman is the ideal to be carefully and consistently sought after by all members of the Zoo Board and the CEO.

- **So that no voice is stifled, we recommend that the Zoo Board provide an opportunity for an executive session of the Board without the CEO or his staff following each Zoo Board Meeting.**
- **We recommend that the CEO provide the Zoo Board with clearly stated personal goals, in writing, at the beginning of each year.** These goals should relate directly to a strategic plan agreed upon by both the CEO and the Zoo Board. Updating the Strategic Plan is the joint responsibility of both the CEO and the Zoo Board.
- **We recommend that the CEO, immediately following the end of the fiscal year, undertake a self-evaluation, based on the goals established at the beginning of the year, and share that evaluation with the Executive Committee and the Board.**

Board Committees and Their Functions Findings and Recommendations

Certain functions such as Marketing, Development, Audit, Nominating, and Project Planning seem to have been handled well by the appropriate committees and the Staff to bring remarkable success to the Zoo. Certainly, there is room for improvement in these functions, however, We have chosen to focus on other key functions that reflect opportunity for improvement and that require more effective Board involvement and oversight. What follows is a discussion of recommended changes and additions. From our discussions with the Zoo Board, it is important to recognize that the Zoo Board is already addressing many of these recommendations and changes.

Human Resources (HR) Committee

The Board, at one time had a Personnel Committee. However, that committee was abandoned.

- **We strongly support the recent creation of an HR/ Personnel Committee of the Board with significant policy and oversight responsibilities.** Among those responsibilities we recommend the following:
 - Oversight of labor negotiations and the Labor contract Compensation and Benefits
 - Philosophy and Policy for the entire organization (non-contract)
 - Recommend pay and benefits for CEO and his/her direct reports to the Executive Committee.
 - Oversee Education/Training/Career Development Policy and Practice
 - Insure the presence of effective counseling and leadership development for supervisors.
 - Implement a management-training program for all supervisory personnel.
 - Consider the establishment of an impartial "Ombudsman", trained in the art of listening, and with an open door to all.

Animal Care Committee

The Zoo Board has had an Animal Care Committee. It is apparent, however that it has not been as involved or as effective in it's oversight as necessary and as expected. The Animal Care Committee of the Task Force will go into detail on this function in their report. However, from a governance standpoint, we recommend the following responsibilities for the Zoo's Animal Care Committee: (We recognize that some of these practices are already in place.)

- **At least one external, practicing Veterinarian on the committee.**
- **Review USDA Reports**
- **Review AZA Reports**

- **Develop and implement a policy and a process for investigation, evaluation, review, reporting, and follow-up on all incidents involving animal morbidity and mortality.**
- **The Committee should meet at least monthly.**
- **Members of the committee should regularly evaluate the Zoo grounds and work with the animal care staff.**
- **Regularly report to the Zoo Board ongoing evaluations of the animal care program.**
- **The Chair and other members of the Animal Care Committee should attend some meetings of the BPC.**

Executive Committee

The Zoo has an Executive Committee made up of the Officers and Committee Chairs. It is appropriately authorized to act for the Board under prescribed circumstances.

- **With a Board of only 18 members and with today's communication tools, we recommend that the entire Board should make most decisions.** Over dependence on an executive committee can lead to a communication breakdown with the remaining board members.
- **The Executive Committee should conduct an annual performance evaluation and administer the compensation and benefits of the CEO and keep the Board properly informed on the status of both.**

Governance Committee

- We support the recent formation of a Governance Committee by the Zoo Board. **The responsibilities of the Governance Committee should include the following:**
 - Review and update Code of Regulations and bylaws.
 - Insure that an effective self evaluation process for the Zoo Board is in place and administered once a year
 - Consolidate and summarize the results of the self-evaluation survey and report the results to the Zoo Board.
 - Insure that an evaluation process for the CEO is effectively administered by the Executive Committee.

