

EXHIBIT A

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual; RAYMON)
GREGSTON, an individual; JO MCKINNEY,)
an individual; SHANE PENROD, an)
individual; KIM MCCORMICK, an)
individual; BOB ROBINSON, an)
individual; and GRACIE REYNA, an)
individual,)

Plaintiffs,)

vs.)

IDAHO DEPARTMENT OF JUVENILE)
CORRECTIONS, an executive department)
of the State of Idaho; IDJC DIRECTOR)
SHARON HARRIGFELD, in her individual)
and official capacities; IDJC)
JUVENILE CORRECTIONS CENTER - NAMPA)
SUPERINTENDENT BETTY GRIMM, in her)
individual and official capacities;)
and DOES 1-20,)

Defendants.)

Case No.

1:12-cv-00326-BLW

DEPOSITION OF RHONDA LEDFORD

JUNE 17, 2013

REPORTED BY:

BEVERLY A. BENJAMIN, CSR No. 710, RPR

Notary Public

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1 THE DEPOSITION OF RHONDA LEDFORD was taken on
 2 behalf of the Defendants Idaho Department of Juvenile
 3 Corrections, Sharon Harrigfeld, and Betty Grimm, at the
 4 offices of Anderson, Julian & Hull, LLP, C. W.
 5 Plaza, 250 South 5th Street, Suite 700, Boise, Idaho,
 6 commencing at 9:09 a.m. on June 17, 2013, before
 7 Beverly A. Benjamin, Certified Shorthand Reporter and
 8 Notary Public within and for the State of Idaho, in the
 9 above-entitled matter.

10

A P P E A R A N C E S:

11 For the Plaintiffs:
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 13 BY MR. ANDREW T. SCHOPPE
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 15 Boise, Idaho 83702

16 For the Defendants Idaho Department of Juvenile
 17 Corrections, Sharon Harrigfeld, and Betty Grimm:
 18 Anderson, Julian & Hull, LLP
 19 BY MR. PHILLIP J. COLLAER
 20 C. W. Plaza
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 22 P.O. Box 7426
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 24
 25

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1 Also Present: Shane Penrod
 2 Nancy Bishop
 3 Glen Goff
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1 RHONDA LEDFORD,
 2 first duly sworn to tell the truth relating to said
 3 cause, testified as follows:
 4
 5 MR. COLLAER: Let the record reflect this is
 6 the time and place scheduled for the taking of the
 7 deposition of Rhonda Ledford. The witness is present,
 8 represented by counsel. Also present is Plaintiff Shane
 9 Penrod.
 10 Counsel, before we get started, is there
 11 anything preliminary we need to put on the record?
 12 MR. SCHOPPE: I don't think so.
 13 I was curious to know what capacity you are
 14 here in?
 15 MR. COLLAER: She's here as representative of
 16 the IDJC.
 17 MR. SCHOPPE: Okay.
 18 MR. COLLAER: Also as a preliminary matter,
 19 when we got here this morning we were given a
 20 supplemental response to discovery by Ms. Ledford and
 21 also a notice of objection, which I haven't looked at.
 22 And, Counsel, as we discussed earlier, to the
 23 extent that any of the materials that you are producing
 24 today requires us to come back and talk to Ms. Ledford
 25 further, depose her any further, we'll reserve the right

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1 to be able to come back, hold her deposition open and
 2 depose her further regarding the materials that you
 3 produced to me today.
 4 MR. SCHOPPE: I think that will be fine.
 5
 6 EXAMINATION
 7 QUESTIONS BY MR. COLLAER:
 8 Q. Ms. Ledford, could you please state your full
 9 name and spell the last for the record, please.
 10 A. Rhonda Lee Ledford. Last name is
 11 L-e-d-f-o-r-d.
 12 Q. Ms. Ledford, have you ever had your deposition
 13 taken before?
 14 A. I have not.
 15 Q. I presume you've spoken with your attorney
 16 about the process, but just as a background, what we are
 17 going to be doing here today is I'm going to be asking
 18 you a series of questions concerning the allegations you
 19 made in this lawsuit. What I'm interested in is your
 20 best knowledge and recollection of events. These will
 21 be factual questions in nature. I don't want you to
 22 guess about factual events. If I ask you something that
 23 you don't remember, factually you don't remember, just
 24 tell me that, because that is an honest answer. I don't
 25 want you to guess or speculate. I want you to tell me

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1 what you actually remember.
 2 A. Okay.
 3 Q. Or what you have actual knowledge of.
 4 If I ask you a question that you don't
 5 understand, and I will guarantee that is going to
 6 happen, don't hesitate to let me know that, because I
 7 will -- it won't offend me at all, and I'll be happy to
 8 rephrase the question or explain it in a manner that you
 9 and I can understand each other. But if I ask you a
 10 question and you answer it, I'm going to presume that
 11 you understood the question. Okay?
 12 A. Okay.
 13 Q. Ms. Ledford, are you currently taking any kind
 14 of medication or anything of that nature that would
 15 impact your ability to attend today's deposition?
 16 A. No, I'm not.
 17 Q. Where do you currently reside?
 18 A. In Nampa, the address is 21 North Sunset
 19 Street, and the ZIP Code is 83651.
 20 Q. How long have you lived at the 21 North
 21 Sunset?
 22 A. I've lived there 13 years.
 23 Q. Are you currently married?
 24 A. No, I'm not.
 25 Q. Have you been previously married?

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1 A. I have been.
 2 Q. Have you had more than one marriage?
 3 A. I have.
 4 Q. How many times have you been married?
 5 A. I have been married three times.
 6 Q. How long have you been single?
 7 A. Just this last time?
 8 Q. Yes.
 9 A. I would say it's probably been four years.
 10 Q. So you were divorced sometime in --
 11 A. 2009, 2010. We were separated since 2004.
 12 Q. Well, if you were separated from your last
 13 husband in 2004, then obviously your other two marriages
 14 were sometime before that.
 15 A. A long time ago.
 16 Q. Do you have any children?
 17 A. I do.
 18 Q. How many children?
 19 A. I have four.
 20 Q. Do any of the children currently live with
 21 you?
 22 A. No.
 23 Q. What are their ages?
 24 A. Oh, my goodness.
 25 Q. Ballpark is fine.

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1 A. Ballpark is fine; 23, 24, 26, and 28.
 2 Q. I also presume that because of their ages your
 3 four children were from your earlier marriages, not from
 4 your last marriage.
 5 A. Correct.
 6 Q. Do your children live in the area?
 7 A. One of them does.
 8 Q. Which one lives in the area?
 9 A. My one.
 10 Q. What is your child's name?
 11 A. Stephanie.
 12 Q. Are the other children boys or girls?
 13 A. I have one other daughter and then the two
 14 older are boys.
 15 Q. Give me a rundown of your educational
 16 background from high school through the present.
 17 A. I got my GED in 1988. And I went to Eastern
 18 Idaho Technical College for nuclear security training,
 19 and I got a certificate of applied science for nuclear
 20 security. I've gone back to school a couple of times to
 21 BSU, I've got a couple credits there. I've done some
 22 online schooling. I'm currently doing online schooling
 23 as well working towards my bachelor's.
 24 Q. Is there a certain course of study that you
 25 are pursuing in your online schooling?

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1 A. Criminal justice.
 2 Q. What is your class standing at this point?
 3 A. I'm not sure I understand what you are asking.
 4 Q. How much longer do you have to graduate?
 5 A. Three years, I believe.
 6 Q. Are the courses you are taking through BSU or
 7 some other institution?
 8 A. They are through Southern New Hampshire
 9 University online.
 10 Q. When did you complete your work at the Eastern
 11 Idaho Technical College?
 12 A. I graduated from there in 1991.
 13 Q. Did you ever work in the field of nuclear
 14 security?
 15 A. I did not.
 16 Q. Were you looking to work, like move up to the
 17 Tri-Cities area or over to eastern Idaho for the INEL?
 18 A. That is where Eastern Idaho Technical College
 19 is, that's why they specialized in it was for training
 20 for the INEL.
 21 Q. Was this in Idaho Falls?
 22 A. Correct.
 23 Q. Did you apply for any jobs out at the INEL?
 24 A. Yes, I did.
 25 Q. Were any offered?

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1 A. No.
 2 Q. How many times did you apply for jobs out
 3 there?
 4 A. I'm not sure. I applied with Argon. I
 5 applied with -- there is a couple different facilities
 6 out there, and I think I applied with two or three of
 7 them out there, as well as some others, Los Alamos and
 8 different areas around Colorado.
 9 Q. Were these open positions or did you just make
 10 an application to the company without knowing whether
 11 they were hiring at the time or not?
 12 A. No, they were open positions.
 13 Q. So somebody other than yourself -- you
 14 competed for the position with other folks and somebody
 15 other than yourself was chosen.
 16 A. Correct.
 17 Q. Did you ever get any feedback from any of
 18 these companies as to why you were not chosen?
 19 A. Typically it was somebody that had veterans
 20 preferences that was chosen over me.
 21 Q. Did you get any kind of negative feedback
 22 about why you were not chosen?
 23 A. No.
 24 Q. When was the last time you applied for any of
 25 those types of positions?

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1 A. Oh, my gosh. It was in the mid '90s.
 2 Q. Is there a reason why you stopped applying?
 3 A. I got on with the airport security over in
 4 Idaho Falls and then I got a job with the Boise Police
 5 Department at the airport in Boise.
 6 Q. I think from your personnel file I saw the
 7 number of jobs that you've held for a period of time.
 8 Could you give me an idea of how many jobs you had in
 9 any kind of law enforcement capacity.
 10 A. Approximately seven.
 11 Q. Why don't you tell me about those jobs.
 12 A. I worked for Idaho Falls Security, it was a
 13 private company, it was Wackenhut, and it was out at the
 14 airport. I worked for Boise City Police Department for
 15 airport security. I worked for Canyon County as a
 16 deputy sheriff in the detention center. I worked
 17 for St. Anthony Police Department as a resource patrol
 18 officer. I worked out at CCA, Correctional Corporation
 19 of America, the Idaho Correctional Center. And I worked
 20 for Department of Juvenile Corrections twice.
 21 Q. How long did you work out at the private
 22 prison?
 23 A. A little over a year.
 24 Q. Were you hired as a full-time employee or were
 25 you probationary?

1 A. Full-time.
 2 Q. Did you serve a probationary period?
 3 A. I don't believe so.
 4 Q. Was there a reason why you left the private
 5 prison?
 6 A. Yes, there was.
 7 Q. Why?
 8 A. They had some issues out there as far as time
 9 that the correctional officers worked, forced overtime.
 10 I had two teenage daughters at home and I couldn't do
 11 all night, overnight with them home. And I was forced
 12 on to some overtime shifts, and I decided that that just
 13 wasn't something that I could do anymore.
 14 Q. Sure.
 15 The overtime that you worked for CCA, were you
 16 paid overtime for that time?
 17 A. Yes.
 18 Q. So it wasn't working off the clock or anything
 19 of that nature?
 20 A. No.
 21 Q. It was just all employees required to work
 22 overtime and with kids at home it just didn't work for
 23 you?
 24 A. Correct.
 25 Q. Tell me if I've characterized that wrong, but

1 Q. You were off work for a period of time due to
 2 his death?
 3 A. Correct.
 4 Q. During that time frame your time to complete
 5 POST certification came and lapsed.
 6 A. It didn't lapse, but they wouldn't grant me an
 7 extension and didn't think I would be ready to go to
 8 POST by the time I had to.
 9 Q. Did you ever attend the POST academy?
 10 A. No. I took some POST courses with the police
 11 department with Canyon County, but I hadn't completed
 12 all the POST for a police officer.
 13 Q. Was attaining POST certification a requirement
 14 of your job?
 15 A. Yes.
 16 Q. I'm a little curious. You had worked there
 17 for a year and hadn't gone to the academy.
 18 A. Correct.
 19 Q. Why did that happen? That is out of the
 20 ordinary, isn't it?
 21 A. No, it's not.
 22 Q. Isn't it over in St. Anthony?
 23 A. No. On any law enforcement, depending on
 24 where you get on, you have to be POST certified within
 25 one year of being with the police department.

1 I think that is what you are telling me.
 2 A. That's correct.
 3 Q. When you were in St. Anthony as a resource
 4 patrol officer, was that working in the schools?
 5 A. Yes, I mostly worked in the schools.
 6 Q. How long did you work for the St. Anthony
 7 Police Department?
 8 A. For a little over a year.
 9 Q. Were you a full-time employee or probationary?
 10 A. Full-time.
 11 Q. Did you have to serve a probationary period?
 12 A. I don't believe so.
 13 Q. Tell me, why did you leave St. Anthony, the
 14 police department there?
 15 A. Family trauma, I had a death in the family.
 16 Q. Without getting into a lot of details, why did
 17 that force you to leave the police department?
 18 A. Because it was my fiancé at the time, and I
 19 hadn't gone through, I hadn't completed POST for the
 20 training, and they said they wouldn't grant me an
 21 extension.
 22 Q. So if I'm understanding right, your fiancé
 23 passed away, however it happened, I'm not interested in
 24 that.
 25 A. Correct.

1 Q. I understand being certified, but I'm talking
 2 about attending the academy.
 3 A. That is becoming certified. Attending the
 4 academy is becoming POST certified as a police officer.
 5 So the requirements in Idaho is within one year you have
 6 to be POST certified as an officer.
 7 Q. So in St. Anthony they don't have you attend
 8 the academy until nearly a year after you've been
 9 working?
 10 A. Within the first year; that's correct.
 11 Q. For the State that is not true, is it?
 12 A. I don't know.
 13 Q. Did you ever attend the POST academy when you
 14 came to work for the State?
 15 A. For Juvenile Corrections?
 16 Q. Yes.
 17 A. Yes, I did.
 18 Q. When did you attend the POST academy in
 19 relation to when you were hired?
 20 A. We actually attended it right at the
 21 beginning.
 22 Q. Within the first month, isn't it?
 23 A. Correct.
 24 Q. Did you obtain POST certification at the
 25 academy?

1 A. I did.
 2 Q. Were you aware of candidates at the academy
 3 who did not get POST certified?
 4 A. During my course, no.
 5 Q. Are you aware of that ever happening with
 6 people?
 7 A. Yes, I believe so.
 8 Q. Are they allowed a period of time to retest on
 9 subjects they failed and become certified within the
 10 year?
 11 A. The only ones I know of are ones that couldn't
 12 obtain it because of a background issue, and they had to
 13 go before the POST council and explain why they had a
 14 criminal charge of some sort.
 15 Q. You are not aware of anybody that, like an
 16 example, couldn't pass the firearms section and had to
 17 retest?
 18 A. We don't test with firearms.
 19 Q. Any section of that nature.
 20 A. No.
 21 Q. You are not aware of somebody doing that?
 22 A. I am not.
 23 Q. How long did you work for Canyon County in the
 24 jail?
 25 A. Approximately six months.

1 Q. Let's focus from June 11, 2008. Tell me your
 2 job titles from then until now.
 3 A. I started in 2008 as a rehabilitation
 4 technician on the Solutions Unit.
 5 Q. What's the next job that you held?
 6 A. I went back to a safety and security officer,
 7 no additional initially, and then I became the main
 8 female transport officer, and then went back to safety
 9 and security in July of 2009.
 10 Q. After you went back and became the safety and
 11 security officer, when was the next time your changed
 12 jobs?
 13 A. It was when I became the main female transport
 14 officer, it was just a few months after I had become
 15 safety and security. So I was still a safety and
 16 security officer, but one of my main functions was
 17 transport.
 18 Q. When did you have the duties added of
 19 transport officer?
 20 A. Just a few months after I went back to a
 21 safety and security officer.
 22 Q. So that would have been sometime in the summer
 23 of 2009?
 24 A. It would have been approximately, yeah,
 25 September-ish.

1 Q. Were you sworn in as a deputy sheriff?
 2 A. Yes, I was.
 3 Q. You weren't POST certified for that, were you?
 4 A. No.
 5 Q. Why did you leave Canyon County?
 6 A. I moved back to Idaho Falls to help my mom
 7 with my grandparents.
 8 Q. That's when you started working up in
 9 St. Anthony -- or at Idaho Falls Security?
 10 A. I worked for Canyon County in '94, I believe.
 11 So it was after that that I went to St. Anthony.
 12 Q. Currently you work for the Idaho Department of
 13 Juvenile Corrections?
 14 A. Correct.
 15 Q. What is your current job title?
 16 A. I'm a safety and security officer and
 17 transport coordinator. And right now I'm an acting
 18 supervisor as well.
 19 Q. How long have you been a safety and security
 20 officer/transport coordinator?
 21 A. Since February 6 of last year, 2012.
 22 Q. When were you first hired by the IDJC this
 23 last time?
 24 A. This last time I was in hired in June, I
 25 believe it was June 11th of 2008.

1 Q. So September of 2009 you added on being a
 2 female transport officer.
 3 A. Correct.
 4 Q. When was the next time your duties or your job
 5 changed at all?
 6 A. February of last year.
 7 Q. That was --
 8 A. Transport coordinator.
 9 Q. So that would have been February of 2012?
 10 A. Correct.
 11 Q. Tell me, why did you move from a rehab tech to
 12 a safety and security officer?
 13 A. I had been a safety and security officer
 14 before when I worked there previously, and I enjoyed
 15 that one, that position a little bit more. It came with
 16 a decrease in pay, but I enjoyed it more. And I got to
 17 the point where I did not want to work on Solutions
 18 specifically anymore, because of the concerns and
 19 issues, the way the unit was being run.
 20 Q. So you enjoyed the -- you liked being a
 21 security officer better.
 22 A. Yes.
 23 Q. Just a more fulfilling job, you liked it
 24 better.
 25 A. Correct.

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1 Q. Also you had disagreements with how the
 2 Solutions Unit was ran.
 3 A. Correct.
 4 Q. Then from the time when you were a safety and
 5 security officer until you became the transport officer,
 6 is that a position that you asked for or was it
 7 something you were asked to take on?
 8 A. When I became the transport officer?
 9 Q. Yes.
 10 A. It was something I was asked to take on.
 11 Q. Did you consider that to be something
 12 favorable from your perspective?
 13 A. Absolutely.
 14 Q. Something you wanted to do; correct?
 15 A. I didn't even know it was an option until they
 16 asked me.
 17 Q. It wasn't something you turned down, is it?
 18 A. It was not something I turned down.
 19 Q. It wasn't something you felt was punitive in
 20 nature, was it?
 21 A. No.
 22 Q. What did you like about being the female
 23 transport officer in addition to your duties as a safety
 24 and security officer?
 25 A. It came with additional responsibilities.

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1 Q. Such as?
 2 A. Such as I would do local and statewide
 3 transports. So you have not only the safety and
 4 security, which is the control booth, you do the control
 5 booth, you help out on the units, you help do room
 6 checks. So this also came with the responsibility of
 7 being able to transport juveniles. I would do
 8 interstate compacts. It comes with a little bit of
 9 paperwork.
 10 Q. Did it result in any increase in pay?
 11 A. No.
 12 Q. Tell me, as a safety and security officer, are
 13 your duties like as a guard? What do you do as a safety
 14 and security officer?
 15 A. You run the control booth, you do room checks
 16 on juveniles. There is different shifts and each
 17 different shift has a little bit different
 18 responsibility. So day shift you help out in the
 19 classrooms, you help with -- if there is any codes, you
 20 go up. If there is juveniles acting out, you respond to
 21 those. You assist staff in education. And then you can
 22 help with suicide watches, if there is a juvenile on
 23 suicide watch.
 24 Q. Are you involved in any kind of therapy or
 25 anything of that nature that a juvenile may be receiving

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1 other than to provide security?
 2 A. There are times where you can process with a
 3 juvenile. You can assist in -- whereas some of the
 4 officers, the security officers do transports, we are
 5 often their first point of the contact. So especially
 6 when a juvenile is new to the facility, they come in, we
 7 have been their first point of contact, and so
 8 oftentimes we can assist with processing with them, as
 9 far as therapy.
 10 Q. That was my question. As far as therapy that
 11 these juveniles may or may not receive, other than
 12 providing security, is that something that the safety
 13 and security officers are involved in?
 14 A. Not typically.
 15 Q. Have you ever personally been involved with
 16 providing therapy for juveniles in your duties as a
 17 safety and security officer?
 18 A. No.
 19 Q. Because I know as a rehab technician that may
 20 have been a little different.
 21 A. That's correct.
 22 Q. Tell me, when you became the transport
 23 coordinator, how did that come about?
 24 A. My supervisor at the time had asked me if I
 25 wanted to take the responsibility of being transport

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1 coordinator.
 2 Q. Who was your supervisor?
 3 A. Julie McCormick.
 4 Q. Did you accept that?
 5 A. I did.
 6 Q. Did you view this as a positive thing from a
 7 professional standpoint?
 8 A. I wasn't sure how to view it.
 9 Q. You didn't turn it down, did you?
 10 A. No.
 11 Q. Did it result in an increase in pay?
 12 A. No.
 13 Q. It did change your duties some?
 14 A. Correct.
 15 Q. How so?
 16 A. I was no longer the female transport officer.
 17 Now I'm responsible for attending the morning briefings
 18 at the Department every morning Monday through Friday.
 19 I'm responsible for setting up and arranging transports
 20 for all the juveniles. We do some local transports, as
 21 far as medical, dental, so I set those up, nursing
 22 contacts me.
 23 We have court transports that I set up. I
 24 keep the schedule for my transport officers, so that way
 25 I know who has the time to go where, who is going to be

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1 on shift, off shift. I also do a daily count of all the
 2 juveniles. And I also do the weekly population reports
 3 for all the juveniles in custody within the state of
 4 Idaho.
 5 Q. Correct me if I'm wrong, are you personally
 6 involved in the transports themselves any longer?
 7 A. Not unless we don't have coverage and I have
 8 to do -- I just did one the other day.
 9 Q. Before you were the transport coordinator, how
 10 often would you actually personally transport kids, say,
 11 outside the Boise -- aside from just in the Boise area?
 12 A. Outside of or just in the Boise area?
 13 Q. Outside the Boise area.
 14 A. Outside the Boise area, sometimes it would be
 15 three times week, sometimes I wouldn't have any that
 16 week. So it would just depend.
 17 Q. These transports, where would they normally be
 18 when they were outside the Boise area?
 19 A. Typically on Tuesday and Thursday we go to
 20 Rupert, and we'll stop at Elmore County, we'll stop and
 21 pick juveniles up from Mini-Cassia who are being
 22 committed or are coming back from home pass, that is our
 23 halfway point with St. Anthony. And then on Wednesdays
 24 we go up to McCall, and we meet Lewiston up there, that
 25 is our halfway point.

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1 Q. You don't do that anymore; correct?
 2 A. No.
 3 Q. Tell me, when you agreed to become the
 4 transport coordinator, did you view that as a demotion
 5 or some kind of a punitive thing professionally?
 6 A. Again, I wasn't sure why they offered it to
 7 me.
 8 Q. I'm not asking you to say why they offered it.
 9 But from you professionally, being asked in assuming the
 10 role as being the transport coordinator, did you view
 11 that as something that was a demotion for you
 12 professionally?
 13 A. I didn't view it either way. I wasn't sure
 14 how to view it.
 15 Q. All right. Did you feel the change in job
 16 duties to be something adverse or not as favorable to
 17 you personally?
 18 A. From what I was told, We feel since
 19 reprimanding you is not working, if we can keep you
 20 closer into us, then that way we can keep a closer eye
 21 on you.
 22 Q. My question was: Did you feel --
 23 A. That is how I felt.
 24 Q. Did you feel your change in job duties was
 25 something adverse to you?

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1 A. I did.
 2 Q. It's because you were in the facility more as
 3 opposed to when you would actually do transports?
 4 A. No, because I worked consistently very closely
 5 with my supervisor.
 6 Q. That would be -- that was Julie McCormick?
 7 A. Correct.
 8 Q. Has that changed since Julie McCormick is no
 9 longer employed there? Do you still work closely with
 10 your supervisor?
 11 A. I do.
 12 Q. Who is that?
 13 A. Mark Freckleton.
 14 Q. Is that an adverse thing to you or something
 15 that you don't like?
 16 A. No. It's going very well.
 17 Q. Tell me, when did you first -- let me ask you
 18 this: Since you came back to the IDJC in 2008, could
 19 you give me a history of your pay; what did you start at
 20 and how it's changed since.
 21 A. I started out as a rehab tech making \$14.08 an
 22 hour. When I went to a safety and security officer, I
 23 was making \$12.05 an hour. And the only other increase
 24 in pay was our first raise in many, many years, last
 25 year, and I believe I make \$12.47 an hour now.

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1 Q. When you say "first raise you received in
 2 many, many years," is that consistent with everybody
 3 else at the facility?
 4 A. Yes, due to budgets cuts.
 5 Q. Correct me if I'm wrong, is it your
 6 understanding, you got your raise when you became a
 7 safety and security officer -- well, you took a cut.
 8 A. Yes.
 9 Q. From there until now, pay raises haven't been
 10 there because of budget concerns within the State.
 11 A. That's correct.
 12 Q. That has been across for all employees,
 13 including yourself, at least in your department that you
 14 are aware of.
 15 A. No.
 16 Q. Who has been excepted from that?
 17 A. Sabrina Payne and Monty Prow.
 18 Q. Anybody else that you believe received pay
 19 raises during that time frame at IDJC?
 20 A. No.
 21 Q. When did Ms. Payne receive a pay raise, as far
 22 as you are aware of?
 23 A. 2011, May.
 24 Q. Who was the other person?
 25 A. Monty Prow.

1 Q. Was that in the same time frame?
 2 A. Correct.
 3 Q. Do you know what their pay raise was?
 4 A. If I recall correctly, Sabrina Payne's was
 5 approximately 80 cents an hour. Monty Prow's was \$2 an
 6 hour.
 7 Q. How do you know that?
 8 A. It's on a public website.
 9 Q. Do you know the rationale of why those
 10 individuals were given pay raises and other people were
 11 not?
 12 A. It was supposed to be a merit increase.
 13 That's what it's listed as, a merit increase.
 14 Q. But other than that, do you know anything else
 15 about the circumstances of why they got pay raises?
 16 A. No, I do not.
 17 Q. How many people work for IDJC at the Nampa
 18 facility?
 19 A. At the Nampa facility, 120-ish. I'm not sure.
 20 Q. Do both Ms. Payne and Mr. Prow work at the
 21 Nampa facility?
 22 A. Ms. Payne does. Mr. Prow works at
 23 headquarters.
 24 Q. So correct me if I'm wrong, the only person
 25 that you are aware of since these budgets freezes

1 Q. Same question for any rehab technician at
 2 Nampa or anywhere in the state, are you aware of anybody
 3 that got pay raises when your pay was frozen during that
 4 time?
 5 A. I don't know of anybody else.
 6 Q. When did you first apply for employment at
 7 Corrections?
 8 A. 2007.
 9 Q. Was that with Juvenile Corrections or the --
 10 A. That was at Juvenile Corrections.
 11 Q. What job did you apply for?
 12 A. I applied for a safety and security officer.
 13 Q. What facility was that job opening at?
 14 A. Nampa.
 15 Q. How did you become aware that opening was
 16 there?
 17 A. On the website.
 18 Q. Could you describe for me the application
 19 process.
 20 A. Out at CCA it's, I believe it's a standard
 21 application.
 22 Q. I'm talking about IDJC. When you applied for
 23 that job, could you describe for me that application
 24 process.
 25 A. Sorry. Okay, you apply on the State website,

1 happened that received a pay raise that works at Nampa
 2 was Sabrina Payne.
 3 A. That's correct.
 4 Q. That was an 80 cents an hour increase.
 5 A. Roughly, yes.
 6 Q. Monty Prow is in the central office, and he
 7 received a pay raise, and you don't know the
 8 circumstances of why.
 9 A. Correct.
 10 Q. Do you know if he got a promotion?
 11 A. It's listed as a merit. That's all I know.
 12 Q. You don't know one way or another.
 13 A. No.
 14 Q. Do you know if Ms. Payne's increase was due to
 15 a promotion?
 16 A. It was listed as a merit. I don't know
 17 anything other than that.
 18 Q. Can you describe for me, are you aware of any
 19 safety and security officer at Nampa who was receiving
 20 any kind of pay raise during the time you were not
 21 receiving pay raises?
 22 A. No.
 23 Q. Same question for any other IDJC facility in
 24 the state.
 25 A. That I don't know.

1 and your exam is scored. At that point if you score
 2 within the top 25, then you have the option of being
 3 listed on their interview roster. And after you get
 4 listed on that they contact you for an interview. If
 5 you accept the interview, you go in, you interview with
 6 them. Sometimes they can call you back for a second
 7 interview. That's not always the case.
 8 And then typically after a week or two or so,
 9 you get offered the position or they call you and say
 10 they've chosen somebody else or send you a letter.
 11 Q. Sure.
 12 When you applied in 2007, is the process you
 13 just described how it worked for yourself?
 14 A. Correct.
 15 Q. I assume that you made an interview list.
 16 A. Correct.
 17 Q. Were you interviewed?
 18 A. Yes, I was.
 19 Q. Can you describe the interview for me.
 20 A. It was a panel of three, and that was actually
 21 the first time that I interviewed with a panel. And I
 22 believe that was still 2007, that might have been 2006,
 23 however. And I made it to the interview process with
 24 the panel of three. I didn't get the position at that
 25 point.

1 In 2007 it was the same process, panel of
 2 three, and it was Dave Rohrbach, Tom Knoff, and -- I
 3 think it was -- actually, I think it was only those two
 4 at that point because Aaron Thomas was a supervisor, and
 5 he wasn't able to be at the interview process that day.
 6 Q. So just to restate. In 2007 when you first
 7 applied, you made the interview list.
 8 A. Yes.
 9 Q. You were interviewed and not offered a job.
 10 A. I believe that was 2007. It might have
 11 actually been 2006.
 12 Q. That's fine.
 13 And then you applied for another position.
 14 A. Yes.
 15 Q. Made the interview list again.
 16 A. Yes.
 17 Q. Were interviewed; correct?
 18 A. Yes.
 19 Q. Same people on the panel as before?
 20 A. Tom Knoff, I believe, was the only same person
 21 on there. I don't remember if Dave Rohrbach was on
 22 there this time, he may have been, but there was only, I
 23 believe, two, because Aaron Thomas couldn't go.
 24 Q. The second time you were interviewed for a
 25 position were you then offered a position?

1 You were hired as a safety and security
 2 officer on a temporary basis?
 3 A. Correct.
 4 Q. Why were you offered a temporary job rather
 5 than full-time?
 6 A. Because that's the opening they had.
 7 Q. What was your understanding of your status as
 8 a temporary employee?
 9 A. It was until I could get -- until a position
 10 opened where you could apply for and accept for a
 11 full-time position and go through the probationary
 12 period to become a full-time classified employee.
 13 Q. Was it your understanding that as a temporary
 14 job that could run out and you could be laid off?
 15 A. Absolutely.
 16 Q. Did that happen?
 17 A. Yes, it did.
 18 Q. How long did you work as a temporary employee?
 19 A. Approximately seven or eight months.
 20 Q. What were the circumstance of you being laid
 21 off as a temp?
 22 A. All the temp positions had ended. They cut
 23 all of them.
 24 Q. So you and everybody with a temp position were
 25 laid off?

1 A. I was.
 2 Q. And the position you were offered was rehab
 3 technician or safety and security?
 4 A. Safety and security.
 5 (Exhibit 1 marked.)
 6 Q. (BY MR. COLLAER) Handing you what I've marked
 7 as Exhibit No. 1. Could you identify Exhibit No. 1 for
 8 me, please.
 9 A. It's a congratulations letter for choosing to
 10 join the Idaho Department of Corrections, saying they
 11 want to formally confirm my acceptance of employment.
 12 Q. This was when you were offered the job as a
 13 rehab technician; correct?
 14 A. Correct.
 15 Q. The rehab technician, as I understand the
 16 chronology you gave me, was your first job with Juvenile
 17 Corrections.
 18 A. No. You asked me the second time I got on
 19 there.
 20 Q. As I understand, you were a temporary employee
 21 before for a while.
 22 A. Yes. So the first time I applied there, the
 23 actual first time I applied there was in 2006 and '07.
 24 Q. Okay. We'll talk about your time as a
 25 temporary employee. Well, let's talk about that now.

1 A. Correct.
 2 Q. How soon after that did you apply again for
 3 full-time employment?
 4 A. That was in 2007. I applied again 2008, right
 5 around the beginning of winter to springtime of 2008.
 6 That is when I got this position.
 7 Q. That is the position that is referenced in
 8 Exhibit 1.
 9 A. Yes, correct.
 10 Q. Did the application and interview process you
 11 described earlier also apply to the position you were
 12 hired for in Exhibit No. 1?
 13 A. Correct. But there were three this time. It
 14 was Tom Knoff, Dave Rohrbach, and Steven Fitzgerald.
 15 Q. You are talking about the interview panel.
 16 A. The interview panel.
 17 Q. So you went through an interview and how soon
 18 after the interview were you offered a position?
 19 A. Within a week or two, I believe.
 20 Q. What is your understanding of who actually
 21 makes the decision to offer a position; is it the panel
 22 or somebody else?
 23 A. My understanding is the panel, they have their
 24 select few, and then you run the -- you give it to HR,
 25 and then they do the background checks. And then at

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1 that point HR can give feedback on which one is -- kind
 2 of a combined effort. It depends on the time they are
 3 doing the interviews. I've sat in on some interviews as
 4 well, and it's been different on various occasions.
 5 Q. My question was: Who makes the decision, your
 6 understanding of who actually makes the decision? If
 7 you are interviewing ten people, who makes the decision
 8 of which individual of that ten is offered the position?
 9 A. It differs.
 10 Q. How do you know that?
 11 A. Because I have been through the interview
 12 process. I've also sat in on interviews.
 13 Q. Have you sat in on the decision-making process
 14 of who gets offered a position?
 15 A. Yes.
 16 Q. Why don't you tell me about that.
 17 A. You want me to explain the situation.
 18 Q. Yes.
 19 A. We were hiring some safety and security
 20 officers; Mr. Freckleton, my current supervisor, myself,
 21 and Joyce Clark, who is an HR officer, human resource
 22 officer, were the ones that did the interview process.
 23 We also discussed between us what our preference on
 24 their backgrounds, because we have their application in
 25 front of us with their resumé. We discuss their

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1 background. Joyce Clark does the background check, and
 2 we decided between the three of us which was going to --
 3 who our preference was.
 4 I know that in the past when Julie was
 5 interviewing people -- Mark has interviewed people in
 6 the past, and sometimes he goes to the superintendent,
 7 which at the time was Betty Grimm, to make a decision.
 8 So it depends, it varies. We've also had at one point
 9 where the juveniles sat in on interviews.
 10 Q. But the situations where you were on the
 11 panel, it was a collaborative process and decision
 12 process between the three people.
 13 A. It was a collaborative effort.
 14 Q. Was there discussion or debate among you and
 15 the other members as to who should be offered a
 16 position?
 17 A. There was discussion, yes.
 18 Q. But you came to a consensus as to who you felt
 19 the top candidate was.
 20 A. Correct.
 21 Q. Was there then somebody who had veto power or
 22 you suggested that to for approval or anything of that
 23 nature?
 24 A. Yes. Our superintendent, Lynn, was going to
 25 meet with the individual, or individuals, I should say.

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1 Q. Did the superintendent agree with the panel's
 2 recommendation?
 3 A. Yes.
 4 Q. Prior to the interview, are you aware of that
 5 similar type of process being used?
 6 A. I'm not certain, I don't know.
 7 Q. I guess my question is: Do you know if Betty
 8 Grimm would personally approve or disapprove
 9 recommendations from the hiring committee?
 10 A. Personally I do not know that.
 11 Q. Tell me, returning to Exhibit No. 1, this is
 12 your second tenure back with the Department; correct?
 13 A. Correct.
 14 Q. There is reference here of an orientation, a
 15 "new employee orientation" is going to happen. Do you
 16 see that in the fourth paragraph in the middle?
 17 A. Yes.
 18 Q. What did that involve?
 19 A. The group that was hired -- it was in a group
 20 because it was for the Solutions Unit, so there was
 21 quite a few staff that were hired in that round. And we
 22 got introduced to the leadership. Superintendent Grimm
 23 at the time, other leadership, our respective
 24 supervisors, some of them were hired at the same time as
 25 us. We went over the process of what we were going to

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1 be doing for the next few weeks. So it was just kind of
 2 a welcome, nice to meet you, and this is what the
 3 process is going to be.
 4 Q. You understood that you were going to be a
 5 probationary employee; correct?
 6 A. Correct.
 7 Q. Was it explained to you what a probationary
 8 employee was?
 9 A. I don't recall if it was actually explained to
 10 us.
 11 Q. What was your understanding of what your
 12 status as a probationary employee was?
 13 A. Within the first six months -- I know that we
 14 had a lot of policies to read, that was one of the
 15 policies that we read. And for six months we were on a
 16 probation status, which means that if we weren't a good
 17 fit for the job, if it wasn't working right, we could be
 18 dismissed or terminated.
 19 Q. Without cause.
 20 A. Without cause.
 21 Q. Was it your understanding that there were
 22 certain things you needed to achieve in order to become
 23 a classified employee, a full-time classified employee?
 24 A. Yes.
 25 Q. What was your understanding of what those

1 things you needed to do were?
 2 A. We had to complete a lot of the testing and
 3 training and get certified with POST through Juvenile
 4 Corrections.
 5 Q. You did achieve that POST certification.
 6 A. Correct.
 7 Q. Tell me, after you became a classified State
 8 employee, what was your understanding of how your job
 9 status changed at that point?
 10 A. We would have yearly evaluations. That was my
 11 main understanding at the time.
 12 Q. Did you have any understanding of the
 13 Department's ability to demote you or discharge you?
 14 A. No, not at the time.
 15 Q. When did that understanding change as you
 16 worked there?
 17 A. Over the course of time it has definitely
 18 changed.
 19 Q. What is your understanding as a classified
 20 employee the Department's ability to demote you or to
 21 discharge you?
 22 A. My understanding is if there is -- I guess it
 23 depends on different -- they can't just fire you or
 24 demote you without cause.
 25 Q. That's what I was interested in.

1 Q. What is a notice of contemplated action?
 2 A. We are looking into this because we believe
 3 XYZ is what has happened. And given this, we are going
 4 to kick you out the door.
 5 Q. Sure.
 6 A. So to speak.
 7 Q. For lack of a better word, I see a notice of
 8 contemplated action is: We believe you did these
 9 things. If this is true, we are going to fire you.
 10 A. Correct.
 11 Q. Now, tell me if I'm wrong, for lack of a
 12 better word, is that kind of what you understand a
 13 notice of contemplated action is?
 14 A. That's what I understand a notice of
 15 contemplated action is.
 16 Q. It lets you know what they are upset about,
 17 why they are upset, what they intend to do, and the
 18 employee is given the opportunity to explain the
 19 situation, maybe tell them if they are getting bad
 20 facts, tell them that or show that to them. You get a
 21 chance to respond to the charges; correct?
 22 A. Yes.
 23 Q. Then let's say you do that. You get your
 24 notice of contemplated action, you tell the supervisor,
 25 You don't have the full story, here's the full story.

1 So disciplinary action that would result in
 2 termination or cutting your pay or demoting you,
 3 something like that, has to be for cause.
 4 A. Correct.
 5 Q. Is there a procedure that has to be followed
 6 to effect that if they chose to do that?
 7 A. My understanding is that there are several
 8 steps they can take. There is verbal counseling, they
 9 can talk with the employee regarding if there was any
 10 type of inappropriate behaviors, any type of -- it can't
 11 just be because they don't like you.
 12 Q. Let me explain. What I'm interested in is,
 13 let's say, for example, your supervisor decides: Rhonda
 14 Ledford, I think you are embezzling money from the
 15 Department, I'm going to fire you. We can all agree
 16 something like that would get somebody fired.
 17 What is your understanding of the process that
 18 would occur before you are actually fired? From the
 19 time of acquisition until termination, what is your
 20 understanding of how that works?
 21 A. My understanding was first the employee would
 22 have to be talked to. They have to do an investigation.
 23 They have to find out if they are actually doing this.
 24 They can get written disciplinary action. Sometimes I
 25 know they've been given a notice of contemplated action.

1 The supervisor still decides, I'm going to fire you, and
 2 they do. What is your understanding of the process
 3 after that?
 4 MR. SCHOPPE: Object to the form of the
 5 question. You can answer.
 6 THE WITNESS: Okay. The way it's written in
 7 policy and what I've actually seen happen, I've attended
 8 a notice of contemplated action meeting. And they are
 9 given 14 days, 15 days to be able to decide whether or
 10 not they want to resign or by this date they are going
 11 to be terminated. So that is my understanding of it.
 12 Q. (BY MR. COLLAER) Are you aware of any process
 13 whereby the employee can contest the termination?
 14 A. Yes.
 15 Q. Why don't you tell me about your understanding
 16 of that.
 17 A. My understanding of that is you can file a
 18 problem solving if there is any disciplinary action
 19 involved. In that problem solving, given the steps, it
 20 can go all the way up to the director. At that point if
 21 the director still supports the supervisor's decision,
 22 they can always file an appeal with the personnel
 23 commission, as long as there has been disciplinary
 24 action.
 25 Q. Is it your understanding the personnel

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1 commission can reinstate the employee?
 2 A. Correct, if their finding shows that the
 3 supervisor was incorrect.
 4 Q. Sure.
 5 Tell me, since you have been employed at the
 6 Department, have you ever received a notice of
 7 contemplated action?
 8 A. No, I have not.
 9 Q. The problem solving that you just described,
 10 what is your understanding of how an employee, such as
 11 yourself, have the ability to utilize the process? What
 12 does it apply to?
 13 A. Well, it applies to an evaluation, if there is
 14 issues with your evaluation, and it could potentially
 15 cause you a demotion. If you get a does not achieve
 16 performance standard, there is reason there that they
 17 can say, You don't get your raise. You've got to
 18 improve this or else we'll give you notice of
 19 contemplated action. So you can actually file a problem
 20 solving.
 21 If there is any kind of disciplinary action,
 22 if you get a written warning, you can file a problem
 23 solving to have things changed in the written warning,
 24 to have the written warning removed, that sort of thing.
 25 Q. Any other things that you can use the problem-

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1 solving process for?
 2 A. If you are having issues with coworkers,
 3 supervisors. I think problem solving pretty much is
 4 that, to help with any problems or issues on the job.
 5 Q. I heard it referred to as a grievance. Would
 6 you consider it the same thing?
 7 A. No. A grievance process was replaced with the
 8 problem solving.
 9 Q. Are the types of things addressed through a
 10 grievance versus problem solving any different?
 11 A. No, I don't believe so. I've only utilized
 12 the problem solving since that has been in place.
 13 Q. When you say issues with coworkers and
 14 supervisors, how expansive is your understanding of what
 15 you can use the problem solving to do in that context?
 16 A. I believe any employee could use it if they
 17 perceive that there is any kind of issue, whether it
 18 seems important to somebody else or not. If they feel
 19 it's an issue at work, I believe they could use it for
 20 pretty much any problem that they have, given the point
 21 that it could become tedious and --
 22 Q. Sure.
 23 So you would view the problem solving as being
 24 available to you to address interpersonal relationships
 25 or disputes with your supervisor?

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1 A. Correct.
 2 Q. Would it apply to workplace conditions, things
 3 that are in the workplace that you feel are not right or
 4 you don't like, you can address that through problem
 5 solving?
 6 A. I believe so.
 7 Q. Tell me, while you were on probation when you
 8 were first hired, did you receive performance
 9 evaluations during that time period, the six-month
 10 probation?
 11 A. Just one.
 12 Q. Who did your probationary evaluation?
 13 A. O'Neal Rich.
 14 Q. Was that evaluation positive or negative, or
 15 how was it?
 16 A. It was positive.
 17 Q. Do you recall the actual rating?
 18 A. Achieves performance standards.
 19 Q. APS.
 20 A. Correct.
 21 Q. What is the level just below APS?
 22 A. Does not achieve, DNA.
 23 Q. So APS is kind of neutral or favorable? From
 24 your perspective as an employee, how do you view an APS
 25 evaluation?

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1 A. It's you are achieving -- pretty much what it
 2 says, you achieve all your performance standards. You
 3 do your job, you do your job well, you've been
 4 successful.
 5 Q. So obviously you received no negative
 6 evaluations during your probationary period.
 7 A. Correct.
 8 Q. During your probation did you have any
 9 disputes with any of your supervisors?
 10 A. No.
 11 (Exhibit 2 marked.)
 12 Q. (BY MR. COLLAER) Ms. Ledford, I'm handing you
 13 what I've marked as Exhibit No. 2. This is a little bit
 14 out of order. Do you recognize Exhibit No. 2?
 15 A. Yes.
 16 Q. Is this when you were hired as a temporary
 17 employee?
 18 A. Yes, it is.
 19 Q. This is what you were hired for and your rate
 20 of pay during that time period?
 21 A. Correct.
 22 Q. It says you are not to exceed 19 hours a week.
 23 Do you see that?
 24 A. Correct.
 25 Q. Were you receiving benefits as a temporary

1 employee?
 2 A. No, I was not.
 3 Q. No health insurance, anything of that nature?
 4 A. No.
 5 Q. That changed when you were hired full time;
 6 correct?
 7 A. Yes.
 8 Q. Did you have full benefits when you were a
 9 probationary employee?
 10 A. Yes.
 11 Q. During the time you've been employed with the
 12 Department -- I think you have already answered this --
 13 no supervisor has ever taken action to try to discharge
 14 you; correct?
 15 MR. SCHOPPE: Objection; vague and ambiguous.
 16 Object to the form of the question. You can answer if
 17 you know.
 18 Q. (BY MR. COLLAER) Let me rephrase.
 19 You have never been given a notice a
 20 contemplated action for discharge; correct?
 21 A. Correct.
 22 Q. You've never been given a notice of
 23 contemplated action seeking to cut your pay; correct?
 24 A. Correct.
 25 Q. You've never been suspended without pay, have

1 Q. These three things that you've mentioned
 2 didn't affect your pay at all, did they?
 3 A. No.
 4 Q. They didn't affect the shift you were working;
 5 correct?
 6 A. Correct.
 7 Q. They didn't affect the hours you were working;
 8 correct?
 9 A. No, that's not exactly correct.
 10 Q. Well, how is it not exactly correct?
 11 A. Sometimes when I was pulled off of a
 12 transport, somebody else was put on, I would get an
 13 e-mail saying you need to come in at 6:00 instead of
 14 8:00. So it changed my hours.
 15 Q. Okay. That would be like for a one-day thing,
 16 wouldn't it?
 17 A. Correct.
 18 Q. If that happened, it's not a permanent thing.
 19 A. Correct.
 20 Q. You said you were pulled off training. Who
 21 did that?
 22 A. Summer Wade.
 23 Q. When did Summer Wade do that?
 24 A. That would have been spring of 2011.
 25 Q. When in the spring, like March, April?

