

**Responses to Follow-Up Questions Received April 11, 2022**

**April 13, 2022**

*May be attributed to the Office of the Insurance Commissioner or to the OIC;  
they are not statements by the Commissioner himself*

Q: Why did the disposition decision and letter come from Michael Wood and not from HR?

**The distinction being made in the question is not procedurally significant. Ultimately, the memo reflects the conclusions made by three people, any of whom could have written the memo (although one had left the agency by the time the memo was produced).**

**Mr. Wood had originally intended to write the memo to memorialize the conclusions reached when he was Deputy Commissioner for Operations (of which Human Resources was a part). Subsequent to the discussions that led to and are reflected in the memo (but prior to the memo being drafted), the Chief Deputy Commissioner resigned and Mr. Wood replaced him.**

Q: How was it determined that there is no basis to consider action against the Commissioner if he violates OIC policy? (And can you cite the language in the OIC policy where it says Kreidler isn't subject to his own agency policies?)

**The policy does not include specific language explaining the application of policies to the Commissioner, and the Commissioner's expectation of himself is that he will follow the same expectations that are established for OIC staff. However, that general expectation does not reflect an expectation that the Commissioner will be subject to disciplinary action on the part of the OIC.**

**All agency policies are established by the authority of the Commissioner, and any disciplinary action taken against any OIC employee is taken under the authority of the Commissioner. An OIC human resources investigation to determine whether the Commissioner should take disciplinary action against himself has no rational purpose. If the Commissioner fails to follow a policy he has set, then he is accountable to himself (just as any other OIC employee is ultimately accountable to him).**

Q: Who did Michael Wood consult with on the drafting of that dismissal letter, and was he in communication with the Commissioner about it?

**As the memo itself indicates, three individuals within the OIC made the following determinations, which are reflected in the memo:**

- (1) no personnel action against the Commissioner by the OIC would be possible based on the complaint,**
- (2) there was no alleged violation of law or other allegation justifying a referral to the State Auditor's Office, and**
- (3) notwithstanding (2) the complaint should and would be treated as a whistleblower allegation entitling the complainant to protection.**

**Those determinations were the shared conclusion of the previous chief deputy (still in place when the determination was made), of Mr. Wood (in his capacity as the Deputy Commissioner for Operations, to which HR reported at the time), and of the acting director of Human Resources. No one else in the agency was consulted about the conclusions in the memo, nor was anybody outside the agency consulted other than the agency's legal representation in the Office of the Attorney General.**

**Mr. Wood shared the conclusions reflected in the memo with the Commissioner after those conclusions were reached and at the same time that he notified the Commissioner of the complaint and of the general substance of the allegations in it. Neither the determinations nor the text of the memo itself were reviewed by or approved by the Commissioner. He was not consulted about them – the only communication with the Commissioner about the memo or the determinations on which it relied occurred when he was told those determinations after they had been reached.**

Q: Why did the OIC not conduct either an internal or external (i.e. hire an outside employment law expert) investigation into the numerous allegations contained in the Noski complaint to make sure the Commissioner was not breaking federal anti-harassment or anti-discrimination laws?

**On its face, the Noski complaint did not allege violations of either state or federal anti-harassment or anti-discrimination laws. Therefore, no such investigation was warranted.**

**In reviewing allegations in complaints, HR staff at the OIC and elsewhere routinely distinguish between allegations that claim violations of law and those that allege behavior that is inappropriate but not illegal. The applicable policy itself distinguishes between what it calls “intimidation” and what it describes as “discrimination” or “harassment.” Consistent with the policy’s definition of those terms, the allegations in the Noski complaint were allegations of intimidation, not of discrimination or harassment based on an individual’s status as a member of a protected class.**