Organizational Chart Findings and Recommendations

The operating structure at the Zoo should be simplified and clarified. To that end we recommend the following:

- **Eliminate any reference to a "Second in Command" or COO type position except in the case of preparing an individual for near term succession to the CEO position.** This organization is small enough that a flatter structure with all of the key functions reporting directly to the CEO, will improve communication and cooperation all around. This would give the CEO direct and regular contact with all key functions. We see this team as the "Cabinet" for the CEO.
- **Care must be taken to establish a proper balance of upper management attention on both animal related issues and activities and on operating and administrative issues and activities.**
- **Cross-functional teaming should be carefully cultivated.**
- **We recommend that significant structural changes be carefully implemented by the new CEO except for those needing immediate attention during the interim while the search process is being carried out.** The CEO will need the flexibility to establish a structure that fits his/her needs based on his/her own evaluation of the situation.
- **We recommend that all positions, as they are redefined, have clearly articulated job descriptions with accountabilities spelled out.**

Board Check List Findings and Recommendations

A prime duty of the Board is to consistently reassess, articulate and reinforce the Mission and Core Values of the institution.

- **We recommend they review and update the Charter outlining the mission, goals, duties and responsibilities of each Zoo Board Committee.**
- **We recommend that a Code of Ethics dealing with conflicts of interest and other ethical matters be created and distributed.**
- **We repeat our recommendation that the Zoo Board develop a self-evaluation survey process to be implemented once a year with consolidated results to be shared with the entire Zoo Board.**

CEO Search Process Findings

We feel that the Zoo Board has a major responsibility and a great opportunity as they go about the selection of the next CEO at the Zoo. We have learned that Larry Peterson, a prominent Toledo Businessman and member of the Zoo Board, has been appointed Chairman of a Search Committee to establish a process, develop a list of desired qualifications and characteristics, and present candidates to the Zoo Board for this position.

We support the approach of the search committee in developing a list of desired qualifications, characteristics, and other criteria being sought. We recommend that the search committee and the Zoo Board invite all major constituencies of the Zoo, Board, Staff, Employees, Volunteers, Major Benefactors, and the general public to participate in the process.

At a meeting of the Task Force on Thursday, June 16th, 2005, Larry Peterson asked the Task Force for their thoughts on what we should be looking for. What follows is a partial list of edited inputs from Task Force members:

- *A person of vision
- *A team builder
- *Relationship builder
- *Fund raiser
- *Should have animal knowledge and experience
- *Good listener
- *People skills
- *Business skills
- *Females and minorities given equal opportunity
- *A low key "doer"
- *Capacity to sell the zoo to the public
- *A leader in the eyes of the public
- *Change maker
- *Embraces change
- *Same qualities as a president of a great university
- *Must be Tough - A good disciplinarian.
- *Patient -Willing to take time and learn
- *Integrity
- *Concern for others in balance with self
- *Ego under control
- *Articulate - even when under stress
- *Consistently fair
- *Loves life

SPECIAL CITIZENS TASK FORCE FOR THE ZOO

CHAPTER FOUR – PERSONNEL AND OPERATIONS

Introduction

The Special Citizens Task Force for the Zoo – Personnel/Operations Subcommittee was established on March 31, 2005 by the full Task Force to review the personnel structure and management as it relates to the day-to-day operations of the Zoo.

The Personnel/Operations Subcommittee interviewed the Human Resources/Employee Relations staff of the Toledo Zoo, including both Directors and other subordinate staff. Subcommittee members also participated in numerous interviews of current employees and several members of the Board of Directors, which were open to all Task Force members.

A personnel matter at the Toledo Zoo, which was aired in a public forum, ultimately resulted in the formation of the Special Citizens Task Force for the Zoo. In addition, the unexpected retirement and resignation of two executive administrators, William Dennler and Bob Harden, respectively, precipitated an atmosphere of uncertainty characterized by anger, fear and instability. It was therefore absolutely necessary for the Personnel/Operations Subcommittee to perform an extensive review including but not limited to the following:

- A. Personnel policies and procedures
- B. Collective bargaining agreement
- C. Management / Union relations
- D. Job descriptions
- E. Performance evaluation tools
- F. EEO statistics
- G. Grievance processing

Overview

The Personnel Committee has identified a number of areas where improvement could be achieved in the Human Resources/Employment Relations area. The major problems we have identified are briefly summarized as follows:

- ***The HR/ER function at the Zoo is one function with two heads.*** This leads to inconsistency and a lack of decisiveness in performing this function. Employees attempt to play one director off against the other and there is substantial overlap in roles and job responsibilities. Considering the number of full-time employees, this department appears to be overstaffed. This department should be streamlined and complete accountability should be placed in the hands of one director.