1 you?
 2 A. No.
 3 Q. You have never been suspended with pay.
 4 A. No.
 5 Q. And you've never been demoted.
 6 A. No.
 7 Q. Other than written warnings -- because I
 8 understand we'll talk about some of the written warnings
 9 you received -- any other forms of formal discipline
 10 ever been imposed upon you while you've been working at
 11 Corrections?
 12 A. Yes.
 13 Q. What?
 14 A. I was given a list of expectations by Julie
 15 McCormick, and those expectations included any kind
 16 of -- I was instructed that I was not to voice my
 17 opinion, I was not to talk to other staff about
 18 transports, I was not to address anything with anybody
 19 else other than my supervisors. The transport
 20 coordinator at the time, who was Diane Miles, and my
 21 supervisor and the superintendent, I was pulled off of
 22 some of my trainings. I was pulled off of some
 23 transports.
 24 Q. Anything else?
 25 A. Not right at this moment.

1 A. Yes, approximately.
 2 Q. March or April?
 3 A. I believe it was around March or April.
 4 Q. What training were you pulled off of?
 5 A. Appropriate use of force I believe is what it
 6 was.
 7 Q. Was that training made up later?
 8 A. No. I'm an instructor.
 9 Q. As an instructor.
 10 A. So she pulled me off of it as an instructor.
 11 Q. You are doing that, teaching those skills
 12 during your normal shift?
 13 A. Yes, that is when they were scheduled
 14 typically.
 15 Q. So you would be teaching use of force as an
 16 instructor rather than doing transports or things like
 17 that.
 18 A. Correct.
 19 Q. How much of your time in a week would be
 20 devoted to this work as an instructor?
 21 A. It would vary. If we have new staff or
 22 several new staff, they would go through appropriate use
 23 of force. It's a three-day course. If they are just
 24 recertifying, then it's typically one day. The policy
 25 is four hours, we typically do six hours. And I also do

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1 CPR and first aid, those are four hours each. So it
 2 depends. Usually the instructors have a class at least
 3 every four to six months, so it's very sporadic.
 4 Q. Did Ms. Wade give you any reason why you were
 5 being pulled away from doing those courses?
 6 A. She didn't tell me. Laura Roters, who was the
 7 training coordinator at the time, is the one who told me
 8 Summer requested that I be pulled off of training.
 9 Q. Did you ask her why?
 10 A. Yeah. She didn't know or didn't say.
 11 Q. So to this day do you know why Ms. Wade pulled
 12 you off of training?
 13 A. I have no idea.
 14 Q. Did you file a problem solving when that
 15 happened?
 16 A. No, I did not.
 17 Q. Why not?
 18 A. Because I did not feel it would do me any
 19 good. I was told by HR back in January that same
 20 year -- I want to file a problem solving for my written
 21 warning. Well, you can file one, it's your right, but
 22 I'm going to let you know you are going to lose.
 23 Q. That's not my question. You didn't file a
 24 problem solving, did you?
 25 A. No. You asked me why, that's why.

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1 Q. This list of expectations by Julie McCormick,
 2 did you file a problem solving on that?
 3 A. I did not file a problem solving.
 4 Q. I think we have that list, we'll talk about
 5 that.
 6 You say you were pulled from some transports.
 7 Who did that?
 8 A. Summer Wade.
 9 Q. When did she do that?
 10 A. There was a few of them. She had somebody
 11 else go on transport. I can't recall the date.
 12 Q. Do you recall the year?
 13 A. It was 2011, end of '10 into 2011.
 14 Q. So the first part of 2011?
 15 A. Yes.
 16 Q. So it would have been sometime in January,
 17 February, in that kind of time frame?
 18 A. Possibly; I don't recall.
 19 Q. All right. These transports, when did this
 20 occur in relation to -- were there a series of them like
 21 in a week or two weeks or were they sporadic over a
 22 couple months?
 23 A. I believe they were sporadic over a couple
 24 months.
 25 Q. Was there any reason given to you why you

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1 weren't doing these transports?
 2 A. No.
 3 Q. Were you prohibited from doing any transports
 4 during a period of time?
 5 A. No.
 6 Q. So it was just, This week we don't want you to
 7 go to McCall.
 8 A. Correct.
 9 Q. But earlier in the week you went to Rupert.
 10 A. Could be; correct, yes.
 11 Q. You have no knowledge of Ms. Wade's motivation
 12 for doing this, or do you? I don't want you to guess.
 13 I want you to tell me what you know.
 14 A. Personally with -- no, she didn't say.
 15 Q. And you don't know.
 16 A. I don't know.
 17 Q. Do you know if Ms. Harrigfeld had any
 18 knowledge that Summer Wade had pulled you off of some
 19 transports?
 20 A. I don't know if she was aware of that at the
 21 time.
 22 Q. Do you know if Betty Grimm had knowledge that
 23 Summer Wade had pulled you off of some transports?
 24 A. I have no idea if Betty Grimm knew at the
 25 time.

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1 Q. What about the training, did Betty or Sharon
 2 have any knowledge that that had happened?
 3 A. I don't have any idea if they did.
 4 MR. SCHOPPE: If you are going to shift gears,
 5 do you mind if we take a short break?
 6 MR. COLLAER: Sure. We've been going about an
 7 hour. Good a time as any.
 8 (Recess taken.)
 9 (Exhibit 3 marked.)
 10 Q. (BY MR. COLLAER) I'm handing you what I've
 11 marked as Exhibit No. 3, Ms. Ledford. Would you
 12 identify No. 3 for me, please.
 13 A. It's a written warning regarding forwarding an
 14 e-mail.
 15 Q. Is this the type of written warning we
 16 discussed earlier that you sometimes receive?
 17 A. Yes.
 18 Q. Tell me, the description in the first box up
 19 there: "What is the behavior/action which occurred."
 20 Do you see that?
 21 A. Yes.
 22 Q. Is there anything factually there that is not
 23 accurate?
 24 MR. SCHOPPE: Take your time to look the
 25 document over.

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1 THE WITNESS: Okay. (Reviewing document.)
 2 That's pretty accurate.
 3 Q. (BY MR. COLLAER) You did provide a written
 4 response to this, did you not?
 5 A. I did.
 6 Q. It's on the back page. Do you see that?
 7 A. Yes.
 8 Q. Is that your signature under the "Employee
 9 Signature" line?
 10 A. It is.
 11 Q. Was this warning removed from your file after
 12 a year?
 13 A. I don't know.
 14 Q. You didn't file a problem solving when you
 15 received this, did you?
 16 A. No.
 17 Q. Because it happened, you made a mistake.
 18 A. Correct.
 19 Q. Were there any further repercussions other
 20 than this written warning?
 21 A. No, there was not.
 22 Q. It didn't affect your performance evaluation?
 23 A. Not to my knowledge.
 24 Q. You still got an APS evaluation in 2009,
 25 didn't you?

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1 A. I don't remember if it was APS or an SS, but
 2 yes, I got a satisfactory.
 3 Q. Have you ever during the time you've worked
 4 for the Department received an overall rating of less
 5 than on a performance evaluation?
 6 A. No, I have not.
 7 (Exhibit 4 marked.)
 8 Q. (BY MR. COLLAER) Handing you what I've marked
 9 as Exhibit 4. Would you identify No. 4 for me, please.
 10 A. It is a written warning from Summer Wade.
 11 Q. Summer Wade was your supervisor in January of
 12 2011?
 13 A. Correct.
 14 Q. Do you recall receiving this written warning?
 15 A. I do.
 16 Q. Did you sign receipt of it?
 17 A. I did.
 18 Q. Is that on the third page of the exhibit?
 19 A. Yes, it is.
 20 Q. Did you provide a response to the warning?
 21 A. I did.
 22 Q. Is that attached to Exhibit No. 4?
 23 A. It is.
 24 Q. This is referencing a morning transport. Do
 25 you see that on the front page, first sentence, under:

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1 "What behavior/action which occurred," do you see that?
 2 A. Yes.
 3 Q. Is this one of the transports that you were
 4 referring to earlier that you were taken off of by
 5 Summer Wade?
 6 A. No, it's not.
 7 Q. What happened with this transport?
 8 A. We had a staff call in sick, one of our other
 9 female transports, she did backup, and we had to get
 10 coverage. We were unable to get ahold of Summer Wade,
 11 and so Mr. Roberto Coronado and myself were trying to
 12 decide what would be the best direction to go.
 13 And Coronado had asked one of the O&A staff or
 14 rehabilitation tech if she would be willing to go on, I
 15 believe, it was a court transport. It was just a local
 16 one. And then there was also the -- I believe it was a
 17 Wednesday, it was a McCall transport. It was one of the
 18 out-of-Boise-area transports.
 19 And the staff that went ended up going on the
 20 longer transport, which would not have initially been a
 21 problem, but I knew that I was going to catch the heat
 22 for making that decision because we are not supposed to
 23 pull a rehab tech off of the floor to cover long-
 24 distance transports unless there is absolutely no other
 25 option. That staff, she could have very easily done a

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1 local transport.
 2 And I was correct; when I got back I got a
 3 really nasty e-mail from the O&A supervisor. Why was
 4 she gone? Why was I not talked to about this? Why did
 5 you guys choose to do this? That is what I was
 6 referring to. And Summer actually supported me in that
 7 one.
 8 Q. So was there a problem solving filed with
 9 respect to this warning?
 10 A. No.
 11 Q. Did you and Ms. Wade come to an agreement that
 12 you had done anything -- whether you had done anything
 13 wrong?
 14 A. Ultimately, yes.
 15 Q. What was that resolution?
 16 A. The resolution was -- this is when I was told
 17 by HR that it wouldn't do me any good to file a problem
 18 solving. So I took it upon myself. After the actual
 19 date that the incident occurred on, I went in that
 20 following, I believe it was a Sunday night, I went in
 21 and I talked to Ms. Wade, staff to supervisor, and just
 22 went over some concerns with her. And we reached some
 23 agreement that this is her position as a supervisor, my
 24 position as a transport and we need to be able to
 25 communicate.

1 I shared with her that I wanted to be able to
2 communicate and work through things if there are
3 concerns or issues. And then it was a week or so later
4 I received the write-up.

5 Q. Other than the write-up, was there any other
6 form of discipline that was taken with respect to this
7 incident?

8 A. No.

9 Q. Do you have any knowledge of whether Sharon
10 Harrigfeld ever had knowledge of this incident, of this
11 written warning?

12 A. I don't know.

13 Q. How about Betty Grimm?

14 A. I believe she did have knowledge of it, yes.

15 Q. How do you know that?

16 A. I know HR was aware of it, and Betty Grimm, I
17 don't recall exactly, so I'll just have to go with I'm
18 uncertain at this point.

19 Q. That's fair.

20 Tell me, in the problem-solving process, is
21 the first step to encourage an employee such as yourself
22 to speak informally with your supervisor that you are
23 having the problem with?

24 A. Yes, it is.

25 Q. That is what you did, isn't it?

1 There was some issues that did not follow
2 policy that I was concerned about as being the booth
3 person. I worked on Saturdays during the visitation. A
4 few other concerns, and I was told that she's the
5 supervisor, she's going to make the decision.

6 And it was quite a hostile work environment
7 with some of the staff and each other. And I had two
8 staff that would come up and constantly complain and
9 talk about each other. And I finally had to tell them:
10 You need to go talk to Summer. If you want to vent,
11 fine, but this is becoming a problem. I'm trying to
12 work, it's a negative impact.

13 And Summer actually talked to me in I believe
14 it was November, December of 2010, and said: Why are
15 people so upset? Why are they so angry? Why is there
16 so much animosity and hostility?

17 And I told her. When she got the position,
18 she interviewed, and her sister worked there. And I
19 said: When Laura came out and talked to you, staff were
20 saying, She's got the job now. And they were right.
21 And we knew, when Crystal told me that I wasn't
22 selected, and I said: That's okay, we already know who
23 it is. And she said: No, you don't. I said: Yeah,
24 it's that girl that knows Laura. Well, she's her
25 sister, which we didn't know at the time.

1 A. Correct.

2 Q. Did you feel that you needed to elevate it any
3 further past that you met with and spoke with Summer
4 Wade?

5 A. At that time, no, after we spoke.

6 Q. You indicated that somebody at HR told you
7 that a problem solving wouldn't do you any good. Who
8 was that person?

9 A. Crystal Moerles.

10 Q. Was that conversation by phone or in person?

11 A. It was in person.

12 Q. Was anybody else there?

13 A. No, they weren't.

14 Q. At this point that you received this written
15 warning from Ms. Wade, what was your relationship with
16 her, positive or negative or what?

17 A. At that time it was, I'd have to say, not the
18 most positive.

19 Q. Why so?

20 A. We had a fairly decent working relationship
21 when she first started in 2010. It went okay throughout
22 the summer of 2010. Into fall of 2010 I was concerned,
23 I was reporting concerns, things like allowing visitors
24 that didn't have an ID, allowing certain contraband,
25 things that could be considered contraband in.

1 And so Summer took that as -- and I know this
2 because when I went in and talked to her following this
3 incident, she said: I never ever would have said that
4 you got the job because of your sister. I said: That
5 is not what I said. I said: We kind of knew the
6 direction the Department was going to go. And it
7 frustrated staff. So that was why our relationship kind
8 of tapered down.

9 Q. So you told her the staff was upset by the
10 fact that her sister was hired for the supervisor
11 position over somebody else, and so staff was upset
12 about that. So you are saying at that point you and
13 Summer's relationship deteriorated.

14 A. I told her that she was hired for the
15 supervisor position because her sister worked there.
16 That is what the staff assumption was.

17 Q. And her sister was who?

18 A. Laura Watson at the time.

19 Q. Laura Roters now?

20 A. No. She was Laura Clark and she was a
21 clinician on Solutions.

22 Q. When did you tell Ms. Wade this?

23 A. It was in, I believe, December of 2010, end of
24 November, first part of December 2010.

25 Q. After that, what types of things happened

1 between yourself and Ms. Wade that caused your
2 relationship with her to deteriorate?

3 A. I guess I would start with, asking for another
4 day off, and that's what this written warning, Exhibit
5 No. 4, is. I had requested a Friday off, which I got
6 approved, and my daughter was coming into town. And I
7 asked her: Hey, can I get Saturday off? I was going to
8 ask you about getting Saturday off as well, but I see
9 that Cortez just sent an e-mail she won't be in the rest
10 of the week. She was the only other staff, which I
11 worked a lot of Saturdays by myself. And I was quite
12 frustrated about the fact that I wasn't going to be able
13 to get the day off, not just because it's a vacation
14 day. My daughter lives out of town. We had just
15 started going through problems with her having seizures,
16 and I wanted to be able to spend some time with her.

17 And so I got very frustrated, and I told
18 Summer, I said: I'm not going to be in. You know what,
19 I'm here every Saturday. I'm tired of being the only
20 one that is responsible. Susie calls in all the time.
21 And I can't do it. I want to spend time with my
22 daughter. And that is when things went this
23 direction and --

24 Q. When you say "this direction," you mean in a
25 negative fashion?

1 A. In a negative fashion, yes. Our relationship
2 deteriorated even more there at that point, and it just
3 continued to go downhill from there.

4 Q. Tell me, when you told Ms. Wade that the staff
5 believed that she had been hired because her sister
6 worked there, did Sharon Harrigfeld or Betty Grimm have
7 any knowledge that you had told Ms. Wade that?

8 A. I don't know.

9 Q. Did either Ms. Harrigfeld or Ms. Grimm have
10 knowledge about Summer Wade refusing to allow you to
11 take time off when your daughter was in town?

12 A. I don't know.

13 Q. Was either Ms. Harrigfeld or Ms. Grimm aware
14 of your disputes with Ms. Wade?

15 A. Yes, Ms. Grimm was.

16 Q. Specifically what did Betty Grimm know about
17 your relationship with Summer Wade?

18 A. She knew that it was kind of rocky. She knew
19 there was some conflict there.

20 Q. Other than knowing there was some conflict,
21 what specifics did she know that you are aware of?

22 A. At that point that is all I know, that she was
23 aware there was some conflict.

24 Q. But you had never filed a problem solving or
25 anything of that nature about your issues or conflicts

1 with Summer Wade, had you?

2 A. Correct.

3 Q. And you never did, did you?

4 A. No, I did not.

5 Well, if you are talking about ever, yes, I
6 did file a problem solving with Summer at the end, this
7 time.

8 Q. I'm talking about your deteriorating
9 relationship with her.

10 A. Yes, I talked to Betty about that on the last
11 incident.

12 Q. Okay.

13 A. I would like to add, I don't know if I can,
14 but I'd like to add that I did talk to human resources,
15 not just Crystal, Julie Cloud about the problems with
16 Summer about the time that all this happened.

17 Q. Dealing with problem solving that happened
18 that you did file?

19 A. I talked to them before I even did the problem
20 solving. Back in this incident in January, I did talk
21 to human resources on several occasions about the issue
22 and concerns with Summer.

23 Q. What specifically did you talk to Julie Cloud
24 about?

25 A. I talked to her about lack of support that I

1 was getting for reporting things. I talked to her about
2 this incident in particular.

3 Q. You are talking about this last --

4 A. Exhibit 4. The written warning.

5 Q. Okay.

6 A. I talked to her about that. And I talked to
7 her about the deterioration. She said: Why do you
8 think Summer feels this way? And I explained to her,
9 same thing I just explained now, I think a lot of it
10 stemmed from. So yes, I had gone through human
11 resources on a couple occasions.

12 (Exhibit 5 marked.)

13 Q. (BY MR. COLLAER) I'm going to hand you what
14 I'm marking as Exhibit No. 5. Can you identify No. 5
15 for me, please.

16 A. No. 5 is a written warning and it's issued
17 also from Summer Wade. And it discusses some timesheet
18 to code vacation as opposed to sick time, and
19 also me wanting to have a third party present when
20 Summer talked to me about any issues, concerns or
21 disciplinary.

22 Q. Did you sign for the receipt of this?

23 A. Yes, I did under duress.

24 Q. Why do you say "under duress"?

25 A. Because I told Summer Wade and Julie Cloud

1 that I did not want to sign it until I had a chance to
2 go over it. And they said: You can go ahead and just
3 sign it. It doesn't say that you did it, it just says
4 you acknowledge receipt. I said: I don't feel
5 comfortable with that.

6 Well, it's okay, you can sign it. And I at
7 that point just said fine, and my signature, my last
8 name is very, very bad on there.

9 Q. When this was given to you, was this on a
10 face-to-face meeting with yourself and Ms. Wade?

11 A. Yes, and Julie Cloud.

12 Q. So there were three people there?

13 A. Correct.

14 Q. Where did this meeting take place?

15 A. Summer Wade's office.

16 Q. At the Nampa facility?

17 A. Yes.

18 Q. Is Julie Cloud's office also located there?

19 A. No.

20 Q. So she came there from Boise.

21 A. Correct.

22 Q. Did you know this meeting was going to occur
23 before it took place?

24 A. I did not.

25 Q. Did it take place during your regular shift?

1 A. It did.

2 Q. Why don't you explain to me when this meeting
3 happened, what happened during this meeting?

4 A. I was in appropriate use of force that day up
5 at ISSH -- it's SWITC now.

6 (Reporter clarification.)

7 THE WITNESS: Idaho State School & Hospital,
8 which is now SWITC, State -- I don't even know what the
9 acronym stands for now.

10 Anyway, but it was up at a building just next
11 to our Nampa facility. I was teaching appropriate use
12 of force, and I came down during my lunch because I had
13 to check my e-mails, see if there was anything that I
14 had to follow up on. And Summer came into the SSO
15 office and sat and talked to me about my and my
16 time card.

17 I had coded some sick time. One of my little
18 dogs got attacked, and so he had gashes and gouges, and
19 so I was trying to take care of him for a couple days
20 because I didn't have the money to leave him at the vet.
21 And I told her: That's fine. I'll change my time card.
22 She said: I can see if you want to have one day as
23 sick, but three days for a dog. And that wasn't really
24 a fair statement, because I don't expect her to
25 understand how I feel about animals.

1 So anyway, at that point she said: Well, I
2 need you to be more dependable. And I said: Okay, I'll
3 work on being more dependable. She said: You have been
4 here five years and you don't have much time. I said:
5 Why don't I have that much time left on my sick time? I
6 said: Summer, I've had pneumonia. So that is where my
7 sick time has gone. That is why I save my sick time.

8 Anyway, it got to the point where I told her I
9 wanted a third party. I said: I can't do this. I need
10 a third party. She said: I don't need the sarcasm. I
11 said: I'm not being sarcastic. I'm trying to be very
12 respectful to you. Yes, ma'am, I will change it. And I
13 got up and I walked out of the office so I could be seen
14 on camera, because I wasn't going to be put in a
15 position where it could be she said/she said.

16 And she followed me into the hallway, and I
17 followed her back into the office. And she came in and
18 she stood in the doorway. And I said: I'm not -- she
19 said: You have to stay here and talk to me and you
20 don't need another person.

21 And I turned off the computer and I grabbed my
22 stuff and I squished between her and the door and I went
23 out in the hall. And I said: I'm not talking to you
24 without a third party. I'm not doing this again. I've
25 worked too hard.

1 Q. (BY MR. COLLAER) Tell me, this was before
2 Julie Cloud was present.

3 A. Yes.

4 MR. SCHOPPE: Do you want to take a minute?

5 MR. COLLAER: We can take a minute if you need
6 to.

7 (Off the record.)

8 Q. (BY MR. COLLAER) Back on the record.

9 Ms. Ledford, how soon after your first meeting
10 with Summer Wade regarding this written warning did you
11 have a subsequent meeting where Julie Cloud was present?

12 A. That was June 2nd, June 1st. I believe it was
13 June 1st.

14 Q. So a couple weeks later?

15 A. Yes.

16 Q. Again, is this a meeting that was scheduled?

17 A. No.

18 Q. So you came to work and were asked to come to
19 a meeting with Julie and Summer Wade.

20 A. I was on a transport that day. And when I got
21 back there was a thing in my e-mail, a reminder for a
22 meeting I had scheduled. So she had put it on my
23 calendar and I had no idea.

24 Q. You hadn't seen it.

25 A. Correct. Well, yeah.

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1 Q. Do you know how long it had been on your
 2 calendar?
 3 A. I hadn't seen it, so I have no idea how long
 4 it had been there.
 5 Q. All right. Tell me, when you came in and this
 6 meeting with Summer and Julie took place, what happened
 7 during this meeting?
 8 A. Summer told me she was going to be issuing me
 9 a written warning for the incident that happened on
 10 May 12, and she explained that it was, for her it was
 11 insubordination, disrespect. And we discussed it a
 12 little bit in the meeting. And then either her or Julie
 13 said: Just go ahead and read over it, and I did.
 14 After I read over it, it was pretty much the
 15 end of the meeting. That is when I told them I didn't
 16 want to sign it. I didn't feel comfortable signing it.
 17 So I scribbled my name down, and that was pretty much
 18 it. They asked me if I needed some time. I said no.
 19 And so I went out to take the car back out for
 20 my transport, parked in the back, and took a couple
 21 breaths outside, and that's pretty much the end of it.
 22 Q. My understanding is you did file a problem
 23 solving with respect to this written warning, correct?
 24 A. Correct.
 25 Q. How soon after this meeting did you file the

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1 problem solving?
 2 A. I believe -- it was within the ten days.
 3 Q. Did you consult with anybody before filing the
 4 problem solving?
 5 A. I believe I did. I consulted with Mike
 6 Savoie, who works over at Division of Human Resources.
 7 Q. Why did you talk with Mike Savoie?
 8 A. Because I had already been talking to him
 9 regarding some issues and concerns, so I contacted him
 10 and said: I'm not sure what my next step is, what I
 11 need to do. And he just kind of gave me some advice on
 12 what -- like problem-solving steps and stuff we can do.
 13 And I had requested to file a problem solving
 14 with Summer. Her last day was June 2nd, the day after I
 15 got my write-up. So I didn't have a lot of recourse
 16 with Summer since she left.
 17 Q. Do you know where Ms. Wade left for?
 18 A. I think it was one of the hospitals. Somebody
 19 said it was one of the hospitals.
 20 Q. You said you had been talking with Mr. Savoie
 21 about issues and concerns. What were those?
 22 A. The same issues that I had been reporting.
 23 There was some concern with staff working -- taking a
 24 lot of vacation for the hours they actually worked, a
 25 lot of comp time buildup. There was safety issues with

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1 the staff and the juveniles. Visitation, where we let
 2 people in, we don't even have an ID on them. We have no
 3 idea who that person could be. I'm the uncle. Do you
 4 have an ID? No, I don't. Lack of policy, lack of
 5 following policy, ethical issues, cronyism. You name
 6 it, I had been sharing this with him.
 7 Q. How long had you been talking with Mr. Savoie
 8 about this issues?
 9 A. I started talking to him in June.
 10 Q. That was June of 2010?
 11 A. 2011.
 12 Q. Well, your problem solving is dated June 9,
 13 2011. So would it be before that?
 14 A. My problem solving that I submitted, that one,
 15 you have ten days in order to be able to submit all this
 16 information.
 17 Q. Let me back up. My question was, what I was
 18 interested in is: When were you talking to Mr. Savoie
 19 about these issues you just described; was it before or
 20 after you filed your problem solving dealing with the
 21 written warning you received from Ms. Wade?
 22 A. It was during the time.
 23 Q. So it's all during the same time period.
 24 A. Yes, that's correct.
 25 Q. Did you talk to him about these complaints

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1 prior to the time you received your written warning,
 2 which would be Exhibit No. 5?
 3 A. No.
 4 Q. Is the receipt of the written warning what
 5 prompted you to start to talk to him about those
 6 concerns?
 7 A. No.
 8 Q. Then why did you start to talk to him about
 9 it? What brought it to a head that made you approach
 10 Mr. Savoie to talk to him about those issues?
 11 A. Several staff had actually called the
 12 Governor's office on the same day, and I believe that
 13 that was June 6th.
 14 Q. Who?
 15 A. I didn't ask which staff. I talked to Tyler
 16 Mallard at the Governor's office. Claudia recommended I
 17 talk to him. So I spoke with him, and he said we've had
 18 several other calls today from your same department with
 19 concerns. So the Governor's legal assistant, we are
 20 going to be meeting with her this afternoon. It wasn't
 21 his job to tell me who else had reported anything. And
 22 they recommended -- Tyler Mallard actually recommended I
 23 contact Mike Savoie over at Division --
 24 Q. Who is Tyler Mallard?
 25 A. He works with the Governor's office.

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1 Q. How soon after you received your written
 2 warning from Ms. Wade did you first talk to Mr. Savoie?
 3 A. I believe it was the next week, because that
 4 was during the time I filed my -- I requested a problem
 5 solving, and I was told by Julie Cloud that I needed to
 6 talk to my initial supervisor first before we go through
 7 the problem-solving process.
 8 And then she quoted policy, and I e-mailed her
 9 back, and this is after talking to Mike, I e-mailed her
 10 back and I said: Per policy, these are the dates that
 11 I've already talked to human resources dating all the
 12 way back to January. And so I've completed step one
 13 numerous times, and now I wish to go to the next step of
 14 the problem-solving procedure.
 15 Q. Sure.
 16 A. So it was during that same week.
 17 Q. How soon after you actually filed your
 18 problem-solving request did you speak to anybody or did
 19 you learn that staff had contacted the Governor's
 20 office?
 21 A. It was on, I believe, June 6th. So I got my
 22 written warning on the 2nd, and so they talked to a
 23 bunch of staff, including myself, had called the
 24 Governor's office on the 6th, and I filed the problem
 25 solving on the 9th.

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1 Q. So you talked to the Governor's office
 2 yourself personally?
 3 A. Yes, I did.
 4 Q. Who specifically at the Governor's office did
 5 you speak to?
 6 A. Tyler Mallard.
 7 Q. He encouraged you to talk to Mike Savoie?
 8 A. That's correct.
 9 Q. What specifically did you tell Mr. Mallard
 10 when you talked to him -- on June 6th?
 11 A. Yes, I believe that's when it was.
 12 Q. What did you tell him?
 13 A. I told him the concerns and issues that myself
 14 and other staff had with the safety issues, the safety
 15 of staff and the juveniles.
 16 Q. Did you tell him that you had just received a
 17 written warning for some issue at work?
 18 A. No, I did not.
 19 Q. Any reason why not?
 20 A. Because that wasn't my main concern at the
 21 time.
 22 Q. Tell me, other than that call you made to the
 23 Governor's office and when you spoke to Mr. Mallard, did
 24 you have any other contacts with the Governor's office
 25 after that time?

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1 A. Any time at all after that?
 2 Q. Yes.
 3 A. Yes, I did.
 4 Q. Tell me about those.
 5 A. There was only one other time. I believe it
 6 was around September, October of 2011. And Claudia
 7 wasn't there. The initial person I had spoke to who
 8 answered the phone the first time, Tyler --
 9 Q. When was this again?
 10 A. This was September or October of 2011.
 11 Q. Okay.
 12 A. And I spoke to another lady, I don't know what
 13 her name was, and discussed with her some of the issues
 14 and the things that had been reported, and the staff
 15 concerns, safety issues are still going on, failure to
 16 report and document IRs correctly is still going on.
 17 And there is a lot of issues that need to be looked
 18 into. Is there anybody else we can go through. This is
 19 who I've talked to. And I gave her the list of people.
 20 And she said: Okay. Well, that is pretty
 21 much it. I said: Well, wouldn't the Governor be
 22 interested in -- and she said: No, other people handle
 23 that. And I said: Okay. I'll make sure when I write
 24 this stuff down that they know the Governor doesn't
 25 care.

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1 Q. You don't recall the name of this lady you
 2 spoke to.
 3 A. No.
 4 Q. Did she give you her title?
 5 A. No. She might have said her name when she
 6 answered the phone. It's on there.
 7 Q. Now, did you tell Julie Cloud or anybody that
 8 you had talked to the Governor's office in June of 2011?
 9 A. No.
 10 Q. Did you ever tell anybody, your supervisors or
 11 anybody, you talked to the Governor's office?
 12 A. No. I didn't even want to give my name to
 13 Mike Savoie at first.
 14 Q. Do you know if Sharon Harrigfeld or Betty
 15 Grimm ever had any knowledge that you talked to anybody
 16 at the Governor's office?
 17 A. I believe so. Mike said he was going to have
 18 to bring in some of IDJC leadership to be able to talk
 19 to them about some of the issues that I've addressed.
 20 And he said that Sharon had been talked to, that she was
 21 included in this. And I don't know whether they gave my
 22 name or not.
 23 Q. So to the extent Ms. Harrigfeld became aware
 24 of anything that you told the Governor's office, it
 25 would have come through Mike Savoie.

1 A. Correct.
 2 Q. Tell me, do you know if she ever knew who,
 3 meaning did she know that you specifically had talked to
 4 the Governor's office?
 5 A. Yeah, I'm pretty sure all of them did when I
 6 went on my leave because I wrote letters to senators,
 7 representatives.
 8 Q. I'm talking about when you first called the
 9 Governor's office in June through this problem-solving
 10 process, do you have any information establishing that
 11 Ms. Harrigfeld was aware that you had personally called
 12 the Governor's office?
 13 A. I believe so. I believe her name is on an
 14 e-mail that they had presented to us, that where O'Neal
 15 Rich had -- I contacted several staff to contact the
 16 Governor's office and O'Neal Rich said that I had
 17 actually talked to him about calling the Governor's
 18 office. So yes, they did know.
 19 Q. Do you know when they knew?
 20 A. That I would have to look at the e-mail again
 21 to get the date.
 22 Q. After they became aware that you had contacted
 23 the Governor's office, could you describe anything they
 24 did to affect your pay or discharge you in any way?
 25 A. Not to affect my pay or discharge me.

1 A. Yes, it does.
 2 Q. That written warning is dated May 12, 2011, is
 3 it not?
 4 A. Correct.
 5 Q. What was the outcome of the -- well, on
 6 Exhibit No. 6 you've included a narrative explaining why
 7 you believe your warning was -- what's wrong with it;
 8 correct?
 9 A. Correct.
 10 Q. Did you leave anything out? Any information
 11 in this narrative that you left out?
 12 A. Not to my knowledge.
 13 Q. At this point hadn't Ms. Grimm given you three
 14 letters of recommendation for your job performance?
 15 A. No. Ms. Grimm gave me one letter of
 16 recommendation.
 17 Q. You had received three; correct?
 18 A. Correct.
 19 Q. Who gave you the others?
 20 A. Jeff Underhill and -- I would like to tell you
 21 who the other one was and now I cannot remember. I
 22 don't recall at this time, but I'm sure it will come to
 23 me at some point.
 24 Q. Tell me, what was the recommendation that the
 25 letters of recommendation Ms. Grimm gave you?

1 Q. All your performance evaluations were APS
 2 after that time, were they not?
 3 A. That is correct. But I would like to go back
 4 on the affecting the pay. The type of treatment I
 5 endured, the hostile work environment, the retaliation,
 6 I ended up taking FMLA, Family Medical Leave, and I only
 7 had enough time to cover me for about a month straight,
 8 and I had requested intermittent leave --
 9 Q. We'll talk about that.
 10 A. Good.
 11 Q. That FMLA leave you requested.
 12 A. Intermittent FMLA leave, so I didn't use all
 13 of my time, and I went over three months without a
 14 paycheck. So yes, it did affect me pay-wise.
 15 Q. But you got FMLA leave and were not discharged
 16 for not being on the job, were you?
 17 A. No.
 18 (Exhibit 6 marked.)
 19 Q. (BY MR. COLLAER) I've handed you what I've
 20 marked as Exhibit No. 6. Can you identify No. 6 for me,
 21 please.
 22 A. It's my problem-solving request form that I
 23 submitted for my written warning in June of 2011.
 24 Q. Does this problem solving respond to the
 25 written warning that is Exhibit No. 5?

1 A. It was to become a POST certified appropriate
 2 use of force instructor.
 3 Q. That happened for you, didn't it?
 4 A. Correct.
 5 Q. So she helped you.
 6 A. In 2009, yes.
 7 Q. Tell me, are all the incidents of alleged
 8 harassment you feel you were feeling at this point
 9 contained in the narrative that you put in your
 10 problem-solving request?
 11 MR. SCHOPPE: Object to the form; vague and
 12 ambiguous. You can answer.
 13 THE WITNESS: I would have to read back
 14 through the whole thing again.
 15 Q. (BY MR. COLLAER) Why don't you take a look at
 16 it and tell me if there is anything that you left out.
 17 A. Okay. (Reviewing document.)
 18 Okay, what was your question again?
 19 Q. When you wrote this narrative to support your
 20 request for problem solving, is there anything that you
 21 felt that your supervisor or management should be aware
 22 of that you left out?
 23 A. Not to my knowledge right now.
 24 Q. Any complaints of any harassment or
 25 retaliation or anything you felt you were experiencing

1 at that time that you left out that you felt that
 2 management should be aware of at this point?
 3 A. No. I have the harassment in here.
 4 (Exhibit 7 marked.)
 5 Q. (BY MR. COLLAER) I've handed you what I've
 6 marked as Exhibit No. 7. Sorry, it's the only one I've
 7 got. Could you identify No. 7 for me, please.
 8 A. This is a Proposed Problem Solving Resolution
 9 from Ms. Grimm.
 10 Q. There is some handwriting down there on the
 11 bottom of it?
 12 A. Yes.
 13 Q. Above your signature, do you see that?
 14 A. Yes.
 15 Q. Whose handwriting is that?
 16 A. That is Sharon Harrigfeld.
 17 Q. How do you know that?
 18 A. Because I sat in the problem solving with her
 19 when she wrote it.
 20 Q. Were you in agreement with this proposed
 21 resolution?
 22 A. Yes. With everything that we had discussed in
 23 the resolution, yes, I was in agreement with it.
 24 Q. What had you discussed during the meeting
 25 about the resolution of the problem-solving request?

1 Mr. Thomson.
 2 A. Yes, I did. That is the first step in the
 3 problem solving -- or the second step, I should say, of
 4 the problem solving at the time.
 5 Q. Who is Mr. Thomson?
 6 A. Pat Thomson is human resources as well.
 7 Q. Who was present during that meeting?
 8 A. Just myself and Mr. Thomson.
 9 Q. What did you and Mr. Thomson talk about?
 10 A. We talked about a few of the changes, as far
 11 as dependability, because Ms. Wade had stated that I was
 12 not dependable. And we discussed the dependability
 13 issue. And he agreed after pulling my record that I was
 14 dependable. So it was not actually an issue, so he
 15 agreed to change that. And we agreed on a few things,
 16 and then it couldn't get completely resolved, so then we
 17 went to the next step, which was the director.
 18 Q. And at this point Ms. Wade had already left
 19 the Department, had she not?
 20 A. Correct.
 21 Q. Did you know who your new supervisor was going
 22 to be?
 23 A. Yes. At the time that we got this, I believe
 24 we already had been given the e-mail that Julie
 25 McCormick was going to be the new supervisor starting on

1 A. With Ms. Harrigfeld or Mr. Thomson?
 2 Q. Let's talk about Ms. Harrigfeld.
 3 A. We had discussed to resolve this there were
 4 some changes that needed to be put into the written
 5 warning, some things that needed to be changed. And she
 6 said: Okay. We can include Raines' account since
 7 he was in the hall when this incident happened, we can
 8 include his account. We can also rephrase the
 9 "demanding" to speak to Betty Grimm to "requesting,"
 10 because I had another statement from another staff who
 11 was up front when I went up there. And when Ms. Grimm
 12 had instructed me to go home, I simply wanted that
 13 changed to what actually happened, which was she asked
 14 me: Do you need to take the rest of the day off? And I
 15 said: It might not be a bad idea. And Ms. Grimm
 16 refused to change that.
 17 But then we agreed that this would be
 18 temporary and pulled out within a year. If everything
 19 else was in agreement, that is what would happen. And
 20 that's ultimately not what happened, because Ms. Grimm
 21 didn't want to change that last part.
 22 Q. But outside of what you just said, you were in
 23 agreement with that proposed resolution.
 24 A. Yes.
 25 Q. And you also said you had a meeting with

1 the 10th.
 2 Q. How long had you known Ms. McCormick at this
 3 time?
 4 A. I had known her my entire time that I worked
 5 there.
 6 Q. Where had she worked before?
 7 A. Before the Department?
 8 Q. No, before she became your supervisor.
 9 A. She was a safety and security officer.
 10 Q. Same as yourself?
 11 A. Correct.
 12 Q. And had you had any conflicts or issues with
 13 Ms. McCormick prior to the time she became your
 14 supervisor?
 15 A. The first time when I was a temporary
 16 part-time staff, yes, there was some conflict.
 17 Q. What was that?
 18 A. She worked the booth, and that's pretty much
 19 all she ever did. And I was the day staff for three
 20 days a week up in the booth, and there was issues with
 21 movements, and she wanted things done a certain way.
 22 And I told her that is not how my supervisor Aaron
 23 Thomas at the time had said to do it.
 24 She said: Well, he's an idiot, he doesn't
 25 know what he's talking about. I went: Wait a minute.

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1 You know what, he's our supervisor, you have to have
 2 some sort of respect there. And so we had a little bit
 3 of conflict there.
 4 When I came back as a rehab tech, I was
 5 working on Solutions during visitation one time, and she
 6 came over the intercom in front of the juveniles and
 7 said: Tell him not to sit in that chair. And I went:
 8 Have a seat over here, I'll be right back.
 9 And I went up and talked to her through the
 10 bean slot in the booth, and I told her, I said: You
 11 know what, that chair was there, that is where he's
 12 going to sit, and I would appreciate it if you don't do
 13 that in front of the juveniles. And she sent me a
 14 little card thing on the e-mail saying I'm sorry, with
 15 little kitties, and we kind of built a working rapport
 16 from there. I thought we got along pretty good for the
 17 next few years.
 18 Q. In any way did you view the fact that she had
 19 been appointed your supervisor to be a potential problem
 20 when she became your supervisor?
 21 A. Yes, I did.
 22 Q. Why?
 23 A. Because of the problems that we had started
 24 having when she started working really closely with
 25 Summer. She started treating me the same way Summer

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1 did. There was a lot of disrespect there. And I told
 2 her flat out, I said: You know what, I said, you are
 3 selling your soul here, why are you doing this? You
 4 were the one that was so angry, yet you are supporting
 5 violating policies.
 6 And even when she became a supervisor and we
 7 had a discussion, she said: Yes, I agree, we violate
 8 policy, we don't follow policy. So there was concern.
 9 She had not worked anywhere out of the booth. I was
 10 concerned about her ability to supervise. But I did
 11 tell Pat when we did our problem solving, I said: I
 12 wish her luck and I wish her the best, just not at my
 13 expense.
 14 Q. Who did you want to be appointed your
 15 supervisor?
 16 A. Out of the people that applied -- I don't know
 17 who all applied that second time around. I know the
 18 first time I would have liked to have seen Ron Edwards
 19 get the position.
 20 Q. This is a position you had applied for?
 21 A. Yeah, I had applied for it too.
 22 Q. So you had competed for this job with Julie
 23 McCormick and Julie was hired instead of yourself.
 24 A. Correct.
 25 Q. Do you know anybody else that was working with

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1 you that also applied for that same position?
 2 A. I would have to reach back in my mind. At
 3 this point I can't pull anybody out, but I worked with a
 4 few that had applied for it.
 5 Q. Did you make the interview list?
 6 A. I did.
 7 Q. Who was on the interview panel?
 8 A. I know Betty was, I believe Pat Thomson was,
 9 and I can't remember who else was.
 10 Q. Do you have any knowledge of why Ms. McCormick
 11 was chosen as opposed to yourself?
 12 A. I don't know, but I was told by some staff
 13 that she had been being groomed or prepped for it from
 14 Summer, and that that was a recommendation. And Nick
 15 Brillion actually, he's a safety and security supervisor
 16 up in Lewiston.
 17 Q. But you have no direct knowledge of why she
 18 was chosen as opposed to yourself.
 19 A. That's right.
 20 Q. When she became your supervisor, did the two
 21 of you develop conflicts?
 22 A. Yes, we had started developing conflicts just
 23 prior to her becoming the supervisor.
 24 Q. Let's talk about the conflicts prior to her
 25 becoming the supervisor.

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1 A. It was the same issues with, I guess you could
 2 say the attitude, that she was starting to support some
 3 of the things that would not follow policy.
 4 Q. Are you talking about the same issues or
 5 disputes you had with Summer Wade?
 6 A. The same things that I was reporting?
 7 Q. No. Let me rephrase that.
 8 Did you observe that Ms. McCormick started to
 9 or was doing things the same way that Summer Wade was as
 10 your supervisor, doing things that you didn't like?
 11 A. It wasn't that I didn't like them. It was
 12 that they were not following policy.
 13 Q. So you felt Ms. Wade wasn't and you felt that
 14 Ms. McCormick wasn't also.
 15 A. Correct. She had been one that was always
 16 very firm with policy and following directives and the
 17 right procedures and staying within the legal
 18 guidelines.
 19 Q. What specific policies do you contend that
 20 Ms. McCormick was not following prior to the time she
 21 became your supervisor?
 22 A. It goes back to the safety of the juveniles,
 23 in control, that is where her location was. And you are
 24 not supposed to -- being the booth person, you don't get
 25 on the intercom and sit there and have an hour

1 conversation with one of the juveniles when they are in
2 their room. You make sure when a visitor comes in that
3 we have proper ID, that we can at least identify that
4 person.

5 She didn't work on the floor a whole lot. She
6 started getting to the point right before supervisory
7 that she was working on the floor. And she got to the
8 point where she was moving male juveniles out of the
9 line of cameras or staff. And there were concerns there
10 that started way back when, and it just kind of
11 developed.

12 And that's what I told her, I said: You know
13 what, you have always been one that follows policy, and
14 now you are doing the same thing that you've been saying
15 Summer has been doing and I don't understand that. She
16 said: Well, you know, then we are going to have
17 problems. Okay.

18 Q. Anything else?

19 A. There is probably a lot of other things, just
20 the list is -- it's over time, it's over time. So if
21 you want to address when.

22 Q. What I'm talking about is before she became
23 your supervisor, conflicts you had with Julie McCormick
24 leading up to the time before she became your
25 supervisor.

1 years, you already know what is going on. So it was a
2 whole -- about micromanaging, it was -- and myself and a
3 lot of the other safety and security staff disagreed
4 with that, we thought that was a little bit over the
5 top, but we still followed -- okay, these are her
6 expectations.

7 And then I had stayed over one evening. It
8 was just past the end of my shift and I was leaving. I
9 had gone up to the control booth to leave, and a rehab
10 tech from Solutions was up in the booth. And I asked
11 why he was there and he said somebody called in, so he
12 was it. And I asked him: Do you know what you are
13 doing? He said: Well, I worked up here about a month
14 and a half ago for about a week on light duty. I said:
15 Okay, if you get an emergency call or an escape or --
16 and he went: What? We get those here?

17 Now, to me, if you put an untrained staff up
18 in the control booth and there is a fire alarm, there is
19 an escape, there is an emergency of some sort, what is
20 going to happen with the facility, with the juveniles,
21 with the staff, it puts them at risk.