- ***There is an embarrassing lack of racial diversity in the ranks of full-time employees at the Zoo.*** Given the fact that the African-American population of the City is approximately 17%, a workforce of an African-American population of .076% is unacceptable. Approximately 74% of African-Americans are employed in the category of service workers. The Zoo should implement an affirmative action program containing specific goals and timetables for the achievement of a racial/ethnic mix in the ranks of full-time employees that reasonably reflects the characteristics of the community.
- ***Good employee relations require a reasonable balance between the rights and responsibilities of both labor and management.*** The Task Force believes that over the years, this balance has swung too far in favor of labor. Management needs to level the playing field through the collective bargaining process.
- ***There is a lack of consistency, uniformity, accountability and decisiveness in the enforcement of standards of conduct across departments.*** The five-step disciplinary process is cumbersome, ineffective and prolongs effective enforcement action. Uniform standards of conduct and discipline should be adopted, effectively communicated to employees, and decisively and consistently applied.
- ***The Zoo should retain the services of an ombudsman whose responsibility would be to facilitate conflict resolution through a non-confrontational mediation process.***

Summary Findings and Recommendations

This section discusses in greater detail the parameters of problems identified by the Task Force.

Problem No. 1 - The H.R./E.R. Function is cumbersome and ineffective:

The H.R./E.R. function is one function with two heads. This leads to indecisiveness in decision-making and a lack of accountability. Employees question the logic of this separation. Employees tend to “forum shop” depending upon the issue. Managers do not feel supported when dealing with many personnel issues. The roles/responsibilities of the two Directors overlap resulting in inefficiency. One person is not accountable for the H.R./E.R. function. Considering the number of full-time employees, the department appears to be overstaffed.

Recommendation:

- **The H.R./E.R. Department should be restructured under a single director responsible and accountable for the entire function.** Individual roles within the department should be clearly defined and not overlap. The reorganization should start from the bottom up and where jobs can be combined to create efficiencies, those steps should be taken even if it results in a reduction-in-force.

Problem No. 2 - The Ranks of Full-Time Employees At The Zoo Do Not Reasonably Reflect the Racial Diversity of the Community.

There is an embarrassing lack of racial diversity in the ranks of full-time employees at the Zoo. In a workforce of more than 150 full-time employees, there are only two employees identified as being of African-American descent. While statistics were not provided to the Task Force with respect to persons of Hispanic descent, personal observation suggests a similar lack of diversity.

The Zoo acknowledges that it has no written affirmative action plan and excuses its absence by suggesting that federal and state laws do not require it to have such a plan. At best, this attitude could be characterized as “benign neglect.” As an agency funded by a Lucas County tax levy, it should affirmatively address the lack of racial diversity whether or not it is legally mandated.

Recommendation:

- **Given the fact that The Toledo Zoo is a quasi-public institution serving an entire community and seeking public funds to finance its operation, the full-time employment profile of the Zoo should reasonably reflect the racial and ethnic**

diversity of the community. In this regard, the Zoo should adopt and implement a written affirmative action plan/program to include, among other provisions:

- o Written goals and timetables for the recruitment and employment of minority group individuals with the objective of achieving approximate racial parity in the ranks of full-time employees within five (5) years;
- o “Special consideration” to be given to minority group applicants who qualify for full-time employment on a **relatively equal basis** with all other applicants for the position;
- o The appointment of an EEO Officer whose responsibility should include signing off on all new hires certifying the fact that an appropriate effort was made to recruit and fairly consider relatively equally qualified minority candidates for the position; and
- o A semi-annual report to the Board of Directors reporting, on a cumulative basis, progress in meeting the affirmative action goals.

Problem No. 3 - The Zoo Lacks Uniform Standards Of Employee Conduct, Effectively Communicated To Employees, and Decisively and Consistently Applied:

Numerous employees, both keepers and managers, expressed dissatisfaction with the complexity and enforcement of employment standards of conduct at the Zoo. Those comments focused upon the following areas:

- # The five step disciplinary process is cumbersome, ineffective, and prolongs (or even prevents) effective enforcement action.
- # There is a lack of consistency, uniformity, accountability, and decisiveness in the enforcement of standards of conduct across departments.
- # The Human Resources Department is inconsistent and indecisive in the enforcement of standards of conduct.
- # To the extent that some employees do not meet high standards of performance, their co-workers are often required to compensate.
- # All employees benefit when standards of conduct are communicated to employees and consistently applied.
- # Many employees become so involved with their individual job that they do not see the big picture at the Zoo.
- # The existing labor agreement makes it cumbersome and difficult to terminate an employee even for consistently poor job performance documented by annual evaluations.

To their credit, most employees interviewed support consistent, uniform and decisive enforcement of standards of conduct at the Zoo. They recognize the fact that co-workers who perform poorly and do not improve their performance make the jobs of their fellow employees more difficult and less enjoyable. Some employees expressed concerns that in some departments, favored employees get away with things that others receive discipline for. Some expressed the belief that their manager would benefit in training in effective personnel management techniques. Others expressed concern that different curators have different standards of performance leading to a lack of uniformity.

Some witnesses expressed the opinion that rather than work to improve the performance of those who need to improve, some managers simply rely to a greater extent upon those employees who perform to a high standard. This is not only ineffective management, but it is unfair to the top performers who are required to compensate for their co-workers deficiencies.

Good personnel management requires uniform standards, effectively communicated to employees, and decisively and consistently applied. Most labor and management individuals interviewed agreed with this concept. The Task Force believes that the current collective bargaining agreement does not strike a fair balance between the rights of labor and management. It does not contain all of the appropriate standards of conduct necessary for the efficient operation of the Zoo. Most importantly, the five-step disciplinary process, with some offenses expugnable after a period of one year makes it nearly impossible to terminate an employee for poor performance even after receiving a “needs to improve” evaluation and failing to improve performance.

Recommendation:

- **The Task Force recommends the implementation and enforcement of uniform standards of conduct and discipline with a more streamlined enforcement process as a top priority through collective bargaining negotiations.** By way of example, a sample Code of Conduct and Corrective Action is attached hereto as Exhibit A.

Problem No. 4 - Lack of Regard for Supervision.

The 2005 Employee Survey of the full-time staff of The Toledo Zoo identified “regard for supervision” as a weakness. According to the findings:

- o Toledo Zoo employees are less likely than their counterparts at other organizations to feel they can talk freely to the person they report to about job-related problems.
- o Supervisors are given below average marks for their proficiency in resolving employee=s problems and complaints.
- o Only about half of the respondents perceived that their supervisor relays their concerns to management.

- o Supervisors also garner lower than average ratings for relaying the expectations of the job to subordinates and considering worker's differing opinions.

Additional consistent themes that emerged from employee interviews are the following:

- o Most employees interviewed indicated that they loved their job and were fairly paid, but had concerns with communication, supervision, and morale.
- o Some employees have an attitude "if you are not with us; you are against us", which fosters divisiveness among the keepers.
- o There is a lack of open communication in some departments leading to rumors and myths.
- o Some employees believe that there is retribution if they openly express contrary opinions.
- o Some employees believe that they know more than their supervisor/curator and resist supervision/direction.
- o Lack of trust is a major issue. "Team building" is not encouraged and to some extent, does not exist.
- o Grievances often linger with no closure.
- o Employee to employee friction rarely gets resolved.

One method of conflict management is to establish an internal conflict resolution mechanism. While voluntary efforts, in the form of a labor-management committee are viewed as positive, they often cannot be effective in achieving conflict resolution on a timely basis because the committee meets infrequently and all of its members have other full-time duties to perform. Managing conflict resolution is an important H.R. function that should be performed by a dedicated staff person.

Recommendations:

- **One way to address this problem is for the Zoo to retain the services of an ombudsman whose responsibility it would be to receive concerns about job-related problems or complaints from both supervisory (management) and non-supervisory sources and attempt to resolve those concerns through a non-confrontational mediation process.** The ombudsman must not be biased in favor of labor or management, should facilitate conflict resolution, and monitor the resolution process to assure that results are implemented. In order for this process to be successful, the following elements are essential:
 - o The ombudsman should not be a current Zoo employee and should be selected with the participation of both labor and management representatives.
 - o The ombudsman must have the authority to require all parties in conflict on the issue to participate in the conflict resolution process.