22 And so I volunteered to stay, but I talked to
23 the duty officer, which was Mark Freckleton at the time.
24 And I told him I would call Julie and I would get
25 approval from her. He said: No, she's at a family

1 A. I would say that was probably it just prior to
2 her becoming supervisor.

3 Q. So that was the source of your disagreements
4 with her, as far as policy, that you've just described
5 to me.

6 A. Yes.

7 Q. Tell me, after she became the supervisor,
8 describe for me the conflicts you had with her after
9 that time.

10 A. The conflicts, the ones prior to still
11 continued. Now, with her being supervisor, she gave
12 expectations. This is a list of expectations she gave
13 to all of the SSOs, safety and security officers. There
14 are certain guidelines that she has. And we talked
15 about a few of them.

16 She did give me some positives. I want you to
17 be the one training the staff in the booth, because you
18 know the booth inside and out. And we discussed some
19 concern with policy. And that is when I told her, I
20 said: We don't follow policy here. And she said: I
21 know we don't, but we'll be working on trying to get
22 everybody to follow policy. And she said she had to
23 micromanage for a while to figure out what was going on
24 there.

25 And my thought was: You've been here five

1 thing. So I stayed, because Mark said: Yeah, that is
2 fine.

3 And then I let the staff go back up to
4 Solutions for a little while, then he came back down.
5 And then I got talked to by Julie on the -- I don't
6 remember what date it was, it was mid July. I got
7 talked to by her about staying over and I hadn't gotten
8 approval. And I had gone through what I needed to to
9 get approval to do this. So, I mean, our conflict just
10 slowly got worse from there. And she gave me --

11 Q. This was an overtime issue, wasn't it?

12 A. Yes, it was an overtime issue.

13 Q. Prior approval for overtime.

14 A. Yes.

15 Q. Tell me, you indicated earlier that Julie gave
16 expectations to all the SSOs. Was that done in writing?

17 A. Yes.

18 Q. So she gave you -- I know she gave you a list
19 of expectations.

20 A. Yes.

21 Q. Is that same list she gave to everybody else?

22 A. The first list of expectations that I got was
23 what she gave to everybody else, and then I got a second
24 list.

25 Q. That was tailored to yourself.

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1 A. Correct.
 2 Q. You said you discussed some policies that
 3 weren't being followed.
 4 A. Yes.
 5 Q. What specific policies did you discuss with
 6 her that weren't being followed?
 7 A. One of our big ones is documentation for
 8 incident reports. If an incident happens, the
 9 documentation is you need to be firm, fair, and
 10 consistent throughout this documentation -- it's clear,
 11 concise, factual, you have everything that happened.
 12 You don't have any opinion in it. You want to make sure
 13 you list everything.
 14 We've got incident reports, an example is when
 15 Ms. Payne got kicked in the head by a juvenile and she
 16 was off, she had brain trauma and she was off for about
 17 a month and a half. And yet there was nothing in that
 18 IR that shows that. The only thing it says in that IR
 19 is that the juvenile called her -- excuse me -- called
 20 her a bitch. That is the only thing in there. So there
 21 is things like that.
 22 A juvenile got his arm broken, and there is
 23 nothing listed in the IR about that. There is problems
 24 with these IRs, we are supposed to be reporting these
 25 things, they are factual, they are legal documents. So

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1 that is a big issue that we've had.
 2 Q. Other than details in the IRs, any other
 3 policies that you discussed with Ms. McCormick when she
 4 came on as the supervisor that you felt were not being
 5 followed?
 6 A. Yes. There is policies as far as time card
 7 reporting. You are supposed to report your time
 8 accurately. We work on kind of an honor system. If you
 9 have a staff sitting around and on the phone for an hour
 10 and a half so he can get comp time, that is not right.
 11 Q. Anything else?
 12 A. Yeah, there was a few other things. I'd have
 13 to go through. There is just numerous --
 14 Q. As you are sitting here right now, any other
 15 policy issues you recall discussing with Ms. McCormick
 16 at that time that stand out?
 17 A. Let me think.
 18 MR. SCHOPPE: Take as long as you need.
 19 THE WITNESS: Okay.
 20 There is the policy for recruitment, that
 21 policy is quite often violated.
 22 Q. (BY MR. COLLAER) What are you referring to?
 23 A. Recruitment, hiring of staff, promoting of
 24 staff.
 25 Q. How is it violated?

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1 A. Well, because our state policy is that if
 2 there is going to be an open position, it needs to be
 3 announced so it can be open competitive and they are
 4 not. Sometimes a position --
 5 Q. What specific positions are you contending
 6 were not open for competition?
 7 A. Unit manager of O&A.
 8 Q. That isn't a department you worked in, was it?
 9 A. No.
 10 Q. Who was hired for that position?
 11 A. Laura Roters. Well, she wasn't hired for the
 12 position because the position didn't exist any longer.
 13 But when she was down there as a supervisor, they
 14 created that position for her and announced she was
 15 going to have it.
 16 Q. Anything else, any other recruitment policy
 17 violations?
 18 A. Yeah, it goes back to when Laura Roters first
 19 got hired for --
 20 Q. Other than Ms. Roters?
 21 A. She is the main one.
 22 Q. Anybody other than Ms. Roters that you contend
 23 where recruitment policy was not followed?
 24 MR. SCHOPPE: Go ahead and answer the question
 25 that you were asked.

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1 THE WITNESS: Okay, anybody other than
 2 Ms. Roters.
 3 Q. (BY MR. COLLAER) Yes.
 4 A. Julie McCormick.
 5 Q. For what position?
 6 A. For the safety and security position,
 7 supervisor position.
 8 Q. Anybody else?
 9 A. One of the group leader positions.
 10 Q. Who?
 11 A. Matt Storey.
 12 Q. Anybody else?
 13 A. I can't think of anybody at this time.
 14 Q. When Matt Storey was hired for this group
 15 leader position, when did that happen?
 16 A. That's just been within the last two or three
 17 months.
 18 Q. So that wasn't an instance that you were
 19 talking with Julie McCormick about when she first became
 20 the supervisor, was it?
 21 A. No, it was not.
 22 Q. You also didn't talk to her about her own
 23 hiring as the supervisor when you talked to her;
 24 correct?
 25 A. Yes, I did.

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1 Q. What did you tell her about that? Did you
 2 tell her you think you are not qualified, or what was
 3 the substance of that conversation you had with her?
 4 MR. SCHOPPE: Object to the form of the
 5 question. You can answer.
 6 THE WITNESS: I was talking about lack of
 7 supervisory experience when you've not been a supervisor
 8 before.
 9 Q. (BY MR. COLLAER) Other than that, was that
 10 the only reason you feel that the recruitment policy was
 11 violated?
 12 A. In that specific incident, yes.
 13 Q. What specific requirement in that recruitment
 14 policy says for somebody to be a supervisor must have
 15 had prior supervisory experience?
 16 A. It's one of the questions on the exam.
 17 Q. That's not my question. Where does it say in
 18 the policy that they must have that in order to be
 19 considered?
 20 A. It's in the job description.
 21 Q. So you are telling me in the job description
 22 it says: We will not consider anybody that doesn't have
 23 any prior supervisory experience?
 24 A. I'd have to read the job description, but part
 25 of the job description is to have previous supervisory

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1 experience.
 2 Q. I understand your answer.
 3 When Ms. McCormick told you that she would
 4 need to micromanage employees such as yourself for a
 5 while, did she tell you what she meant by that?
 6 A. All she said was, I need to micromanage for a
 7 while because I need to know what's going on around
 8 here.
 9 Q. Did she tell you what "micromanage" would
 10 entail?
 11 A. That's all she said.
 12 Q. When you heard that, other than saying this is
 13 something you should already know, what did you feel was
 14 not appropriate about saying, I'm going to micromanage
 15 you folks for a while?
 16 A. Can't say that I really thought it was
 17 inappropriate.
 18 Q. Would you agree that a new supervisor needs to
 19 closely watch people they are managing initially so they
 20 can understand who they're managing?
 21 MR. SCHOPPE: Object to the form.
 22 THE WITNESS: That would depend.
 23 Q. (BY MR. COLLAER) Would it be your position
 24 that a supervisor is by policy prohibited from
 25 supervising their people closely?

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1 A. No.
 2 Q. Would micromanagement by Ms. McCormick in any
 3 way violate written IDJC policy?
 4 A. No.
 5 Q. You said you felt that this micromanagement
 6 and these lists of expectations was over the top. Do
 7 you remember that testimony?
 8 A. Yes.
 9 Q. Why was it over the top?
 10 A. It's just a little -- it seems to be, in my
 11 opinion, a little excessive.
 12 Q. Did it violate any IDJC written policy?
 13 A. No.
 14 Q. It's a matter of discretion by the supervisor;
 15 correct?
 16 A. Correct.
 17 Q. One that you disagreed with.
 18 A. Yes.
 19 (Exhibit 8 marked.)
 20 Q. (BY MR. COLLAER) Handing you what I've marked
 21 as Exhibit No. 8. Would you identify No. 8 for me,
 22 please.
 23 A. This is employee expectations for a safety and
 24 security officer, July 2011.
 25 Q. Is this the general written expectations that

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1 went to every safety and security officer you were
 2 speaking about earlier?
 3 A. I know it went to me. I can't say personally
 4 that I saw the other SSOs get it.
 5 Q. What I'm asking is: Is this the list of
 6 expectations you were referring to in your earlier
 7 testimony?
 8 A. That is correct.
 9 Q. It's your assumption these went to everybody,
 10 but you don't know for certain.
 11 A. Correct.
 12 Q. Tell me, is there anything in this list of
 13 expectations, from your perspective, that violated
 14 written IDJC policy?
 15 A. (Reviewing document.) Not that I'm aware of.
 16 Q. You didn't file any problem solvings or
 17 anything like that after you received this?
 18 A. No.
 19 Q. Was it your intention to follow and meet these
 20 expectations when they were given to you?
 21 A. Yes.
 22 (Exhibit 9 marked.)
 23 Q. (BY MR. COLLAER) Handing you what I've marked
 24 as Exhibit No. 9. Could you identify No. 9 for me,
 25 please.

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1 A. It is an e-mail from Sharon Harrigfeld
 2 regarding the all staff meeting in November of 2011.
 3 Q. What prompted this all staff meeting in
 4 November 2011?
 5 A. My understanding was it was a petition that
 6 had been circulated from several staff regarding some
 7 issues and concerns of the facility policies being
 8 violated again, the promotion, the cronyism.
 9 Q. Did you sign that petition?
 10 A. I did not; I was on leave at this time.
 11 Q. Did you have anything to do with the petition
 12 coming to existence?
 13 A. I was on leave at this time; I did not.
 14 Q. Did you know anything about the petition when
 15 it was circulating or anything like that?
 16 A. Nope. Not until well after it had already
 17 been circulated. Because, again, I was on leave at this
 18 time.
 19 Q. I understand.
 20 Did you attend this November meeting?
 21 A. I was on leave at this time.
 22 Q. So the answer is no?
 23 A. Correct.
 24 Q. Did you have any conversations with anybody
 25 about the November 2011 meeting while you were on leave?

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1 A. Actually, I did. I got told about it after
 2 the fact. I don't remember how long after the fact
 3 about it, but I had heard some about it though.
 4 Q. Who told you about it?
 5 A. I believe I actually talked to Mr. Penrod
 6 about it. Then I ultimately ended up talking to Ray
 7 Gregston about it as well, that's when the subject of
 8 the petition came up. And I believe that was, I think
 9 that was it initially that I talked to.
 10 Q. What were you told by Mr. Penrod about this
 11 meeting?
 12 A. I believe it was just about the fact that we
 13 had an all staff meeting and there was some issues and
 14 concerns brought up by staff. Ray's the one that talked
 15 to me mostly about it a little bit later.
 16 Q. Well, I want you to tell me, as best you can
 17 recollect, everything Mr. Penrod told you about that
 18 meeting.
 19 A. That's all I can recollect is he talked about
 20 the fact that there was an all staff meeting, which
 21 staff were speaking up about concerns.
 22 Q. Did he indicate to you anything that he had
 23 said during this meeting?
 24 A. No, I don't even know if he attended the
 25 meeting, I just know that he had said that he had heard

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1 about it and that some issues were brought up.
 2 Q. Then you spoke with Mr. Gregston after that?
 3 A. Yes.
 4 Q. What did he tell you about the meeting?
 5 A. He told me that a lot of staff spoke up
 6 regarding the concerns, the hiring practices, the issues
 7 with the concerns of the safety for the staff and the
 8 juveniles. There's not a recourse for staff if they've
 9 got an acting out juvenile any more, and it's getting
 10 less and less to where staff is at more risk and staff
 11 are fearing for their safety. That also comes up in our
 12 PBS reporting that it's been that way for a couple of
 13 years now.
 14 Fair and equitable hiring practices, that was
 15 a huge one. That's mostly why the petition got started.
 16 And the petition -- this was supposed to be apparently a
 17 direct result from that petition that ultimately the
 18 names were pulled, the name sheet that was signed, was
 19 pulled off of it, my understanding is by Tom Knoff,
 20 because a fear of retaliation. So it now became just a
 21 whistle-blower complaint that they submitted to Division
 22 of Human Resources.
 23 Q. The hiring issues, that's still the Laura
 24 Roters issue?
 25 A. Yes, that was a huge one. That's why the

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1 Department got put on probation for six months, too, for
 2 their hiring practices.
 3 Q. Tell me, other than Ms. Roters, any other
 4 hiring complaint that was at issue in that petition?
 5 A. I don't know; I never saw the petition.
 6 Q. Ms. Roters is still employed there as a
 7 supervisor, is she not?
 8 A. Yes, she is.
 9 Q. Is she your supervisor?
 10 A. No, she's not.
 11 Q. Does she have any supervisory responsibility
 12 over yourself?
 13 A. I work fairly closely with her in O&A because
 14 of being the transport coordinator, the kids that we
 15 bring into the facility, they go into O&A, which she is
 16 the unit manager for.
 17 Q. Anything else Mr. Gregerson told you about
 18 this meeting? We talked about the hiring, the safety
 19 issues. Anything else?
 20 A. It's Gregston.
 21 Q. Gregston.
 22 A. No, we just had some talk about it. He said
 23 that some of the staff were saying we're known as Club
 24 Med by a lot of the departments. We're laughed at by a
 25 lot of the juvenile detention centers because of the

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1 fact that we allow the juveniles to do things that put
 2 staff and juveniles at risk. There was a lot of -- my
 3 understanding, again, I wasn't there, was that was what
 4 a lot of it was in reference to; the hiring practices,
 5 cronyism, and so forth, and the safety.
 6 Q. After this meeting took place, other than
 7 Mr. Gregston and Mr. Penrod, did you talk to anybody
 8 about this all staff meeting or the issues that were
 9 discussed?
 10 A. No, I don't believe so, until after I came
 11 back to work.
 12 Q. That was going to be my next question. How
 13 soon after that happened did you return to work?
 14 A. I came back to work December 6th of 2011.
 15 Q. So that would have been about a month later?
 16 A. Roughly, yeah.
 17 Q. How long were on FMLA leave?
 18 A. A little over four months.
 19 And if we get a chance, I would like to take
 20 another bathroom break at some point.
 21 MR. COLLAER: That's fine. This is as good a
 22 time as any.
 23 (Recess taken.)
 24 (Luncheon recess taken.)
 25 Q. (BY MR. COLLAER) Do you still have Exhibit

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1 No. 9 in front of you?
 2 A. I do.
 3 Q. Tell me, when is the first time you ever saw
 4 Exhibit No. 9?
 5 A. I really can't recall the first time I saw it.
 6 I would say it was probably shortly after it was
 7 e-mailed out, because even though I was on leave I had
 8 access to my e-mail.
 9 Q. Did you talk to anybody about the contents of
 10 Exhibit No. 9 when you first saw it?
 11 A. Yes, I did. I talked to Ray about it. I
 12 talked to Penrod. I talked to -- I think those were the
 13 main two at that time, until I came back to work and
 14 then, of course, other staff would talk about it. And
 15 the list for that is just a lot of staff.
 16 Q. Are the topics that are on Exhibit No. 9, are
 17 these the types of topics you had been complaining
 18 about?
 19 A. Some of them, yes.
 20 Q. Specifically, I know you had talked about some
 21 of the safety concerns, the hiring concerns.
 22 A. Correct.
 23 Q. When the IRs had been filled out.
 24 A. Correct.
 25 Q. Focusing on Topic 2, the punishing versus

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1 consequences. Do you see that?
 2 A. Yes.
 3 Q. Is this something you had been complaining
 4 about as a part of the things you had been doing?
 5 A. Correct.
 6 Q. Specifically what had you been complaining
 7 about on this topic?
 8 A. The staff safety, the juvenile safety.
 9 Q. Specifically other than generally, what
 10 specific things had you been complaining about and to
 11 who?
 12 A. I had talked to my supervisor, Summer Wade, I
 13 had also shared with Julie McCormick the concerns, other
 14 staff, which, again, I couldn't give you a list, it was
 15 just various staff who had concerns as well. And it was
 16 dealing with the acting out behaviors of the juveniles
 17 and, Okay, we don't want to give them any room time. We
 18 want to make sure they go in their room. If they've
 19 assaulted somebody, they are back out in 15 minutes.
 20 There is some concern for staff safety.
 21 We've had juveniles that assaulted another
 22 juvenile. They were put in their room for a very short
 23 period of time and then they were let out later in the
 24 day and assaulted another juvenile. So there is some
 25 serious concern for the staff and the juvenile safety if

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1 there is not some significant consequences, natural
 2 consequences, as well as: You lose this if you are not
 3 meeting an expectation or if you're acting out.
 4 Q. Tell me, were you aware of any instances where
 5 juveniles were just indiscriminately locked in their
 6 room for days at a time?
 7 A. No.
 8 Q. Are you aware of an incident where a juvenile
 9 was locked in his room for three days because he broke
 10 the tooth off a comb?
 11 A. No.
 12 Q. Would you agree that would be an inappropriate
 13 use of locking a juvenile down?
 14 A. I can't really say on that because I don't
 15 really know.
 16 Q. As a safety and security officer, if you were
 17 aware of that happening, would that be something that
 18 would be inappropriate from the perspective of how the
 19 juvenile was handled?
 20 MR. SCHOPPE: Object to the form of the
 21 question; vague and ambiguous, and it's an complete
 22 hypothetical. But if you can answer, you can answer.
 23 Q. (BY MR. COLLAER) Go ahead.
 24 A. In my personal opinion?
 25 Q. Yes.

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1 A. I would say that that would be extreme.
 2 Q. Is it something you would ever consider doing
 3 as a safety and security officer?
 4 MR. SCHOPPE: Same objections.
 5 THE WITNESS: No.
 6 Q. (BY MR. COLLAER) Would you report that as
 7 possible staff misconduct if you were aware that it had
 8 happened?
 9 A. Yes, I would.
 10 Q. And the reason for that is?
 11 A. Because of the safety of the juvenile.
 12 Q. Tell me, are you aware of any kind of due
 13 process requirement or right that the juvenile has if
 14 they are being locked down in their room for more than
 15 24 hours?
 16 A. Yes. I understand that we -- there is a staff
 17 that's, to me, like a duty officer, a supervisor/
 18 superintendent that meets with them, they go over their
 19 due process rights as far as where they're at at this
 20 point in time. I don't know the whole process, too, but
 21 I know that we do give them a due process every 24
 22 hours.
 23 Q. When did that policy go into effect, the due
 24 process procedure you just described?
 25 A. I'm not sure.

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1 Q. Was it before or after Exhibit No. 9 was
 2 transmitted?
 3 A. I'm not certain.
 4 Q. Tell me, in Topic 2 on Exhibit No. 9 it speaks
 5 to PBS data. What is that?
 6 A. PBS is performance based standards data.
 7 Q. That's statistics that's kept at the
 8 institution; correct?
 9 A. That's correct.
 10 Q. It indicates here that the Nampa facility has
 11 a rate of 18.417 per 100 person days of youth
 12 confinement as compared to the national average of 3.57
 13 per 100 person days. Do you see that?
 14 A. Yes.
 15 Q. What do you attribute the high rate of
 16 confinement at the Nampa facility as compared to the
 17 national?
 18 A. I don't know if I could really answer that
 19 because I don't know what all the data shows.
 20 Q. Tell me, if you were in a supervisory position
 21 and you see that that data is showing that at the Nampa
 22 facility these kids are locked down that much over the
 23 national average, would that raise concern to you as a
 24 supervisor?
 25 MR. SCHOPPE: Object to the form of the

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1 question; incomplete hypothetical, calls for
 2 speculation.
 3 THE WITNESS: I don't know if I could actually
 4 answer that.
 5 Q. (BY MR. COLLAER) Well, if you were in Sharon
 6 Harrigfeld's position and you saw that fact alone, just
 7 those statistics, would you feel an investigation was
 8 necessary to find out why is that number so high in
 9 Nampa?
 10 MR. SCHOPPE: Same objections.
 11 THE WITNESS: If I was in Harrigfeld's
 12 position or a supervisor, I might question why is that
 13 number high compared to the national average.
 14 Q. (BY MR. COLLAER) Sure. Because you'd be
 15 concerned that the juveniles are being mishandled;
 16 correct?
 17 MR. SCHOPPE: Object to form of the question.
 18 THE WITNESS: Not necessarily mishandled, but
 19 excessive room time.
 20 Q. (BY MR. COLLAER) Being punished
 21 inappropriately.
 22 A. Not necessarily being punished. Excessive
 23 room time can be -- a juvenile can lock themselves down.
 24 They can do self-lockdown. They can take a break. They
 25 want to get out of this area, so they want to take this

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1 break. They may have been short staffed, would not have
 2 enough staff to meet the ratio requirements, so they may
 3 have had to have them in room time during a part of a
 4 shift.
 5 Q. Would you agree with the proposition that room
 6 time, excessive room time for a juvenile is a form of
 7 punishment for that inmate?
 8 MR. SCHOPPE: Object to the form of the
 9 question; calls for speculation and an incomplete
 10 hypothetical.
 11 THE WITNESS: It depends on what you're
 12 referring to "excessive room time."
 13 Q. (BY MR. COLLAER) Let's say excessive as
 14 documented on Exhibit 9 where the rate appears to be
 15 almost five times that of the national average.
 16 A. Again, unless I know the reasoning for the
 17 room time, I couldn't say whether it was excessive.
 18 Q. Let's say a juvenile is locked in their room,
 19 confined in their room for more than 24 hours, is that
 20 punishment from the standpoint of the inmate?
 21 MR. SCHOPPE: Same objections.
 22 THE WITNESS: It's a consequence, yes.
 23 Q. (BY MR. COLLAER) Would you agree that
 24 punishment of that nature triggers a due process right
 25 of the juvenile?

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1 A. For 24 hours, yes.
 2 Q. How about for shorter periods of time; at what
 3 point does the juvenile's due process rights attach
 4 based upon the length of the confinement to their room,
 5 their lockdown?
 6 MR. SCHOPPE: Same objections; and calls for a
 7 legal conclusion.
 8 MR. COLLAER: Go ahead and answer.
 9 MR. SCHOPPE: You can answer.
 10 THE WITNESS: I believe our policy is 24
 11 hours.
 12 Q. (BY MR. COLLAER) Do the staff have discretion
 13 to lock down the juveniles for less than 24 hours?
 14 A. They do.
 15 Q. Still do?
 16 A. Not necessarily all the time.
 17 Q. Per policy, what is the discretion that staff
 18 such as yourself have to lock down a juvenile at your
 19 discretion?
 20 A. We have to get -- we can put them in the room,
 21 I believe it's up to an hour and then we have to notify,
 22 supervisors have to be notified. And I believe it's
 23 after -- or a duty officer, and it's after four hours.
 24 And I'm not exact on those numbers on the time frame,
 25 but it's roughly that. Then the superintendent or

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1 director needs to be notified.
 2 So the staff has a very small window of
 3 discretion.
 4 Q. Sure.
 5 How long has that policy been in effect?
 6 A. At least a couple years.
 7 Q. Was it in effect when Exhibit 9 was written?
 8 A. That I could not answer because we have a
 9 constant changing of policies. Every time we turn
 10 around there is new policies being revised. So it
 11 depends.
 12 Q. Let's focus in November of 2011, what do you
 13 recall as being the policy for staff of confining, as
 14 far as defining what their discretion was to confine a
 15 juvenile to their room?
 16 A. I would have to review the policy for that
 17 time frame that was in effect at that time.
 18 Q. You just don't recall it as you are sitting
 19 here?
 20 A. No, because like I said, our policies have
 21 changed numerous times. So it's kind of hard for staff
 22 to keep up with all the changes in policy.
 23 Q. As you are sitting here, can you give me a
 24 thumbnail sketch of the history of how that policy which
 25 was focusing on the discretion that somebody like

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1 yourself as a security officer has to confine a juvenile
 2 to their room. You just indicated the current policy is
 3 an hour and after that supervisors are notified and
 4 there is a process. How was that developed prior?
 5 A. Can you rephrase the question.
 6 Q. Be happy to.
 7 From the time you have been working at IDJC, I
 8 understand that you've told what me the current policy
 9 is, the discretion of the security officer to confine a
 10 juvenile to their room is an hour without reporting it
 11 to supervisors, that type of stuff. That is current
 12 policy. What I'm interested in is from the time you
 13 first started there in 2008 until now, how has that
 14 discretion evolved per policy?
 15 A. I know that we still contacted the DO in order
 16 to put -- the duty officer or the supervisor, in order
 17 to be able to put a juvenile in their room. I think
 18 that's always been what policy is. As far as time
 19 frame, we used to use progressive discipline. So it
 20 would be four hours, depending on behavior. Then at
 21 that point after four hours their behavior, we could see
 22 what it was, it could go up to 72 hours, depending on
 23 the severity of the action of the juvenile; assaulting a
 24 staff, causing serious injury, that was typically 72
 25 hours.

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1 Q. If that happened and they were confined, would
 2 there be a due process hearing provided the juvenile who
 3 was going to have that kind of discipline imposed upon
 4 them?
 5 A. Yes; every 24 hours.
 6 Q. So they could be in their room locked down for
 7 24 hours for assaultive behavior without a due process
 8 hearing?
 9 A. Yes.
 10 Q. Has that changed now?
 11 A. We don't -- typically we're -- it's changed
 12 significantly. We don't do the same amount of room time
 13 that we used to. That's why I said the policies have
 14 changed over the years.
 15 Q. Do you agree with the current policy changes?
 16 A. Depending on the situation.
 17 Q. Well, do you agree with them or not? Do you
 18 think the current discretion that security officers such
 19 as yourself have to impose room time on juveniles, the
 20 changes that are currently in place, are good or bad?
 21 MR. SCHOPPE: Object to the form of the
 22 question; asked and answered.
 23 MR. COLLAER: Go ahead and answer.
 24 MR. SCHOPPE: You can answer if you are able.
 25 THE WITNESS: Will I follow policy? Yes. Do

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1 I agree with it? It depends on the situation.
 2 Q. (BY MR. COLLAER) What situation are you
 3 talking about?
 4 A. If a juvenile has threatened to assault
 5 another juvenile and has actually thrown something at
 6 them, maybe they need a timeout. If a juvenile has
 7 assaulted staff and caused severe brain trauma, yes, I
 8 believe that stronger consequences are needed to keep
 9 the other staff and juveniles safe.
 10 Q. Tell me, if an inmate or if a juvenile
 11 assaults a staff member or another juvenile, just as an
 12 example, it's not just a pushing or a shoving match,
 13 this turns into closed fists or they grab a weapon and
 14 they hit somebody, an assault, a criminal assault, do
 15 you call the police?
 16 MR. SCHOPPE: Objection, object to the form of
 17 the question; calls for speculation, calls for a legal
 18 conclusion. You can answer if you are able.
 19 THE WITNESS: Our policy is if there is a
 20 battery, if they actually hit somebody it's actually a
 21 battery, which our IRs don't allow for that, then if the
 22 juvenile that receives a battery, been assaulted, been
 23 hurt, whatever it is, if they choose to press charges,
 24 yes, then we notify law enforcement. We are supposed
 25 to.

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1 Q. (BY MR. COLLAER) Are you required to get the
 2 consent of the victim in order to call law enforcement?
 3 A. I can't recall right now.
 4 Q. This is all in written policies, is it not?
 5 A. Yes.
 6 Q. Returning to Exhibit No. 9, Topic 2, the last
 7 sentence, I'll read it to you, it says: "The plans you
 8 develop to manage behavior in the three units of your
 9 facility have to provide adequate research and data that
 10 indicate how behavior can be changed without significant
 11 use of room time." Do you see that?
 12 A. Yes.
 13 Q. Were you in any way involved with creating
 14 this plan from staff that is referenced here?
 15 A. No.
 16 Q. Do you know who was?
 17 A. I do not.
 18 Q. Do you know if a plan was ever developed by
 19 the staff and submitted to management?
 20 A. I know that it was discussed in O&A regarding
 21 room time and the use of room time. I know that Tom
 22 Knoff, a couple other staff, Robin Smythe and I believe
 23 Todd Inman, I don't know who else down in O&A, I know
 24 they were working on numbers and Tom Knoff was working
 25 with the director and HR on numbers for looking into

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1 room time. And I don't know a whole lot about it, I
 2 just know they had drafted up some paperwork on it.
 3 Q. But you don't know what that was?
 4 A. I didn't have a part of it, no.
 5 Q. There is a reference on page 3 on Topic 9
 6 referencing an ombudsman. Do you see that?
 7 A. Yes.
 8 Q. Was that ever done?
 9 A. No.
 10 Q. Was it requested by staff?
 11 MR. SCHOPPE: I'm going to insert an objection
 12 on the grounds of foundation insofar as Ms. Ledford has
 13 testified that she didn't prepare this document.
 14 Q. (BY MR. COLLAER) Was the position of an
 15 ombudsmen requested by the staff?
 16 A. I was not at the all staff meeting; I don't
 17 know.
 18 Q. Did you ever discuss with any of your other
 19 co-employees the idea of an ombudsmen being appointed?
 20 A. No.
 21 Q. This is something you know nothing about?
 22 A. I don't know anything about it.
 23 Q. Are you aware of any requests that shifts be
 24 changed to ten-hour shifts?
 25 A. I do know that O&A had had some ten-hour

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1 shifts, lost the ten-hour shifts, wanted the ten-hour
 2 shifts back. I know that staff down there were talking
 3 about it. I know some of the SSOs had ten-hour shifts
 4 and then they were taken away, but then they got a few
 5 of them back. So I know there has been topic and issues
 6 and discussion of ten-hour shifts.
 7 Q. Was that something you wanted personally?
 8 A. No.
 9 Q. This type of request wasn't something that
 10 came from you, or criticism from you?
 11 A. No.
 12 Q. Were you part of any type of request that a
 13 mentoring system be in place?
 14 A. As far as this, I don't think it had anything
 15 to do with it. I did recommend at some point during my
 16 problem solving that we might have somebody that could
 17 be more supportive for staff because HR was not
 18 supportive for staff.
 19 Q. From your perspective you felt HR was not
 20 supportive of staff?
 21 A. In my situation they were not supportive of
 22 staff.
 23 Q. Was there any discussion about increasing
 24 staff by a percentage, that you recall?
 25 A. When?

1 Q. In connection with this all staff meeting or
 2 after you returned from your FMLA leave.
 3 A. Not that I know of. I never took part in that
 4 discussion.
 5 Q. That doesn't affect you?
 6 A. An increase in staff? It could potentially
 7 affect me if we had an increase in staff. But it wasn't
 8 something I took part in this discussion or --
 9 Q. Had complained about?
 10 A. -- complained about or recommended.
 11 Q. Is it your understanding that the concerns
 12 that were raised in this all staff meeting, was this
 13 largely brought by the other divisions other than your
 14 own as a security officer?
 15 A. I don't know --
 16 Q. Like O&A?
 17 MR. SCHOPPE: Objection; calls for
 18 speculation.
 19 THE WITNESS: I wasn't there. I didn't
 20 attend. All I know is what I read and what staff talked
 21 about later.
 22 MR. COLLAER: Okay.
 23 (Exhibits 10 and 11 marked.)
 24 Q. (BY MR. COLLAER) I'm going to hand you
 25 exhibits I'm going to mark as 10 and 11. I have a

1 timesheet you sent, and we want to look into this and
 2 send me the information. And I responded to her with, I
 3 have dealt with enough harassment, retaliation, and
 4 that's where this one came from (indicating).
 5 Q. The harassment, retaliation you are speaking
 6 to is your dispute about your FMLA leave?
 7 A. That is just one of the issues.
 8 Q. Other than your FMLA leave, what else were you
 9 referencing in Exhibit No. 10 when you were speaking
 10 about harassment and retaliation?
 11 MR. SCHOPPE: I'm going to object on the
 12 grounds this document is incomplete. It references
 13 e-mails that are not included in these two exhibits.
 14 Q. (BY MR. COLLAER) Why don't you take a look at
 15 Exhibit No. 11, second page. There is an e-mail dated
 16 November 18, 2011 from you to Julie Cloud. Do you see
 17 that?
 18 A. Yes.
 19 Q. That is where you wrote your e-mail where you
 20 said, and I quote: "With all due respect, I have been
 21 subjected to a great deal of harassment, retaliation,
 22 and financial loss due to reporting prohibited
 23 practices." Do you see that?
 24 A. Yes.
 25 Q. Isn't that what Ms. Cloud is referencing in

1 series of questions on these.
 2 I'm handing you both Exhibits 10 and 11.
 3 Focusing on Exhibit No. 10, can you identify No. 10 for
 4 me, please.
 5 A. It is an e-mail to myself from Julie Cloud and
 6 then her response she wants to follow up on my e-mail
 7 regarding a great deal of harassment, retaliation, and
 8 financial loss.
 9 Q. The subject line is "Timesheets." Do you see
 10 that?
 11 A. Yes.
 12 Q. Do you know what that references?
 13 A. I believe so. I believe that I had a
 14 spreadsheet of time with several safety and security
 15 officers, myself included, that showed excessive time
 16 used compared to what time could have been earned. And
 17 I had sent that to Mike Savoie with Division and I
 18 contacted human resources, Shawn Sutherland [ph] in
 19 fiscal and asked what direction I would send this, and
 20 he referred me to human resources. And I chose not to
 21 speak with them because I already was dealing with
 22 enough harassment from them, and I said, I'll let Mike
 23 Savoie handle it.
 24 So Julie Cloud replied to me and said: Hey, I
 25 want to follow up with you on the timesheet, the

1 her e-mail back to you that is Exhibit No. 10?
 2 A. Yes. However, you asked me about timesheets.
 3 Q. Now, my question to you was: Other than your
 4 FMLA, the disputes over your FMLA leave, what other
 5 retaliation or harassment were you referring to when you
 6 wrote that e-mail to Ms. Cloud?
 7 A. I was referring to being pulled from training,
 8 I was referring...
 9 Q. We spoke about that.
 10 A. Yes. I was referring to being pulled from
 11 transports. I was referring to the fact that I didn't
 12 get my intermittent leave that I requested, but I was
 13 also referring to the fact that I had lost wages, and to
 14 the fact at this point in time during this, they had
 15 tried, when I was to come back, they had tried to get me
 16 moved to nights.
 17 Q. That is all part of your FMLA, correct; the
 18 moving to nights, using your time, and all that sort of
 19 stuff?
 20 A. Well, moving to nights was a violation of
 21 FMLA, so...
 22 Q. I understand your position on that. But it's
 23 part of the FMLA dispute; correct?
 24 A. Not really, but...
 25 Q. Being pulled off transports, that is what we

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1 talked about earlier today, isn't it?
 2 A. Yes.
 3 Q. There were a couple that you were pulled off
 4 of by Summer Wade and you don't know why.
 5 A. Correct.
 6 Q. Then the training, same thing, you were pulled
 7 off of that by Summer Wade and you don't particularly
 8 know why.
 9 MR. SCHOPPE: Object to the form of the
 10 question.
 11 THE WITNESS: Correct.
 12 Q. (BY MR. COLLAER) So other than those issues,
 13 that is the retaliation you are referring to when you
 14 wrote your e-mail to Ms. Cloud of November 18, 2011 that
 15 is part of Exhibit No. 11?
 16 A. That's part of it, yes.
 17 Q. What other retaliation were you referring to
 18 when you wrote this e-mail?
 19 A. When I was up in -- in April of 2011 when I
 20 was up in intake completing some intake paperwork,
 21 another staff was coming through intake and asked how
 22 things were going, sat down and chatted with me while I
 23 was doing my paperwork. I received a call from Summer
 24 Wade who was up in the control booth and she asked if
 25 Mr. Bob was in there. I said, Yes, he is. Do you want

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1 to talk to him? She said, No, but you need to ask him
 2 to leave because he's distracting you. I was prohibited
 3 from talking to staff while at work.
 4 Q. Other than Ms. Wade telling you to tell
 5 Mr. Bob to get out of the control room, what else did
 6 she do to tell you not to talk to other staff?
 7 A. That's what I was continuing with.
 8 I also had another staff come up to me and
 9 say, I need to talk to you. Can you meet me in the
 10 staff office over there, and I did. And Rita Fell was
 11 the one that said, Hey, Summer was asking if you were
 12 applying for another job and she wanted to know what you
 13 did with the application. It was constant questions
 14 from staff: Summer was asking.
 15 I was also told by another staff, now, this is
 16 not related to FMLA, me going to nights, by Marylou
 17 Jeffries, who told me after Summer had left and Julie
 18 McCormick had taken the position, and this was in July
 19 of 2011, that, Now, this stays between us, but Summer
 20 said that she was going to move you to nights if that's
 21 the last thing she did before she left.
 22 I was also told by Sarah Cerda that Julie
 23 McCormick had made the comment that, Julie is trying to
 24 get you out of here, she wants you gone.
 25 I was also told --

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1 Q. Who told you that?
 2 A. Sarah Cerda, C-e-r-d-a.
 3 I was also told by Robert Gunion that some
 4 staff had made a comment, with the lawsuit and stuff
 5 that I had filed, Why don't they just hire a hit man and
 6 get rid of her. Frank Farnworth can verify that one.
 7 Okay, I can go on.
 8 Q. Let me ask you a question here about Marylou
 9 Jeffries.
 10 MR. SCHOPPE: Hold on. Were you done
 11 answering the question?
 12 THE WITNESS: Go ahead, sir.
 13 Q. (BY MR. COLLAER) In July of 2011 you said
 14 Summer would move you to nights if it's the last thing
 15 she did.
 16 A. Yes.
 17 Q. It didn't ever happen, did it?
 18 A. No.
 19 Q. Never did.
 20 Sarah Cerda said Julie wanted to get rid of
 21 you.
 22 A. Correct.
 23 Q. Julie never issued you a notice of
 24 contemplated action, did she?
 25 A. No, because Julie got arrested.

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1 Q. That's not my question.
 2 A. I'm just saying that --
 3 Q. Did she ever issue you a notice of
 4 contemplated action seeking to discharge you, demote you
 5 or cut your pay?
 6 MR. SCHOPPE: Objection; asked and answered.
 7 You can answer again if you want.
 8 THE WITNESS: I already answered.
 9 Q. (BY MR. COLLAER) The answer is no, isn't it?
 10 A. I already answered.
 11 Q. You can answer it again.
 12 MR. SCHOPPE: You can.
 13 THE WITNESS: No, because she got arrested.
 14 MR. COLLAER: Move to strike as unresponsive.
 15 Q. (BY MR. COLLAER) Mr. Gunion, that all
 16 happened after you filed this lawsuit; correct?
 17 A. Yes.
 18 Q. Even after you filed this lawsuit there has
 19 been no notice of contemplated action seeking to either
 20 discharge you, cut your pay or demote you, has there?
 21 A. Nope. Because I filed the lawsuit.
 22 MR. COLLAER: Move to strike as unresponsive.
 23 Q. (BY MR. COLLAER) Tell me, the things the
 24 staff would come to talk to you about that you were told
 25 not to talk to them about, what types of things were

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1 those, what types of issues?
 2 MR. SCHOPPE: Objection; vague and ambiguous
 3 as to time.
 4 Q. (BY MR. COLLAER) Let's talk about first in
 5 the springtime of 2011.
 6 A. Okay.
 7 Q. Did that ever happen? Were you ever told not
 8 to talk with staff about whatever issues there were?
 9 A. Yes. This, the second write-up in May was one
 10 that I was told not to talk to staff about.
 11 Q. What issues were you talking to staff about?
 12 What issues would they come to you about?
 13 A. Staff during the spring of 2011?
 14 Q. Yes.
 15 A. They would come to me with issues of safety
 16 and security for the staff and the juveniles.
 17 Q. That we talked about earlier?
 18 A. Yes. Everything that we talked about earlier.
 19 Q. Tell me, when you had talked to staff, was
 20 this at work or off of work?
 21 A. It would depend. It was both.
 22 Q. Did anybody tell you that you are not to talk
 23 to staff about safety concerns when you were away from
 24 work?
 25 A. I can't talk about confidential stuff away

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1 from work, which is regarding the juveniles.
 2 Q. Granted.
 3 But my question was: Did anybody tell you
 4 that you cannot talk to other staff members about safety
 5 issues when you were not at work?
 6 A. I was told not to talk to other staff about
 7 any of these things, period; no off work, at work.
 8 Q. Who told you that, who told you not to talk to
 9 staff?
 10 A. Julie Cloud, Summer Wade, Julie McCormick.
 11 Q. Did Betty Grimm ever tell you that?
 12 A. Yes, she did.
 13 Q. Did Sharon Harrigfeld ever say that?
 14 A. Yes, she did.
 15 Q. I want to know specifically what Sharon
 16 Harrigfeld told you in that regard.
 17 A. When I was discussing during my problem
 18 solving on July 7th of 2011, when I was discussing my
 19 problem solving with Sharon, and it's the standard
 20 practice that they do. Now, I want you to realize, all
 21 this stuff is confidential. That included some of the
 22 issues and concerns, and you don't discuss it with
 23 anybody.
 24 Q. All right. I understand she told you about
 25 your problem solving, that is to remain confidential.

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1 But that is different from saying you are never to talk
 2 about a safety concern with a staff member under any
 3 circumstances ever. Do you see the distinction? My
 4 question is: Did Sharon ever tell you that?
 5 A. She told me everything we --
 6 MR. SCHOPPE: Object to the form of the
 7 question. You can answer.
 8 THE WITNESS: She told me the stuff we've
 9 talked about here, that was not just my problem solving.
 10 Q. (BY MR. COLLAER) I understand your answer.
 11 Was that the same context of how Betty Grimm
 12 told you not to talk to staff members?
 13 A. Yes.
 14 Q. Were you ever disciplined in any way for
 15 talking to other staff members about security issues?
 16 A. I was given a list of expectations.
 17 Q. Other than that anything else?
 18 A. No.
 19 Q. Look at Exhibit No. 11, second page, the
 20 e-mail at the bottom.
 21 A. Yes.
 22 Q. There it references "employees padding
 23 timesheets." Do you see that?
 24 A. Yes.
 25 Q. What employees are you referring to there in

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1 your e-mail?
 2 A. I was referring to Dave Rohrbach, I was
 3 referring to Roberto Coronado, I was referring to Debbie
 4 Siegel, I was referring to, I believe Linda was also
 5 included in that. I believe Julie McCormick was also
 6 part of that. And those are just the ones that I know
 7 I've been told about.
 8 Q. How did you become aware of anything that you
 9 thought these people were doing wrong with respect to
 10 their timesheets?
 11 A. Well, when you come in at 10:00 and go home at
 12 2:00 and you get paid, or your time is topped off on
 13 vacation, you've hit your max on vacation, but yet
 14 you've taken more time than what you could have earned
 15 during that year for vacation time and you're still
 16 topped out, it's kind of obvious there is excess time
 17 there.
 18 Q. You are extrapolating it; correct?
 19 A. What does "extrapolating" mean?
 20 Q. Can you tell me a time shift where you saw any
 21 of these people punch in and then have somebody else
 22 punch out for them after they had left?
 23 A. I can say no, because we don't have a time
 24 clock.
 25 Q. Can you tell me any time that any of these

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1 people were given credit for having worked or paid where
 2 they weren't on the job?
 3 A. Yes.
 4 Q. Specifically who?
 5 A. Specifically, again, it goes to Coronado
 6 sitting back and visiting on his phone, talking to
 7 friends, being on the Internet, when he should have been
 8 gone by 4:30 and he's still there at 5:30 or when he
 9 leaves early but yet he still gets a full eight-hour
 10 shift.
 11 Q. How do you know when he's still there after
 12 his shift ends and he's talking on the phone to somebody
 13 that he's being paid for that? You are saying he got
 14 overtime when he was off the clock?
 15 A. I can tell you that I didn't see his time card
 16 or what he filled out. However, again, when you're
 17 taking more time than you could have earned and your
 18 vacation time is maxed, the State's in budget cuts
 19 during this time and he's earning 250 hours of comp time
 20 a year, there is something wrong with that picture.
 21 Q. So you're looking at his comp time and you're
 22 assuming that he's taking credit for stuff he didn't
 23 earn; is that what you're telling me?
 24 A. It's common sense, yes.
 25 Q. So that's extrapolating, without your actually

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1 knowing a day that he actually did.
 2 A. Okay. Thank you for clarifying.
 3 Q. Is that what your conclusion is based on?
 4 A. Yes.
 5 Q. Tell me, did Betty Grimm ever know that you
 6 had made these kind of complaints against any of these
 7 individuals, do you know?
 8 A. I don't know for a fact.
 9 Q. Do you know if Sharon Harrigfeld had any
 10 knowledge that you had made these kind of complaints
 11 about padding timesheets against any of these
 12 individuals?
 13 A. I'm trying to remember if we discussed that
 14 during my problem solving, because that was the issues
 15 that I had been talking about. I know HR was aware of
 16 it and --
 17 Q. That's not my question. Sharon personally.
 18 A. I don't know.
 19 (Exhibit 12 marked.)
 20 Q. (BY MR. COLLAER) Handing you what I've marked
 21 as Exhibit 12. Could you identify No. 12, please.
 22 A. It's transport coordinator tasks given to me
 23 by Julie McCormick.
 24 Q. You testified earlier about a list of
 25 expectations that were specifically tailored to

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1 yourself.
 2 A. Yes.
 3 Q. Is this what you were referring to?
 4 A. No, this is not.
 5 Q. What is Exhibit No. 12; when did you receive
 6 it and what were the circumstances of it?
 7 A. Julie wanted to type up a list of expectations
 8 for the transport coordinator, that way there was no
 9 confusion on what my actual job description was.
 10 Q. Are you the only transport coordinator?
 11 A. In Nampa, yes.
 12 Q. This was tailored to you specifically because
 13 you were the only person in that job, in that job in
 14 Nampa?
 15 A. Yes, this one was; that is correct.
 16 Q. Are these part of the job duties that you had
 17 as a transport coordinator?
 18 A. Yes.
 19 Q. Anything in this list of expectations that you
 20 felt were unreasonable or objectionable?
 21 A. (Reviewing document.) No.
 22 Q. Is there anything in Exhibit No. 12 that
 23 identifies expectations of you that were inconsistent
 24 with written IDJC policy?
 25 A. With policy, I don't believe so.

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1 Q. Obviously you didn't file any kind of problem
 2 solving once you received this, did you?
 3 A. No. I knew it wouldn't do me any good. I
 4 didn't.
 5 Q. You didn't find anything objectionable to it
 6 either, did you, other than the fact she gave it to you?
 7 A. No.
 8 (Exhibit 13 marked.)
 9 Q. (BY MR. COLLAER) Handing you what I've marked
 10 as Exhibit No. 13. Could you identify No. 13 for me,
 11 please.
 12 A. This is an e-mail from Julie McCormick to
 13 myself in July, a conversation follow-up.
 14 Q. In the third paragraph, the large paragraph,
 15 in the middle, I'll read to you the sentence so you can
 16 find it, it references: "You stated that you felt
 17 micromanaged." Do you see that?
 18 A. Yes.
 19 Q. Could you tell me what you were referencing
 20 when you told Ms. McCormick you felt that you were being
 21 micromanaged at this point.
 22 A. It was regarding an interstate compact that I
 23 had, and whereas Julie McCormick had her expectations
 24 where I was not to get any overtime without prior
 25 approval, there was no reason for me to have overtime.

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1 And I had a transport coming up the next day, and I
 2 stayed after my shift to complete the paperwork I needed
 3 because I received that information from interstate
 4 compact, deputy compact administrator, which is Alicia
 5 Ehlers. And I got the information from her, plus I had
 6 to get my actual flight information from Jen Baer, who
 7 works -- they both work over at headquarters, and I had
 8 to get that information.

9 And then the next day my flight was at, I
 10 believe, 6:00 in the morning. My shift doesn't start
 11 until 8:30. And Julie said I came to work at 5:30 in
 12 the morning -- well, or 4:30. I kind of had to be in
 13 early enough to be able to get a car, get the
 14 restraints, get to the airport.

15 And so she knows how the interstate compacts
 16 work, she's done them before. And she understands that
 17 there are paperwork and documents that we need. So she
 18 was telling me that I was not following her directives
 19 to get prior approval, when she knows that I'm going on
 20 this interstate compact and she knows the hours are
 21 going to be skewed.

22 Q. At the bottom there is an indication that you
 23 "stated your intention to quit as soon as you have a new
 24 job." Did you actually make that statement?
 25 A. Yes.

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1 Q. Why were you going to quit?
 2 A. Because of the harassment, retaliation, the
 3 not following policies, the violations of safety and
 4 security. Same list.

5 Q. The stuff we've already talked about?
 6 A. Yes.

7 Q. At this point you weren't getting along with
 8 Ms. McCormick, were you?
 9 A. No, her and I did not get along.

10 Q. Did you ever get along with her while she was
 11 your supervisor?
 12 A. I can't say that we did.

13 Q. Was the reason for that her micromanagement?
 14 A. No, it wasn't just the micromanagement.

15 Q. It's because she followed the same type of
 16 path that the prior supervisor Summer Wade did as far as
 17 how you felt they were following policy?
 18 A. Their lack of following policy.

19 Q. There is a reference here about gossip being
 20 attributed to you. Did you talk about what that gossip
 21 was?
 22 A. No, I don't believe so. It was just that she
 23 had made the comment that gossip is attributed to me.

24 Q. Do you recall talking to her about gossip
 25 being attributed to you?

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1 A. In here, like I had just said, that we talked
 2 about gossip as being attributed to me.

3 Q. Did you ever ask her, What are you talking
 4 about?
 5 A. Yes, I did.

6 Q. What did she tell you?
 7 A. She told me that she couldn't disclose who it
 8 was that was saying anything, but she's already -- and I
 9 said, You know what, I'm not the only one. This place
 10 is full of staff that have nothing better to do than
 11 talk about people. And I said, I would like to know if
 12 there is a problem, if they're wondering what I'm
 13 gossiping about, tell me what it is. And she did not
 14 tell me. She said, Yes, other staff have been gossiping
 15 as well and it's been addressed with them.

16 Q. So she didn't tell you what the subject of the
 17 gossip was at all?
 18 A. She refused to.

19 Q. Do you know if she ever talked to Betty Grimm
 20 or Sharon Harrigfeld about whatever this so-called
 21 gossip was?
 22 A. No, I don't.

23 Q. Do you know if either Betty or Sharon ever saw
 24 Exhibit No. 13?
 25 A. I do not.

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1 Q. Do you know if either Sharon or Betty had any
 2 knowledge that Julie was criticizing you for being
 3 involved in office gossip?
 4 A. Yeah, I talked to Sharon about it.

5 Q. When did that occur?
 6 A. That was during our problem solving.

7 Q. We have already talked about that?
 8 A. Yes.

9 Q. The gossip, all that?
 10 A. Uh-huh.

11 (Exhibit 14 marked.)

12 Q. (BY MR. COLLAER) Handing you what I've marked
 13 as Exhibit No. 14. Can you identify No. 14 for me,
 14 please.
 15 A. This is another written warning issued to me
 16 by Julie McCormick.

17 Q. The date on this warning is?
 18 A. The date on this is July 30th.

19 Q. It indicates that you refused to sign it on
 20 August 2nd on the back. Do you see that?
 21 A. Yes.

22 Q. Why did you refuse to sign this warning?
 23 A. Pretty much because the written warnings were
 24 coming in no matter what I did. It wasn't going to
 25 matter. So whether I signed them, didn't sign them, it

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1 wasn't going to matter any more.
 2 Q. At this point this is what, your third written
 3 warning you had in your entire career?
 4 A. Fourth.
 5 Q. Well, other than the ones we've had here today
 6 that we marked, what other ones are we missing that
 7 preceded Exhibit No. 14?
 8 A. Okay. So we had the one with the e-mail; we
 9 had my first write-up in January from Summer; we had my
 10 second write-up in January from Summer; and then
 11 Julie's. That's four.
 12 Q. This is number four.
 13 A. You asked if it was my third and I said no,
 14 it's my fourth.
 15 Q. Tell me, did you respond to this written
 16 warning at all?
 17 A. Nope.
 18 Q. Did you file a problem-solving request?
 19 A. Nope.
 20 Q. Tell me, do you know if this written warning
 21 was documenting the performance evaluation?
 22 A. I believe it was.
 23 Q. Despite that your performance evaluation was
 24 APS overall, was it not?
 25 A. Barely, yeah.

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1 Q. The answer was yes?
 2 A. Barely, yes.
 3 THE WITNESS: Can I take a break?
 4 MR. COLLAER: Absolutely.
 5 (Recess taken.)
 6 (Exhibit 15 marked.)
 7 Q. (BY MR. COLLAER) We're back on the record.
 8 Ms. Ledford, I'm handing you what I've marked
 9 as Exhibit No. 15. Would you identify No. 15 for me,
 10 please.
 11 A. It's yet another written warning for me from,
 12 I believe, Lynn Viner is the one that, yes, issued this
 13 one to me.
 14 Q. Ms. Viner is your current supervisor?
 15 A. She's the superintendent.
 16 Q. Superintendent.
 17 A. Yes.
 18 Q. And your current supervisor is who?
 19 A. Mark Freckleton.
 20 Q. Tell me, the action/behavior that's identified
 21 there evidently talks about how you handled a PREA
 22 incident.
 23 A. Correct; Prison Rape Elimination Act.
 24 Q. Is the first paragraph there that is in the
 25 description up at the top of Exhibit No. 15, is there

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1 anything factually in there that is not accurate?
 2 A. There is something that is in there that's not
 3 accurate.
 4 Q. What?
 5 A. It says: "You made no report to your
 6 supervisor or any other supervisor about what you had
 7 been told."
 8 Q. What is inaccurate about that?
 9 A. The next paragraph says, "while speaking" -- I
 10 talked to Nick Brillion the next week about it. Nick
 11 Brillion was actually the SSO supervisor up in Lewiston
 12 where this alleged incident had happened.
 13 Q. You didn't speak to a supervisor in Nampa
 14 about this incident, as described in the first
 15 paragraph; correct?
 16 A. It says "or any" --
 17 MR. SCHOPPE: Objection; lack of foundation,
 18 mischaracterizes what the document says.
 19 MR. COLLAER: I'll rephrase.
 20 Q. (BY MR. COLLAER) After you got this
 21 information from Ms. Reyna, did you speak to your
 22 supervisor in Nampa?
 23 A. No, I did not.
 24 Q. Did you ever speak to your supervisor in Nampa
 25 at any time even after you talked to the individual in

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1 Lewiston?
 2 A. I don't believe.
 3 Q. Now, the second paragraph that you referenced
 4 that starts with "More than a week later," is there
 5 anything in that paragraph that is factually inaccurate?
 6 A. Where it says: "Again, you did not report
 7 this information to any supervisor." Nick Brillion is a
 8 supervisor and it says in the very first line
 9 "supervisor Nick Brillion."
 10 Q. Other than that anything inaccurate about it?
 11 A. Other than that, no.
 12 Q. Tell me, the PREA policy, are you familiar
 13 with that policy?
 14 A. Sort of.
 15 Q. What is your understanding of an obligation of
 16 yourself as an employee to report potential incidents of
 17 sexual abuse of a juvenile, of an inmate, to your
 18 supervisor?
 19 A. More to write an incident report, notify our
 20 supervisor about it, and depending on -- that somebody
 21 needs to contact law enforcement.
 22 Q. I'm talking about your obligation as an
 23 employee, what you're supposed to do when you become
 24 aware of an incident that would fall within the PREA
 25 policy. I think you indicated you are to write an IR

1 and tell your supervisor about it.
 2 A. Yes.
 3 Q. You didn't do that, did you? In this incident
 4 you did not write an IR and you did not notify your
 5 supervisor, did you?
 6 A. No, I notified a different supervisor.
 7 Q. You never wrote an IR, did you?
 8 A. No, because I was talking to the other
 9 supervisor to find out if it had already been reported
 10 up there. According to PREA, if it's already been
 11 reported, you don't need to do another IR on it if it's
 12 been reported. So no, I didn't do an IR because it had
 13 already been talked about up there prior.
 14 Q. Tell me, as an employee, would you expect that
 15 somebody who violates the PREA policy would be subject
 16 to discipline?
 17 A. I would certainly think so.
 18 Q. Other than the written warning, Exhibit 15,
 19 did you receive any other discipline from this incident
 20 other than that?
 21 A. No.
 22 Q. This is after you filed the lawsuit, isn't it?
 23 A. Yes.
 24 Q. Tell me, after you talked to the supervisor up
 25 in Lewiston, were you ever going to tell Mr. Freckleton

1 A. No.
 2 Q. Had you begun drafting an IR in that week?
 3 A. No.
 4 Q. Does the PREA policy give you the discretion
 5 to look into the validity of the allegations yourself?
 6 A. I don't know about PREA. As far as our
 7 policy, we can do the IR, we turn it over to a
 8 supervisor, to the PREA -- whoever specializes in doing
 9 that, handling PREA incidents and stuff, which has been
 10 Ashley Jorgensen recently. I think she's still doing
 11 that.
 12 Q. Did you refuse to sign this warning?
 13 A. I did.
 14 Q. Why?
 15 A. Because these IRs are piling up no matter what
 16 and again, I felt like it really didn't matter any more.
 17 They're going to do as much as they can to try to get me
 18 a background that shows, Hey, she's not a good employee,
 19 so now we can let her go.
 20 Q. You never filed any kind of a problem solving
 21 on this, did you?
 22 A. No, because again, I didn't think it would do
 23 me any good.
 24 Q. You didn't respond to it either, did you?
 25 A. Nope.

1 about what Ms. Reyna told you?
 2 A. I don't know. I didn't get the chance to even
 3 weigh that because I got the write-up.
 4 Q. At what point after you talked to the
 5 individual in Lewiston did you become aware that your
 6 supervisors or the superintendent felt your conduct was
 7 inappropriate in this matter?
 8 A. I don't know. What was the date on this? The
 9 26th of November.
 10 Q. It says here in the report that you had talked
 11 to Ms. Reyna on October 11th or 12th and then a week
 12 later, over a week later you talked to somebody in
 13 Lewiston.
 14 A. Yes.
 15 Q. Do you recall how much time lapsed between
 16 when you talked to Ms. Reyna as opposed to when you
 17 contacted Nick Brillion in Lewiston?
 18 A. It was approximately a week. I know that
 19 there was a reason. I was in training -- and I don't
 20 remember, I'm going to have to look it up, I'll have to
 21 reference it. And I have to tell you it's "Reyna,"
 22 Ms. Reyna. I don't know, it was approximately a week.
 23 Q. Did you do anything else to check on the
 24 validity of this information before calling Mr. Brillion
 25 in Lewiston?

1 Q. Other than Exhibit No. 15, are there any other
 2 written warnings that you've received?
 3 A. No.
 4 Q. Since you received Exhibit No. 15, has your
 5 performance been evaluated again, gone through another
 6 annual performance evaluation?
 7 A. No. I'm due for one though.
 8 (Exhibit 16 marked.)
 9 Q. (BY MR. COLLAER) Handing you what I've marked
 10 as Exhibit No. 16. Could you identify No. 16 for me.
 11 A. This is my specific expectations for me as an
 12 SSO from Julie McCormick.
 13 Q. Was there something that had happened or some
 14 kind of dispute between you and Ms. McCormick that
 15 prompted her, that you are aware of, to write No. 16,
 16 Exhibit No. 16?
 17 A. I am not her, I can't answer for why she was
 18 prompted to write this.
 19 Q. Was there any dispute going on between the two
 20 of you at the time you received Exhibit No. 16?
 21 A. There was still the standard conflict that we
 22 had.
 23 Q. About the stuff that she had reprimanded you
 24 for before?
 25 A. No, it was about my reporting things and the

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1 lack of policy, lack of following policy.
 2 Q. Had she spoken with you about getting prior
 3 approval for overtime and for flex time, that type of
 4 stuff?
 5 A. Yes.
 6 Q. That was an issue, an ongoing issue between
 7 the two of you; correct?
 8 A. Yes.
 9 Q. On the back page, paragraph 5, there is a
 10 reference to, and I'll read it to you: "You will not
 11 make inflammatory remarks to coworkers about anyone with
 12 IDJC." Do you see that?
 13 A. Yes.
 14 Q. Did she tell you what inflammatory remarks she
 15 was referencing?
 16 A. No.
 17 Q. Did you ask her, What are you referring to
 18 here?
 19 A. I was instructed at the beginning of this that
 20 I am not to ask any questions, I am to sit there and
 21 listen while she reads it to me, and if I have any
 22 questions, I can respond in writing.
 23 Q. Did you respond in writing to this?
 24 A. No, I didn't.
 25 Q. When you came to this meeting who else was

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1 there?
 2 A. Nobody was there. I requested a third party.
 3 Q. Was a third party there?
 4 A. No, I requested a third party, so a third
 5 party came down.
 6 Q. Who was that?
 7 A. Manuel Cavazos; Julie selected the third
 8 party.
 9 Q. His signature appears at the bottom of the
 10 exhibit?
 11 A. Yes, it does.
 12 Q. How long did you meet with Ms. McCormick when
 13 this was signed?
 14 A. Half an hour maybe.
 15 Q. Was the third-party person there the entire
 16 time?
 17 A. Yes.
 18 Q. Tell me, there is a reference here to
 19 discussing personnel issues and gossip with IDJC staff
 20 and you were instructed you can speak to either Julie,
 21 Betty Grimm, HR or Sharon Harrigfeld about your
 22 concerns. Do you see that?
 23 A. Yes.
 24 Q. Did you comply with that expectation?
 25 A. Yeah, I did for a while.

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1 Q. How long?
 2 A. I don't know. It was for a while until it
 3 started becoming an issue with other staff and concerns.
 4 It wasn't gossip, it was safety and security issues,
 5 concern for the juveniles, concern for the staff.
 6 Q. These safety and security issues, you are
 7 talking about the room time for kids when they do things
 8 that we've talked about before?
 9 A. Yes, the stuff that we've discussed before.
 10 Q. There was a disagreement between certain staff
 11 and management about locking kids in their room;
 12 correct?
 13 A. My understanding is yes.
 14 Q. Did you attend any all staff meetings in late
 15 March of 2012?
 16 A. Yes.
 17 Q. You are laughing about that. What is so
 18 funny?
 19 A. I'm sorry, I know which all staff meeting
 20 you're referring to.
 21 Q. Why don't you tell me about it.
 22 A. You're referring to where I made the comment
 23 "Really?"
 24 Q. I don't know.
 25 A. Then I don't know.

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1 Q. You said you attended a meeting where you made
 2 the comment "Really?" What are you referring to?
 3 A. Is that the right one? I don't even know if
 4 that's the right one. I don't even know if that's the
 5 right one.
 6 MR. SCHOPPE: I'm sorry, what was the date?
 7 THE WITNESS: March?
 8 MR. COLLAER: Don't know.
 9 THE WITNESS: No, but you asked me about
 10 March, the all staff meeting in March; right?
 11 MR. COLLAER: Right.
 12 THE WITNESS: That was the wrong one. Sorry,
 13 my fault.
 14 Q. (BY MR. COLLAER) Did you attend a staff
 15 meeting in March of 2012?
 16 A. I don't know. I couldn't even tell you.
 17 Q. You've also referenced a meeting where you
 18 made some comment, where you used the term "Really?"
 19 A. Yes.
 20 Q. What are you referring to; what meeting?
 21 A. That was an all staff meeting, and I'm trying
 22 to remember when it was. It's not been that long ago.
 23 Q. Since this lawsuit was filed?
 24 A. Yes. I believe it was November; October,
 25 November.

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1 Q. Who called the all staff meeting?
 2 A. I don't know who. We just get an e-mail that
 3 they set the all staff meeting every quarter.
 4 Q. From management who was there?
 5 A. Betty Grimm, Sharon Harrigfeld, as far as that
 6 leadership. There was some other supervisors and stuff.
 7 Q. What was discussed at this meeting?
 8 A. Betty Grimm was retiring.
 9 Q. Anything else?
 10 A. And Lynn Viner was going to be the new
 11 superintendent.
 12 Q. Anything else?
 13 A. All staff just sharing information about staff
 14 and recognizing those who have been there for their like
 15 length of time, five years, ten years.
 16 Q. Was there any discussion about any types of
 17 complaints or concerns of employees during this meeting
 18 or was it just announcing Betty's retirement and Lynn's
 19 hiring?
 20 A. No, I don't think there was any discussion of
 21 anything.
 22 Q. You indicated earlier you made some comment
 23 "Really?" How did that come up?
 24 A. The O&A staff have been short staffed since
 25 Roters became the unit manager, and there has been nine

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1 staff that have left since she took over and they've had
 2 a lot of issues; short staff, the staff are extremely
 3 exhausted, a hostile work environment there.
 4 The superintendent and the director were
 5 giving Roters all this praise for doing such a wonderful
 6 job with O&A, and my thing is: What about the staff
 7 that work down there actually on the floor with the
 8 kids, where is their praise? And I was going out to
 9 check on my population report and I made a comment when
 10 I walked out, I said, "Really?"
 11 Q. Was it a loud comment?
 12 A. Just like I just did, "Really?"
 13 Q. Did it disrupt the meeting in any way?
 14 A. Some staff complained about it, other staff
 15 congratulated me.
 16 Q. Was it intended as a sarcastic comment by
 17 yourself?
 18 A. It was intended as a: What about the other
 19 staff? You're only going to recognize one person who
 20 obviously hadn't had the experience to get the position
 21 in the first place.
 22 Q. Who was addressing the group at the time you
 23 made this comment?
 24 A. It was, I believe, Sharon or Betty, I'm not
 25 sure which.

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1 Q. How did they react to it when you made that
 2 comment?
 3 A. I don't know because I was going out to check
 4 my population report. Wednesdays are the day that I
 5 have to have them turned in.
 6 Q. Did any supervisor or did Betty or Sharon do
 7 anything to you because you made that comment?
 8 A. I went and met with the director that Friday.
 9 Q. Were you asked to come and talk to her?
 10 A. Yes.
 11 Q. What were you told would be the subject of
 12 your meeting?
 13 A. I was told it was a personnel issue.
 14 Q. What happened in that meeting?
 15 A. The director talked to me about that, about my
 16 comment.
 17 Q. What did she tell you?
 18 A. She told me that it was inappropriate. I told
 19 her that I had already apologized to Roters, and told
 20 her that it was probably -- I couldn't apologize for
 21 actually what I felt, what I said, but it was the
 22 inappropriate time.
 23 Q. Anything in follow up after that meeting you
 24 had with the director?
 25 A. Laura Roters did come and talk to me and asked

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1 me if I apologized because I meant it or because I was
 2 forced to, because she didn't believe it, she didn't
 3 take it seriously. And she proceeded to tell me she
 4 wasn't going to be treated like that and that I need to
 5 respect her. I told her, I said, You know what -- she
 6 told me I wasn't to talk to her staff.
 7 Q. Any more interaction or anything come about
 8 from Ms. Harrigfeld?
 9 A. No.
 10 Q. Did Ms. Harrigfeld know Ms. Roters came and
 11 talked to you personally?
 12 A. I don't think so.
 13 Q. You didn't tell Sharon that, did you?
 14 A. Why would I? No.
 15 Q. Other than your meeting with Ms. Harrigfeld,
 16 any other reaction to your comment during that all staff
 17 meeting?
 18 A. Other than --
 19 Q. Of any kind.
 20 A. Other than what I've told you?
 21 Q. Reaction by Ms. Harrigfeld or management.
 22 A. No.
 23 Q. Did Lynn Viner ever say anything to you about
 24 it?
 25 A. No.

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1 Q. Is it your contention that you have been
 2 passed over for promotion because of complaints you've
 3 made about IDJC management?
 4 A. Yes.
 5 Q. What positions?
 6 A. Safety and security supervisor, training
 7 coordinator. And I think those are the only two that I
 8 really applied for. More the training coordinator
 9 though.
 10 Q. The SSO supervisor, that is when Julie
 11 McCormick was hired; correct?
 12 A. Yes.
 13 Q. We've talked about that.
 14 A. Yes.
 15 Q. The training coordinator, when did you apply
 16 for that?
 17 A. I have applied for it twice; once, I believe,
 18 was in 2009 and the other one was in 2011.
 19 Q. When in 2011 did you apply for that position?
 20 A. Actually, completed the application on
 21 November 11, 2011. 11/11/11.
 22 Q. Did you have to do the exam again?
 23 A. Yes.
 24 Q. Did you make the interview list?
 25 A. I did make the interview list.

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1 Q. Of the people who applied, who all got on the
 2 list?
 3 A. I don't interview them, so I don't know.
 4 Q. Do you know of any applicants that didn't get
 5 on the interview list?
 6 A. No, I don't.
 7 Q. Who was on the interview panel?
 8 A. Pat Thomson, Betty Grimm, the PBS training
 9 coordinator I believe from St. Anthony, and there was
 10 one more person I can't remember at this time who it
 11 was. I'm sure it will come to me later.
 12 Q. Was this person you can't recall, I'm assuming
 13 this isn't somebody that worked at the Nampa facility?
 14 A. Yes.
 15 Q. Was or was not?
 16 A. It was either the Nampa facility or
 17 headquarters. The only other person that was not within
 18 our area was the PBS training coordinator from
 19 St. Anthony.
 20 Q. Who was actually hired for the position in
 21 2011?
 22 A. Lamark Judkins, L-a-m-a-r-k.
 23 Q. Before he got that job where was he located
 24 before?
 25 A. He was down in the O&A unit.

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1 Q. In Nampa?
 2 A. Yes.
 3 Q. Do you know if he was ever part of the
 4 employees who had made complaints during these all staff
 5 meetings about safety and security, that type of thing?
 6 A. I, again, was not at the all staff meeting, so
 7 I don't know.
 8 Q. Do you have any idea if he had ever made any
 9 complaints of that nature?
 10 A. No, I can't remember if they said he was one
 11 of the ones that had signed it, the actual petition, but
 12 I don't know.
 13 Q. Tell me, did you consider yourself to be the
 14 more qualified candidate for that position as opposed to
 15 Mr. Judkins?
 16 A. I don't know what his qualifications are. I
 17 do believe they picked a good person for the position.
 18 Q. So you have no quarrels with the person they
 19 hired as being qualified and doing a good job?
 20 A. I don't have any quarrels with him. I do have
 21 concern with the fact that in my application I had
 22 actually wrote "Congrats, Judkins," because everybody
 23 already knew who was going to get the job.
 24 Q. How did you know he was already going to get
 25 the job?

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1 A. Because Roters, before they announced the
 2 position for the unit manager the second time around for
 3 choices and Solutions, when she got it the second time,
 4 had told him to apply for her job because he was the one
 5 that was going to get it because she already knew she
 6 had the unit manager job.
 7 Q. Tell me, do you know of any of the other
 8 people who applied for that job?
 9 A. No.
 10 Q. You know nothing about their qualifications or
 11 how you stacked up against them?
 12 A. No.
 13 Q. Are you assuming that if Lamark Judkins had
 14 not applied for that position that you would have been
 15 hired?
 16 A. I can't answer that because I don't know who
 17 applied and I don't know their credentials.
 18 Q. Tell me, what knowledge do you contend that
 19 Pat Thomson had of your complaints or problems you had
 20 had with the Department?
 21 A. Because he was the first person in HR that I
 22 actually went to with my concerns.
 23 Q. With your problem solving?
 24 A. With my problem solving, with my leave, he was
 25 the one I went to until he started forwarding everything

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1 to Julie Cloud.
 2 Q. When you talked to him was he acceptive or
 3 hostile to your complaints?
 4 A. He gave the illusion of compassionate.
 5 Q. He didn't give you any reason to think he was
 6 hostile to you in any way, did he?
 7 A. No, not at first.
 8 Q. Ever?
 9 A. Oh, yeah.
 10 Q. How so?
 11 A. Demeanor, his telling me, Well, we need to
 12 follow -- you need to go through this person. Not
 13 wanting to be there to help me, some of the e-mails that
 14 they've sent it's evident.
 15 Q. Has he ever said anything derogatory or
 16 sarcastic to you?
 17 A. No, he has not.
 18 Q. Anything disrespectful to you in any fashion?
 19 A. No, he has not.
 20 Q. Are you aware of anything he has said about
 21 you that is disrespectful to anybody else?
 22 A. I don't know.
 23 Q. How about the person, the St. Anthony PBS
 24 coordinator, what, if anything, did he know about your
 25 complaints or issues with the Department at the time you

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1 applied for this position?
 2 A. I don't think he knew anything at the
 3 beginning because he didn't even -- I didn't know who he
 4 was, he didn't know who I was at the time.
 5 Q. Is it your position that he later gained
 6 knowledge of your concerns or problems with the
 7 Department?
 8 A. Possibly.
 9 Q. Do you know one way or another?
 10 A. It depends on how he interpreted it during my
 11 interview.
 12 Q. Tell me about that.
 13 A. I made the comment of the fact that -- there
 14 was a whole thing that led up to it. I was on my FMLA
 15 at the time. And they asked the question: What is your
 16 best strength? And I've always answered: My honesty,
 17 and I've discovered that being here, honesty is not well
 18 received. And so I'd have to say now that my best
 19 strength is my perseverance. I went without heat for
 20 the winter of 2011 because I had no money; we heated our
 21 house with space heaters. I didn't have the \$269 to fix
 22 the inducer motor. We had beans and fried bread and
 23 potatoes for Thanksgiving. My daughter brought over a
 24 turkey. Thank God, because that's the only thing we had
 25 for Thanksgiving. We did not have a Christmas. I

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1 didn't get to even see my family.
 2 And you know what, I would go through all of
 3 that again and lose everything before I would get rid of
 4 my or turn away from my integrity. So my perseverance,
 5 that is how he gained knowledge, because that's exactly
 6 what I told them.
 7 Q. You told them that during your FMLA leave that
 8 you were out of money and you went through all this
 9 stuff?
 10 A. Yeah.
 11 Q. You told the group that?
 12 A. Yeah, during my interview.
 13 Q. How did they react when you told them that?
 14 A. Betty wouldn't even look at me.
 15 Q. What about the PBS coordinator?
 16 A. He sat there with a look of kind of awe in his
 17 face, but Betty and Pat wouldn't even look at me.
 18 Q. How did everybody else react to that?
 19 A. There was only one other person there, I can't
 20 remember who it was and I honestly -- they wouldn't look
 21 at me, I don't think they cared.
 22 Q. Did they act dismissive of you or how did they
 23 appear? Angry?
 24 A. Yes; dismissive, indifferent.
 25 Q. How soon after you interviewed for this

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1 position did you return to work?
 2 A. The interview was in November, so I returned
 3 December 6.
 4 Q. Was it before or after the Thanksgiving
 5 holiday this interview happened?
 6 A. It was after. Wait, no, I take that back. I
 7 don't know, I don't remember. I submitted the
 8 application on the 11th, so I don't know exactly when
 9 the interview was.
 10 Q. Tell me, the training coordinator position,
 11 would that have been a pay bump for you?
 12 A. I think so, but I don't remember how much.
 13 Q. Would your supervisor have changed?
 14 A. Yes.
 15 Q. Who would be your supervisor?
 16 A. Betty Grimm.
 17 Q. So it would be the superintendent?
 18 A. Yes.
 19 Q. So after Betty retired it would be Lynn?
 20 A. Yes.
 21 Q. Can you tell me anything that Sharon
 22 Harrigfeld has done that has prevented you from speaking
 23 out on any issues that you wanted to?
 24 A. Well, she told me during our problem solving
 25 that if I wanted to advance I needed to learn how to say

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1 things differently, I needed to learn how to show that I
 2 was a team player, and I was supportive of their
 3 mission. And I believe she told me in the meeting that
 4 I had with her regarding the all staff meeting that I
 5 wasn't to discuss anything with staff.
 6 Q. Anything else?
 7 A. Not that I can recall at this time.
 8 Q. After she told you that if you want to advance
 9 you need to say things differently, those types of
 10 things, how did that change anything you were doing or
 11 did do?
 12 A. I stopped applying for any positions because I
 13 knew I wasn't going to advance.
 14 Q. Other than that anything else?
 15 A. No, because what I'm doing is for the right
 16 reasons.
 17 Q. All right. After she met with you after the
 18 all staff meeting and said you shouldn't be discussing
 19 personnel matters with the staff, how did that change
 20 anything you were doing?
 21 A. It didn't.
 22 Q. The first instance where she said if you want
 23 to advance, that was dealing with your problem solving;
 24 is that correct?
 25 A. During that meeting, yes.

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1 Q. I think the date on that is --
 2 A. July 7.
 3 Q. In July of 2011?
 4 A. Yes.
 5 Q. This staff meeting, that would have happened
 6 when, March?
 7 A. No, that was in November -- October, November.
 8 You had brought up the March one, the all staff meeting.
 9 Q. Right.
 10 A. That's where I got kind of sidetracked.
 11 Q. So either October, November, that would have
 12 been 2011?
 13 A. '12.
 14 Q. Tell me, can you describe for me anything that
 15 Ms. Harrigfeld did after July of 2011 that adversely
 16 impacted your employment in any way, something she
 17 personally did.
 18 A. After which one?
 19 Q. After July of 2011.
 20 A. I don't know because I don't know how much she
 21 knew of what was going on with my FMLA.
 22 Q. Can you tell me anything that Ms. Harrigfeld
 23 did that adversely affected your employment after
 24 October or November of 2012 dealing with this all staff
 25 meeting?

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1 A. At this point I don't know of anything.
 2 Q. What, if anything, do you contend Betty Grimm
 3 did that prevented you from speaking out on anything you
 4 wanted?
 5 A. She told me that I was not to discuss any
 6 issues with staff. I know that she was aware of my
 7 Ledford specific expectations. She actually during the
 8 time that Julie got fired to where Mark Freckleton took
 9 over, Betty was actually my supervisor for about two
 10 weeks. And she gave me my eval, which was not at the
 11 right time frame anyway, and she felt she needed to give
 12 it to me while Julie wasn't there any more, she couldn't
 13 eval me and Mark Freckleton had been my supervisor for a
 14 few months at that point. But Betty only supervised me
 15 two weeks and wanted to do my eval.
 16 If you read my eval, you would wonder why I
 17 wasn't fired. It was a horrible eval, which affected
 18 the bonuses we got. Betty also told me I am not to flex
 19 any time off. Specifically told me that I cannot cover
 20 any hours; if I have a doctor's appointment, I can't
 21 stay late, I can't flex, I can't do anything. We are
 22 not going to make special accommodations for you, yet
 23 there are numerous staff that do it all the time. My
 24 transport staff, Hey, I'm going to bounce out if we
 25 don't have anything going on.

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1 So yes, she's given me specific expectations
 2 and yes, it's affected me.
 3 Q. Other than telling you not to discuss
 4 personnel issues with staff, anything else Betty, any
 5 other way that Betty has prevented you from speaking out
 6 on anything you wanted?
 7 A. I'm not supposed to discuss any issues with
 8 staff. That pretty much covers a broad scope.
 9 Q. Did you actually stop discussing issues with
 10 staff after she said that to you?
 11 A. No.
 12 Q. Did it affect your interactions with other
 13 staff at all?
 14 A. Yeah. Staff are very leery when they talk to
 15 me. They try to talk to me where they don't have to
 16 come by my office, they're afraid they're going to have
 17 a target on their back. Staff just came in the other
 18 day and said, Can I talk to you or do you think they're
 19 recording me in here? So yes, it's a huge deal.
 20 Q. But my question to you: Has it affected
 21 anything you are doing personally?
 22 A. Yes.
 23 Q. What?
 24 A. I can't --
 25 Q. How has it affected you personally in your

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1 interactions with other staff?
 2 A. I cannot talk --
 3 Q. At the workplace, I'm talking about at the
 4 workplace.
 5 A. I cannot talk to staff just in a general work
 6 conversation environment any more without people being
 7 absolutely paranoid.
 8 Q. That is because of what Betty did?
 9 A. Yes.
 10 Q. Does your present superintendent expect the
 11 same thing of you; has she told you that?
 12 A. No, she hasn't said one way or the other.
 13 Q. Other than the evaluation that you said Betty
 14 Grimm was involved in authoring, anything else you say
 15 Betty Grimm did after she made this comment to you about
 16 personnel issues and staff that has adversely affected
 17 your employment, that you contend has adversely affected
 18 your employment?
 19 A. It's --
 20 Q. That's it?
 21 A. -- extremely emotional. There's a lot of
 22 distrust there. I'm continuing to see a counselor,
 23 which affects my employment. I have -- it affects my
 24 employment, and I can't explain it. If you've never
 25 gone through it, you wouldn't understand it.

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1 (Exhibit 17 marked.)
 2 Q. (BY MR. COLLAER) I'm handing you what I've
 3 marked as Exhibit No. 17. Can you identify No. 17 for
 4 me, please.
 5 A. This is my employee performance review issued
 6 to me, this was in October, end of October of 2012.
 7 Q. Is this the performance evaluation that you
 8 were discussing Ms. Grimm was involved with?
 9 A. Yes.
 10 Q. Did you make any kind of a response to this
 11 evaluation?
 12 A. No, I did not.
 13 Q. Can you tell me where on this evaluation it
 14 tells you that you were not to be allowed to take flex
 15 time and overtime?
 16 A. It wasn't in my evaluation; it was in a
 17 discussion we had.
 18 Q. The evaluation doesn't say that, does it?
 19 A. No, but it's on the CD, so...
 20 Q. Tell me, at the back page, No. 7, it creates
 21 some objectives.
 22 A. Yes.
 23 Q. Were you in agreement with those objectives?
 24 A. Yes.
 25 Q. Have you completed those?

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1 A. Nope.
 2 Q. Have you begun work on either of them?
 3 A. Yes.
 4 Q. How far have you gotten on either of those
 5 objectives?
 6 A. Not very far.
 7 Q. Why not?
 8 A. Because some of the coordination, the
 9 transport coordination expectations have changed, we're
 10 doing things a little bit differently. We now have a
 11 secondary that's backup that wasn't there at the time
 12 that took -- it's been kind of a trial and error since
 13 the transport coordination duties were taken from O&A to
 14 safety and security. Because it went from one area to
 15 another with Diane Miles, and then I came in and then
 16 the guy that did the population report in St. Anthony
 17 left, and so I had to teach myself how to do the
 18 population report. So there has been a lot of changes,
 19 it hasn't allowed a lot of time. So there's a couple of
 20 different reasons for it.
 21 Q. Did you file any kind of a problem solving
 22 when you received this evaluation?
 23 A. No.
 24 Q. Have you discussed this evaluation with your
 25 current supervisor or the current superintendent,

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1 Ms. Vine?
 2 A. Viner.
 3 Q. Viner.
 4 A. I have discussed it with my current
 5 supervisor, but not my current superintendent.
 6 Q. The supervisor is Mr. Freckleton?
 7 A. That's correct. He said this was a horrible
 8 evaluation.
 9 Q. It's an achieves performance standards, isn't
 10 it?
 11 A. Although it says that, I'm not sure how
 12 because it's a horrible evaluation.
 13 Q. Tell me, of the sections, individual sections,
 14 like interpersonal skills or dependability, you get a
 15 rating on each of those, did you not?
 16 A. Yes.
 17 Q. It's an APS or a do not meet standards, along
 18 those lines; correct?
 19 A. Yes.
 20 Q. I understand you had one area, quality, that
 21 was a DNA?
 22 A. Yes.
 23 Q. Any others?
 24 A. No.
 25 Q. Had you ever had previous performance

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1 evaluations where you had other sections that were rated
 2 DNA?
 3 A. I don't recall.
 4 Q. Specifically the year before had you had a
 5 performance evaluation by Julie McCormick where you had
 6 multiple areas that were rated DNA?
 7 A. Okay.
 8 Q. Do you recall that?
 9 A. I don't recall. I'd have to look at that
 10 evaluation.
 11 Q. Would that surprise you that you did but still
 12 received an achieves performance standards?
 13 A. No.
 14 (Exhibit 18 marked.)
 15 Q. (BY MR. COLLAER) Handing you what I've marked
 16 as Exhibit 18. Could you identify No. 18 for me,
 17 please.
 18 A. It's my complaint that I filed with the Human
 19 Rights Commission.
 20 Q. Other than this complaint that you filed with
 21 the Human Rights Commission, have you filed any others?
 22 A. No. This one and then the supplemental, I
 23 think we had a supplemental. But no, other than that.
 24 Q. You received a right to sue letter from the
 25 Commission?

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1 A. Correct.
 2 Q. Tell me, do you recall being interviewed by
 3 the Idaho State Police earlier this year?
 4 A. Yes.
 5 Q. You indicated earlier about an incident where
 6 Sabrina Payne was assaulted by a juvenile.
 7 A. Yes.
 8 Q. Did you tell the investigator that incident
 9 with her is what started this lawsuit?
 10 A. It's one of the reasons.
 11 Q. Did you tell him --
 12 A. Not started the lawsuit. It's one of the
 13 reasons, with the safety and security of the issues,
 14 because that incident happened back in 2010 and it's
 15 everything that has been compiled on over the time with
 16 other injuries, the juvenile getting a broken arm. So
 17 it's been a couple of different things.
 18 Q. Did you also tell the investigator that you
 19 were upset that Ms. Payne received a merit increase, a
 20 pay increase?
 21 A. No, I don't recall saying that she was
 22 upset -- or that I was upset. I recall saying that
 23 there was some staff that were frustrated with it, but
 24 they believed that it was because of the fact that she
 25 got injured in order not to file a suit against the

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1 Department. We don't know for sure, but that was the
 2 assumption.
 3 Q. Was that your assumption?
 4 A. I think it could have possibly had something
 5 to do with it, yes.
 6 Q. If that assumption was true, is that part of
 7 your motivation for bringing this lawsuit, you were
 8 upset that you didn't get a merit pay raise and Sabrina
 9 Payne did?
 10 A. No.
 11 MR. SCHOPPE: Objection, object to the form.
 12 Q. (BY MR. COLLAER) Ms. Payne, the incident
 13 where she was assaulted, that didn't impact you, did it?
 14 A. No, it didn't affect me personally. But it
 15 affected my concern about my safety and the safety of
 16 the staff and juveniles. I work with these people, I
 17 work with the kids. It affects everything we do, all of
 18 us.
 19 Q. Tell me, can you describe for me any financial
 20 losses you've experienced as a result of anything you
 21 contend Sharon Harrigfeld did to you.
 22 A. I lost three months pay.
 23 Q. I'm talking about Sharon Harrigfeld, something
 24 she did that caused you to suffer financial losses.
 25 A. I believe that with the lack of support from

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1 our leadership, yes, it's what helped lead me to being
 2 off work for over four months. So yes, I believe she
 3 had a hand in it.
 4 Q. That dealt with your FMLA dispute?
 5 A. Yes. And my medical costs and all the time
 6 I've had to invest in trying to fix my reputation and
 7 everything that I've worked so hard for.
 8 Q. Tell me, what have your medical expense costs
 9 been?
 10 A. I have them written down. They're -- I've
 11 been to, I've been going to a counselor for two years,
 12 my insurance pays 80 percent, I pay 20 -- well, they
 13 pay -- I pay \$20.
 14 Q. The counselor, who is that counselor?
 15 A. Tylen Channer.
 16 Q. Does Ms. Channer take notes of your meetings,
 17 are there records generated?
 18 A. I believe so, yes.
 19 MR. COLLAER: Counsel, we haven't received any
 20 of that and it's been requested in discovery for
 21 probably a year.
 22 MR. SCHOPPE: No, actually not a year, and
 23 actually, I offered to have the Plaintiffs execute
 24 records authorizations, have heard nothing back on that.
 25 We can talk about the quality of discovery responses --

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1 MR. COLLAER: But again, that's something we
 2 requested some time ago and we haven't received it.
 3 MR. SCHOPPE: Do you have your therapist
 4 notes?
 5 THE WITNESS: I don't have her notes.
 6 MR. SCHOPPE: Will you sign a records
 7 authorization letting her release those to the
 8 Defendants?
 9 THE WITNESS: Yes. It hasn't even been a year
 10 since we filed, so I don't think it's been a year.
 11 MR. SCHOPPE: No. So if you'll give me one,
 12 I'll have each of the Plaintiffs sign one of those.
 13 THE WITNESS: Okay.
 14 Q. (BY MR. COLLAER) Tell me, other than Tylene
 15 Channer, any other doctors you've been seeing?
 16 A. Dr. Clifford Tenley.
 17 Q. Is that your normal doctor or is he treating
 18 you for something specific to this case?
 19 A. He's an internal medicine doctor, but he is my
 20 primary physician.
 21 Q. I'm not interested in your routine medical
 22 things that people go through. What I'm interested in
 23 is medical care he's given to you as a result of
 24 something that has happened to you in this case.
 25 A. Yes, I understand that. And he has been one

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1 of my providers.
 2 Q. What is he treating you for?
 3 A. Acute stress disorder, the anxiety, the
 4 depression, the emotional distress.
 5 Q. Tell me, how much have you spent, have you
 6 paid him?
 7 A. Again, I don't know.
 8 Q. Has any of it been covered by your insurance?
 9 A. Yes, some of it has been covered by my
 10 insurance. I think it's 80 percent, 70, 80 percent.
 11 Q. So the co-pay would be 20 percent, depending
 12 on what he charges you?
 13 A. Yes.
 14 Q. Have you actually been paying the co-pay to
 15 either the doctor or to the counselor?
 16 A. Yes, I have been paying the counselor. My
 17 doctor I have not. I have just gotten to the point
 18 where I'm finally getting back on my feet financially.
 19 Q. Has he been sending you bills for the co-pay?
 20 A. Yes.
 21 Q. Has the counselor been sending you bills for
 22 the co-pay?
 23 A. She sends me my statements. Most of the time
 24 it's been paid at the time that I go in, and then I had
 25 a balance and I caught that up.

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1 Q. How much of the counselor's bill is paid by
 2 your insurance?
 3 A. I pay \$20, so I don't know what her bill is.
 4 Q. They pay the rest?
 5 A. Yes.
 6 Q. Has she sent you billings for anything over
 7 and above what your benefits pay, your insurance pays?
 8 A. No.
 9 Q. Can you tell me any kind of financial losses
 10 you've complained you've experienced as a result of
 11 anything that Betty Grimm has done to you.
 12 A. I think it would be the same thing as with
 13 Sharon. I think there was a lack of support, lack of
 14 actually being able to assist and help staff and their
 15 assistance with harassing and retaliating against me.
 16 Q. Other than the time you were on FMLA leave,
 17 any other work or wage losses you are claiming in this
 18 case?
 19 A. At this time, no.
 20 Q. As far as the medical expenses, do you have a
 21 ballpark figure as a total dollar?
 22 A. I don't. I know we went through and kind of
 23 established it and I haven't updated it since, I think
 24 it was October when we went through and figured out how
 25 much it was. So I would have to go through.