- The process must be confidential except to the extent necessary to convene the parties and achieve resolution in the mediation process.
- While it may be necessary to record the result of the conflict resolution process, participation in the process must not be made a part of the Zoo=s personnel=s records.
- While the ombudsman should work in cooperation with the employees= union and the Zoo=s management staff, he/she should report to the personnel committee of the Board of Directors and not to Zoo management. This will assure the independence of the ombudsman.
- The Zoo Board should undertake this conflict resolution process for a period of one year and evaluate its effectiveness after that time period.

The Task Force recognizes that there is already in place a committee of labor and management personnel designed to facilitate conflict resolution. All of the members of this committee have assumed this responsibility in addition to their daily job responsibilities. The Task Force believes that the job of conflict resolution at the Zoo requires more concentrated attention than can be given by the Labor Management Committee. The funds to implement this process can be achieved through reorganization of the H.R./E.R. department (see Recommendation No. 1).

- **Re-establish the Board Human Resources Committee and provide it with a clear definition of responsibility.**
- **Establish a written procedure for the handling of grievances for management.**

General Findings and Recommendations

Additional general recommendations of the Task Force with respect to employment relations and operations are as follows:

- § **A comprehensive leadership training module needs to be developed for current staff that would include basic supervision, management skills, how to deal with difficult employees, etc.** This type of training should also be required for all new managers and supervisors.
- § **Managers and supervisors should attend quarterly meetings to discuss problems areas as well as review various aspects of the personnel policies and collective bargaining agreement.**
- § **Open and honest communication with employees must become the norm rather than the exception.** Administrators and managers must participate in team building exercises, embrace the concept of team building, and ultimately encourage the same type of behavior by all staff.
- § **Establish a priority system for maintenance work orders to insure that work that may not be as desirable as some other job does not get put off.**
- § **Establish a pending work order system that includes an aging report and establish a system for this information to be reviewed.**
- § **Change the Table of Organization to place the Veterinary Department in the Animal Care Section and place all veterinarians under the head Veterinarian.**
- § **Create a General Curator position under the Executive Director as permanent Chair of the BPC.**
- § **Consider moving the responsibility for organizing concerts from the Employee Relations Department to the Marketing and/or Development Departments.**
- § **Consider implementing a written policy regarding information sharing. When the staff attends conferences, they are not now required to submit a written report about information gathered.** This would increase cost effectiveness and improve communication.
- **Investigate the practicality of a central purchasing dept. for the common needs of all departments.** This may prove to be a cost saving measure.

- **Develop a fleet management/maintenance policy in order to provide safe reliable vehicles for efficiently carrying out the duties of the labor force.**
- **Update the employee policy manual in a timely manner with all employees bound by the same policies and procedures.**
- **Establish a written procedure for the investigation of grievances.**
- **Develop a sign-in procedure for vendors and staff's visitors to provide them with a safe environment while on zoo grounds.**

SPECIAL CITIZENS TASK FORCE FOR THE ZOO

APPENDIX

Chapter Two – Finances

1. Auditor of State Best Practices
 - Public Sector Audit Committees
 - Procurement through Government-Issued Purchasing Cards
 - Government-Owned Vehicle Use Policies
 - Forecasting from the Inside Out
 - Cell Phone Policies
 - Travel Policies

2. Exhibit A - General Operating Fund Assumptions / Support, Revenue, and Expenses 2000-2005

Chapter Four – Personnel and Operations

1. Sample Standards of Conduct

Exhibit A - SAMPLE STANDARDS OF CONDUCT

Corrective and Disciplinary Action

It is vital that employees of the Toledo Zoo properly perform the duties and responsibilities of their positions and conduct themselves according to appropriate standards and rules of behavior. In the event an employee's performance or conduct is deficient, unsatisfactory, or unacceptable, management may exercise its discretion to address the problem through any of a variety of means, including warnings or other disciplinary action (up to immediate termination) that it considers appropriate to respond to a problem situation.

Conduct requiring disciplinary action is divided into two categories; (1) major infractions, and (2) minor infractions. Major infractions require immediate disciplinary action while minor infractions are the subject of progressive discipline.