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1 Q. How much was it in October?
 2 A. I don't know. Medical, the total was -- I
 3 don't remember at this point. I would have to reference
 4 it again.
 5 Q. More than \$1,000?
 6 A. Yes.
 7 Q. How much more?
 8 A. Again, I would have to reference it, I don't
 9 know.
 10 Q. Are we talking just about the co-pay that you
 11 owe or the total bill?
 12 A. No, we're talking about just my portion of the
 13 doctors and counselor's bill.
 14 Q. My understanding is your portion of the
 15 counselor's bill is just \$20 a visit and then insurance
 16 pays the rest; is that correct?
 17 A. Yes, that is what I said.
 18 Q. When you go to the doctor, is there an amount
 19 you pay up front and then get billed for the co-pay?
 20 A. No. I don't know how much it is, I'll have to
 21 reference it again.
 22 MR. COLLAER: Why don't we take a short break.
 23 I think I'm about done.
 24 (Recess taken.)
 25 MR. COLLAER: I have nothing further.

1 (Discussion held off the record.)
 2
 3 EXAMINATION
 4 QUESTIONS BY MR. SCHOPPE:
 5 Q. I have some follow-up questions for you,
 6 Rhonda. You testified just a little while ago about
 7 specific things that Sharon Harrigfeld or Betty Grimm
 8 had done to you in connection with being silenced and
 9 whether you had abided by those restrictions and
 10 suffered any retaliation, those things.
 11 My question for you is: Did their warnings to
 12 you not to speak out or discuss personnel matters with
 13 other staff, did that cause you to fear for your job
 14 safety or security?
 15 MR. COLLAER: Object to form of the question;
 16 calls for a medical conclusion. Also to the extent it
 17 calls for a medical conclusion, it also calls for
 18 speculation. Go ahead.
 19 THE WITNESS: So I can answer that?
 20 MR. SCHOPPE: Yes.
 21 THE WITNESS: Yes, it caused me to fear for my
 22 job. Every time staff would come and talk to me I worry
 23 about my job, my position, I worry about their job and
 24 their position.
 25 Q. (BY MR. SCHOPPE) So is it fair to say that

1 time as well, how we followed up on this, and supposedly
 2 an investigation was done. I asked to be notified who
 3 it was, I felt I had the right to know who said that,
 4 and nobody has ever followed up with me. And I also
 5 reported it to Idaho State Police.
 6 Q. You are not aware of that, if there was any
 7 disciplinary action taken against anyone in connection
 8 with that statement?
 9 A. No, I'm not.
 10 Q. Are you aware of any other employees who had
 11 been instructed not to speak out about personnel matters
 12 as you were?
 13 A. Yes.
 14 Q. Who else?
 15 A. Lisa Littlefield, Gracie Reyna, Shane Penrod,
 16 Frank Farnworth, Lindsey Hanson, Patty Hanson had
 17 endured it at one point. There is numerous other staff.
 18 Q. Has anyone else ever told you they feared
 19 retaliation for reporting things like safety and
 20 security concerns, violation of policy, waste of public
 21 resources, things like that?
 22 A. Yes.
 23 Q. Who?
 24 A. Pretty much the same ones I gave you, along
 25 the lines with Brian Dean, he wanted to put in his two

1 you worried that you would be retaliated against if you
 2 continued to speak about personnel matters?
 3 MR. COLLAER: Object to form of the question;
 4 calls for speculation?
 5 THE WITNESS: Yes, I fear that I would be
 6 continuously retaliated against.
 7 Q. (BY MR. SCHOPPE) These are fears that you
 8 actually experienced at the time? We've had objections
 9 to speculation. You are not speculating that you might
 10 have feared, but that you actually had that fear at the
 11 time?
 12 A. I actually had that fear at the time. I also
 13 had a fear of when I heard that staff had commented
 14 about hiring a hit man to get rid of me. I spent I
 15 can't tell you how much time looking out my window
 16 before I would open my door in the morning.
 17 Q. Did you report that to anyone?
 18 A. I did. I reported that to my supervisor, he
 19 did not follow up on it, and I reported it to him again.
 20 When I met with Director Harrigfeld, my question to her
 21 on my "Really" comment, my question to her was: I'm
 22 worried about my safety and we are worried about my
 23 comment about "Really" and nobody has followed up on my
 24 safety.
 25 She asked Shelley Rael, who was present at the

1 cents on this lawsuit and said, I'm afraid to, but if
 2 they call me to testify, I have to tell the truth and
 3 I'd be more than happy.
 4 Abby Campbell, Joe McKinney, Brenda Garrett,
 5 Shawn Crawford, Sheri Estrada, Ray Gregston, Tom Knoff.
 6 Who are the Solutions staff? Greg Conrad, Alanna
 7 Kimmel, Amy Williams, Fosdick -- James Fosdick, Sarah
 8 Cerda, Rita Fell, Tom de Knijf, Sherri Duffy, Matthew
 9 Condel, there is others.
 10 Q. Is that before or after the filing of the
 11 lawsuit?
 12 A. Yes.
 13 Q. Both?
 14 A. A little bit of both.
 15 Q. Under your most recent supervisor, Mark
 16 Freckleton, are you aware if he was instructed to
 17 prepare expectations uniquely for you?
 18 A. Yes, I am.
 19 Q. What do you know about that?
 20 A. Mark told me that he and Lynn Viner were
 21 talking one evening when he came in, I believe, for
 22 coverage, and they went over different things about the
 23 positions and so on. And he said the thing that
 24 bothered him the most when he came in, when they put him
 25 into this position as safety and security supervisor

1 again, was that he was instructed to create specific
2 expectations for myself.

3 Mark told me that, and he had shared, I guess,
4 with Lynn, he shared with me that he had talked to his
5 wife and went home and said, I can't do that, I cannot
6 give an expectation to one staff that I can't give to
7 all my staff. He almost quit over it. His wife said,
8 Why not create expectations for all staff? So he did.
9 Lynn said she was given the same instructions, to come
10 up with certain expectations and I guess monitor me.

11 Q. Lynn Viner said that?

12 A. Yes, that is what she told Mark.

13 Q. Did she express to him, as far as you know,
14 who told her that?

15 A. She didn't -- he didn't say who told her that,
16 but it was part of when she was going to be taking the
17 position. And according to Mr. Freckleton, Ms. Viner
18 had commented that she is going to establish it on her
19 own and she's not going to implement something where she
20 doesn't see a need for it.

21 Q. Okay.

22 A. I also know that I've been asked to get
23 dentist notes, a doctor note from my dentist, and there
24 has been a question of: Do we do this for all staff? I
25 know that there has been some e-mails that Nancy Bishop

1 talk to staff from all units for juvenile movements,
2 intakes coming in, any concerns with certain juveniles
3 that they had.

4 And some of these e-mails have listed: This
5 is who Rhonda Ledford talked to today, and they have a
6 list of staff. And I think if they wouldn't have been
7 spending so much time watching me, maybe Julie wouldn't
8 have had sex with a juvenile.

9 MR. COLLAER: Move to strike as unresponsive
10 and speculative.

11 Q. (BY MR. SCHOPPE) Are you aware of any other
12 employee being monitored like you are?

13 A. No. I have seen e-mails that Julie Cloud has
14 requested. Actually, that's not true. Julie Cloud
15 requested of Mike Seifrit, who is our IT guy, to have
16 continuous and ongoing monitor of my e-mail and Jo
17 McKinney. So I know they're monitoring both of our
18 e-mails. I know that they're monitoring me within the
19 facility by the e-mails. And I know I've been given
20 specific expectations and stuff that doesn't apply to
21 other staff.

22 Q. Looking back to Exhibit 15, that is the
23 written warning record signed by Lynn Viner on
24 November 26, 2012.

25 A. Yes.

1 has been in and is investigating my abuse of sick leave,
2 and this actually seems like a short amount of time to
3 warrant an investigation. Do we do this with all staff?

4 Q. Who raised that question?

5 A. Nancy Bishop.

6 Q. In connection with that dentist note, is a
7 note typically required for a doctor or dentist visit?

8 A. No, it's not. And I e-mailed Mr. Freckleton
9 and he said it was requested by HR. And I e-mailed him
10 and I said, This is policy; it's five days or if there
11 is an abuse, suspected abuse of sick leave. If that's
12 the case, then I would be happy to produce them, but it
13 was not in policy that I had to produce them just for a
14 dentist or doctor appointment.

15 Q. We've seen documents produced by the
16 Defendants, e-mails concerning you, Julie Cloud, Betty
17 Grimm. In one of those e-mails it was suggested that
18 you were bending the ear of some people like Addison
19 Fordham and some others. You've seen those e-mails.

20 With respect to things like allegations of
21 gossip or speaking with other employees at work, what
22 are you typically discussing?

23 A. We could be discussing work-related issues,
24 transports, intakes coming in. Fordham and Reyna both
25 work in O&A. When I was working in the booth, I would

1 Q. With respect to the first paragraph, as far as
2 you know -- and Ms. Reyna will have her opportunity to
3 have her deposition -- did Ms. Reyna tell you that she
4 was told that the juvenile in question had been in a
5 sexual relationship with a former staff member?

6 As far as you know, was Gracie Reyna told by
7 this juvenile that he had had a sexual relationship with
8 a former staff member at Lewiston or was she told that
9 the reason he was there was because there had been an
10 investigation into the sexual relationship he had with a
11 staff member?

12 A. I believe she said that there had been a
13 sexual relationship and that he had been moved due to
14 that sexual relationship, or suspected sexual
15 relationship.

16 Q. So as far as you knew -- and we'll get Gracie,
17 we'll get her testimony later this week -- there had
18 already been a PREA report or some appropriate report
19 made in Lewiston?

20 A. Correct.

21 Q. So you weren't concerned that you were hearing
22 about a sexual assault for the first time?

23 A. No, I wasn't. And if it was reported to
24 Reyna, Reyna would be the one to do the IR, but since
25 she was told that this had already happened, she was

1 just following up with me regarding our concerns with
2 the mistreatment of the juveniles.

3 Q. Is that why you didn't file a PREA report
4 yourself?

5 A. Correct.

6 Q. With respect to staff levels and juvenile
7 safety, it's my understanding there is certain ratios
8 that are more desirable than others for daytime versus
9 nighttime?

10 A. Yes.

11 Q. In terms of staff increases or decreases, you
12 testified earlier they might not affect you. I'm
13 wondering in the specific context of staff-to-juvenile
14 ratios whether inadequate staffing ratios would affect
15 you or other people in your position?

16 MR. COLLAER: Object to the form of the
17 question; vague, calls for speculation, it's compound,
18 it also calls for an expert opinion.

19 Q. (BY MR. SCHOPPE) You can answer.

20 A. Yes, it could affect somebody in my position.
21 It can affect the unit managers as well if they have a
22 staff shortage, then to meet the ratio the supervisors
23 are required to supervise or help with supervision. So
24 yes, the ratios and being short staffed could affect me.

25 Q. Does that, as far as you are concerned, have

1 nights, one certified AUF staff on the floor with
2 80-plus kids, it's the only staff we've had at night.
3 That puts some serious undue stress on the staff, not to
4 mention it could be a detriment to the staff themselves
5 and/or the juveniles.

6 Q. Does that also affect, as far as you know,
7 suicide watch levels, things like that?

8 MR. COLLAER: Objection; calls for speculation
9 as to the state of mind of unidentified individuals and
10 also calls for a legal conclusion and for an expert
11 opinion.

12 THE WITNESS: Yes, it does. It affects --
13 suicide watch, it depends on what it is. We've got
14 three various levels of suicide watch; we have Level I,
15 II, and III. Level I is 15-minute check, Level II is
16 10-minute checks, and Level III is eyes on.

17 So if we're limited to staff, we have one
18 staff with eyes on, and they have to go do a check
19 because we have no other staff there, we don't have eyes
20 on, so how can we say that we're providing adequate
21 supervision of a juvenile. Or if we had a fire alarm
22 and we have three staff out in the field with 80-plus
23 juveniles.

24 Q. (BY MR. SCHOPPE) Specifically how has suicide
25 watch been impacted in terms of following those

1 an impact on staff and juvenile safety?

2 MR. COLLAER: Objection; lacks foundation,
3 calls for speculation, it's compound.

4 THE WITNESS: Yes.

5 Q. (BY MR. SCHOPPE) How so?

6 MR. COLLAER: Same objection.

7 THE WITNESS: Can you repeat the question
8 again.

9 Q. (BY MR. SCHOPPE) How so?

10 A. The question before.

11 Q. As far as you know, does that have an effect
12 on staff or juvenile safety?

13 A. Yes, it does. It causes a great deal of
14 stress and anxiety to staff. If we are short staffed --
15 for example, the night staff, we have a skeleton crew
16 basically, so five to six staff is optimal for us; we
17 have to cover the control booth and all three units. So
18 when we are down to four staff, then they have got to do
19 15-minute checks all the time and the control booth
20 operator can't leave control. That puts them in a bad
21 position when they're switching shifts. If they have a
22 problem, they have to go to the bathroom, they've got to
23 be able to get this stuff done in a very short period of
24 time.

25 We've had where we've had temp staff on

1 increments of oversight, 15 minutes, eyes on, that sort
2 of thing?

3 MR. COLLAER: Objection; lacks foundation and
4 calls for speculation.

5 THE WITNESS: It's impacted by the fact that
6 some of the other checks have suffered. Our checks are
7 required 15 minutes or less, and we've had times where
8 checks have gone over 20 minutes. So we're not meeting
9 what our department is supposed to be responsible for,
10 which is the safety of the juveniles.

11 Q. (BY MR. SCHOPPE) Has anyone ever told you
12 they believed you've been retaliated against?

13 A. Yes.

14 Q. Who?

15 A. Shane Penrod, Jo McKinney.

16 Q. Fair to say all the Plaintiffs?

17 A. All the Plaintiffs, yes. Sarah Cerda, Mark
18 Freckleton.

19 Q. What did Mr. Freckleton tell you?

20 A. With respect to him being required to or
21 requested to make specific expectations for me, my
22 previous evaluation from Betty, he said it just seems
23 that they were trying to get rid of me.

24 Q. Did you consider quitting?

25 A. I did.

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1 Q. Is that as a result of Betty Grimm's actions?
 2 MR. COLLAER: Objection.
 3 Can you read that back.
 4 (Record read back.)
 5 MR. COLLAER: Objection; ambiguous, lacks
 6 foundation.
 7 THE WITNESS: Yes, I believe it was a
 8 combination of Betty Grimm, Sharon Harrigfeld, Julie
 9 Cloud, Julie McCormick, and Summer Wade.
 10 Q. (BY MR. SCHOPPE) Earlier you had started to
 11 testify as to what you knew about why staff were upset
 12 about Laura Roters hiring. Can you expand on that.
 13 MR. COLLAER: Object to the question; vague,
 14 lacks foundation, calls for a narrative, and
 15 speculation.
 16 Q. (BY MR. SCHOPPE) You can answer.
 17 A. Laura Roters was hired, the unit manager
 18 position was put out there, and several qualified staff,
 19 from what they've told me, their qualifications fit.
 20 She was hired in the position, I believe that was in May
 21 of 2011. Staff had complained. Mark Freckleton was
 22 actually one that had complained to HR, there was a
 23 couple other staff. It's my understanding, I believe
 24 Nick Tinker did as well and Bill Morris, William Morris,
 25 also complained.

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1 The position was taken away from her and she
 2 was put back into the training coordinator position.
 3 They said they're not going to be filling the position
 4 at the time. Then over the summer she went through some
 5 supervisory training at POST, along with Julie
 6 McCormick, and in October the position was put back out
 7 there again and she applied and she got the unit manager
 8 position.
 9 And HR knew about this when she had initially
 10 submitted it, Joyce Clark had sent an e-mail saying, You
 11 don't meet the qualifications for supervisor; knowledge,
 12 work experience. So there is an e-mail. Roters was
 13 very upset, back and forth about, Well, can I still have
 14 the pay? What about I was promised this by verbal
 15 agreement by Dave Rohrbach? And anyway, she was given
 16 the position again.
 17 Several staff, Bill Morris quit because of
 18 that. And that is when at some point the Division of
 19 Human Resources put the Department on probation for
 20 hiring. They couldn't hire directly, they had to go
 21 through Division. And there was a couple other things
 22 in there.
 23 And they moved her down to O&A as a supervisor
 24 and then put her in the unit manager position and she --
 25 what I was told was she was to clean up O&A.

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1 Q. Do you know what she meant by that?
 2 MR. COLLAER: Objection; calls for
 3 speculation.
 4 THE WITNESS: I don't know.
 5 Q. (BY MR. SCHOPPE) What happened after she took
 6 over O&A?
 7 MR. COLLAER: Objection; lacks foundation,
 8 calls for a narrative.
 9 THE WITNESS: Nine staff have quit. One staff
 10 had taken FMLA and then ultimately ended up quitting, he
 11 was one of the nine. O&A is an extremely hostile work
 12 environment at this point. Staff are afraid to do
 13 anything, to be responsible for the juveniles, staff are
 14 afraid --
 15 MR. COLLAER: Objection; this is speculation
 16 as to the state of mind of other unnamed individuals.
 17 THE WITNESS: Gracie Reyna --
 18 Q. (BY MR. SCHOPPE) Have people told you these
 19 things you are talking about?
 20 A. Yes.
 21 Q. Who has told you that?
 22 A. Gracie Reyna, Lisa Littlefield, Addison
 23 Fordham. Their statements were that it's a hostile work
 24 environment, they have no say-so over the juveniles, all
 25 they do is pretty much baby-sit, and they're afraid for

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1 their safety.
 2 Q. Tom Knoff came up several times. What has he
 3 had to say about Betty Grimm and the context of
 4 retaliation?
 5 A. Tom told me that they've been trying to get
 6 rid of him for a long time and --
 7 MR. COLLAER: Again, I'm going to object; that
 8 calls for speculation from Mr. Knoff based upon some
 9 unidentified individual's state of mind and motivations.
 10 THE WITNESS: Tom Knoff stated --
 11 Q. (BY MR. SCHOPPE) To you?
 12 A. To me. -- that the Department had been trying
 13 to get rid of him for some time. Harrigfeld didn't like
 14 the way O&A was being run because it wasn't
 15 programmatic, I guess. There was no program. It was
 16 too much like detention.
 17 And he said that a couple years ago during
 18 budget cuts his position was, I guess, reclassified, so
 19 there was no longer an O&A unit manager, and he had been
 20 given the opportunity to either step down and be the O&A
 21 supervisor or quit.
 22 And apparently Gina Hodge, she knew some
 23 information about that, but you would have to get that
 24 information from her. And Tom said they were really
 25 surprised that he didn't quit when he was demoted.

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1 And he had been fighting this battle and he
 2 had to go to headquarters for three days to show what
 3 other detention centers and other correctional centers
 4 do. And he spent three days and said they didn't even
 5 listen to any of the information or research that they
 6 had put together for the director and HR.
 7 Then he was given a notice of contemplated
 8 action due to having juveniles on excessive room time.
 9 And it was for when O&A has their team meeting and there
 10 is no staff, so the school, the education staff take
 11 them back, put them in their room for an hour, and then
 12 after the team meeting they go back down to O&A.
 13 That was what was shared with me from Tom.
 14 Q. With respect to Julie McCormick, are you aware
 15 of whether anyone at either JCCN, the Nampa facility, or
 16 IDJC headquarters was aware that she might have been
 17 having inappropriate relationships with juveniles?
 18 MR. COLLAER: Objection; calls for
 19 speculation.
 20 THE WITNESS: Yes. I reported -- in February
 21 or March we were having an appropriate use of force
 22 instructor meeting and Betty Grimm actually -- sorry,
 23 that was in 2012, Betty Grimm actually attended that
 24 meeting. And a question was brought up by me as an AUF
 25 instructor, based on what I had seen just a few weeks

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1 before, which was as I was leaving work going out the
 2 secure area, I noticed a juvenile leaning out of her
 3 office with a mask on, and I just kind of looked at him
 4 and he did whole "shh," and I walked into the control
 5 area and I said, What is going on?
 6 Q. "Shh" you mean he signaled be quiet, for the
 7 record?
 8 A. Telling me be quiet. Yes, telling me to be
 9 quiet.
 10 And Sheri Estrada was up in the booth at the
 11 time and she said, He's jumping out and scaring the kids
 12 when they come by. Isn't that a good idea? I said, Who
 13 is in there with him? She said Julie. Really? And
 14 then she called me a little later and said he went in
 15 and he closed the door. And I said, You've got to be
 16 kidding? She goes, Well, it was not for a real long
 17 time. I said, I don't care. There's no camera in
 18 there, he's a juvenile of an opposite sex.
 19 So I brought it up in AUF that maybe we should
 20 look at -- we have a certain way of teaching AUF, maybe
 21 we should look at addressing maybe if somebody comes up
 22 and scares you. Because Brian Dean had said, If they
 23 did that to me, I don't know what my first reaction
 24 would be, but I don't think it would be AUF.
 25 So I brought it up. I didn't say whose office

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1 initially. But he said, In a supervisor's office? Who
 2 is the supervisor? And one of the other AUF staff, I
 3 don't recall at this time who it was, said it was Julie,
 4 and I said, Yeah, it was Julie. Betty was emphatic
 5 about we cannot be having that. She is not to have -- I
 6 saw juveniles in there, a male juvenile one at a time in
 7 there with her on several different occasions. So did
 8 Steve Sanders, so did Mark Norris, there were a few
 9 other staff, Dianne Carnell. Sarah Cerda is actually
 10 one that walked in with them in a compromising position.
 11 This stuff was all reported.
 12 Alanna Kimmel sent out an e-mail in April of
 13 2012 with her concerns of Julie spending too much time
 14 on the Solutions Unit and with one of the juveniles in
 15 particular and the relationship they had, and she was
 16 concerned about the inappropriate and the boundaries.
 17 Q. As far as you know, after you had discussed
 18 that with Betty Grimm in February of 2012, was there any
 19 action taken to keep Julie McCormick from interacting
 20 with juveniles in that way?
 21 MR. COLLAER: Go ahead and speculate all you
 22 want. Go ahead.
 23 Q. (BY MR. SCHOPPE) As far as you know.
 24 A. As far as I know, what I was told by Sherri
 25 Duffy was that Julie was told by Betty she needs to stay

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1 off of the Solutions Unit, and Julie broke down crying
 2 saying, They're taking my kids away from me.
 3 Q. If there is a sexual abuse incident at IDJC
 4 facilities, what is the policy for reporting that?
 5 A. The policy is you are supposed to report to
 6 the supervisor and you are supposed to file a PREA
 7 incident and you're supposed to notify law enforcement.
 8 Q. Are you aware of any exceptions to that
 9 policy?
 10 A. No.
 11 Q. Are you aware of whether any exceptions to
 12 that policy have actually been made?
 13 A. I'm not sure I understand.
 14 Q. If the policy is to report to a supervisor and
 15 prepare a PREA incident report, and report to law
 16 enforcement, are you aware of any exceptions, for
 17 example, where incidents have not been reported to law
 18 enforcement?
 19 A. Yes, I am.
 20 Q. Which ones, how so?
 21 A. Which I just need to ask a question, what is
 22 the guideline on juveniles' names, do we do...
 23 Q. Let's do first name, last initial. I think
 24 that is how they appear in incident reports.
 25 A. First name, last initial, that's how it is in

1 incident reports. Okay.
2 I know there has been a few cases, one which
3 was just last year, with who the juvenile touched
4 her breast and she was very upset about it and she
5 reported to staff. The staff said it was PREA, and
6 Laura Roters came up and told that it wasn't PREA
7 because it wasn't skin on skin and she just needs to
8 stay next to staff and not be around him. was
9 quite upset with that, nothing was done, no PREA
10 initially, no law enforcement. And actually filed
11 a grievance against Roters and Roters addressed her own
12 grievance.

13 Q. What do you mean by that?

14 A. She went and talked to about the
15 grievance, which is not standard practice. I know that
16 Gracie Reyna had had an issue with a juvenile making
17 sexual gestures at her, and she shared that that was
18 uncomfortable for her, and Roters told her, Just stay
19 away from him.

20 Well, her job is to supervise these juveniles,
21 so that's not something that is going to work. There
22 has been several sexual incidents, and I don't know of
23 all of them -- they haven't all been reported to law
24 enforcement.

25 Q. These are things you've heard of?

1 Q. Do you know who gave that instruction?
2 A. I don't know. It was during O&A. Dianne
3 Carnell, Philip Gregston, Gracie Reyna, Lamark Judkins,
4 they could answer those questions better. He had said
5 if we moved him out to an adult detention center, he was
6 going to kill himself. And the day after they moved him
7 out they got a call from the detention center up north
8 and said he had hung himself overnight, and his stuff
9 disappeared. There is numerous incident reports, the
10 information isn't in it. It's kind of vague and
11 ambiguous. It's doesn't cover all the facts. These are
12 legal documents and all the pertinent facts should be
13 there.

14 Q. How about with respect to Dave Rohrbach?

15 A. Dave Rohrbach quietly retired in December of
16 2011. And there was an e-mail sent out requesting to
17 get the Choices Program manual out of his file. And the
18 response was from Leif Erickson that said they were
19 requested to purge former employees' files. This was
20 less than five months after he had left.

21 Q. Why is that a problem?

22 A. Is that a problem?

23 Q. Why is that a problem?

24 A. Well, because what we keep documents for is
25 typically, and I know all the juvenile records, they are

1 A. These are things I've heard of, things that I
2 have seen in the incident reports, law enforcement
3 wasn't notified.

4 Q. Are you aware of any incidents in which
5 incident reports or documents have been altered,
6 falsified or destroyed?

7 A. Yes. What I discussed before, which was
8 Sabrina Payne, which she was Sabrina McNally at the
9 time, and that was not in the incident report. One of
10 the juveniles, [REDACTED], ended up with a broken arm and
11 there is nothing in the report about his arm being
12 broken nor how it happened.

13 There are e-mails that discuss the potential
14 that it could have happened on PE out in the rec field.
15 However, during the restraint one of the staff said they
16 heard his arm or felt his arm pop, but nothing was done
17 about it, nothing was documented about it in the IR.
18 There is some incident reports that there is part of a
19 sentence and then it just stops.

20 There was a juvenile, what's his name? Airc,
21 and Airc is A-i-r-c, I believe, was the Airc, Airc T.,
22 and he actually committed suicide and there is no
23 documents on him, we can't find anything on him, and
24 staff were instructed to not report anything, not talk
25 about him, not say anything.

1 kept for three years, where they can be accessed, and
2 it's ten years in State archive. And why are we getting
3 rid of anybody's files less than five months after they
4 leave? Any of these files with the State are legal
5 documents.

6 Q. With respect to time card padding, it's been
7 suggested that employee Baranco golfs. What do you know
8 about that?

9 A. I've just heard about that. I know he comes
10 in with his golf gear on quite often and he's in for a
11 while and then he's out for a while, so...

12 Q. That is something you've heard, maybe other
13 people might have more direct knowledge on?

14 A. That is correct.

15 Q. Following the November 2011 all staff meeting
16 that I understand you were not at, but you discussed
17 with other people. Is it fair to say there has been an
18 increase in retaliation or other sort of inappropriate
19 pressure on staff by leadership?

20 A. Yes. Ray Gregston, you would have to address
21 this with him, but what he shared with me was that he
22 was told by HR they did not want to hear about any more
23 petitions going out. Ray said, That is my legal right
24 to be able to report anything that is a violation of
25 policy against the law, any of that. You can't tell me

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1 I cannot file a petition.
 2 I know other staff have spoke up. My
 3 understanding is that things have been a little bit more
 4 difficult for them as far as their schedules, O&A
 5 schedule, they're really big on speaking up, and O&A
 6 schedules have all been changed with the exception of a
 7 couple who have a fixed schedule.
 8 Because Gracie Reyna, for example, she has a
 9 rotating schedule and she has a second job, and she has
 10 endured a lot of retaliation on her second job while
 11 Bernstein, I don't remember his first name, he has a
 12 second job and he was given a fixed schedule.
 13 Q. Has anyone else told you that there has been
 14 an increase in retaliation since November of 2011?
 15 A. There has been a few, a few that are afraid to
 16 speak up. They said that they've spoke up -- and
 17 Hottell endured some retaliation, Dave Hottell, he spoke
 18 up quite verbally, I guess, with the director, and he
 19 ended up having to file a problem solving because he
 20 scored 100 as an SSO and he was overlooked for the
 21 position. I attended the problem solving with him at
 22 his request. And his question was: Why are you
 23 discriminating against me, because of my age or was it
 24 because I spoke up?
 25 Q. What was their response?

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1 A. The response was: We didn't know you were
 2 that interested. It doesn't matter. He scored
 3 100 percent and he should have been given the right to
 4 get an interview.
 5 Q. Who said they didn't know he was interested?
 6 A. Betty Grimm.
 7 Q. We've talked about a meeting with you, Julie
 8 McCormick, Betty Grimm, someone else where the issue of
 9 hiring veterans came up. Can you tell me about that,
 10 when that was, who was there.
 11 A. That was during our morning briefing, I
 12 believe that was in February of 2012. And we had some
 13 SSO positions open and Betty was questioning why it had
 14 taken so long, do we have anybody hired? Julie was
 15 answering that she has, she hasn't been able to get
 16 ahold of a couple of them since the interviews, and then
 17 she was able to extend an offer to one. And she wanted
 18 to reopen the announcement because the roster was top
 19 heavy with ex-military, law enforcement and corrections,
 20 and that's not the kind of people that we want working
 21 with our kids.
 22 Q. Those are her words?
 23 A. Yeah, pretty close to it.
 24 Q. Was anything said in response to that by
 25 anyone?

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1 A. No, not during the meeting. There was quite a
 2 few people upset about it afterwards.
 3 Q. Did Betty Grimm say anything in response to
 4 that?
 5 A. No, she didn't say anything.
 6 Q. Had you ever heard or heard of any other
 7 statements concerning hiring veterans?
 8 A. I had not myself heard. I know Ray said that
 9 that has been stated before by Betty. I know that Shane
 10 Penrod said that a former SSO supervisor, Jim Stucker,
 11 had said they didn't like to hire former military at the
 12 Department. And there is an e-mail out about it, I
 13 think Julie Cloud is the one that sent the e-mail, that
 14 said that Julie had 28 still that she had not
 15 interviewed on that list and it was top heavy with
 16 veterans, law enforcement and corrections. And so she
 17 wanted to get a different roster out there.
 18 Q. With respect to Plaintiff Jo McKinney who has
 19 made a claim for age discrimination, have you witnessed
 20 anything along those lines that you could share with us?
 21 MR. COLLAER: Object to the form of the
 22 question; it's vague, calls for speculation, and calls
 23 for a narrative.
 24 Q. (BY MR. SCHOPPE) Have you witnessed any
 25 conduct by Jo McKinney's coworkers, supervisors, anyone

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1 she works with that you consider to have been age
 2 discrimination?
 3 MR. COLLAER: Same objection; lacks
 4 foundation, calls for speculation.
 5 MR. SCHOPPE: You can answer.
 6 MR. COLLAER: Also calls for a legal
 7 conclusion.
 8 THE WITNESS: Can I still answer?
 9 MR. SCHOPPE: Yes.
 10 THE WITNESS: I can't say that I've seen
 11 anything as far as age discrimination, but I've seen the
 12 retaliation.
 13 Q. (BY MR. SCHOPPE) What do you mean by that?
 14 MR. COLLAER: Objection; lacks foundation.
 15 Q. (BY MR. SCHOPPE) You can answer.
 16 A. Well, for one, Maria Ferrara, who has a
 17 cubicle right behind Jo, she's been there for years, and
 18 all of a sudden she put a curtain up in her window of
 19 the cubicle. She won't -- she knows that Jo's health --
 20 she's having some issues at this point. Her job is to
 21 scan some of the juvenile records in when they're in O&A
 22 before they go up to Choices, and she won't scan the
 23 records in, she leaves them on Jo's desk, Jo has to get
 24 up and go back to scan them in. I've heard them talking
 25 to her, I heard Brenda Garrett talking about her and I

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1 confronted Brenda with that. So at this point Brenda
 2 Garrett doesn't talk to me.
 3 Q. What did you hear?
 4 A. What Brenda said?
 5 Q. Yes.
 6 A. She said that basically she can't stand Jo,
 7 she can't stand working with her. It was a lot of
 8 negative, derogatory comments about Jo. I said, Okay,
 9 Brenda, you know what, I get along with Jo, I like Jo as
 10 well, the same as I get along with you, and I would
 11 appreciate it if you don't sit there and put her down
 12 and make comments about her. And it was a lot of name
 13 calling, a lot of -- it's not nice stuff.
 14 So we actually had a meeting on this. I went
 15 up and asked Estela, I said, We need to have a meeting
 16 because it's a problem. It's a really hostile
 17 environment and there needs to be a few things ironed
 18 out. So we ultimately did have a meeting with, it
 19 started out with Patty Hanson asking me something and
 20 then all this stuff came up.
 21 So it just kind of dominoed from there. We
 22 did have a meeting and Brenda doesn't talk to me now.
 23 Q. When was that?
 24 A. I'd have to look, I don't remember. This was
 25 last year, 2012. I'll have to look.

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1 Q. Do you know who participated in the meeting?
 2 A. There was a few of us. There was myself,
 3 Patty Hanson, Brenda Garrett, Jo McKinney, Julie Cloud,
 4 Estela Cabrera, and I don't remember who else. I do
 5 have that written down though.
 6 Q. What was the outcome of that meeting?
 7 A. There wasn't really anything resolved.
 8 Ultimately several of us left, and it was Brenda and Jo
 9 and I think Julie Cloud and Estela were the only ones
 10 left in there, and I don't -- nothing has changed. It's
 11 pretty much the same, other than Brenda doesn't talk to
 12 me.
 13 MR. SCHOPPE: I think that is all I have.
 14 MR. COLLAER: I have some follow-up.
 15
 16 FURTHER EXAMINATION
 17 QUESTIONS BY MR. COLLAER:
 18 Q. Tell me, can you describe any reports or
 19 complaints you made about concerns you had that Julie
 20 McCormick was sexually involved with juveniles to
 21 supervisors?
 22 A. Sexually involved?
 23 Q. Yes.
 24 A. No.
 25 Q. You made no such reports.

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1 A. I did not think that it had actually gone to
 2 that point.
 3 Q. Could you describe for me any reports you
 4 personally made about the PREA incident involving the
 5 lady you identified as
 6 A. Okay, pardon me. Can you repeat that.
 7 Q. Could you describe for me any reports you
 8 made, you personally made, to supervisors or management
 9 about who you described as a juvenile who
 10 touched -- a juvenile touched her breast.
 11 A. It was not directly reported to me, another
 12 staff it was reported to.
 13 Q. So my question is --
 14 A. I would not be required to make a report.
 15 Q. You did not make any report about that
 16 incident at all.
 17 A. Correct, because I wasn't required.
 18 Q. That's not my question.
 19 You did not make any personal reports about
 20 that incident, did you?
 21 MR. SCHOPPE: Objection; asked and answered a
 22 couple times.
 23 Q. (BY MR. COLLAER) Did you make any complaints
 24 or reports to management about that incident to
 25 management?

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1 MR. SCHOPPE: You can answer again.
 2 THE WITNESS: No, because it wasn't required.
 3 Q. (BY MR. COLLAER) Tell me, did you make any
 4 personal reports to management or complaints to
 5 management about a gesture by a juvenile to Gracie
 6 Reyna?
 7 A. No, because it wasn't required.
 8 Q. Tell me, did you make any personal complaints
 9 or reports about Sabrina Payne's IR being inaccurate in
 10 some way?
 11 A. No, I did not.
 12 Q. Did you make any personal reports about the
 13 records dealing with this juvenile who had committed
 14 suicide, did you make any reports or complaints to
 15 management regarding that?
 16 A. No, I did not.
 17 Q. Did you make any personal reports to
 18 management or complaints regarding Dave Rohrbach, his
 19 files being destroyed?
 20 A. No, I did not.
 21 Q. Can you tell me any personal complaints or
 22 reports you made about this employee Baranco regarding
 23 golfing?
 24 A. I don't know about him golfing.
 25 Q. So you didn't make any reports or complaints?

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1 A. No, because I didn't know about him golfing.
 2 Q. Could you describe for me any personal reports
 3 or complaints you made to management about hiring
 4 practices for veterans?
 5 A. Yes.
 6 Q. I'm talking about you personally.
 7 A. Yes.
 8 Q. Tell me about that.
 9 A. I talked to Pat Thomson, I talked to Betty
 10 Grimm, I talked to Sharon Harrigfeld, and I talked to
 11 Mike Savoie.
 12 Q. When did you talk to each of those
 13 individuals?
 14 A. I talked to Mike Savoie during the summertime
 15 when I was communicating with him, of 2011, pretty much
 16 all of the last half of 2011.
 17 Q. What specifically did you tell him about
 18 hiring practices with veterans?
 19 A. Oh, hiring practices for veterans. Sorry, I
 20 didn't hear that part of the question.
 21 Q. Yes, that's what I'm talking about.
 22 A. Okay, sorry.
 23 Q. Any personal complaints you made to management
 24 or reports about hiring practices involving veterans.
 25 A. I didn't.

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1 Q. Okay.
 2 A. I don't believe so. I may have to double
 3 check on that, but I don't believe so.
 4 MR. COLLAER: Nothing further.
 5 MR. SCHOPPE: One more thing.
 6
 7 FURTHER EXAMINATION
 8 QUESTIONS BY MR. SCHOPPE:
 9 Q. With respect to Diane Miles, what is her role
 10 at JCCN?
 11 A. Currently?
 12 Q. Up until, say, March 25 of this year.
 13 A. She was the main female transport officer.
 14 Q. At some point in the last few months you
 15 became aware she was charged with a DUI; right?
 16 A. Correct; her second DUI.
 17 Q. How did you learn about that?
 18 A. She had gone out for surgery and was on light
 19 duty for a while, and I thought the light duty was
 20 lasting a long time. I had to get other staff to fill
 21 in the transports, other female staff, and I'm very slim
 22 on those.
 23 And I asked Mark, Do we know how much longer?
 24 Mark finally told me, he said, Okay, I have to tell you
 25 since you're doing the schedule on that, she's not doing

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1 transports any more. Okay. She got her second DUI.
 2 Okay.
 3 So that's how I found out about it was Mark
 4 had shared that with me so I didn't put her on any more
 5 transports.
 6 Q. As far as you know, is her license suspended?
 7 A. Yes, according to Mark her license is
 8 suspended. He verified with DMV that she did not have a
 9 license. I was a little bit concerned about the fact
 10 that she didn't have a license during one week where she
 11 did transport on three different occasions.
 12 Q. Do you know if she had notified anyone at JCCN
 13 or IDJC about her license suspension?
 14 A. That I don't know. I'm guessing not because
 15 she did the transports during that week.
 16 Q. Did you, or as far as you know anyone else,
 17 witness her continuing to drive to and from work on a
 18 suspended license?
 19 A. Yes. I know I did. I talked to Mark about
 20 it. I know Shane Penrod did. Mark talked to Lynn,
 21 shared with me that if you see her driving again, make
 22 sure you report it.
 23 What Mark told me Lynn said was she will be
 24 the one to report her to law enforcement, and apparently
 25 somebody else reported it as well to somebody at

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1 headquarters. And you would have to ask Mark about the
 2 details on that.
 3 Q. Do you know if any employment action of any
 4 kind was taken in connection with Miles' first DUI?
 5 A. No, I don't believe so.
 6 Q. Was she on transport staff at that time?
 7 A. Yes, she was still doing transports.
 8 Q. As far as you know, was IDJC aware of that
 9 charge or conviction?
 10 A. Yes, because I asked Summer, Can she do the
 11 transport that is coming up? Summer said, Oh, I don't
 12 know. So we had Mr. Coronado, our other transport
 13 staff, drive our female transport staff and the
 14 juvenile. So I know that they were aware of it because
 15 Summer was the one that said that she didn't know if she
 16 had a license.
 17 Q. After that did Miles continue to operate as
 18 female transport staff?
 19 A. Yeah, she was -- let's see, during that time,
 20 what was that? That was in '11. So she did some of the
 21 transports that I wasn't able to do. So when she was on
 22 shift she would take some. So I was the main female and
 23 she was a backup.
 24 Q. By herself?
 25 A. Yes.

1 MR. SCHOPPE: That's all I have.
 2 MR. COLLAER: Nothing further.
 3 (Deposition adjourned at 4:12 p.m.)
 4 (Signature requested.)
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1 CHANGE SHEET FOR RHONDA LEDFORD
 2 Page ____ Line ____ Reason for Change_____
 3 Reads _____
 4 Should Read _____
 5 Page ____ Line ____ Reason for Change_____
 6 Reads _____
 7 Should Read _____
 8 Page ____ Line ____ Reason for Change_____
 9 Reads _____
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 15 Reads _____
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 17 Page ____ Line ____ Reason for Change_____
 18 Reads _____
 19 Should Read _____
 20 Page ____ Line ____ Reason for Change_____
 21 Reads _____
 22 Should Read _____
 23 Page ____ Line ____ Reason for Change_____
 24 Please use separate sheet if you need more room.
 25 SIGNATURE _____

1 CERTIFICATE OF RHONDA LEDFORD
 2 I, RHONDA LEDFORD, being first duly sworn,
 3 depose and say:
 4 That I am the witness named in the foregoing
 5 deposition, that I have read said deposition and know
 6 the contents thereof; that the questions contained
 7 therein were propounded to me; and that the answers
 8 contained therein are true and correct, except for any
 9 changes that I may have listed on the change sheet
 10 attached hereto.
 11
 12 DATED this ____ day of _____, ____
 13
 14 CHANGES ON ERRATA SHEET YES ___ NO ___
 15
 16 _____
 17 WITNESS
 18
 19 SUBSCRIBED AND SWORN to before me this ____
 20 day of _____, ____.
 21
 22 NAME OF NOTARY PUBLIC _____
 23 NOTARY PUBLIC FOR _____
 24 RESIDING AT _____
 25 MY COMMISSION EXPIRES _____

1 REPORTER'S CERTIFICATE
 2 I, BEVERLY A. BENJAMIN, CSR No. 710, Certified
 3 Shorthand Reporter, certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place therein set forth, at
 6 which time the witness was put under oath by me;
 7 That the testimony and all objections made were
 8 recorded stenographically by me and transcribed by me or
 9 under my direction;
 10 That the foregoing is a true and correct record
 11 of all testimony given, to the best of my ability;
 12 I further certify that I am not a relative or
 13 employee of any attorney or party, nor am I financially
 14 interested in the action.
 15 IN WITNESS WHEREOF, I set my hand and seal this
 16 26th day of June, 2013.
 17
 18
 19
 20
 21 _____
 22 BEVERLY A. BENJAMIN, CSR, RPR
 23 Notary Public
 24 P.O. Box 2636
 25 Boise, Idaho 83701-2636
 My commission expires May 28, 2019.

EXHIBIT B

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual;)

RAYMON GREGSTON, an individual;)

JO McKINNEY, an individual;)

Case No. 1:12-cv-00326-BLW

SHANE PENROD, an individual;)

DEPOSITION

KIM McCORMICK, an individual;)

of

BOB ROBINSON, an individual;)

RAYMON DELL GREGSTON

and GRACIE REYNA, an individual,)

Plaintiffs,)

JULY 9, 2013

vs.)

IDAHO DEPARTMENT OF JUVENILE)

CORRECTIONS, an executive)

department of the State of Idaho;)

IDJC DIRECTOR SHARON HARRIGFELD,)

in her individual and official)

capacities; IDJC JUVENILE)

CORRECTIONS CENTER - NAMPA)

SUPERINTENDENT BETTY GRIMM,)

in her individual and official)

capacities; and DOES 1-20,)

Defendants.)

REPORTED BY: BARBARA BURKE, CSR No. 463

Notary Public

Page 2

1 THE DEPOSITION OF RAYMON DELL GREGSTON was taken
 2 on behalf of the Defendants Sharon Harrigfeld, Betty Grimm,
 3 and the Idaho Department of Juvenile Corrections at the
 4 offices of Anderson, Julian & Hull, LLP, 250 South Fifth
 5 Street, Suite 700, Boise, Idaho, commencing at 9:00 a.m.
 6 on July 9, 2013, before Barbara Burke, Certified Shorthand
 7 Reporter and Notary Public with and for the State of
 8 Idaho in the above-entitled matter.
 9
 10 A P P E A R A N C E S
 11 For the Plaintiffs:
 12 Law Office of Andrew T. Schoppe
 13 BY ANDREW T. SCHOPPE
 14 910 West Main Street, Suite 328
 15 Boise, ID 83702
 16 For the Defendants Sharon Harrigfeld, Betty Grimm,
 17 and the Idaho Department of Juvenile Corrections:
 18 Anderson, Julian & Hull, LLP
 19 BY ROB PERUCCA
 20 C.W. Plaza
 21 250 South Fifth Street, Suite 700
 22 P.O. Box 7426
 23 Boise, ID 83707-7426
 24 Also Present:
 25 Rhonda Ledford

Page 3

1 I N D E X
 2 TESTIMONY OF RAYMON DELL GREGSTON: PAGE
 3 Examination by Mr. Perucca 7
 4 Examination by Mr. Schoppe 97
 5 Further examination by Mr. Perucca 150
 6
 7 E X H I B I T S
 8 DEPOSITION EXHIBITS: MARKED
 9 39. Letter to Raymon D. Gregston 15
 10 from Judi Gregory, dated 12/20/2001
 11 Bates GREGSTONPF00073 - GREGSTONPF00074
 12 40. Document entitled, "Policy and Procedure 19
 13 Certification of Understanding,"
 14 dated 5/19/2004 - 5/25/2004
 15 Bates GREGSTONPF00050
 16 41. State of Idaho - Department of Juvenile 27
 17 Corrections - Performance Evaluation Report,
 18 dated 1/11/2006
 19 Bates GREGSTONPF00155 - GREGSTONPF00160
 20 42. Idaho Department of Juvenile Corrections - 30
 21 Employee Performance Review, dated 1/11/2007
 22 Bates GREGSTONPF00141 - GREGSTONPF00148
 23 /
 24 /
 25 (Exhibits continued)

Page 4

1 E X H I B I T S
 2 (continued)
 3 DEPOSITION EXHIBITS MARKED
 4 43. Idaho Department of Juvenile Corrections - 32
 5 Supervisory/Managerial Performance Review,
 6 dated 1/11/2008
 7 Bates GREGSTONPF00131 - GREGSTONPF00140
 8 44. Idaho Department of Juvenile Corrections - 39
 9 Supervisory/Managerial Performance Review,
 10 dated 1/09/2009
 11 Bates GREGSTONPF00124 - GREGSTONPF00130
 12 45. Idaho Department of Juvenile Corrections - 41
 13 Supervisory/Managerial Performance Review,
 14 dated 1/13/2010
 15 Bates GREGSTONPF00116 - GREGSTONPF00123
 16 46. Idaho Department of Juvenile Corrections - 43
 17 Supervisor/Manager Performance Review,
 18 dated 1/03/2011
 19 Bates GREGSTONPF00108 - GREGSTONPF00115
 20 47. Idaho Department of Juvenile Corrections - 45
 21 Supervisor/Manager Performance Review,
 22 dated 1/13/2012
 23 Bates GREGSTONPF00100 - GREGSTONPF00107
 24 /
 25 (Exhibits continued)

Page 5

1 E X H I B I T S
 2 (continued)
 3 DEPOSITION EXHIBITS MARKED
 4 48. Idaho Department of Juvenile Corrections - 73
 5 Supervisor/Manager Performance Review,
 6 dated 2/28/2013
 7 Bates GREGSTONPF00092 - GREGSTONPF00099
 8 49. Document entitled, "DJC Request for 83
 9 Merit/Bonus" to Brent D. Reinke from
 10 Larry W. Callicutt, dated 3/08/2004
 11 Bates GREGSTONPF00027 - GREGSTONPF00028
 12 50. Memorandum to Ramon D. Gregston from 85
 13 IDJC Management Team, dated 9/26/2005
 14 Bates GREGSTONPF00047
 15 51. Document entitled, "DJC Request for 85
 16 Merit/Bonus" to Brent R. Reinke from
 17 Larry W. Callicutt, dated 4/29/2005
 18 Bates GREGSTONPF00036 - GREGSTONPF00037
 19 52. Memorandum to Ramon D. Gregston 87
 20 from IDJC Management Team, dated 4/06/2006
 21 Bates GREGSTONPF00046
 22 53. Document entitled, "DJC Request for 87
 23 Merit/Bonus, dated 10/31/2006
 24 Bates GREGSTONPF00044 - GREGSTONPF00045
 25 (Exhibits continued)

Page 6

1 EXHIBITS
 2 (continued)
 3 DEPOSITION EXHIBITS MARKED
 4 54. Memorandum to Ray Gregston 88
 5 from Larry Callicutt, dated 6/16/2008
 6 Bates GREGSTONPF00041
 7 55. E-mail to First Administrative Group 94
 8 from Julie Cloud, dated 6/25/2010
 9 Bates LEDFORD063727 - LEDFORD063728
 10
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Page 7

1 MR. PERUCCA: This is the time and place set
 2 for the deposition of Raymon Gregston.
 3 My name is Rob Perucca. I'm one of the attorneys
 4 that represents the Idaho Department of Juvenile Corrections.
 5 Present at the deposition today is Counsel for
 6 Plaintiffs along with Rhonda Ledford.
 7
 8 RAYMON DELL GREGSTON,
 9 First duly sworn to tell the truth relating to said
 10 cause, deposes and says:
 11 EXAMINATION
 12 QUESTIONS BY MR. SCHOPPE:
 13 Q. Raymon, have you ever had your deposition
 14 taken before?
 15 A. No.
 16 Q. Let's start out with just a few background rules
 17 to make sure today goes smoothly.
 18 Today I am going to be asking you a number of
 19 questions regarding the allegations that you have
 20 asserted in the lawsuit.
 21 What I'm trying to get is just your best
 22 recollection of the events. So I don't want you to
 23 guess. I don't need you to speculate. If you don't
 24 know the answer to a question, that's perfectly fine.
 25 Do you understand that?

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1 A. Um-hmm. (Nodding head.)
 2 Q. And the other thing is, verbal answers are
 3 going to be very important, so "Yes" or "No" responses.
 4 Shakes or nods of the head or "Um-umms" (nodding head)
 5 or "Hum-umms" (shaking head) don't show up very well in
 6 the record. Fair enough?
 7 A. Yes.
 8 Q. The other thing that's going to be important,
 9 since everything is being taken down and transcribed, is
 10 that we try not to talk over each other. So I will try
 11 to allow you to finish an answer before moving on to my
 12 next question, and all I would ask in return is you
 13 might know where I'm going with a question, but please
 14 allow me to finish the question before answering. Fair
 15 enough?
 16 A. Fair enough.
 17 Q. Are you on any medications that might prevent
 18 you from providing true and correct testimony today?
 19 A. No.
 20 Q. Okay. Very good. Do you have any questions
 21 before we go forward?
 22 A. I do have a question about medicine. I am on
 23 a mild diuretic. I don't know how often breaks are taken,
 24 but it's usually about an hour or an hour-and-a-half
 25 when the diuretic kind of begins to go to work.

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1 Q. No problem. If you need a break, just let me
 2 know, and we will accommodate that as we go forward today.
 3 A. Thank you.
 4 Q. All right. Let's start -- a little bit with
 5 some background information. Can you spell your last
 6 name for the record?
 7 A. G-r-e-g-s-t-o-n.
 8 Q. All right. And your current address?
 9 A. 5090 North Camas Creek -- that's two words --
 10 Avenue.
 11 Q. And that's in Boise?
 12 A. It is.
 13 Q. Let's talk a little bit about your educational
 14 background. Where did you graduate from high school?
 15 A. Atwater High School, Atwater, California.
 16 Q. And any formal education beyond high school?
 17 A. Merced Junior College. I graduated there in
 18 1975 with an AA.
 19 Then from Fresno State in 1977 with a BA in
 20 History.
 21 Would that also include professional licensing?
 22 Q. Yes. Let's talk about that next. Anything
 23 after your BA in History from Fresno State?
 24 A. With regard to college education, no.
 25 Q. Okay. Let's cover professional licenses next.

1 What professional licenses do you currently hold?
 2 A. I'm a licensed Journeyman in the state of Idaho --
 3 HVAC and also for -- I'm a specialty -- I have a specialty
 4 electrical license.
 5 Q. And when did you receive the HVAC license?
 6 A. I'm not -- I don't recall the date when that
 7 happened.
 8 Q. Okay. How about electrical?
 9 A. I don't recall. I do have -- I can get back
 10 with you on all that information. I have the licenses
 11 with me.
 12 Q. Okay. Any other licenses?
 13 A. No professional licenses.
 14 Q. Are you required to hold either of those
 15 licenses with regard to your current position with IDJC?
 16 A. No.
 17 Q. Have you utilized those licenses with respect
 18 to any employment that you've had in the state of Idaho?
 19 A. Yes.
 20 Q. Okay. Let's talk about your employment history
 21 after graduating from Fresno State. Where did you work
 22 first?
 23 A. I worked for a very short time for Kelly-Bray
 24 Sheet Metal in Fresno.
 25 Q. Okay. And after that particular position?

1 Q. And are you currently married?
 2 A. Yes.
 3 Q. All right. When you came to Idaho and started
 4 working as a temporary employee for Mountain Home Air
 5 Force Base, what was your position there?
 6 A. I worked with the Grounds -- I guess the
 7 Grounds Unit of Civil Engineering.
 8 Q. And what type of work did that entail?
 9 A. That entailed cutting the grass, moving of soil,
 10 care of the runways in the winter, tree trimming.
 11 Q. And how long did you have that position?
 12 A. About six months.
 13 Q. Okay. What was your next job after Mountain
 14 Home Air Force Base?
 15 A. I worked temporarily for the Mountain Home
 16 Water Department.
 17 Q. What was the nature of that position?
 18 A. The reading of meters, installation of water
 19 services, repair of water services.
 20 Q. And approximately how long did you work for
 21 the Water Department?
 22 A. I worked there two seasons. It was a temporary
 23 position, also.
 24 Q. By "two seasons," would that be in the same
 25 calendar year?

1 A. I went to Shaw West Industries, Mitchell Aire,
 2 in Fresno. That was for the next 16 years.
 3 Q. What was your primary position there?
 4 A. I was an HVAC sheet metal installer and
 5 fabricator.
 6 Q. Did you keep that same basic position for the
 7 16 years you were there?
 8 A. Yes.
 9 Q. And what was your next relevant employment
 10 after that particular experience?
 11 A. I came to Idaho -- when my wife and I moved to
 12 Idaho in 1993, I worked as a temporary employee for --
 13 I guess it would be the Department of Defense. I worked
 14 at Mountain Home Air Force Base.
 15 Q. And what brought you to Idaho from California?
 16 A. Crime.
 17 Q. Um-hmm. (Nodding head.)
 18 A. My son had been -- I guess waylaid by a group of --
 19 a gang, and my wife and I decided enough was enough.
 20 Q. How many children do you have?
 21 A. We have one.
 22 Q. Just the one son?
 23 A. Um-hmm. (Nodding head.)
 24 Q. How old is he?
 25 A. 32.

1 A. Partly, yes.
 2 Q. Does that take us to about 1994 or so?
 3 A. We would be closer to '95.
 4 Q. Okay. And after your work with the Water
 5 Department, what was your next job?
 6 A. I went back to the HVAC field, and I worked
 7 for Bowman's Heating & Plumbing -- I mean Bowman's
 8 Mechanical, I guess it would be, in Mountain Home.
 9 Q. And how long were you there?
 10 A. Until 1999.
 11 Q. And what were the nature of your job duties there?
 12 A. Commercial installation, fabrication, and service.
 13 Q. And your next position in about 1999?
 14 A. My wife and I moved to Boise, and I went to
 15 work for Advanced Heating & Cooling.
 16 Q. Was that the same type of work, installation
 17 service?
 18 A. Yes.
 19 Q. And how long did you hold that position?
 20 A. For roughly a year.
 21 Q. Does that take us to about 2000?
 22 A. Yes.
 23 Q. All right. And what was your next relevant
 24 employment experience?
 25 A. Myself and two fellow -- and two others that

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1 I had known at Bowman's started an air conditioning firm,
 2 a sheet metal firm, called "Pride Heating & Cooling."
 3 Q. Were you part-owner?
 4 A. Yes.
 5 Q. And were you still doing installation service,
 6 as well?
 7 A. Yes.
 8 Q. And how long did you own that business?
 9 A. Roughly, a year.
 10 Q. And how did you exit that business?
 11 A. With the downturn in the economy, we -- I guess
 12 you could say we just closed shop.
 13 Q. All right. Would your next position after
 14 Pride Heating & Cooling have been working for IDJC?
 15 A. No. I went back to work for Advanced Heating
 16 & Cooling, but that was only for three or four months.
 17 Q. Okay. All right. Tell me a little bit about
 18 the circumstances under which you became aware of the
 19 position open at Juvenile Corrections.
 20 A. I just saw it on a -- I just saw a flyer. I
 21 just happened to go down to the Department of Employment
 22 over in Meridian and saw the flyer for the position.
 23 Q. And what was the position advertised?
 24 A. Senior Maintenance Craftsman.
 25 Q. All right. And how did the process work with

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1 regard to procuring that position?
 2 A. I applied. I made the final hiring list and
 3 was interviewed -- I mean, it was on a Saturday. I was
 4 interviewed by the Superintendent and various members of
 5 the Management Team.
 6 MR. PERUCCA: I think we're on Exhibit 39.
 7 (Exhibit 39 marked.)
 8 Q. (BY MR. PERUCCA) All right. You have been
 9 handed Exhibit 39. Do you recognize that document?
 10 A. I do.
 11 Q. Okay. And what is that?
 12 A. That is the letter offering the position of
 13 Senior Maintenance Craftsman at Juvenile Corrections
 14 Center Nampa.
 15 Q. And it notes the starting pay rate of \$12 an
 16 hour; is that correct?
 17 A. That's correct.
 18 Q. If you look down at the first kind of major
 19 paragraph after some of the summary information about
 20 your pay rate and beginning period of employment, it
 21 notes that there will be a six-month probation period.
 22 Do you see that?
 23 A. I do.
 24 Q. All right. What did that mean to you, that
 25 you were serving a six-month probation period?

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1 A. What it meant to me was it was a chance for me
 2 to prove my abilities that would meet the necessary
 3 requirements for the job that I had applied for.
 4 Q. I also noted that you attended training --
 5 you were to attend training sessions. Do you recall
 6 actually attending training sessions to help you learn
 7 your job?
 8 A. To learn my job? No.
 9 Q. Okay. What were the training sessions about?
 10 A. Training sessions were more of an HR nature --
 11 various things that you would be required to do in the
 12 Department -- time card -- and, if I remember, some things
 13 about computers -- various things if you were on the
 14 computer for the Department.
 15 Q. And as a Senior Maintenance Craftsman, what
 16 were the nature of your job duties when you were first
 17 hired?
 18 A. I was required for all building-related duties --
 19 we had just completed Phase II, so I was finishing that
 20 up for the Department as their representative.
 21 I take care of all HVAC, electrical, plumbing,
 22 any repairs -- holes punched in walls -- you know,
 23 minor woodworking. Everything to repairing eye glasses.
 24 Q. And when you started your position, was there
 25 somebody else in that position that provided any training

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1 to you?
 2 A. No.
 3 Q. How were you trained with regard to what you
 4 were supposed to do once you were hired?
 5 A. My boss at the time, Jerry Riley handed me a
 6 set of keys. That was pretty much the training I got.
 7 I learned as I went.
 8 Q. Okay. And who would have been your immediate
 9 supervisor when you were first hired?
 10 A. Jerry Riley, who is the Superintendent.
 11 Q. Okay. Did you report to anybody else, besides
 12 Mr. Riley?
 13 A. No.
 14 Q. Did you have any employees under you?
 15 A. Not at that time.
 16 Q. And how did your employment shift schedule work?
 17 Was it a pretty stable work schedule?
 18 A. Yes. 7:00 to 3:30.
 19 Q. Was it a regular Monday through Friday type?
 20 A. Yes -- and on-call.
 21 Q. How would on-call work?
 22 A. If there was a problem, they would call me at
 23 home and I would come in.
 24 Q. So would it would be on an as-needed basis?
 25 A. That's correct.

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1 Q. Could that be any time during the day or night?
 2 A. Yes.
 3 Q. And did that, in fact, occur?
 4 A. Yes.
 5 Q. So if that required you to work overtime, they
 6 would just pay overtime for that on-call work?
 7 A. Overtime -- or now the State basically gives
 8 you time, as opposed to fiscal remuneration.
 9 Q. Okay. How long was Mr. Riley your supervisor,
 10 if you recall?
 11 A. Three years, I believe.
 12 Q. Any conflicts with Mr. Riley?
 13 A. None.
 14 Q. Did you work well with him?
 15 A. Yes.
 16 Q. Did you feel if you had questions or issues
 17 regarding your employment, that you could take those to him?
 18 A. Yes.
 19 Q. With regard to the probation period, that first
 20 six-month period of time, was it your understanding that
 21 during that period of time you were being evaluated for
 22 your continued employment with IDJC?
 23 A. Yes, I understood that.
 24 Q. And did you understand that you could be
 25 terminated at any time during that six-month process?

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1 A. I did.
 2 Q. What was your understanding, after that
 3 probation period, of how your employment would work with
 4 regard to the ability of the Department to discharge
 5 your employment?
 6 A. The way I understood it is if I did my job and
 7 hopefully learned as I went, that I would have continued
 8 employment there.
 9 Q. Okay. Did you have any understanding of what
 10 process would have to take place after your probation
 11 period for you to be discharged from your position?
 12 A. No, because I never tried to give them any
 13 reason to have any problems.
 14 Q. Okay. Did you have any understanding, based
 15 on your training of the HR process, of certain steps
 16 that would have to be taken to basically fire you?
 17 A. No.
 18 (Exhibit 40 marked.)
 19 Q. (BY MR. PERUCCA) Go ahead and take a look at
 20 Exhibit 40 there. Do you recall that document?
 21 A. I do.
 22 Q. And what is that?
 23 A. It is a "Policy and Procedure Certificate of
 24 Understanding - For a Better Workplace - Training Module
 25 2004 - Harassment, Confidentiality, Use of Computer,

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1 Internet and E-Mail, and Equal Opportunity."
 2 Q. Okay. I'll note here that it appears that
 3 this was signed sometime in May of 2004; correct?
 4 A. Correct.
 5 Q. All right. Were you provided any written
 6 policies prior to 2004 -- like when you were hired in 2001?
 7 A. Yes. We were required to go through some
 8 policy and procedure, but I couldn't tell you at this
 9 time which ones those were.
 10 Q. Okay. That's fine.
 11 As you were employed with the Department over
 12 the years, when there were policies or procedures or
 13 written practices, were you provided copies of those
 14 from time to time throughout your employment?
 15 A. It depended on the policy and procedure, and
 16 we were not -- we were privy to them. We would find out --
 17 there was usually an e-mail that says, "There has been a
 18 change in the policy and procedure" and "Would you read --"
 19 oftentimes, you know, "If you read it, please send back
 20 that you have."
 21 Q. Okay. If you had any questions regarding any
 22 particular Department policies, procedures, or practices,
 23 who typically would you discuss those with?
 24 A. My supervisor.
 25 Q. With regard to a number of different policies

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1 and procedures -- I'm not going to ask you in detail,
 2 you know, about all of them -- one, in particular, however,
 3 I wanted to cover was a "Problem Solving Corrective Action
 4 and Due Process Procedure For Department Employees."
 5 Are you familiar with that particular --
 6 A. I am now.
 7 Q. Okay. When you say, "I am now," when did you
 8 first become aware of that?
 9 A. That was within the last year. I don't remember
 10 ever having to deal with that at any previous time.
 11 Q. Okay. When you say you recall its use in the
 12 last year, are you saying that that was when the
 13 Department first started using that particular procedure?
 14 A. No, no. I became aware of it and actually had
 15 to apply it.
 16 Q. Okay. So before the last year when you became
 17 aware of that process, if you had a concern regarding
 18 your job duties or something that was going on at your
 19 place of employment, what was your understanding of the
 20 process that would have to take place to report that?
 21 A. I would take the time to meet with my supervisor
 22 and list any issues that I had.
 23 Q. All right. And would that just have been a
 24 verbal discussion, typically?
 25 A. Yes.

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1 Q. If you felt -- again, I'm talking about your
 2 understanding of how that process worked from 2001 prior
 3 to in the last year or so.
 4 What was your understanding of what would take
 5 place if you felt like your immediate supervisor didn't
 6 adequately handle your concern or problem to your
 7 satisfaction?
 8 A. I really did not know what to do afterwards.
 9 He was the Superintendent of the facility, so it would
 10 be -- I would have to inquire with HR.
 11 Q. And have you ever inquired through HR as to
 12 that process if it didn't -- if your concerns weren't
 13 resolved with your immediate supervisor?
 14 A. I've never had really any call to.
 15 Q. We were talking a little bit about your
 16 initial probation working for the Department. Did you
 17 receive any negative Performance Evaluations during your
 18 probation period?
 19 A. No.
 20 Q. Did you become a classified employee after
 21 your probation period?
 22 A. I did, yes.
 23 Q. And what is your understanding of the meaning
 24 of that term, "classified employee"?
 25 A. That I've met the -- I've gotten through the

Page 23

1 probationary period, and I guess you would say that I'm
 2 then a bona fide employee.
 3 Q. Okay. Do you recall, at any time prior to the
 4 last year of your employment with the Department, any
 5 changes to the Grievance Policy that you were made
 6 aware of?
 7 A. None that I can recall. There probably was,
 8 but none that I can recall.
 9 Q. So once again, just so I understand your
 10 testimony correctly, if you did have a grievance regarding
 11 concerns of conditions of employment or concerns as to
 12 how you were being treated, your understanding of the
 13 Grievance Policy was to first go to your immediate
 14 supervisor?
 15 A. (Nodding head.)
 16 Q. Would that be a "Yes"?
 17 A. Yes, yes.
 18 Q. And if you felt that that didn't adequately
 19 resolve the issue, you felt that that would be something
 20 you would have to take up with HR to determine the next
 21 step?
 22 A. Yes.
 23 Q. Okay. But you never had occasion to do that?
 24 A. No.
 25 Q. All right. After Jerry Riley was your supervisor,

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1 who was your next supervisor?
 2 A. Larry Callicutt.
 3 Q. And do you recall when he first became your
 4 immediate supervisor?
 5 A. Apparently, it was in 2004, so it wasn't --
 6 Mr. Riley's would only have been a couple of years.
 7 Q. And was Mr. Callicutt also the Superintendent?
 8 A. Yes, he was.
 9 Q. At any time during your employment with the
 10 Department have you ever received a written Notice of
 11 Contemplated Disciplinary Action?
 12 A. No.
 13 Q. Any even verbal warnings of disciplinary action?
 14 A. I have had a discussion with Superintendent Grimm
 15 with regard to a matter of conduct, but I don't believe
 16 it was ever in a -- it was never listed as a "verbal."
 17 It was just something they wanted me to improve upon.
 18 Q. Okay. And when did that occur?
 19 A. I would say that's probably been five years ago.
 20 Q. What was the nature of that issue five years ago?
 21 A. The nature was we were going through the building
 22 of Phase III. To just use a term -- I was very, very
 23 stressed.
 24 At the time she was -- because of the building
 25 she was housed in, her and Tom Knoff were sharing an office.

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1 She had left the heater on, which she had a
 2 tendency to do, and that's a safety issue. So I removed
 3 the heater from the office.
 4 That led to her telling me that she would like
 5 me to improve on my one-to-one relationships with her
 6 and the staff, and I guess quit being so grumpy.
 7 Q. And what was your response to that conversation?
 8 A. I totally agreed with her, and I would try my
 9 best to be as -- you know, to answer staff with -- you know,
 10 if they said, "Good morning," say, "Good morning" in return.
 11 I tried to be a little more affable.
 12 Q. So would I be correct that it really wasn't a
 13 disciplinary issue, something you were doing wrong, but
 14 rather something to improve --
 15 A. Yes.
 16 Q. -- improve communication and demeanor?
 17 A. Yes, yes.
 18 Q. Is there any time that you can recall that --
 19 since you've worked for the Department -- where you have
 20 had any type of discipline for not meeting expectations
 21 of your employment?
 22 A. No.
 23 Q. Have you ever suffered any cut to your pay?
 24 A. No.
 25 Q. Have you ever been suspended with or without pay?

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1 A. No.
 2 Q. Have you ever suffered a demotion to your position?
 3 A. No.
 4 Q. Has the Department reduced your hours at any
 5 time?
 6 A. No -- but I would clarify that. Of course,
 7 we had to take -- when the economy took a downturn, we
 8 were required to take -- and I'm forgetting the term for
 9 it -- but days off.
 10 Q. "Furlough" days?
 11 A. "Furlough" days, yes.
 12 Q. And that applied to everybody in the Department?
 13 A. Yes, it did.
 14 Q. Okay. Has your shift schedule significantly
 15 changed since you began work for the Department?
 16 A. No.
 17 Q. Besides your hourly rate of pay, did you
 18 receive other employment benefits -- medical, dental?
 19 A. Yes.
 20 Q. 401(k), that type of --
 21 A. Yes.
 22 Q. Okay. Have those benefits been reduced at all
 23 since you began work for the Department?
 24 A. No.
 25 Q. Has there ever been a time where your job

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1 duties have been reduced?
 2 A. Reduced?
 3 Q. Right.
 4 A. No.
 5 Q. Have you ever been suspended -- I think I have
 6 already asked about suspension.
 7 Has there been any time that you have been
 8 asked, other than furlough days, not to come into work?
 9 A. No.
 10 Q. Did you receive regular Performance Evaluations
 11 while working for the Department?
 12 A. I did.
 13 Q. And have you ever received a negative Performance
 14 Evaluation?
 15 A. No.
 16 Q. I want to cover just a few of those.
 17 (Exhibit 41 marked.)
 18 Q. (BY MR. PERUCCA) All right. If you look at
 19 Exhibit 41 there, is that one of the Performance Evaluations
 20 that we have been discussing?
 21 A. Yes.
 22 Q. All right. It looks like this one evaluation
 23 period was from January 7th, 2005, to January 7th, 2006.
 24 Do you see that?
 25 A. Yes.

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1 Q. All right. Is that typical, that the evaluations
 2 were on a yearly basis?
 3 A. Yes.
 4 Q. And it looks like the supervisor there was --
 5 is that Larry Callicutt?
 6 A. It is Larry Callicutt.
 7 Q. All right. Was it typical that your immediate
 8 supervisor would be conducting the evaluation?
 9 A. Yes.
 10 Q. What was your understanding of the purpose of
 11 these yearly Performance Evaluations?
 12 A. Well, it was a way of tracking your progress
 13 as an employee, and it was also a -- if there were merit
 14 raises or bonus pay -- whatever term you would like, but
 15 they are two different things -- that it would be the
 16 State's way -- because the way I understand State pay,
 17 at least for merits or bonuses, it has to be merited by
 18 the evaluation.
 19 Q. And what is your understanding of how the
 20 evaluation takes place? What is your role in the
 21 evaluation?
 22 A. Usually, the way it's been done for me, is
 23 I'm usually sent the evaluations sometimes a week in
 24 advance. I get a chance to review it, and then my
 25 supervisor and I set a time to sit down and discuss it.

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1 Q. Okay. If you look at the second page, they
 2 will have like a review of objectives. Do you have any
 3 role in coming up with those objectives?
 4 A. Oftentimes I do because that's -- I'm perhaps
 5 the only one that does know.
 6 Q. Right. Okay. So those get reviewed during
 7 your meeting with your supervisor, as well?
 8 A. Yes, they do.
 9 Q. Okay. With regard to the Rating Guide -- if
 10 you look at the page after the third page -- it starts
 11 going through the employment, the performance -- there's
 12 a bunch of different categories: "Integrity, Dependability,
 13 Customer Service."
 14 Do you discuss each one of those with your
 15 supervisor during your interview?
 16 A. Sometimes through the years -- and, of course,
 17 the rating system it's changed several times, too.
 18 Q. Sure.
 19 A. Usually, the only time is unless there's been
 20 something that has come up that year that -- but it
 21 doesn't look like that year was one of those years.
 22 Q. Sure. Then, obviously, you have rating -- and
 23 I understand the rating system kind of changed.
 24 If you had any disagreement with any of the
 25 rating categories, were you able to discuss those with

1 your supervisor?
 2 A. Oh, absolutely, yes.
 3 Q. And if you disagreed with those things, would
 4 those end up somewhere in the evaluation -- your comments,
 5 basically?
 6 A. Yes.
 7 Q. And is there any other place, other than the
 8 actual Performance Evaluation, where your comments or
 9 disagreements would be placed in any of these categories?
 10 A. None that I know of.
 11 Q. All right. What was your understanding of
 12 what would -- strike that. I'll start over.
 13 If you disagreed with any aspect of your
 14 Performance Evaluation, besides talking about it with
 15 your immediate supervisor, was there anybody else that
 16 you could discuss that evaluation with?
 17 A. My assumption would have been HR, but I never
 18 had an issue with an evaluation.
 19 Q. All right. Very good. Since you discussed
 20 some changes to the evaluation process, let's take a
 21 look at a couple of these.
 22 (Exhibit 42 marked.)
 23 Q. (BY MR. PERUCCA) Okay. Exhibit 42, is that a
 24 more recent version of the Employment Performance
 25 Review?

1 For Next Review Period," and there are two objectives
 2 listed there.
 3 Did you assist in coming up with those
 4 particular objectives?
 5 A. Yes.
 6 Q. And how was it tracked that any objectives
 7 during any particular period were actually accomplished?
 8 Was that something you would have to report to your
 9 supervisor?
 10 A. Usually, the next year, and we would see if
 11 we met them.
 12 Now, in this particular one with the
 13 "Emergency Plan," that was the origin of a position that
 14 I now hold with regard to the continuity of operations
 15 and the Emergency Planning Coordinator for the Department.
 16 (Exhibit 43 marked.)
 17 Q. (BY MR. PERUCCA) You have been handed Exhibit 43,
 18 which I believe is another Performance Review from the
 19 January 2007 to January 2008 time period. Correct?
 20 A. Correct.
 21 Q. Okay. I just wanted to focus you here --
 22 I think here on the third page where they talk about
 23 "Managing Performance"?
 24 A. Um-hmm. (Nodding head.)
 25 Q. Do you see that?

1 A. Yes. It's not the most recent, but it is a
 2 recent one.
 3 Q. Okay. And it appears to me that the biggest
 4 change here would be the change in the -- basically,
 5 rating categories on the front page?
 6 A. Um-hmm. (Nodding head.) Correct.
 7 Q. Okay. And it looks like there's four main
 8 categories. For this particular one, they have marked
 9 "Solid Sustained Performance." Do you see that?
 10 A. I do.
 11 Q. What does that category mean to you?
 12 A. That means that I've -- to me, it means I'm
 13 there on time, I do my job to the best of my ability,
 14 and I'm an employee -- that means that I am an employee
 15 that gets the job done.
 16 Q. And how is that differentiated from the
 17 "Exemplary Performance" rating -- again, your understanding?
 18 A. To be truthful, we never really discussed what
 19 it would take to get to that point.
 20 Q. Right.
 21 A. To be an "Exemplary Performance," to be honest
 22 with you, I really was never told what it would take to
 23 get there.
 24 Q. Okay. Fair enough. Then if you look at page 6
 25 of that particular evaluation, they discuss "Objectives

1 A. Yes.
 2 Q. All right. Under "Comments," it notes, "Ray
 3 is now supervising a custodian leadworker." To your
 4 recollection, is that the first time you were supervising
 5 another employee?
 6 A. Yes -- just after we opened Phase III.
 7 Q. And so that would have been sometime in 2007
 8 that you took on that job responsibility?
 9 A. 2007, 2008 because I believe we opened that --
 10 it would have to be -- yes, it was, yes.
 11 Q. All right. And by this time period -- because
 12 again this review is occurring in January of 2008 -- how
 13 had your job duties evolved from when you began working
 14 for the Department in 2001?
 15 A. The Department, as with many state agencies,
 16 has a little statement that talks about "Other duties as
 17 assigned," and I've taken on not only building maintenance,
 18 but also -- which is what I was hired to do -- but that
 19 also would include janitorial.
 20 I also do the emergency planning for the
 21 Department.
 22 Also, at the time we've -- now this has changed
 23 a little bit. We did not have a Safety and Security
 24 supervisor -- when I was first hired, that position
 25 didn't exist. I had to take care of the keys, radio,

1 radio repairs, oftentimes closed circuit TV. In a sense,
2 I assist with the phone system.

3 I also do -- there was a 700 Megahertz Team
4 that was here within the state, and I also was a part of
5 the -- I took care of that, also.

6 Q. All right. By 2008, was your schedule pretty
7 much the same as it had been for the previous years?

8 A. Always 7:00 to 3:30, yes.

9 Q. All right. With respect to supervising a
10 custodian lead worker, who was supervising that position
11 prior to your involvement?

12 A. That position didn't exist.

13 Q. Okay. And what was the nature of your job
14 supervising that leadworker?

15 A. I just would give him the basic -- the jobs
16 that I needed to have done. I would ask him to put it
17 into a schedule.

18 We would begin to work with the education
19 program to start getting juveniles to assist in the
20 various jobs that needed to be done because one of the
21 other things that he was asked to do was also help
22 assist in training juveniles. It was kind of a way to
23 offer them job training for something once they left the
24 Department.

25 Q. Okay.

1 We had also installed a new lock in the
2 intercom system -- microcircuitry.

3 At this time we had also had a fence project.
4 We had roughly seven acres to take care of.

5 Then, also, I'm the Fleet Manager for the vehicles,
6 which I had always been, but now the fleet had grown to
7 roughly ten cars or so.

8 Q. And with the change in position to Building
9 Superintendent, did that come with an increase in pay?

10 A. Yes.

11 Q. Did it also come with a change in immediate
12 supervisor?

13 A. No.

14 Q. It looks like on page 1 of this particular
15 Performance Review it looks like Betty Grimm is signing
16 it as the --

17 A. She had been appointed the Superintendent of
18 the facility. The Superintendent has always been my
19 immediate supervisor.

20 Q. Okay. And when did Betty Grimm first become
21 your supervisor, if you can recall?

22 A. It had to have been in 2007 because we were in
23 the process of the Phase III addition.

24 Q. How would you describe your working relationship
25 with Betty Grimm when she became your supervisor?

1 A. They don't list -- there was another Senior
2 Maintenance Craftsman in this, too, so I was curious why
3 that --

4 Q. Okay?

5 A. -- because there were two people I supervised.

6 Q. All right. So you had a custodian leadworker
7 that you supervised and then a maintenance worker?

8 A. A Senior Maintenance Craftsman, yes, because
9 my -- I'm not sure if she listed it -- but my position
10 had changed.

11 Q. In what way?

12 A. It changed from a Senior Maintenance Craftsman
13 to a Building Superintendent.

14 Q. Okay. And I'm sorry -- what was the name of
15 that position?

16 A. Building Superintendent.

17 Q. Now, was that the same role that your previous
18 supervisors had had, Larry Callicutt, for instance?

19 A. It's pretty much the same. It was just changing
20 the title.

21 Q. Okay. Besides supervising those two employees
22 as the Building Superintendent, how else did your job
23 duties change?

24 A. Well, our square footage had grown to a little
25 over 60,000 square feet within the building.

1 A. Cordial. I knew her from the Management Team
2 because she had been the Nursing Manager.

3 Q. Any conflicts that you may have had with
4 Betty Grimm?

5 A. Not at that time.

6 Q. "Not at that time." Was there a later period
7 where you may have had conflicts?

8 A. Well, it was after she took that position that
9 we had the -- it wasn't so much a conflict. As I already
10 stated, it was just an improvement of me not being so
11 grumpy.

12 Q. Okay. Besides that one issue that we've
13 already discussed, any other problems or conflicts that
14 you may have had with Ms. Grimm?

15 A. No.

16 Q. Did you have the type of relationship with
17 Ms. Grimm that if you had an issue or problem, that you
18 felt like you could take it to her?

19 A. At that time, yes.

20 Q. And has that ever changed during your
21 employment?

22 A. It became very -- toward the latter part, the
23 last few -- year, year-and-a-half of her as the
24 Superintendent, yes.

25 Q. So during the last year to year-and-a-half you

1 felt more -- what -- constrained to take issues to her?
 2 A. Yes.
 3 Q. And why is that?
 4 A. A sense of futility that anything would be
 5 done about it.
 6 Ms. Grimm had an open-door policy, she said,
 7 which sometimes seemed to be a revolving door because
 8 myself and others -- other supervisors we would ask for
 9 things to be done, and she would agree to them. Then
 10 someone would come right behind us and give their side,
 11 and then it would change.
 12 Q. Okay. Can you give me just kind a rough example
 13 of maybe when that occurred so I have maybe some context?
 14 A. I know it was after probably about a year
 15 after Phase III had opened, so that would put it about
 16 2009 -- late 2009 or so.
 17 Q. All right. And what would have been that
 18 issue where you kind of felt the revolving door effect
 19 that you described?
 20 A. You would come to her with a complaint, especially
 21 one of the things -- because one of the things she asked
 22 me was, "How can we get buy-in from staff on how to
 23 improve the way it looks?"
 24 St. Anthony has a much older staff that had been
 25 there a lot longer. She said, "Well, we've got to have

1 the Performance Evaluation that took place in January of
 2 2009; correct?
 3 A. Yes.
 4 Q. And I think that the biggest change here is
 5 that this rating shows "Exemplary Performance," whereas
 6 the other ones were pretty consistent with "Solid Sustained
 7 Performance."
 8 A. Right.
 9 Q. Do you have any recollection of how that
 10 performance had improved? What was your understanding
 11 of why they gave you that rating?
 12 A. I have no idea.
 13 Q. Okay. Fair enough. On the second page there's a
 14 "Review of Objectives" -- and I think we've already talked
 15 about that you assisted in putting together objectives.
 16 Do you agree with the particular objectives
 17 that are listed there on page 2 and carried on to page 3?
 18 A. I forgot it had been -- the last I remember,
 19 at least it has been on the meeting days -- it was on a
 20 Monday, but I'm sure that's not important.
 21 As far as the Preparedness Plan, yes.
 22 Q. And then on the last page, page 7, there are
 23 "Objectives Listed For Next Review Period." Once again,
 24 those are two objectives that you assisted in developing;
 25 correct?

1 them become owners of the building." That was part of
 2 my job, and we tried and -- at least I tried to explain
 3 that we've just got to enforce some things, and it just
 4 never seemed to click.
 5 Q. So your concern would be more that the changes
 6 wouldn't occur after you might discuss ways to improve?
 7 A. Correct.
 8 Q. Okay. But you still felt the ability to talk
 9 with her; correct? It wasn't an issue that you -- you
 10 said she had an open-door policy. So it wasn't that you
 11 couldn't discuss the issue; correct?
 12 A. Correct.
 13 Q. All right. It would just be you didn't always
 14 feel she was responsive to changing things that you felt
 15 needed to be changed; would that be correct?
 16 A. Correct.
 17 Q. Okay. Besides improving the "buy-in" -- I think
 18 was an example you gave -- having the staff buy-in to
 19 the building, any other ideas or changes that you may
 20 have brought to her that -- major changes to the
 21 facility or major issues to the facility that you felt
 22 like she was maybe not attentive to?
 23 A. No.
 24 (Exhibit 44 marked.)
 25 Q. (BY MR. PERUCCA) All right. Exhibit 44 is

1 A. Yes.
 2 Q. All right. Very good.
 3 (Exhibit 45 marked.)
 4 Q. (BY MR. PERUCCA) You have been handed Exhibit 45,
 5 which is the Performance Review dated January 13th, 2010.
 6 Once again, it notes "Exemplary Performance"
 7 on this review period; correct?
 8 A. Correct.
 9 Q. All right. If we look to page 8, under
 10 Objective 2 it notes, "Ray and his Maintenance Craftsmen
 11 will develop an SPCC Guideline Plan."
 12 Do you recall what that is?
 13 A. It's a "Spill Prevention, Containment, and
 14 Countermeasures" (sic) that is required -- it was the
 15 first time I had ever seen it from -- I believe it's the
 16 Department of Insurance who -- because we have an
 17 emergency generator, and it has a 660-gallon tank; and
 18 because of that fuel, it has to have a spill prevention --
 19 you know, it has to have the SPCC Guidelines.
 20 Q. Very good. Okay. Did you receive any regular
 21 training throughout the years you worked for the Department
 22 with regard to any maintenance or -- like building maintenance
 23 or building operation issues?
 24 A. The major training that I've had is they sent
 25 me to AirTech, which is our -- we use electromechanical

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1 locks. They sent me to the training facility in Montgomery,
 2 Alabama. That's been the predominant training that I've
 3 had through the years -- that's the one that stands out.
 4 Q. Okay. So as the facility may have grown or
 5 changed and new things were added, how did you familiarize
 6 yourself with any of those changes to either the systems
 7 or the mechanics?
 8 A. Trial and error.
 9 Q. Okay.
 10 A. Oftentimes, I would pull aside the -- if it
 11 was the installation contractor, most commercial --
 12 whenever you're finished, there is a time where you
 13 spend time and he goes over the system, tries to explain
 14 it to you as best he can.
 15 You are given maintenance logs to work off of,
 16 and that's -- and then it becomes, like I said, you learn
 17 and then problems come up, and it becomes trial and error
 18 trying to figure it out.
 19 Q. Very good. With regard to the two employees
 20 that you were supervising at this time, did you also
 21 conduct their annual Performance Reviews?
 22 A. I did.
 23 Q. And what was your role and ability to hire,
 24 fire, or discipline the two employees that you were over?
 25 A. As far as discipline, you know, we would sit --

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1 I guess I should say I come from a construction background.
 2 So we would just, you know, pull them in and we'd talk
 3 about it in our -- if there was improvements or some
 4 things that may had been said that maybe we could
 5 improve on the way we did it, that would tend to be how
 6 -- the corrections I would take.
 7 Q. Very good.
 8 (Exhibit 46 marked.)
 9 Q. (BY MR. PERUCCA) Exhibit 46 is the Performance
 10 Review dated January 2011, so that would cover the 2010
 11 time period; correct?
 12 A. Yes.
 13 Q. Okay. And once again, this notes an "Exemplary
 14 Performance" standard; correct?
 15 A. Yes.
 16 Q. All right. Any disagreements with any of the
 17 ratings that were provided in this particular Performance
 18 Review?
 19 A. No disagreements. I still never really knew
 20 what the separation point between "Solid, Sustained, and
 21 Exemplary" was.
 22 Q. Sure. I wanted to cover briefly on page 6 it
 23 talks about "Objectives For Next Review Period."
 24 No. 2 notes that you will "Work with appropriate
 25 unit supervisors at JCC Nampa incorporating restitution

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1 guidelines so that juveniles will clearly understand the
 2 steps that will be taken following any deliberate damage
 3 to the JCC Nampa facility."
 4 What was your recollection of what was going
 5 on there?
 6 A. Actually, it had come down from a discussion
 7 with Director Callicutt from -- even from his time as
 8 Superintendent, I kept a running log of damage, cost --
 9 because it was a way of also tracking cost that we did
 10 not plan on.
 11 Then it would -- this became more of a -- we
 12 fine-tuned it a little bit so we could take it to the
 13 courts, and that was actually the inception of when we
 14 really started pushing to try to get restitution from
 15 the juveniles through the court system for any damage
 16 that they had done to the facility.
 17 Q. Okay. And what did you do to assist in putting
 18 together those guidelines?
 19 A. I worked with the Canyon County Prosecutor --
 20 for juvenile I believe it's Debra Hanson -- to kind of
 21 get an idea of what she would be looking for, the
 22 information I would provide her that would assist her
 23 in her prosecuting the case.
 24 This was another case where there really
 25 wasn't any training; you just began putting something

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1 together, and it kind of grew into something that they
 2 could work with.
 3 Q. Okay. Since we're kind of discussing the 2010
 4 time period, was there any time during 2010 that you
 5 recall criticizing the Management of IDJC?
 6 MR. SCHOPPE: Object to the form of the question;
 7 vague, overbroad. Answer if you know.
 8 THE WITNESS: Was it 2010 that -- I believe
 9 it's in 2011 that I made -- my first criticism begins,
 10 but that's to the best of my recollection.
 11 Q. (BY MR. PERUCCA) Okay. So, to your recollection,
 12 nothing that you recall in 2010 where you made a verbal
 13 or written criticism of the Management?
 14 A. Not in 2010.
 15 Q. Okay.
 16 (Exhibit 47 marked.)
 17 Q. (BY MR. PERUCCA) All right. You have been
 18 handed Exhibit 47, which is the Performance Review
 19 dated January 13th, 2012. So that would cover the 2011
 20 time period; correct?
 21 A. Correct.
 22 Q. Okay. And this particular Performance Review
 23 notes "Solid Sustained Performance"; correct?
 24 A. Correct.
 25 Q. And did you have -- and you can certainly go

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1 through and review it -- any disagreement with any of
 2 the particular rating categories and the rating that you
 3 were provided?
 4 A. Just page 3, and that's the linchpin for,
 5 I believe, the "Solid Sustained." So it was at the end
 6 of 2010.
 7 Q. Okay.
 8 A. That was the end of the communications.
 9 Q. All right. Let's talk about that particular
 10 one. Once again, page 3 of the Communication category.
 11 The rating was "Achieves Performance Standard."
 12 Did you disagree with that particular rating?
 13 A. No.
 14 Q. On the Comments section, there are kind of two
 15 paragraphs there. The line that starts, "During this
 16 reporting period," do you see that?
 17 A. Yes.
 18 Q. It's about half-way down?
 19 A. Um-hmm. (Nodding head.)
 20 Q. Okay. It notes that you "-- shared with
 21 JCC Nampa Superintendent and IDJC Director --" Who was
 22 the Nampa Superintendent at the time?
 23 A. Betty Grimm.
 24 Q. Betty Grimm. And the IDJC Director?
 25 A. Sharon Harrigfeld.

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1 Q. All right. -- that you "shared significant
 2 concerns that you reported you and other staff had
 3 regarding the promotional practices at Nampa."
 4 Tell me what you recall about your issues there.
 5 A. The issues there was with the Unit Manager job
 6 that had opened up, and the way it was conducted, and
 7 of course the way it ended.
 8 Q. Okay. What was your specific concern there?
 9 A. My specific concerns were that we weren't
 10 following our own Policy and Procedure.
 11 Also, we have a directive from the Governor --
 12 and I'm using the wrong terminology -- but it's a State --
 13 I believe a State mandate for how we're supposed to hire
 14 the most qualified person for the job.
 15 If time allows or if you need that document,
 16 I do have it with me.
 17 Q. Okay. And why did you feel that the policy
 18 and procedure was not being followed?
 19 A. Because it lead one to believe that it was an
 20 inherited position, instead of a merited position.
 21 Q. And what gave you that indication?
 22 A. First of all, when the job was concluded, the
 23 comments of the Unit -- I believe at the time it became
 24 the Unit Program Manager after the hiring of, I guess,
 25 that staff member, that he said, "This is who I wanted

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1 for the job. She understood what I wanted, although she
 2 wasn't the most qualified candidate."
 3 Q. And who was making that comment?
 4 A. That would be David Rohrbach.
 5 Q. What was his position?
 6 A. I believe at the time he was the Youth Program
 7 Manager.
 8 Q. Can you spell his last name?
 9 A. R-o-h-r-b-a-c-h, I believe.
 10 Q. I'm sorry -- what was his position?
 11 A. Youth Program Manager, I believe.
 12 Q. And he was the one making the hire?
 13 A. He was on the Hiring Team, but it was his voice
 14 that was -- that carried a great deal of weight.
 15 Q. Okay. And so you recall that he had made a
 16 comment that that may have not have been the most qualified
 17 person, but that was the person that he wanted for the job?
 18 A. Actually, that comment was made to William Morris
 19 who had been one of the applicants for the job.
 20 Q. Once again, this was for the Unit Manager position?
 21 A. Correct.
 22 Q. How were you made aware of the comment being
 23 made to William Morris?
 24 A. William Morris relayed that comment to me.
 25 Q. Okay. Were you on that hiring committee?