Infractions

1. Major Infractions:

It is difficult to identify every type of unacceptable conduct that might create or contribute to a problem situation. However, the following are examples of serious or unacceptable conduct that shall make an employee subject to immediate suspension and/or discharge in the discretion of Zoo management:

- # Refusing to perform a work assignment that is not a threat to safety or health, or other forms of insubordination
- # Misrepresenting or withholding facts in securing employment
- # Taking, keeping, using, damaging, or destroying Zoo property or resources or personal property not belonging to the employee, without authorization
- # Failure to improve performance after receiving a needs to improve@ formal performance evaluation.
- # Mistreatment of, or negligence toward, Zoo animals or conduct that endangers the safety of co-workers and visitors.
- # Any willful act (including horseplay) that could result in serious injury to yourself and/or a fellow employee.
- # Possessing firearms or other dangerous weapons or items on Zoo premises without authorization
- # Unauthorized altering or changing of any Zoo-related records; falsifying or misleadingly omitting information from any such records

- # Violation of the Zoo=s Drug and Alcohol-Free Workplace Policy.
- # Unauthorized use of communication and information systems, software, passwords, or access codes
- # Racial, sexual, or other illegal discrimination or harassment
- # Violent behavior or threats of violence
- # Dishonesty or unethical conduct
- # Excessive absenteeism

2. Minor Infractions:

It is difficult to identify each type of unacceptable conduct that is serious in nature, but warrants progressive disciplining rather than immediate suspension and/or discharge. The following are examples of such conduct:

- # Unsatisfactory job performance.
- # Disrespect or intimidation of a co-worker or visitor.
- # Excessive tardiness (more than three late reports to work in a 12 month period).
- # Failing to timely notify your supervisor if absent from work.
- # Failure to perform an assigned duty.
- # Negligence.
- # Conduct detrimental to good order and discipline at the Zoo.

PROGRESSIVE DISCIPLINARY PROCEDURES FOR MINOR INFRACTIONS

Progressive discipline is designed to resolve issues and improve employee performance before more serious remedial action is required. It=s purpose is to promote appropriate standards of conduct and apply rules of behavior with consistency and fairness throughout the Zoo. It involves three disciplinary steps: (1) first warning; (2) second warning; and (3) suspension or termination.

First Warning:

Each individual who commits a minor infraction of any nature should be issued a first warning in writing. The warning should describe the charge, cite the standard or rule violated and, if appropriate, describe the required corrective action. The employee shall

sign for receipt of the first warning and may comment in writing with respect to the matter. The warning shall be placed in the employee=s personnel file.

Second Warning:

Each individual who commits a second minor infraction of any nature within 365 calendar days of receiving a first warning (or 730 days if the offenses are related) shall be issued a second warning in writing. The warning should describe the charge, cite the standard or rule violated and, if appropriate, describe the required corrective action. The employee shall sign for receipt of the second warning and may comment with respect to the matter. The warning shall be placed in the employee=s personnel file.

Suspension and Termination:

Each individual who commits a third minor infraction of any nature within 365 calendar days of receiving a second warning (or 730 days if the offenses are related) shall be subject to further discipline in the discretion of management. Discipline at this step shall range from suspension for a period of not less than three days to termination of employment (dismissal) depending upon the seriousness of the accumulated offenses.

In the event that suspension rather than dismissal is imposed for the third minor infraction, an individual who commits a minor infraction within 730 days of receiving a suspension shall be terminated.

Hearings:

The employee shall be entitled to a hearing prior to the imposition of demotion, suspension of more than three (3) days, or dismissal. At the hearing, the employee shall have the right to union representation.

EXPUNGEMENT

For Major Offenses:

Major offenses will not be expunged from the employee=s record.

Minor Offenses/Unrelated:

For minor offenses if the existing offenses are unrelated and there are no additional offenses for a period of one year, the oldest offense shall be removed from the record.

Minor Offenses/Related:

For minor offenses if the existing offenses are related and there are no additional offenses for a period of two years, the oldest offense shall be removed from the record.

WORKPLACE VIOLENCE AND THREATS POLICY:

INSERT EXISTING POLICY OR DRAFT A POLICY IF THERE IS NONE.

DRUG AND ALCOHOL-FREE WORKPLACE POLICY:

INSERT EXISTING POLICY OR DRAFT A POLICY IF THERE IS NONE.

ALCOHOL AND DRUG TESTING:

INSERT EXISTING POLICY OR DRAFT A POLICY IF THERE IS NONE.

ANTI-HARASSMENT POLICY:

INSERT EXISTING POLICY OR DRAFT A POLICY IF THERE IS NONE