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1 A. No, I was not.
 2 Q. So how did you --
 3 A. The first one or the second one?
 4 Q. Well, that's a good question. Let's talk
 5 about first one.
 6 A. Because I don't know -- truthfully, I don't
 7 know who was actually on the first one because the first
 8 one was declared null and void.
 9 Q. Okay.
 10 A. And the second one, I believe -- I believe
 11 it was David Rohrbach, Jodi Shortino, Pat Thomson, and
 12 Richard Duke I believe were the four that I can remember
 13 that were on the second one, which is the one where the
 14 decision was made -- the hiring that still exists to
 15 this day.
 16 Q. Okay. And who was the person who was actually
 17 hired?
 18 A. Laura Roters.
 19 Q. Can you spell that?
 20 A. First or last?
 21 Q. Last name.
 22 A. R-o-t-e-r-s.
 23 Q. And how did you have occasion to talk to
 24 William Morris about what he was allegedly told as to
 25 the hiring decision?

1 A. All of us were curious about the final decision.
 2 I walked by -- "Well, how did it go, Bill?" "I didn't get
 3 the job" -- and this is what David Rohrbach told me, why --
 4 because it was required -- we know now that Superintendent
 5 Grimm had asked him to tell each applicant why.
 6 Q. All right. And what was -- I assume William
 7 was employed elsewhere at the Department; correct?
 8 A. He was a Special Ed instructor, I believe.
 9 Q. All right. And was Laura, the person who was
 10 ultimately hired to the Unit Manager job, was she also
 11 otherwise employed at the Department before the application?
 12 A. Yes, she was.
 13 Q. After Bill Morris made that comment to you,
 14 what did you then next do? How did you address that issue?
 15 A. There were a number of employees who were concerned
 16 about how it had become rather obvious that it was a --
 17 I go back to the inherited position, instead of a merited
 18 position.
 19 Q. And when you say that it was an "inherited position,"
 20 what specifically does that mean to you?
 21 A. The person got the job not on the merit, but
 22 because of who she knew.
 23 Q. Okay. Like a popularity-type contest? Is
 24 that what you're indicating?
 25 A. Yes.

1 the requirements for the position.
 2 Q. All right. And did you contend that she did
 3 not meet those qualifications?
 4 A. Well, she didn't, in my opinion, meet the --
 5 in the first application she did not meet the supervisory
 6 part of the application, no.
 7 Q. All right. So you had a concern that, at
 8 least with respect to that particular position, that the
 9 hiring policies and procedures were not being followed.
 10 Who did you report that concern to initially?
 11 A. Not my supervisor. I did not -- to no one,
 12 other than it was discussed among other staff.
 13 Q. Okay. Was there any particular reason you
 14 didn't bring that concern to your immediate supervisor,
 15 Betty Grimm?
 16 A. Because Betty Grimm was a good friend of
 17 Sharon Harrigfeld, and David Rohrbach is a very good
 18 friend of Sharon Harrigfeld.
 19 Q. So what was it about the fact that Ms. Grimm
 20 was good friends with Sharon Harrigfeld that caused you
 21 that concern?
 22 A. It would have been a sense of futility to
 23 bring it up and probably, I guess, job suicide.
 24 Q. Was that an assumption that you were making?
 25 A. That was an assumption.

1 Q. All right. Did you have any idea of Laura's
 2 actual qualifications for the Unit Manager job?
 3 A. As compared to some of the other people who were --
 4 Q. No. Just by her own merit.
 5 A. By her own merit, I had a little bit of
 6 insight -- not a whole lot.
 7 Q. Did you have enough information, to your
 8 satisfaction, to make your own determination as to
 9 whether you felt she was qualified or unqualified for
 10 the position?
 11 A. Yes, I believe I did.
 12 Q. And tell me a little bit about why you felt
 13 you had that knowledge.
 14 A. Because I knew some of the other applicants,
 15 and I knew that we were talking Master's level versus
 16 Bachelor's level, much more experience.
 17 The one -- I go back to the term "linchpin"
 18 that had stopped the original hiring was she didn't have
 19 the supervisory section in the application; and that that
 20 had somehow through schoolwork been remedied, as opposed
 21 to actually having been a supervisor.
 22 Q. Were you aware of the actual qualifications
 23 for that Unit Manager job?
 24 A. Just by what we had seen on the -- because
 25 all our job positions are -- when they come up, it lists

1 Q. Any facts to back up that assumption, other
 2 than just a gut feeling?
 3 A. Are we talking -- okay. There was a meeting
 4 that occurred after -- and I'm sure you will get to that --
 5 but it was a gut feeling at the time.
 6 Q. All right. Okay. Once again, going back to
 7 page 3 here, I noted that you shared with both the
 8 Superintendent and the Director that there were concerns
 9 regarding promotional practices, plural.
 10 Besides the one position that you've already
 11 discussed, were there other issues during that year that
 12 you felt like the policies and procedures for hiring
 13 were not followed?
 14 A. The Safety and Security supervisor, Julie
 15 McCormick's appointment to the position, and then there
 16 were some things discussed about Joe Blume who had
 17 also -- Joe Blume and Laura Roters had both worked for
 18 Dave Rohrbach at one time or another.
 19 Q. So your concern was with Julie McCormick being
 20 hired as a Safety and Security supervisor?
 21 A. Correct.
 22 Q. And what was the position that Joe Blume was
 23 hired for that you were concerned about?
 24 A. He became a part of the QI Team over at
 25 Headquarters.

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1 Q. Once again, with regard to these two individuals,
 2 was your concern that it wasn't the most qualified person
 3 hired for those positions?
 4 A. In McCormick's case, yes.
 5 Q. Did you believe that she was not qualified at
 6 all for that position?
 7 A. Yes.
 8 Q. And why is that?
 9 A. Because we had -- first of all, she worked for
 10 me before she ever worked for the Department. She was
 11 part of a -- she had been at Job Corps, which is just
 12 right up the street from us, and we had an agreement
 13 that a student, one student every six months or so would
 14 be brought down, and she worked for me.
 15 Then through -- even by the admission of her
 16 supervisor up there, the luck of the draw, she just
 17 happened to be in the right place in the right time. We
 18 were in need for female staff for - I believe it was
 19 nights and transport. She applied and was hired.
 20 Q. Okay.
 21 A. Then she became -- she spent most of her time
 22 working in the control booth.
 23 Q. If you didn't believe she was qualified for
 24 the position, what is your understanding or belief as to
 25 why she was hired then for the Safety and Security

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1 supervisor position?
 2 A. She had been recommended by Summer Wade, who
 3 was the Safety and Security supervisor at the time.
 4 Q. And that wasn't someone who was her supervisor
 5 previous to that position; correct?
 6 A. Pardon me?
 7 Q. Summer Wade was not Julie McCormick's immediate
 8 supervisor prior to Julie getting hired as the --
 9 A. Yes, she was.
 10 Q. Oh, she was?
 11 A. Yes, yes.
 12 Q. Okay. So it was an immediate supervisor
 13 recommendation, basically, for her?
 14 A. Yes, it was.
 15 Q. All right. With regard to Joe Blume, did you
 16 also believe that he was not qualified at all for that
 17 position?
 18 MR. SCHOPPE: Object to the form. You can
 19 answer if you know.
 20 THE WITNESS: It was the circumstances he went
 21 over to take that position because it was -- (Pause.)
 22 Q. (BY MR. PERUCCA) How was he recommended for
 23 that position?
 24 A. I can only assume that he was probably asked
 25 by his family to take -- to look into that position.

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1 Q. Was he recommended by anybody that you know of
 2 at the Department?
 3 A. Nobody that I know of at the JCC Nampa, no.
 4 Q. Okay. And you weren't on the hiring committees
 5 for either Julie McCormick or Joe Blume's hires?
 6 A. No. Joe Blume's hire was just strictly HQ.
 7 Q. Okay. All right.
 8 (Interruption.)
 9 (Recess taken.)
 10 MR. PERUCCA: Let's go back on the record if
 11 you are ready.
 12 Q. (BY MR. PERUCCA) Prior to the break, we were
 13 discussing some of your concerns about several individuals
 14 that were hired for positions where you felt the
 15 Department didn't necessarily follow the policies and
 16 procedures for hiring those personnel; correct?
 17 A. Correct.
 18 Q. And that was specifically discussed in your
 19 2012 Performance Review. I just wanted to go back to
 20 that, briefly, on page 3 where you noted that -- you
 21 discussed those issues with both Betty Grimm and
 22 Sharon Harrigfeld; correct?
 23 A. Correct.
 24 Q. However, I think you already testified that
 25 initially you didn't bring those issues to Management;

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1 you just discussed them among other employees?
 2 A. Correct.
 3 Q. When is the first time that you can recall
 4 talking about that issue with Management?
 5 A. This meeting.
 6 Q. Okay. So it would have come up in your
 7 Performance Review meeting?
 8 A. Oh, I'm sorry. No, not the Performance Review.
 9 It would have been this one where she talks
 10 about the meeting with the Director and the Superintendent
 11 because that was not my evaluation meeting.
 12 Q. Okay. So before your evaluation meeting this
 13 issue would have been discussed with Ms. Grimm and
 14 Ms. Harrigfeld?
 15 A. This occurred after -- let's see. (Pause.)
 16 My evaluation was after that meeting.
 17 Q. Okay. So describe the meeting where you first
 18 brought these issues to management's attention:
 19 A. Our meeting days had been changed to Monday,
 20 and I was called that morning, "Would it be all right if
 21 we met earlier?" "Certainly."
 22 I walked in. It was 9:00, and Director Harrigfeld
 23 was there. I was a bit surprised, but not shocked, because
 24 I knew that the petition that was going to be discussed
 25 had -- in other words, that "cat was out of the bag,"

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1 and then we began to go through -- they asked me about
 2 the petition. I said, "Yes, it did exist." "Did you
 3 have anything to do with it?" I said, "Yes. I was one
 4 of the co-writers of it."
 5 Q. And describe -- what was this petition?
 6 A. This petition was a list of concerns with regard
 7 to hiring practices of IDJC.
 8 Q. Okay. And when was it authored -- general
 9 time frame?
 10 A. General time frame, it would have been the --
 11 oh, probably the fall of -- what was it -- 2010 --
 12 Q. 2010?
 13 A. 2010.
 14 Q. Okay. Who came up with the idea to put together
 15 a petition?
 16 A. I did.
 17 Q. And was the purpose of the petition primarily
 18 focused on the concerns with regard to hiring practices?
 19 A. Correct.
 20 Q. All right. And what was the purpose for putting
 21 together the petition? What did you want to accomplish
 22 by doing that?
 23 A. I wanted to show them that it was just not one
 24 or two people concerned; that with the number of people
 25 that we had that signed it, that it was -- in other words,

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1 it was -- "Where there's smoke, there's fire." Instead
 2 of just being one or two people that you could probably
 3 ignore, "Well, they just didn't like the hiring," this
 4 was a concern of a group of people.
 5 Q. Okay. Did anybody author the petition with you?
 6 A. Yes.
 7 Q. Who was that?
 8 A. Tom Knoff.
 9 Q. Can you spell the last name?
 10 A. K-n-o-f-f.
 11 Q. What was his position?
 12 A. He was the -- he used to be the Unit Manager,
 13 and they reclassified it as a Rehabilitation -- a
 14 Rehabilitation supervisor, I believe, in the O&A Unit.
 15 Q. All right. Besides offering the petition, did
 16 you also circulate it?
 17 A. I did.
 18 Q. And once again, at the time that you authored
 19 the petition, you hadn't brought this issue up directly
 20 to Betty Grimm; correct?
 21 A. Correct.
 22 Q. And why had you chosen to take the route of
 23 drafting a petition, rather than first discussing it
 24 with Betty Grimm?
 25 A. Well, by this time I had been at the facility

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1 ten years. I've seen how some things work -- and especially
 2 with regard to those issues -- that it would have been
 3 an act of futility to discuss that.
 4 It also would have opened myself up to retaliation.
 5 Then also it would have -- and there was also --
 6 there's also a distrust because I know HR would have
 7 been a part of it, so there was an inherent distrust.
 8 Q. All right. Let's take those issues one by one.
 9 One of the things you were concerned about was
 10 that would open yourself up to retaliation; correct?
 11 A. Um-hmm. (Nodding head.)
 12 Q. Why did you believe that you would be retaliated
 13 against if you discussed the issue with Betty Grimm?
 14 A. I think it -- well, and I'm almost sure of it now.
 15 My career would have basically come to a standstill
 16 there. I was not going anywhere else, despite experience,
 17 and degrees, and such. It was -- my career was done.
 18 Q. You felt -- I'm sorry. Just so I understand,
 19 you felt like your career would have been done if you
 20 would have --
 21 A. I mean, it would have -- I was not going anywhere
 22 else other than the Building Superintendent. That was
 23 as high as I would ever be able to go.
 24 Q. So you had achieved the top level of where you
 25 thought you could have been promoted to at the

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1 Department?
 2 A. No. I didn't even think that I scratched the
 3 surface, but I could see that I was just -- when you say
 4 things that, "You will never go anywhere else but that
 5 position that you're in."
 6 Q. Okay. So that was your concern -- that if you
 7 report something, then you will have basically reached
 8 the limit of how far you can be promoted within the
 9 Department?
 10 A. No. What I'm saying in that is that you would
 11 have not -- you would never go anywhere because you
 12 would then be branded as a troublemaker, as a person
 13 that complains, not a team player, and that would be --
 14 you would not go -- if you applied for any other
 15 position, you could pretty well count on you would not
 16 get that position.
 17 Q. And what facts had you based that conclusion on?
 18 A. Well, I had already seen what Tom Knoff was
 19 going through in O&A with regards to the problems he was
 20 having.
 21 There had been a subtle change in
 22 Superintendent Grimm's -- changing because she had been
 23 mentored by Larry Callicutt who was a -- I would say a
 24 strong advocate with his experience of law and order
 25 because that was where he came from to Ms. Harrigfeld

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1 who is, I guess, in that way probably a little more
 2 "left of center."
 3 Q. Um-hmm. (Nodding head.)
 4 A. Those kinds of things led me to believe that
 5 it was just suicide to bring up anything like that --
 6 or job suicide.
 7 Q. Okay. Basically, it was your perception of
 8 what may have happened to other individuals that led to
 9 your fear of that happening to you?
 10 A. Yes.
 11 Q. All right. Once again, you had never felt
 12 that Betty Grimm had retaliated against you in the past
 13 prior to this; correct?
 14 A. No.
 15 Q. I think you've already testified to this, but
 16 prior to this particular issue with hiring practices,
 17 there were no other major issues that you had reported
 18 to Betty Grimm regarding the concerns about your job or
 19 the facility itself?
 20 A. No. I had never seen anything so blatant.
 21 Q. Okay. So the petition gets distributed, it
 22 gets signed by a number of employees, and then you get
 23 called into this meeting that Ms. Harrigfeld is present
 24 at; correct?
 25 A. Correct.

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1 Q. Okay. That's in the fall of 2010?
 2 A. Um-hmm. (Nodding head.)
 3 Q. All right. Tell me your recollection about
 4 what happened at the meeting.
 5 A. They asked me -- did I know anything about the
 6 petition? I said, "Yes, I did."
 7 They asked me some various elements of the
 8 petition, what was said. I recalled one of them, of course,
 9 was that many people felt that Dave Rohrbach was actually --
 10 he was the power behind the throne. He was the one that
 11 ran JCC Nampa because, as I have stated before, he and
 12 Ms. Harrigfeld were not only good friends, but they also
 13 socially -- saw each other outside socially, but anything
 14 that Dave asked for, it was usually -- usually, for the
 15 most part, given -- any request he made.
 16 I also brought up the fact of the statement
 17 that Superintendent Grimm had made about her feelings
 18 toward IDOC employees where she felt that those are not
 19 the people we wanted to hire in Nampa.
 20 I took exception to that because my brother had
 21 come through the IDOC system -- actually changed careers --
 22 and had graduated as President of his class at POST.
 23 I felt that that was not only a slap in the
 24 face of him, but also all IDOC employees that we --
 25 or former IDOC employees or corrections that we have

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1 working there.
 2 Since, as I have stated, Brent Reinke, one of
 3 our former Directors, is the Director of IDOC that was
 4 not exactly in the best -- you know, nurturing a
 5 fellowship with other agencies.
 6 Q. All right. Did you have a full opportunity
 7 during this particular meeting to air your concerns
 8 about what was going on?
 9 MR. SCHOPPE: Object to the form of the question;
 10 vague and ambiguous. You can answer.
 11 THE WITNESS: I got a lot of things off my
 12 chest, yes.
 13 Q. (BY MR. PERUCCA) All right. And what was
 14 your knowledge of the response that you got from
 15 Betty Grimm and Ms. Harrigfeld at the meeting?
 16 A. A lot of -- well, in Sharon's case, she was
 17 writing a lot of notes. Betty seemed a little bit more
 18 subdued -- perhaps shocked. That was the perception
 19 that I had of the two women.
 20 Now, what Ms. Harrigfeld wrote and whether she
 21 actually heard what I was saying, she -- you know, and
 22 listened -- she asked me, "What would make you -- "
 23 you know, because I said, "This has become a place that
 24 it really wasn't a whole lot of fun to come to anymore."
 25 She said, "What would change it?" I just said, "Well,

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1 we just need to change how we do business." You know,
 2 hiring practices were one of my main concerns.
 3 Q. Um-hmm. (Nodding head.) Did they address
 4 with you during that meeting ideas of how to change the
 5 practices?
 6 A. No.
 7 Q. Did they ask you any questions, besides the
 8 nature of your concern?
 9 A. Not really. They wanted to know, you know,
 10 what lead to the writing of the paper.
 11 Q. Did they indicate to you what they were going
 12 to do after the meeting with regard to your concerns?
 13 A. No.
 14 Q. Did they issue you any warnings about the way
 15 that you would handle the issue?
 16 A. No. I believe I left them pretty much in a
 17 state of shock.
 18 Q. Was it your -- just understanding from the
 19 meeting, it was more of an information gathering meeting;
 20 they wanted to know what it was you were doing and why
 21 you were doing it, that type of situation?
 22 A. Yes.
 23 Q. And about how long did the meeting last?
 24 A. Roughly, an hour.
 25 Q. And was anybody else present, other than

1 Ms. Grimm and Ms. Harrigfeld?
 2 A. No.
 3 Q. Do you know if they met with any other
 4 employees regarding the same issue on the petition?
 5 A. I don't know.
 6 Q. After the meeting were you given any verbal or
 7 written warning about putting together the petition?
 8 A. No, not at that time.
 9 Q. Did you suffer any discipline of any kind
 10 related to your efforts in putting together that
 11 petition?
 12 A. No.
 13 Q. So the Performance Evaluation in January 2011
 14 would have occurred a few months after this petition issue?
 15 A. Yes.
 16 Q. All right. And, obviously, they discuss it
 17 under the "Communication" aspect on page 3 of that.
 18 And I'll just note once again about halfway
 19 through that last paragraph that your report regarding,
 20 "The hiring practices came as a surprise to both the
 21 Director and Superintendent, and it was felt that some
 22 of the perceptions had 'snow-balled' and could have
 23 possibly been addressed in a timely manner had the
 24 issues and concerns been brought forward sooner."
 25 Did they discuss that with you during your

1 Based on e-mails that were given as a part of
 2 Discovery, that's -- I can see why there were divisions.
 3 Q. Do you agree with the statement basically set
 4 forth here, that it would have been appropriate to take
 5 that issue directly to the Director and Superintendent?
 6 A. Do I agree with that statement?
 7 Q. Sure.
 8 A. No.
 9 Q. All right. And why is that?
 10 A. It would have been -- and now, I base this on
 11 information I know now -- it would have been pointless.
 12 It truly would have been pointless to do that because
 13 their minds were already made up who they wanted.
 14 Q. And then the last line just said, "I have and
 15 will continue to encourage Ray to bring his questions,
 16 issues, and concerns to the Administration as soon as
 17 they arise." Did they discuss that with you?
 18 A. Um-hmm. (Nodding head.)
 19 Q. "Yes"?
 20 A. Yes. I'm sorry. Yes, they did.
 21 Q. And did you agree to do so in the future?
 22 A. With certain things that I felt I was comfortable
 23 speaking with Ms. Grimm about, yes.
 24 Q. Okay. And once again, under this particular
 25 communication standard, you were still rated "Achieved

1 Performance Evaluation?
 2 A. Not really, no.
 3 Q. Okay. So the first time you would have been
 4 aware of that was when you read this particular line in
 5 your Performance Evaluation?
 6 A. Yes.
 7 Q. Did either Ms. Grimm or Ms. Harrigfeld discuss
 8 with you that they would like you to bring these issues
 9 up as they occurred?
 10 A. I don't recall.
 11 Q. Did they -- either one of them -- discuss with
 12 you that they would rather have you bring these issues
 13 to Management, rather than discuss them with other
 14 employees?
 15 A. I don't recall them saying that to me, no.
 16 Q. Okay. Did you agree -- they make a comment
 17 here that I'll ask you about -- "That some staff,
 18 including Ray, chose to take matters into their own
 19 hands, and this resulted in additional divisions among
 20 staff at JCC Nampa." Do you agree with that comment?
 21 A. There were already divisions. I don't know
 22 why it would say resulted in "additional divisions."
 23 There was a division about this hiring from
 24 the very get-go when it occurred in -- I believe the
 25 hiring was actually made in May.

1 Performance Standard"; correct?
 2 A. Correct.
 3 Q. So you weren't given a negative rating on
 4 communication?
 5 A. No.
 6 Q. All right. After your Performance Evaluation,
 7 was this issue ever discussed between yourself and your
 8 supervisor ever again?
 9 A. No.
 10 Q. Were you able to tell whether your petition
 11 and your discussion with both Ms. Grimm and Ms. Harrigfeld
 12 resulted in any changes in policies or procedures?
 13 A. No.
 14 Q. No, you weren't able to tell whether that made
 15 any changes?
 16 A. No. Personally, I -- to answer your question,
 17 did I think it did any good? No.
 18 Q. Were there, in fact, other hirings after this
 19 petition and your meeting with both individuals that you
 20 felt were along the same lines as the concerns that you
 21 had before?
 22 A. Were as questionable? Not really.
 23 Q. Okay. Let's go to the last page, page 5.
 24 It's under the "Work Environment and Safety Standard."
 25 The very last sentence there on page 5 notes,

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1 "In reviewing the self-appraiser submitted to me by Ray,
 2 it is obvious that Ray does not feel that his efforts
 3 have been recognized, appreciated, nor compensated for,
 4 and I believe this contributes to a lot of recent verbal
 5 reports regarding Ray's current opinion of the Department,
 6 his supervisor, and his job in general."
 7 Is that correct, that you felt as of this time,
 8 January of 2011, that your job efforts hadn't been recognized,
 9 appreciated, or compensated for?
 10 A. We are given a self-evaluation form. I filled
 11 it out honestly.
 12 One of the things that -- and especially now
 13 that I've had a chance to look at the evidence that you
 14 had provided through Discovery -- that it was, you know,
 15 to have the same opportunity that other staff do to grow
 16 and advance, which is what they talked about with regard
 17 to staff optimization.
 18 It did lead to -- you know, they had questions.
 19 There were questions. I tried to answer them honestly because,
 20 you know, for me I wanted to just have the same opportunity
 21 to grow and to advance as anyone else would in that
 22 Department.
 23 That's where I'm sure she gets that statement,
 24 from, is in that self-appraisal.
 25 Q. All right. At the time -- so not focusing on

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1 information that you may have learned later on or
 2 through the litigation, but in January of 2011 when this
 3 was put together, in what ways did you not feel that you
 4 were recognized or appreciated -- if any?
 5 A. It's the work load I was carrying. Not only
 6 did it just keep growing, it's -- you know, like I say,
 7 there was a statement that we've always used, "other
 8 duties as assigned." Well, sometimes you didn't think
 9 you were going to have that many duties, which was the
 10 case by then.
 11 It had grown -- the emergency planning was
 12 taking nearly a quarter of my time which, of course,
 13 takes away from what I was originally hired for. They,
 14 I don't believe, had any idea the extent of the work --
 15 the amount of work that was actually being done at home
 16 to accomplish the things that we needed to have done.
 17 The Bureau of Homeland Security also has --
 18 you need to have these things in by a certain time, and
 19 the only way to accomplish them was after hours.
 20 Q. All right. And did you ever take those concerns
 21 about the sheer workload to Betty Grimm?
 22 A. I didn't take them to her. I addressed them
 23 in the self-evaluation because it's easier for me to write
 24 things down. It lets me put my thoughts down a little
 25 bit better than verbalizing.

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1 Q. I see. Then it notes, "-- Contributes a lot
 2 to recent verbal reports regarding Ray's current opinion
 3 of the Department."
 4 Do you know what's meant by that statement,
 5 your "verbal reports regarding Ray's current opinion of
 6 the Department"?
 7 A. I don't know if she's meaning the document
 8 that we had discussed or the self-evaluation. I'm not
 9 sure what she is referring to there.
 10 Q. Okay. By January 2011, what was your current
 11 opinion of the Department?
 12 A. Disappointed.
 13 Q. And was that in relation to the hiring practices?
 14 A. I guess whenever you see things -- you work
 15 somewhere and you think things should be better than
 16 they are and you see things happen, it takes away a
 17 little bit of the luster; that you thought you worked
 18 for a Department that was on the "up-and-up," and you
 19 find out that that's not always the case.
 20 Q. "Your current opinion of your supervisor,"
 21 so I would suppose that would be Betty Grimm.
 22 Had you shared anything in relation to your
 23 evaluation, your self-evaluation, about what your
 24 opinion was of your supervisor?
 25 A. I don't know if there is a question in there

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1 about your supervisor, to be perfectly honest. It
 2 mostly deals with the position, how you feel, you know,
 3 your goals and aspirations, that kind of thing.
 4 Q. During your meeting with Ms. Grimm, did you
 5 discuss at all your opinion of or your relationship with
 6 Ms. Grimm?
 7 A. Not really. We were dealing with regard --
 8 do you mean this meeting right here?
 9 Q. Right.
 10 A. It was a rather subdued meeting. I mean,
 11 I understood -- I almost had the -- I kind of had the
 12 thought that this probably would come up, but it was a --
 13 the meeting didn't last very long, and it was just
 14 read it, "All right," and move on.
 15 Q. Very good.
 16 (Exhibit 48 marked.)
 17 Q. (BY MR. PERUCCA) All right. This is the
 18 Performance Review that is dated January 13th, 2013. So
 19 that would have covered all of 2012; correct?
 20 A. Um-hmm. (Nodding head.)
 21 Q. "Yes"?
 22 A. Yes.
 23 Q. No problem. Once again, this particular
 24 evaluation increases the rating from "Solid Stable
 25 Performance" during the last year to "Exemplary

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1 Performance"; correct?
 2 A. Correct.
 3 Q. And it appears that there is a different
 4 manager here?
 5 A. We have a new Superintendent. That's Lynn Viner.
 6 Q. And when did Lynn Viner take over that position?
 7 A. I believe it was either October or November of
 8 2012.
 9 Q. And what has your working relationship been
 10 with Lynn Viner?
 11 A. Cautious, to start.
 12 Q. Okay. And why is that?
 13 A. I guess it's -- to use an analogy like playing
 14 poker -- you don't want to show your hand because I knew
 15 that there were some things that she had discussed with
 16 former Superintendent Grimm. I was cautious at the
 17 beginning.
 18 Q. Okay.
 19 A. And I believe she even notes that in there
 20 because she talks about some things she had been told.
 21 Q. All right. And did she discuss those with you
 22 during the meeting?
 23 A. She did.
 24 Q. Did you get an opportunity to kind of clear
 25 the air with regard to any misperceptions or anything?

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1 A. Yes, we did.
 2 Q. Very good. Did she have the same type of
 3 style with regard to reviewing objectives and coming up
 4 with new objectives during your evaluation?
 5 A. I really didn't see that here. A lot of times
 6 the objections and things were, "Ray, what do you want
 7 to see done?" It kind of -- I just throw out the ideas,
 8 and then they kind of developed.
 9 Q. I wanted to focus on page 5 of that exhibit,
 10 which is the "Work Environment/Safety" category.
 11 A. Okay.
 12 Q. It notes in the first comment -- it says,
 13 "Betty Grimm." So what I wasn't sure of was whether
 14 Betty Grimm was still somehow involved in your evaluation
 15 or this was something that maybe Ms. Viner became aware
 16 of from Betty Grimm -- that first comment that was made
 17 there? Do you have any knowledge as to why her name was
 18 listed there?
 19 A. Yes, but she actually had -- she asked me for
 20 feedback on this before she left.
 21 Q. Okay.
 22 A. I had done another evaluation form and sent
 23 that over to her.
 24 What you're seeing here -- because I handled
 25 the annual safety inspections for the facility -- and

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1 then this gave Lynn -- she took it and expanded on it,
 2 how she sees safety.
 3 I think one of the things that she was dealing
 4 with was that by this time there was also suspicion --
 5 I'm not saying a total lack of trust, but you know, when
 6 somebody wants to talk to you, you tend to be a little
 7 leery, "What do they want to talk to me about? Is it a
 8 building issue or is it something else?" or "What do
 9 they want?" So I was kind of in that mindset.
 10 I understand -- because one of the things
 11 about the building -- that when staff come to see me
 12 about issues when they interact, I want to know why
 13 because in my opinion the staff -- the taxpayer also has
 14 rights, too, and I want to make sure that I convey that
 15 to the -- to whoever is telling me this, "Okay, why
 16 did it -- if something broke, why did it break? Was it
 17 it just happened? Was it something that we could fix
 18 through education? Was it that juveniles were involved?"
 19 That kind of thing.
 20 I understand her -- what her -- what is the --
 21 the physical safety I think we can pretty well go by. I
 22 think that's why she talks about emotional safety.
 23 Q. All right.
 24 A. I believe she had gotten some comments and,
 25 like I said, there is I think within the "Comments" you

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1 see there is a division. There's some that agree with
 2 me, and there's some that don't.
 3 Q. Agree with the --
 4 A. I think some of this is carry-over from the
 5 petition.
 6 Q. I see. Okay.
 7 A. I mean, I think you see -- it's rather veiled
 8 in this, but I think that's where you see some of this.
 9 Q. Okay. Then Lynn notes in her section here,
 10 whereas you noted -- it talks about her view on safety;
 11 correct?
 12 A. Correct.
 13 Q. And then it says, "I would like you to work on
 14 improving your relationships with employees over the
 15 coming year." What was your discussion on that issue?
 16 A. Well, what we discussed was taking time to
 17 listen to their side a little bit better, try to meet
 18 them a little more halfway. You know, sometimes "Why?"
 19 is rather too curt of an answer. You know, kind of get
 20 their -- because with different staff you have to deal
 21 with them a little differently, and that's the things
 22 that -- and I agreed with her, and I would do that.
 23 I believe -- I would like to think the
 24 relationship has improved over this year.
 25 Q. And at this time were you supervising more

1 than two employees?
 2 A. No.
 3 Q. Okay. So the same two staff positions?
 4 A. Same two staff positions.
 5 Q. All right. Very good.
 6 Besides your issue with hiring practices,
 7 which we already discussed, the petition and all that
 8 process, were there any other discussions that you had
 9 with Sharon Harrigfeld regarding the managing practices
 10 of the Department in 2000 -- let's narrow it down to --
 11 let's talking about 2012 time period.
 12 A. Okay. Could you rephrase the question?
 13 Q. Sure. Moving beyond the issue of hiring
 14 practices, which I think we already discussed and your
 15 meeting that you had with Sharon Harrigfeld regarding
 16 that issue, after that issue was addressed during that
 17 meeting, were there any other opportunities that you had
 18 to discuss Management practices of the Department with
 19 Sharon Harrigfeld?
 20 A. One of the things she did institute, I believe,
 21 it was called a "bucket list" where she gave -- she
 22 brought staff in, and we had -- first of all, we had an
 23 "All Staff" -- and I don't know if that's in your notes,
 24 but we had an "All Staff" where there were some issues
 25 discussed. The hiring issue was, of course, at that --

1 staff a chance to meet with her on an individual basis
 2 in a separate conference room, and that led to some
 3 interesting discussions just through the grapevine.
 4 Q. Okay. Did you ever have any one of those
 5 individual meetings in the conference room?
 6 A. No. I felt that my time -- I had already had
 7 my chance, and other people were getting a chance to
 8 voice their concerns, also.
 9 Q. Okay. What I'm trying to just kind of get a
 10 sense of is beyond the hiring practices issue, if there
 11 were any other specific issues that you specifically
 12 addressed with Ms. Harrigfeld in a one-on-one meeting?
 13 A. In a one-on-one -- I don't believe Sharon and
 14 I have ever really met one-on-one.
 15 Q. Would you have addressed it in any other manner
 16 like an e-mail, or a letter, or anything like that?
 17 A. The one thing I did -- I know she commented
 18 one time -- and I believe she made the comment -- and
 19 I'm not sure if it was an "All Staff" talking about
 20 "those in the shadows."
 21 I sent an e-mail back, and I told her --
 22 I said, "That was a rather self-serving comment," because
 23 we knew who it was looked upon -- it was looked upon the
 24 people that had signed the petition.
 25 I'm not sure -- I believe by now we have had

1 that was the focal point.
 2 Q. When was that, that "All Staff" meeting?
 3 A. That actually had occurred just after the
 4 original meeting with myself and the Director. I
 5 believe that was in November of 2010 -- or 2011. Would
 6 that be right?
 7 Q. 2011.
 8 A. Right. And then in 2012 they had begun to --
 9 we had the employees' meeting at different times, and
 10 kind of having a chance to air out -- kind of clear the
 11 air. I mean, we had comments that I think she was a
 12 little bit taken aback that we were looked upon as a
 13 "Club Med." I know that was one that was a -- created
 14 quite a controversy.
 15 There was others with regards to the safety
 16 and security practices -- how they had devolved over the
 17 years instead of evolved -- and that it was becoming
 18 rather unsafe around the facility. I know those were
 19 focal points for staff.
 20 Q. Okay. And those were issues that were
 21 discussed -- that you had the opportunity to discuss
 22 with Ms. Harrigfeld, as well; correct?
 23 A. Those weren't -- when we had our meeting,
 24 not really, no.
 25 She also, after the "All Staff," gave the

1 the lawsuit, you know, had begun to go through its early
 2 stages.
 3 Q. Sure.
 4 A. And I told her, you know, that was at least
 5 self-serving -- in my opinion it was self-serving, and
 6 it didn't do anything definitely to change our opinion;
 7 in fact, if it did anything, it galvanized it.
 8 Q. Okay. And other than that one e-mail that you
 9 discussed, any other e-mails or written correspondence
 10 with her?
 11 A. I can't think of any offhand. Is there
 12 probably some around? Likely, but I just can't recall
 13 them at this time.
 14 Q. All right. Was there any time where you may
 15 have raised a concern with Ms. Harrigfeld regarding
 16 either Department policies or the management of the
 17 facility where you felt that you were retaliated against
 18 because of the comments that you had made specifically
 19 to her?
 20 A. No.
 21 Q. And would that be the same with Betty Grimm,
 22 that any concerns that you ever raised or you felt that
 23 Ms. Grimm specifically retaliated against you for
 24 comments or concerns that you raised?
 25 A. No.

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1 Q. Okay. During the time that she was your
 2 supervisor, was there anything that Betty Grimm had done
 3 to prevent you from speaking out on any particular issue
 4 you were concerned about?
 5 A. The only thing that occurred was a meeting in
 6 Ms. Grimm's office with myself, Tom Knoff, Ms. Grimm,
 7 and at which time -- and this particular issue was back
 8 to the hiring where we were told in no uncertain terms
 9 that "We don't want to see anymore petitions"; that the
 10 hiring of Ms. Roters was -- I believe the term used by
 11 Mr. Thomson was "a righteous hire," and if anything
 12 would occur detrimental to that hiring, he would use
 13 every avenue within the Department's -- the Department
 14 has available to rectify it.
 15 Q. And how did you interpret that?
 16 A. "Don't do it again."
 17 Q. Or what was going to happen?
 18 A. "Or you would -- there would be some form of
 19 discipline."
 20 Q. So the issue wasn't, "Don't discuss it with me";
 21 it was, "Don't utilize this form of petition or whatever
 22 to deal with that issue"?
 23 A. Correct.
 24 Q. And when did that particular meeting occur,
 25 generally? Would that have been before or after your

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1 combined meeting with Ms. Harrigfeld and Ms. Grimm?
 2 A. That was afterwards.
 3 Q. Would it still have been the fall time period
 4 of 2011?
 5 A. I don't recall.
 6 Q. And again, after that particular meeting, was
 7 there any negative impact to your job?
 8 A. No.
 9 Q. Did you receive, generally throughout the
 10 course of your employment with the Department from 2001
 11 forward, raises and bonuses?
 12 A. When they were available to all staff, yes.
 13 Q. Okay.
 14 A. I believe I've got one merit bonus in there.
 15 Q. Okay.
 16 A. I'm not sure if that's the right term or not.
 17 Q. Let's discuss just a few of those. Let's mark
 18 this as the next exhibit.
 19 (Exhibit 49 marked.)
 20 Q. (BY MR. PERUCCA) Do you recall that particular
 21 document?
 22 A. I believe I have it in my -- yes. This is a
 23 bonus.
 24 Q. Okay. \$1,000 bonus for -- it looks like
 25 there's a handwritten date in there of March 28, 2004?

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1 A. Um-hmm. (Nodding head.)
 2 Q. Okay.
 3 A. Yes, yes.
 4 Q. Do you know who received bonuses that year?
 5 Were you privy to that type of information?
 6 A. No, I wouldn't be privy to that type of
 7 information.
 8 Q. Okay. How were those bonuses determined?
 9 Were you aware of that?
 10 A. They have to be by merit. I believe if --
 11 I believe it's correct -- it's State law that you have
 12 to merit any type of financial remuneration.
 13 Q. And are there particular guidelines that you
 14 are aware of? Is it tied to --
 15 A. It's tied to your evaluation.
 16 Q. All right. And who makes the determination of
 17 who qualifies? Is that a direct supervisor issue?
 18 A. I believe that's more of an HR issue. I mean,
 19 if your evaluation -- example: If it's "Achieved" you
 20 receive this much, if it's "Solid Sustained" you receive
 21 this much, if it's "Exemplary" you receive this much.
 22 Q. All right. Were you involved at all in the
 23 decision-making process if the employees underneath you
 24 were to receive bonuses or raises?
 25 A. It would be based on my evaluation of them, yes.

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1 Q. So HR would basically look at your evaluation
 2 and make that determination or their own? They would
 3 not come to you separately and say, "We're thinking
 4 about giving a \$1,000 bonus" or anything like that?
 5 A. No -- I have never really seen that happen.
 6 Q. Okay. During your time at the Department, had
 7 any other employees come to you to complain that they
 8 felt that they should have received a bonus or a merit
 9 increase and they didn't receive it?
 10 A. Not to my recollection. Like I say, I only
 11 had two people, and I don't recall anything like that.
 12 Q. Okay.
 13 (Exhibits 50 and 51 marked.)
 14 Q. (BY MR. PERUCCA) All right. You have been
 15 handed two documents that are within the 2005 time frame.
 16 It looks like the first document -- the
 17 September 26th, 2005, letter notes that you were to
 18 receive a bonus of \$467; correct?
 19 A. Um-hmm. (Nodding head.) A bonus, yes.
 20 Q. Okay. And then on the next document there's
 21 also a temporary merit rate increase in 2005. So do you
 22 recall whether you received both the bonus and the pay
 23 increase?
 24 A. Well, I'm looking at what it -- and I'm trying
 25 to remember why -- because if it's a temporary merit

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1 increase, I can't believe we all received that -- if I
 2 remember correctly.
 3 Q. Okay.
 4 A. Because I know for a fact that my pay is not --
 5 it's not this right here.
 6 Q. Sure.
 7 A. I mean, I understand the one I have on my
 8 right with the short-term one time distribution.
 9 I'm not real sure about this temporary merit
 10 increase, and it -- because there is a set amount --
 11 there's a bonus in that -- let's see. (Pause.)
 12 Q. It's okay if you don't recall exactly how it --
 13 A. I'm a little baffled exactly what they were
 14 trying -- because, first of all, this has to be a ways
 15 ago because Brent Reinke is the Director. This is 2005.
 16 Q. That's okay. I guess what I was trying to get
 17 at was -- are there times where you might qualify for
 18 both a one-time bonus and an increase in your hourly rate?
 19 A. I don't -- I guess there is, but the problem
 20 with this is I know when it says, "a temporary merit
 21 increase," to me that's more of a bonus than it is --
 22 at least by my definition of the word -- because, you know,
 23 that's what he's got it checked as.
 24 Q. Okay. What is your current hourly rate?
 25 A. \$16.85 an hour.

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1 Q. Okay. Perfect.
 2 (Exhibits 52, 53 marked.)
 3 Q. (BY MR. PERUCCA) Exhibit 52, an April 2, 2006,
 4 letter, indicates that you qualify for an \$800 bonus;
 5 correct?
 6 A. Correct.
 7 Q. And then the next exhibit discusses there's
 8 also a bonus of \$1,000 effective 11/6/2006.
 9 So if I have this correct, there might be
 10 times where there might be multiple bonuses given in the
 11 same year; correct?
 12 A. Yes, but it does not normally go with our
 13 policy and procedure on that -- at least by the way I
 14 understand it -- and these are definitely times that
 15 have been long since passed in State government because
 16 we haven't had money for things like this in a long
 17 time.
 18 Q. Right. Okay. I was just trying to get an
 19 understanding whether that -- whether that is something
 20 that you understood could occur, that there might be times
 21 when you might get multiple bonuses in the same calendar
 22 year?
 23 A. That's not normal because our fiscal year,
 24 for instance, runs from June 30th to June 30th, so --
 25 and you have to go through -- pardon the expression --

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1 an "act of God" to get merit increases for State
 2 employees, so -- (Pause.)
 3 Q. Sure. All right.
 4 (Exhibit 54 marked.)
 5 Q. (BY MR. PERUCCA) All right. This Exhibit 54
 6 is a Memorandum dated June 16th, 2008, regarding a change
 7 in employee compensation; correct?
 8 A. Yes.
 9 Q. All right. And it notes that your new hourly
 10 rate of pay at that time was going to be \$16.24; correct?
 11 A. Correct.
 12 Q. From your knowledge, was that a significant
 13 increase from your prior hourly rate? It looks like --
 14 if you look back at the prior exhibit -- which would
 15 have been --
 16 A. 2006 to 2008?
 17 Q. Yes. Exhibit 53. Let's take a look at that.
 18 So Exhibit 53 shows an hourly rate at \$14.90;
 19 correct?
 20 A. Correct.
 21 Q. And that would have been sometime around --
 22 sometime in 2006. So that would have represented a jump
 23 in pay between \$14.90 to June 2008 of \$16.24; correct?
 24 A. Yes. Now, the one thing I can see is there
 25 also would have been a change due to going from a Senior

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1 Maintenance Craftsman to a Building Superintendent, also.
 2 Q. Right. Okay.
 3 A. So that would have probably been the --
 4 because I see the title here, but I don't see the titles
 5 listed there -- because that is also one of the things
 6 when you -- oftentimes when you change a -- whatever you're
 7 called, there is fiscal remuneration for that, too.
 8 Q. Sure. Okay. That makes sense -- that actually
 9 makes sense for what the increase was related to, which
 10 kind of brings me to when you -- how is the process you
 11 were made aware of that Superintendent position -- when
 12 you had the opportunity to apply to be promoted?
 13 A. I didn't --
 14 Q. It was just -- was it just automatically given
 15 to you?
 16 A. Well, one of the things they changed -- for
 17 the first seven years, I was Senior Maintenance Craftsman.
 18 Q. Right.
 19 A. They added -- once Phase III opened and I had
 20 two people underneath me, they changed that title to
 21 "Building Superintendent."
 22 Q. Okay.
 23 A. I still did the same thing; they just changed
 24 the title of what I was.
 25 Q. I see. Okay. So it wasn't an open position

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1 that had you to be interviewed for and go through that
 2 whole process?
 3 A. No.
 4 Q. Okay. Did you have any role in putting together
 5 the duties of that particular job since it basically had
 6 just been created?
 7 A. We don't really create jobs. Usually,
 8 whatever they are on the DHR -- the DHR has various
 9 maintenance -- just to use my field -- they have different
 10 things for -- they have different names.
 11 I remember they asked for some feedback, and
 12 I had given them a couple of things to work off of, and
 13 they picked Building Superintendent.
 14 Q. Okay.
 15 A. I'm sure they looked at, okay, what are they
 16 going to have to pay -- because oftentimes -- one of the
 17 reasons -- their rationale for changing positions is
 18 that at the end there's a lot -- you know, you can make
 19 more at the end of it. It just changes how much more
 20 they could pay you if they did indeed choose to do that.
 21 Q. All right. Are there any other positions with
 22 the Department that you may have applied to during your
 23 time working?
 24 A. No. There is nothing to apply for.
 25 Q. Okay. What would be -- is there any other

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1 position that would be a step up from where you are that
 2 you could be promoted to?
 3 A. I believe the position at St. Anthony's is the
 4 only other position, and that's based I think on either
 5 the number of years of experience and also it's a bigger
 6 facility.
 7 I believe he's a -- I'm trying to remember if
 8 Todd's position is referred to as a "Building Foreman."
 9 I can't remember his designation, but that's the only
 10 different designation we have with the same basic job.
 11 There's three juvenile facilities in the state:
 12 Senior Maintenance Craftsman, Building Superintendent,
 13 and I believe Building Foreman. I'm not really sure
 14 what Todd's designation is.
 15 Q. Okay. Understandable.
 16 It looks like from after 2008 -- so from 2009
 17 until basically the beginning of 2012 there were no
 18 increases or bonuses regarding pay.
 19 A. We had -- there has to be from the \$16.24 to
 20 \$16.85 -- there has to have been something in there. I
 21 think we had a one-time -- or we did have a raise in
 22 that time frame because the Legislature has to give us
 23 the money for raises. That's not -- the Department can
 24 maybe give merits, but they still have to go through the
 25 Legislature to do it.

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1 Q. Sure. Okay. So was it pretty uniform that
 2 personnel were not being given bonuses during that time
 3 frame because the Legislature wasn't appropriating
 4 moneys for that?
 5 A. If you qualify for it, there's a bonus. I mean,
 6 usually if we use "Achieves," or "Solid Sustained," or
 7 "Exemplary," those are the three that it would apply to
 8 for bonuses.
 9 From the way I understand it, if you do not
 10 achieve, then that is -- unless, for whatever reason,
 11 you didn't do an evaluation -- those are the only two
 12 ways you could not receive some type of fiscal bonus or
 13 merit.
 14 Q. Okay. More what I'm getting at is from your
 15 employee file, it looks like there were not any bonuses
 16 during -- you know, after this 2008 time period. So in
 17 2009, 2010, 2011 there weren't any bonuses that you
 18 received.
 19 What I was trying to get at was, is that
 20 uniform, to acknowledge, among other employees within
 21 the Department?
 22 A. I would like to think so because, like I said,
 23 bonuses have to come through -- there's an approval
 24 process for that.
 25 Q. Sure. And were you aware of the reasoning why

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1 there weren't the normal pay increases or bonuses given
 2 during that time period?
 3 A. Well, yeah. I mean, it was -- we had a
 4 downturn in the economy. That was also when we had --
 5 you mentioned the term -- not "layoffs," but --
 6 Q. "Furlows"?
 7 A. "Furlows" and things like that.
 8 Q. Okay. So, to your understanding, the reason
 9 why there's a gap in paying increases or bonuses has
 10 nothing to do with your particular job performance
 11 during that time period?
 12 A. None that I would know of, no.
 13 Q. Okay. And, in fact, once 2012 hit, you did
 14 receive then an increase in pay during that particular
 15 year?
 16 A. Yes, which brings me to my current rate.
 17 Q. Correct. And also a bonus during that
 18 particular year, correct, in 2012?
 19 A. Yes. We just had a bonus, in fact.
 20 Q. All right. Was that in May of 2013 you
 21 received a bonus?
 22 A. Yes, yes.
 23 Q. Okay.
 24 A. I believe Ms. Viner -- Superintendent Viner
 25 signed that one.

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1 Q. I did want to ask you about an e-mail that
 2 I wasn't sure about. Let's go ahead and mark this.
 3 (Exhibit 55 marked.)
 4 Q. (BY MR. PERUCCA) There appears to be an
 5 e-mail on June 25th, 2010, from Julie Cloud, and it's
 6 sent to a number of different people. It appears that
 7 you were one of the people on this. "Changes in hiring
 8 and benefits."
 9 Kind of what I wanted to focus on -- number one,
 10 do you know why you received this particular e-mail?
 11 A. Truthfully, no, except that I'm on the Management
 12 Team of the facility, and it's kind of a -- it's a blanket
 13 e-mail for -- if you're on that, you get the e-mail.
 14 That's who she intended -- you know, you punch up there,
 15 and you get the e-mail.
 16 Q. Okay. I kind of wanted to focus on the first
 17 paragraph. It talks about, "-- when working through a
 18 hiring list, you can now consider any applicants in the
 19 top 25 names on the hiring list." Do you know what
 20 that means?
 21 A. Well, apparently, there was a change. "You
 22 can now consider any applicants in the top 25." There
 23 was a change. Okay. I see the paragraph.
 24 Q. Okay. Do you know what that -- I have no
 25 idea what that means, "top 25 names on the hiring list."

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1 A. You know, you're giving a hiring list. There's
 2 25 names.
 3 If there's any veterans. Double Diamond Veterans,
 4 they have to be offered an interview.
 5 Q. What does that mean, "Double Diamond Veterans"?
 6 A. You know, you get a list of names, and if
 7 there's a Double Diamond on them -- keep in mind Double --
 8 they only have to be offered an interview if they are in
 9 the top ten, but of course this did not change, but it
 10 has gone from the top ten, so my assumption is that it's
 11 the top 25.
 12 See, for me, I have never had this problem
 13 that they seem to have -- I mean, with this right here.
 14 I mean, I don't have that many applicants.
 15 Q. Sure. Okay. And I just wasn't sure if you
 16 knew what the category meant, "Double Diamond Veterans."
 17 What classification gives a person that title?
 18 A. I don't -- my assumption is if you are a vet --
 19 now, even with the Federal Government -- I don't know if
 20 that means because there's 5 percent if they're disabled,
 21 10 percent that changes certain things, also.
 22 I know the one -- my Senior Maintenance Craftsman,
 23 he's a vet. So -- (Pause.)
 24 Q. Okay. Good enough. The last category of
 25 questions -- I think we discussed a little bit about

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1 your relationship with Lynn Viner was cautious to start?
 2 A. To start.
 3 Q. Have you felt that that relationship -- that
 4 supervisory relationship has improved over time?
 5 A. Yes.
 6 Q. And does Lynn have a similar type of open-door
 7 policy that you described with Betty; that if you have a
 8 concern, you can come in and discuss it?
 9 A. A little bit. I would say, "No, she would
 10 prefer --" because I think the open-door policy kind of
 11 got a little convoluted, and people were just coming for
 12 problems and problem solving.
 13 What she would rather you do is go through --
 14 talk to your immediate supervisor, and then you begin to
 15 move up the ladder.
 16 Q. Has there been any time where you brought a
 17 concern to Lynn once again regarding your work conditions
 18 or regarding the administration of the facility where
 19 you felt that you were retaliated against by bringing
 20 that concern to her attention?
 21 A. No, not with Lynn, no.
 22 Q. And has Ms. Viner disciplined you in any way,
 23 either verbal or written?
 24 A. No.
 25 MR. PERUCCA: That's all the questions that

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1 I have for you. Thank you.
 2 MR. SCHOPPE: I think I'm going to have a
 3 bunch, and I'm pretty sure it's going to set up some
 4 follow-up questions for you. If you want to take an
 5 early lunch and come back?
 6 MR. PERUCCA: That's fine. We are at 11:45.
 7 MR. SCHOPPE: Let's come back at 12:45.
 8 (Recess taken.)
 9 MR. SCHOPPE: We are back on the record.
 10
 11 EXAMINATION
 12 QUESTIONS BY MR. SCHOPPE:
 13 Q. I'm Andrew T. Schoppe, and I will be asking
 14 some follow-up questions, Mr. Gregston, here.
 15 You had spoken about what you regard as
 16 "questionable hiring practices" regarding several positions
 17 at the JCC Nampa facility with respect to Laura Roters'
 18 hiring -- I believe in -- was it 2010 or 2011?
 19 A. I believe it was 2011.
 20 Q. Okay. Specifically, with respect to that
 21 Unit Manager position, what were your specific concerns
 22 about that?
 23 A. That it was based, very simply, on Dave Rohrbach's
 24 desire to have her in that position, as opposed to her
 25 actually meriting the position over more qualified

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1 individuals -- and I'm sure some would say, "Define
 2 'qualified.'" I mean, we had -- there was at least
 3 three applicants with Master's-level degrees and more
 4 experience, plus they carried the necessary supervisory
 5 clause that was missing in her application -- the first
 6 time around.
 7 Q. And you saw the job description for that
 8 position at some point?
 9 A. Yes. It was online.
 10 Q. Okay. Who were the other applicants for that
 11 position?
 12 A. Nicolas Tinker, William Morris, I believe
 13 Jeff Sanders, I believe -- or not -- Steve Sanders --
 14 Jeff Underhill, Mark Freckleton applied for the job, and
 15 I know there was -- oh, the first time around was Eric
 16 Cotton. Those are the ones that I can recall at this
 17 time.
 18 Q. Okay. Did any of those people apply for the
 19 position, the people you just listed, ever express an
 20 opinion to you about what had gone on?
 21 A. William Morris did. Eric Cotton is a very
 22 private individual. We knew he was upset the first time
 23 around because that's why he didn't re-apply the second
 24 time.
 25 I don't believe Steve Sanders applied the

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1 second time, and I know that there were three applicants
 2 that did not re-apply after the first hiring issue.
 3 Q. Okay. When you say, "the first time around,"
 4 what do you mean exactly?
 5 A. The job was opened up, the hiring went through --
 6 and I'm basing this now on what I now know.
 7 She submitted her application for review by
 8 Department HR, which we were encouraged to do.
 9 Q. By "she," is that Laura Roters?
 10 A. Laura Roters turned it in to Joyce Clark, and
 11 Joyce Clark asked -- you know, she looked at it and she
 12 told Laura on the same day, she said, "Well, we have a
 13 problem with question No. 2, which was the linchpin
 14 for the whole supervisory experience clause.
 15 There were several other questions she had
 16 questions on, but that was the one that would prove to
 17 be the real one that got everything started, but
 18 surprisingly enough, it went through the process, it got
 19 through -- even though HR knew about it when Laura
 20 turned it in, it got through the whole process.
 21 Then I believe it was May 7th or -- I'm not
 22 exactly sure of the date -- she was announced as the
 23 recipient of the Unit Manager position.
 24 Q. How do you know it went through the process
 25 through HR?

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1 A. Well, there's a -- within the documents there
 2 is a Chronology of Events -- Julie Cloud was asked to
 3 put together a chronology, and in the chronology we see
 4 April 25th as the turn-in date, and then we see Joyce
 5 give her the response.
 6 There's nothing really more said, I believe,
 7 until we get -- there's several -- because they're in
 8 bullet points, and then we get to the bullet point where
 9 it says that, you know, the five finalists were
 10 selected, and then I think the next bullet point is
 11 Laura Roters was hired for the position as Unit Manager.
 12 Then it goes on several other bullet points to
 13 say that there is -- there was a staff that questioned
 14 the hiring process on that hire with regard to the
 15 supervisory clause and how she could have passed it
 16 without having the necessary experience.
 17 That's when HR examined her answer, agreed,
 18 took it to the Director, she agreed, and then took it to
 19 State HR -- I believe it was Mike Savoie. He agreed
 20 that she did not meet the qualifications.
 21 Then, of course, they were in a bit of a
 22 quandary then because Laura was upset.
 23 Julie Cloud met with Karen Magnelli, who is
 24 one of IDJC's -- or was one of IDJC's DAG at the time.
 25 Q. Do you mean "Deputy Attorney General"?

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1 A. "Deputy Attorney General." She asked her
 2 about --
 3 you know, she was asking for her -- what they should do
 4 for some advice because they were -- she makes the
 5 comment, "We believe she has retained Counsel."
 6 But the bigger issue for us is in reading this
 7 document from April 25th to the hiring, it was an
 8 outside source that caught that there was no experience.
 9 HR knew -- they say they didn't know, but Joyce Clark is
 10 a member of HR. So you would like to think it wasn't
 11 anything more than an honest mistake, but it sounds more
 12 nefarious.
 13 Q. Was Joyce Clark the person that caught that?
 14 A. No. The person that caught the hiring issue
 15 with the supervisory clause was Mark Freckleton.
 16 Q. Okay. Who had applied for the position?
 17 A. Who had applied for the job. Who had applied
 18 for the job, yes.
 19 Q. As far as you know, did he question that --
 20 his questioning of that hiring led to this investigation,
 21 then?
 22 A. Yes, that led to the Department being put on
 23 probation for six months by the Department of Human
 24 Resources.
 25 Q. Did you know that at the time -- or was that

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1 based on your review of documents?
 2 A. Review of documents.
 3 Q. Okay. What happened next with respect to the
 4 manager position?
 5 A. It's reviewed by the State HR. To the best
 6 that I have been able to read by the documents provided,
 7 was that the supervisory clause was either removed or
 8 watered down enough that Ms. Roters could qualify, but
 9 also in that document it talks about waiving fees for
 10 supervisory classes -- getting her so she should make --
 11 in other words, moving the lines so that she could
 12 qualify for the position.
 13 Q. Okay. As far as what you knew at the time,
 14 what happened with the position?
 15 A. The position was put on hold. I'm not sure of
 16 the exact verbiage that you would call -- it was basically
 17 declared null and void.
 18 So they opened it up -- opened the position
 19 again as if it was a new job and went through the hiring
 20 process again.
 21 Q. And when was that?
 22 A. Probably -- let's see. The decision to hire
 23 was made in May. I don't believe she's awarded the
 24 position again -- when it finally does come to an end --
 25 I thought either September or October.

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1 Q. Okay. How do you know that the hire was made
 2 "null and void," as you put it?
 3 A. There was a letter sent out by the Department
 4 HR. There was one letter that the position had -- and
 5 then it talked about that Laura would remain -- because
 6 she was the PBS Training and PBS Site Coordinator. That was
 7 her job before she applied for the Unit Manager job.
 8 So she hadn't even been working with juveniles
 9 for two-and-a-half to three years, and then she goes
 10 back to working with juveniles because she had been
 11 Rehab Tech prior to her taking the PBS Coordinator job.
 12 Q. Okay. Who had held the Unit Manager position
 13 before Ms. Roters?
 14 A. We didn't have a Unit Manager position. This
 15 was a new creation.
 16 The Unit Manager -- that title had been
 17 Dave Rohrbach, and then they changed the title from
 18 "Unit Manager" to "Youth Program Manager." That's the
 19 position.
 20 Q. Okay.
 21 A. I mean, they reclassified his position, and
 22 felt they needed a Unit Manager.
 23 Q. Okay. And was this at a time when there was a
 24 hiring freeze, as far as you knew?
 25 A. Yes.

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1 Q. Okay. Did anyone offer any opinion or
 2 statement of concern about hiring for a new position
 3 at that time?
 4 MR. PERUCCA: Object to the form.
 5 Q. (BY MR. SCHOPPE) You can answer.
 6 A. Other staff had said something to the effect,
 7 you know, "We have a hiring freeze."
 8 Of course, this is also a time that Mr. Rohrbach's
 9 position is being reclassified. "Why did we need the
 10 Unit Manager position if he went on to be the
 11 Youth Program Manager?"
 12 Q. With respect to other changes in either pay
 13 levels or job classifications during that hiring freeze
 14 period that we had spoken about -- you testified about
 15 earlier, are there any other exceptions to that policy
 16 which you are aware?
 17 MR. PERUCCA: Object to the form.
 18 THE WITNESS: After Ms. Roters took the
 19 position and then we had -- there was the issue with
 20 Mr. Knoff where he was terminated as the O&A Rehab
 21 Supervisor, there was a reclassification done with HR
 22 and with Frank Riley, our COPS Administrator -- which is
 23 "Community Operations --" and I forgot what the "P"
 24 stands for.
 25 Then they transferred that Unit Manager

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1 position over to more -- Laura actually went down and
 2 became an O&A Unit Manager.
 3 Then they had another Unit Manager opening.
 4 Then they also had a Rehabilitation Specialist
 5 Associate position. Those are the three positions that
 6 I know of that come to mind right off the bat.
 7 Q. (BY MR. SCHOPPE) Okay. Did you have any
 8 concern about the Department taking those actions at
 9 the time?
 10 A. Well, if you're having fiscal restraint, as
 11 the Governor is saying he had, and the positions -- and
 12 we had no more juveniles than we have now, I mean,
 13 I have always -- at least what little business classes
 14 I've taken -- if you have no more than what you have,
 15 I mean, you have not added, then there isn't really any
 16 need for any new positions.
 17 Q. Okay. With respect to Tom Knoff's position as
 18 O&A supervisor, what happened there?
 19 A. What we knew at the time was there were issues.
 20 We didn't know really -- we knew there was some conflict.
 21 To this day, it's still a little confusing as to -- at
 22 least in talking with Mr. Knoff, as I still do speak with,
 23 and he is a friend.
 24 He and Ms. Grimm had shared the same office
 25 together. What we can only -- I don't even want to use

1 the word -- what we think happened is in the first year
2 of the opening of the Solutions Unit, they had a lockdown.

3 You know, a "lockdown" simply means that the
4 juveniles will not come out of their unit, out of their
5 rooms. They're on their unit for 23/1, I believe. That
6 did not set well.

7 Larry Callicutt was the Director at the time,
8 and he gave his approval of the lockdown. Ms. Harrigfeld
9 objected strenuously to it.

10 I know Nancy Bishop -- now, this is after the
11 fact -- Nancy was not happy with some things, but no --
12 there was due process, and no one's rights were violated,
13 and they were able to bring the situation back under
14 control.

15 Ms. Grimm was out of state at the time, due to
16 her mother's sickness.

17 I'm not sure where Clay Scofield was, who was
18 the one running Solutions at the time. I'm not sure if
19 he was out of town, but there was an issue that had to
20 be addressed. That probably was the falling -- the
21 final falling out that I believe was starting to lean
22 toward Mr. Knoff's eventual dismissal.

23 Q. Okay. And after -- I think you had said that
24 that position was reclassified; is that right?

25 A. Yes, it was. He was a Unit Manager at one

1 A. All the O&A staff, they were aware of what was
2 being done.

3 Q. Okay. Did anyone express concerns about that?

4 A. Concerns, resentment, "Why are we being
5 singled out? Why is Tom being singled out?"

6 The one thing Tom did have was some very loyal
7 staff. They had been with him for a long time.

8 Q. What do you mean, "singled out" for what?

9 A. "Why are we -- Why is the group -- Why are we --"
10 it seemed like it was demeaning to them, to the O&A Unit.

11 Q. How so?

12 A. Well, it seemed as if they felt that what
13 O&A did was not as important as what the two programs --
14 the Mental Health Unit and the Drug and Alcohol Unit
15 were doing.

16 Q. So you're talking about with respect to when
17 the position was reclassified when Mr. Knoff held it?

18 A. Um-hmm. (Nodding head.)

19 Q. Okay. Then how about when Ms. Roters got the
20 position?

21 A. Frank Riley came -- was on site for two or
22 three months, I believe. They did a -- they had another
23 audit, and with the information they felt they gleaned,
24 the rationale to reclassify the job as a Unit Manager.

25 Q. Okay. And any idea why Laura Roters got it?

1 time, and then I believe in 2008 or 2009 they did an
2 audit and they reclassified the position.

3 Q. Okay. And did that stay the case with that
4 position?

5 A. No.

6 Q. What happened next?

7 A. When they moved Ms. Roters to that position,
8 they did another audit -- or looked at the position
9 again and then classified it back to the Unit Manager --
10 the "Rehabilitation Unit Manager" I believe is what it's
11 called now -- I'm sorry. Not "Rehabilitation --" maybe
12 it is "Rehabilitation." I'm not sure of the title.

13 It is a Unit Manager position.

14 Q. In O&A?

15 A. Yes.

16 Q. Okay. How do you know that?

17 A. I'm sorry?

18 Q. How do you know that, about the audit? Is
19 this something you heard or --

20 A. No. This is something I've read just recently.
21 I did not know about the audit at the time.

22 Q. Were you aware of the reclassification?

23 A. Oh, yes. Everyone down there was aware of the
24 reclassification.

25 Q. When you say, "everyone --"

1 A. She was moved. Why she was moved down there --
2 well, all we can believe -- speculate -- that's about
3 the only word I know -- she had made some mistakes in
4 her -- in running the Choices and Solutions Units; and
5 the other idea was right at this time when Tom left,
6 they wanted someone down there who would take care of
7 matters because O & A's staff was very vocal in their
8 displeasure of Tom's being let go.

9 Q. When you say, "they wanted," who do you mean?

10 A. The O&A staff -- oh, as far as "they wanted,"
11 that would be Leadership. I would say Ms. Grimm and
12 definitely Director Harrigfeld --

13 Q. Okay.

14 A. -- because only she has that kind of power.

15 Q. Okay. Do you know if the position was -- when
16 that position was reclassified back into existence, was
17 it posted or were applications for that position invited,
18 as far as you know?

19 A. As far as I know, no, because that was a
20 question that was actually given to Ms. Grimm by Lisa
21 Littlefield, "Why weren't we given a chance to apply for
22 that position?"

23 Q. Do you know what the answer to that was?

24 A. No, I don't know what the answer to that was.

25 Q. Okay. You mentioned before that Mr. Knoff

1 referenced the Memorandum of Understanding --
 2 A. Um-hmm. (Nodding head.)
 3 Q. -- in connection with Ms. Roters' supervision
 4 of O&A. What do you know about that?
 5 A. It was based on a comment that Ms. Roters
 6 herself is said to have made -- verbalized it in the
 7 O&A Unit -- that there was an agreement between her,
 8 Ms. Grimm or Superintendent Grimm and Director Harrigfeld
 9 that she wouldn't be held accountable for the things --
 10 she was basically given cart blanche, and she wouldn't
 11 be held accountable for the things that needed to be
 12 done in O&A.
 13 Q. And Tom Knoff told you that?
 14 A. Yes.
 15 Q. Okay. Did he say how he knew that?
 16 A. He overheard Roters say it.
 17 Q. Okay. If we ask him about that, he can talk
 18 about that?
 19 A. Yes.
 20 Q. You mentioned before that the hiring practices
 21 were what -- they were kind of a "linchpin" I believe is
 22 the word you used.
 23 Did you mean that with respect to your --
 24 A. They were the spark that started, you know,
 25 the hiring practices -- both Ms. Roters and also what

1 MR. PERUCCA: I'm going to move to strike
 2 as nonresponsive to the question asked.
 3 Q. (BY MR. SCHOPPE) And did you express any
 4 concern over that to anybody?
 5 A. No. That was just -- you know, I was curious
 6 as to why we were getting rid of the piece of equipment,
 7 you know?
 8 You know, we had found it -- and what we were
 9 to do with it? You know, we had to make a decision.
 10 so we actually ended up giving the piece of equipment
 11 away -- at least the steamer we did.
 12 Q. Any other concerns about waste or misuse of
 13 funds?
 14 A. There's been --
 15 MR. PERUCCA: Object to the form.
 16 THE WITNESS: There's been issues with Federal
 17 funding of the school lunch program. This I know from
 18 conversations with Cheryl Knox, who is the Dietary
 19 supervisor -- who became the Dietary supervisor after
 20 Ms. Grimm was Superintendent.
 21 We are allocated so much money a month, and
 22 during an audit when Cheryl first took over the
 23 paperwork was not there to back up the funding.
 24 Anybody that has ever worked with Federal
 25 funds knows that it's usually rife with paperwork, and

1 was done with Julie McCormick.
 2 Q. Okay. And you mean "the spark" with respect
 3 to your personal --
 4 A. Personal involvement in this -- in writing the
 5 petition.
 6 Q. Okay. Prior to that time when that kind of
 7 sparked your interest, had you had concerns about or
 8 offered criticisms about other problems at the facility
 9 along the lines of safety, violations of law or policy,
 10 fraud, waste, mismanagement, anything like that?
 11 A. I knew we had had issues with fraud -- or we
 12 had equipment that was perfectly good. We had a
 13 restraint chair that was used once that we wound up
 14 giving to -- I believe it was the Southwest Detention
 15 Center -- facility in Caldwell.
 16 We had a -- I'm trying to remember -- it's a
 17 type of steamer that was used when -- they put it in
 18 when the kitchen opened, and it was only used twice.
 19 I kept wondering what it was when I first came
 20 to work in 2002. It was stored down in Building 9 of
 21 SWITC -- or at the time Idaho State School and Hospital.
 22 Those were the two that I remember --
 23 especially that kitchen unit was a rather expensive
 24 piece of equipment -- probably at the time several
 25 thousand dollars.

1 so the question was, "Where was the paperwork to justify
 2 the money?"
 3 The thing that saved the Department was that
 4 Cheryl knew the lady doing the audit, and she had been
 5 through this before, and they worked closely trying to
 6 piece together what had occurred, but what could have
 7 happened -- you know, thank goodness it didn't --
 8 we could have lost five years worth of funding. At
 9 \$10,000 a month, it's roughly \$600,000 that could have
 10 been taken.
 11 Q. (BY MR. SCHOPPE) And this is all according
 12 to Cheryl Knox?
 13 A. Yes.
 14 Q. So if we asked her about this, she could
 15 testify to that?
 16 A. Yes.
 17 Q. One of the allegations brought by the Plaintiffs
 18 has to do with discrimination against veterans. What do
 19 you know about that?
 20 A. In the discrimination against veterans, that
 21 alleged Complaint, has to do with a statement and then
 22 the subsequent actions of Ms. McCormick where she stated
 23 in a morning meeting that her -- they were asking how
 24 her job search was going for Safety and Security
 25 officers to fill positions, and she said that they were

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1 top heavy with corrections, law enforcement, and
 2 military personnel who -- people we don't want working
 3 with our kids.
 4 Q. Okay. Do you have any personal experience
 5 with veteran discrimination or have any other knowledge
 6 of it?
 7 A. Oh, I know that -- I know I have -- Mr. Robinson
 8 is a vet, and I know my brother is also a vet. That
 9 seemed to work out okay for them.
 10 I also know that Ms. McCormick had roughly
 11 28 to 30 applicants that she basically reviewed on paper --
 12 she never interviewed any of them. I mean, there were
 13 45 applicants, and 28 to 30 of them had military, law
 14 enforcement, or police backgrounds -- and she knew this
 15 only to the effect she read their applications and did
 16 not interview -- she only interviewed a handful.
 17 Q. How do you know that?
 18 A. That was from a document that was supplied in
 19 Discovery.
 20 Q. How about time card padding?
 21 A. I'd have to refer that to Mr. Knoff.
 22 I have heard the statement from Ms. Grimm
 23 herself where she said, as far as she knew, Dave Rohrbach
 24 had never worked 40 hours that she could ever remember.
 25 Q. When did she say that to you?

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1 A. I don't recall the date.
 2 Q. Was that after Mr. Rohrbach left?
 3 A. No. It was before, as I'm sure Mr. Knoff will
 4 also testify to.
 5 Q. You testified earlier that complaining or
 6 criticizing Management after a certain point in time,
 7 as far as you're concerned, would have been job suicide.
 8 Is that fair?
 9 A. That's a fair statement, yes.
 10 Q. Do you know if anybody shared similar sentiments
 11 in the Department?
 12 A. There was even -- well, there was one issue
 13 where you didn't even have to do that -- where you could
 14 even just move within -- from one area to the other
 15 where Mr. Rohrbach told an applicant who wanted to go
 16 from one of his units to O&A that he was committing job
 17 suicide.
 18 Q. And why was that?
 19 A. That I guess -- maybe he didn't think much of
 20 O&A. I really don't know why he would make a comment --
 21 it doesn't sound like a unifying comment because we're
 22 all the same as far as the facility goes.
 23 Q. Do you know who that was?
 24 A. I can't say for sure. I believe it was Ron Edwards.
 25 Q. Okay. In terms of perceptions about whether

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1 it's safe to report concerns, or problems, or criticisms
 2 to Betty Grimm or Sharon Harrigfeld -- to the Department
 3 in general -- have you spoken with anybody else about
 4 these kinds of concerns?
 5 A. It's a point of discussion with many of the
 6 staff, especially -- especially the O&A staff who have
 7 seen a lot of their numbers go by the wayside, retire,
 8 just walk away.
 9 Q. So who in the O&A staff?
 10 A. Gracie Reyna, Lisa Littlefield, Phillip Gregston,
 11 Todd Inman -- I don't remember her maiden name, but
 12 Robin Pinkert.
 13 Q. Smythe?
 14 A. Yes, Robin Smythe Pinkert, actually.
 15 Dianne --
 16 Q. Carnell?
 17 A. Carnell. Steve Sanders. Those are the ones
 18 that I can remember right off the top of my head.
 19 Q. Is it fair to say that in their discussions
 20 with you about this, they have expressed those kinds of
 21 similar sentiments?
 22 A. Yes.
 23 MR. PERUCCA: Object to the form.
 24 Q. (BY MR. SCHOPPE) Anybody else outside of O&A?
 25 A. Well, we questioned -- I know there were questions

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1 about those people who had not gotten the position.
 2 I know Bill Morris -- Cean Smalls, who is the
 3 School Psychologist, Nicholas Tinker, I know Darla Crespin
 4 has been vocal in some of her comments, which seems
 5 rather odd because she used to work for Superintendent
 6 Grimm.
 7 Q. In what capacity?
 8 A. As a nurse. Superintendent Grimm was the
 9 former Nurse Manager.
 10 Q. Okay. Anybody else that you have discussed
 11 these sorts of problems with?
 12 MR. PERUCCA: Object to the form.
 13 THE WITNESS: I have spoken to Leif Erickson
 14 in I.T. We have talked about it -- Patty Hansen,
 15 Sarah Cerda, Cheryl Knox.
 16 Q. (BY MR. SCHOPPE) Has anyone expressed to you
 17 an opinion as to whether the Plaintiffs' claims in this
 18 litigation are warranted or meritorious?
 19 MR. PERUCCA: Object to the form.
 20 THE WITNESS: Yes. I mean, we've had a number
 21 of people kind of give us, "Thank goodness, somebody is
 22 doing something."
 23 Q. (BY MR. SCHOPPE) Who said that?
 24 A. Well, we have had Rita Fell I know has spoken
 25 to Rhonda about it -- and Patty Hansen. Those are the

1 two that I felt were the ones that -- I was actually a
 2 little surprised. I just didn't -- I thought they were
 3 rather quiet ladies and they didn't say anything, but
 4 they were saying, "Thank you for doing that."
 5 Q. Are they current employees?
 6 A. Yes.
 7 Q. Cheryl Knox, as well?
 8 A. Yes.
 9 Q. Going back to the time card padding, you
 10 mentioned what Betty Grimm had said about Dave Rohrbach.
 11 Is there anything else that you know personally about
 12 those sorts of issues?
 13 A. The only -- the person that would be -- the
 14 other person that was supposed to be involved in that
 15 would have been his wife, Glenda, and her supervisor
 16 was Sharon Harrigfeld.
 17 Q. Okay. Let's talk about the petition that you
 18 mentioned earlier that you said you had kind of gotten
 19 started. How did that come about?
 20 A. It came about very simply as a way of
 21 addressing what myself and Mr. Knoff originally thought
 22 were hiring issues that did not -- that were against
 23 even our policy and procedure -- and, more importantly,
 24 against the Governor's -- the Governor of Idaho -- it
 25 was under Dirk Kempthorne. I think it was 2004-2005 .

1 that did sign it.
 2 Q. And when it finally -- at some point did it
 3 get back to you?
 4 A. No. I did see -- the last I remember, it was
 5 around 20 signatories, and to this day I do not know
 6 where it is.
 7 Q. Okay. In terms of the final signed --
 8 A. The actual signed copy.
 9 There is a copy that was sent without the
 10 signatory list that gave the basic essence, which is
 11 what I had been asked by Director Harrigfeld to provide,
 12 and I did.
 13 Q. And you had mentioned previously in other
 14 discussions that the signatory names were removed from
 15 that document?
 16 A. Correct. We did not send -- and I'm not sure,
 17 to be honest with you, who had that list.
 18 Q. Okay. Is it possible it could be Tom Knoff?
 19 A. It could be possible, and it could have been
 20 turned into a State agency.
 21 I do not know who had it when it was discovered --
 22 I guess you could say, "-- when it was discovered that
 23 it actually existed."
 24 Q. And when you say, "We removed the names," who
 25 do you mean?

1 It is a Fair Hiring Practice. It's not a mandate --
 2 it's an --
 3 Q. An order?
 4 A. Huh?
 5 Q. An order, an executive order?
 6 A. Executive order.
 7 Q. Okay. When the petition was finalized, was
 8 that -- were you the one who wrote it in final form or
 9 did you work with Tom Knoff on it or anyone else?
 10 A. Tom and I worked together. As to the exact --
 11 you know, who had it last, I really don't remember.
 12 I don't recall.
 13 Q. Okay. And then is it fair to say at some
 14 point it was circulated amongst staff?
 15 A. It was.
 16 Q. Okay. Do you recall --
 17 A. Roughly, around 20 signatories -- many of the
 18 people that I've already mentioned in O&A.
 19 I believe Nurse Crespin.
 20 Some of those I mentioned -- some SSO --
 21 Safety and Security officers. I believe Shane Penrod
 22 would have been one.
 23 I know several -- William Morris was a teacher.
 24 I believe Cean Smalls -- I guess that he is
 25 the School Psychologist. Those are the ones, I believe,

1 A. Well, the -- I had a copy of it. I had an
 2 electronic copy, which I brought to work, and I took the --
 3 there was no point of putting a signatory section when
 4 there were no names on it. I took that off, and I sent
 5 her the bulk -- what she wanted to read -- as I had
 6 already agreed to in an e-mail.
 7 Q. And by "her" you mean --
 8 A. Sharon Harrigfeld, yes.
 9 Q. Why were the names removed, as far as you know?
 10 A. Well, I mean, we didn't have the name list then.
 11 Q. Okay. When you say, "we," you mean who?
 12 A. Well, it was myself and Tom, you know, said it
 13 would probably be a good idea not to send the list of
 14 names in. It's to protect the anonymity of those who
 15 had signed.
 16 Q. Okay. And why did that conversation come about?
 17 A. Well, there was probably some on the list who
 18 maybe did have some issues, or maybe had had write-ups,
 19 or who may have been -- it may have led to -- if you
 20 would use the term "the third strike" for them. It was
 21 to protect those staff.
 22 Q. Okay. Is it fair to say that you and Mr. Knoff
 23 were concerned that those people that had signed the
 24 petition would suffer retaliation?
 25 MR. PERUCCA: Object to the form and leading.

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1 THE WITNESS: That would be a fair assumption, yes.
 2 Q. (BY MR. SCHOPPE) And that's what you believed
 3 at the time?
 4 A. Yes.
 5 Q. And that's what he told you he believed at the
 6 time?
 7 A. It was his idea to take the names off, actually.
 8 Q. Okay. And with respect to the content of the
 9 petition -- and I think it's been either produced to you
 10 or by the Defendants and we all have copies -- the
 11 concerns were chiefly around hiring practices?
 12 A. Yes.
 13 Q. And would that refer to the Roters hiring?
 14 A. That would be one. The Safety and Security
 15 supervisor would be another.
 16 Q. Julie McCormick?
 17 A. Julie McCormick. And I'm not sure, but I know
 18 we had mentioned something about the Youth Program Manager,
 19 why it had to be reassessed.
 20 Q. Okay. What about the Safety and Security?
 21 Was that in the petition or did that come later?
 22 A. I believe that comes later.
 23 Q. Okay. Earlier we went through your Employee
 24 Performance Reviews, which showed you as an exemplary
 25 employee and you got several bonuses.

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1 If you're an exemplary employee and you
 2 receive bonuses, why are you suing the Department?
 3 A. The reason that I became a part of this --
 4 several reasons -- one of them is I saw the treatment of
 5 Tom Knoff, and I just felt that that had to be addressed
 6 because I felt that the man had given too much service
 7 to the Department, and I just felt that he was being --
 8 for lack of a better term -- railroaded.
 9 I also felt that the hiring practices that we
 10 had used had not -- our Department was better than that.
 11 We did not have to resort to some of the things that I
 12 believe we did to hire the qualified people that I know
 13 we do have.
 14 Q. When you say -- talk about what Tom Knoff went
 15 through, what do you mean?
 16 A. After the lockdown, things took a real downturn
 17 for him.
 18 I know he was written up several times. I think
 19 one of them to do -- I know one instance in particular
 20 had to do with a juvenile -- it had to do with a
 21 transport issue, and he didn't want a certain juvenile
 22 coming into JCC Nampa at the time because we were short
 23 staffed, and this juvenile had been creating a great
 24 deal of havoc at Southwest Detention in Caldwell.
 25 Q. Okay. Did Mr. Knoff ever tell you that he

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1 thought that he had been retaliated against by the
 2 Department?
 3 A. Yes, numerous times.
 4 Q. Was that your belief at the time?
 5 A. Yes.
 6 Q. Did anyone else tell you that that was their
 7 belief?
 8 A. Most of the O&A staff.
 9 Q. Okay. Such as who?
 10 A. Todd Inman, Robin Sanders, Phillip Gregston,
 11 Dave Clayson, Diane Cornell, Lisa Littlefield,
 12 Gracie Reyna.
 13 Q. Did you link that retaliation or those beliefs
 14 to the petition or the concerns expressed in it?
 15 MR. PERUCCA: Object to the form.
 16 THE WITNESS: I didn't at the time, no.
 17 Q. (BY MR. SCHOPPE) Okay. Did anybody else, as
 18 far as you know?
 19 MR. PERUCCA: Same objection.
 20 THE WITNESS: I can't say. I don't know.
 21 Q. (BY MR. SCHOPPE) Okay. With respect to waste,
 22 you indicated that you had been involved in a restitution
 23 program.
 24 A. Yes.
 25 Q. And you have indicated that you have some

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1 concern about waste in connection with that and how
 2 juveniles are allowed to conduct themselves.
 3 What specific concerns do you have there?
 4 A. Well, the issue I had with the restitution was
 5 the first year the Mental Health Unit -- it's called
 6 "Solutions" -- was open, I had \$5,000 worth of damage in
 7 just that unit alone.
 8 I was concerned about waste, you know, and the
 9 damage to facilities because one of the issues that
 10 always come up is, "We need the beds. We need the beds."
 11 Q. Who do you mean by that?
 12 A. Well, I mean, we're -- you know, we have open beds.
 13 If we don't have the beds, then we have to pay for them
 14 at other facilities. So if we have an open bed, it's
 15 kind of important for us -- unless, for whatever reason,
 16 unless the Superintendent, Director, the powers that may
 17 be in each of the units if they have some say, you know,
 18 for safety and security reasons maybe we might want to
 19 think about not bringing that juvenile in, delaying the
 20 movement. They're the only ones that I know of that can
 21 make that decision.
 22 Q. Okay. And what are your specific concerns
 23 with respect to the damage?
 24 A. It's -- the question is, "Why did it have to
 25 happen?" I mean, why couldn't somebody intervene to

1 stop the damage from being done? By that time, it's
2 usually too late -- they will tell me it's too late or
3 by that time staff was afraid of a hands-on -- there had
4 been a number of e-mails with regard to restraint, and
5 staff at the time seemed to be confused on "Do we
6 restrain them or do we allow them to act out?" It led
7 to quite a confusion among staff, especially O&A staff.

8 Q. When you say, "them," you're referring to the
9 juveniles?

10 A. The juveniles. If they acted out, would you
11 stop them from damaging or would you restrain them?

12 Q. What sort of things do you mean by "acting out"?

13 A. They would -- you know, if you put them in
14 their room and they start slamming things, kicking the
15 door, jumping up and trying to hit fire suppression
16 heads -- either that or take a sheet or a pillow case
17 and try to pop -- because we have fire suppression heads
18 and smoke detector heads in the cells.

19 You know, you would be wondering, "Guys --"
20 you know, first of all, if those alarms go off, the City
21 of Nampa has to respond to basically a false alarm,
22 which in Boise you can be charged for it. In Nampa they
23 don't have the infrastructure in place to do that yet,
24 but you're wasting a fire engine on something that
25 should have been controlled.

1 A. Actually, when something like that comes up,
2 I try to address it in a morning meeting because then
3 I'm speaking to not only the Superintendent, but the
4 supervisors or Unit Managers -- the people that handle
5 those units. "Could you please -- this is the reason
6 why." It's just a very simple request. "This is what
7 it's costing us. Could you please try to deal with this
8 or come up with a solution?"

9 Q. Was any solution ever come up with?

10 A. No. We don't have -- that's something we
11 don't have a solution for, apparently.

12 Q. Okay. We talked about grievances, grievance
13 processes, and problem solving processes.

14 You had said you never had occasion to use
15 them up until a certain point, and at another point you
16 said it was futile.

17 Why is it you believe that those processes are
18 futile?

19 A. For me, the reason I would make that assessment
20 depends on the problem. If it's something such as
21 hiring issues and you can see that it's been circumvented,
22 just gone around, then that's the reason I would say
23 that was futile -- and if that person wanted that,
24 they're going to do whatever it took to get that person
25 that position.

1 Q. Have you or others expressed concerns about
2 that particular policy?

3 A. Those I have in a morning meeting. You know,
4 "We need to be cognizant of the taxpayer because when
5 those fire engines show up, they could be available for
6 someone else instead of being at our facility on what
7 would be termed a 'false alarm.'"

8 Q. Okay. And when was that morning meeting?

9 A. That morning meeting would be probably 2009
10 because that's when the juvenile -- especially the
11 juvenile that took out two cells in a weekend. "[REDACTED],"
12 I believe, is his name. He took out two cells in a
13 weekend. Each time, of course, those go into alarm, and
14 the Fire Department is coming.

15 Now, we have since tried to work with them to
16 let them know that even then it's still -- a lot of
17 times when a juvenile sets it off, he's not going to do
18 it at the most convenient time for you.

19 Q. Has that policy remained the same or changed
20 or what?

21 A. As far as they, you know, put them in their
22 room, and the damage -- restraints -- they try to keep
23 the restraints as few as possible.

24 Q. What was the -- did you report that to Betty
25 Grimm or anyone else?

1 The one point where I had a change of heart is
2 when you're dealing with individual people, and that's
3 where I had the chance -- or the first time to really go
4 through the problem solving process.

5 Q. Okay. With who?

6 A. It was with my Lead Custodian, Tom de Knijf.

7 Q. And what happened in that process?

8 A. Well, he had had some issues. The issues that
9 really brought the problem solving into play were some
10 issues that occurred in August, I believe, of 2012.

11 I was on -- I was actually dealing with these
12 at home because I had been diagnosed with discitis. I
13 was off from roughly the last part of July to the middle
14 of September. I was getting these e-mails and trying to
15 deal with it at home with issues that were with
16 community service hours and issues such as that.

17 Superintendent Grimm was dealing with it, and
18 I was only getting her side of the story. I really
19 never got a chance to get Mr. de Knijf's, which
20 escalated to him filing the problem solving, which HR
21 took it through the process. It got to the Director.
22 The Director in a phone call -- she asked me to call her
23 in an e-mail. I talked to her. "Could we try to deal
24 with this and meet with him off-site if he wishes and
25 try to come up with a solution?"

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1 I met with Mr. de Knijf. We talked it
 2 through. I said, "What we can do is to -- we can have a
 3 --" not a problem solving, but "-- a plan put together
 4 where we can try to correct these issues."
 5 I would be less than remiss in saying some of
 6 the issues were of my own making for not following through
 7 and checking all the statements made, the validity of
 8 his responses -- and which he did have.
 9 We sat down. We put together a 90-day
 10 Improvement Program -- Improvement Plan. He met the
 11 stipulations of that, I believe, in February of this year.
 12 There were no problems with, you know, the
 13 teachers, with CE, with the program. From that point on,
 14 you know, you take it as it zeros out. I mean, he's met
 15 the stipulations, and we start from scratch then.
 16 Q. What was the -- was there a particular incident
 17 that led to all this coming about that summer?
 18 A. It had been -- one issue had been -- he was in
 19 the front lobby -- went with his juveniles in the front
 20 lobby, he went into Admin, which we have -- we have a
 21 front lobby, and we have I.T. which has a lock door, and
 22 we have Admin which has a key punch door. He went in
 23 there -- and I don't know whether he went in there to
 24 talk to someone -- they had it on camera.
 25 Well, you're not supposed to leave the

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1 juveniles by themselves because we have had an escape
 2 that way. There was a written warning issued for that.
 3 Later on, another issue came up with the door
 4 where the staff in the Admin area said that he had given
 5 them a code to get in because he opened up the door for
 6 who we call "Nurse Ellie," who is our Nurse Practitioner
 7 who comes once or twice a week to see the juveniles.
 8 That's when I got involved, and I investigated it.
 9 What we found is we have some juveniles there
 10 that have some unique gifts in the fact that they can
 11 put sounds to numbers.
 12 I don't know if any of you have ever had the
 13 old game "Simon Says." It works kind of like that.
 14 When you press the key, each numbers has its own tone.
 15 This juvenile said he could open up the door, and
 16 Mr. de Knijf looked at him -- this is the story I'm
 17 being relayed to -- and he says, "Yeah, right." He
 18 says, "Look --" and it's a four-code -- I believe it's
 19 a four or five code -- punched it in, opened the door.
 20 This can be corroborated by Manual Cavazos who
 21 was a Rehabilitation supervisor back in the Solutions
 22 Unit. I mean, I had a tough time -- I'm going, "You're
 23 kidding." "No." I went and sought out Mr. Cavazos, and
 24 he corroborated the story.
 25 That was where I had to explain to

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1 Superintendent Grimm that sometimes we need to know all
 2 the facts because at that time he was being accused of
 3 giving a number -- they were going to go through, you know,
 4 having to bring somebody in to not re-key it, but to put
 5 the new code in it, and that -- I'm sure that's where we
 6 had to kind of -- I said, "Hold on. We've got to get
 7 all the facts."
 8 Q. Who is making that accusation?
 9 A. I never really got the person -- the person
 10 that would be most likely because they would have had to
 11 talk to her would have been Estela Cabrera, who was the
 12 Administrative Assistant -- that's not her position --
 13 I mean, that's not her title now -- it's called something
 14 else now, but at the time it was the Administrative
 15 Assistant to Superintendent Grimm.
 16 Q. Okay. And when you said you didn't feel like
 17 you had all the facts, who did you feel was not giving
 18 you all the facts?
 19 A. I didn't -- it was my opinion that Admin did
 20 not know -- they had not seen what was corroborated by
 21 Mr. Cavazos. They assumed Mr. Tom -- we call him
 22 "Mr. Tom" because his name, being Dutch, it's hard to
 23 pronounce for some of them -- that Mr. de Knijf had
 24 said, "Hey, I just punched in this -- opened the door
 25 for Nurse Ellie," which was not the case at all.

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1 Q. Okay. Is it common or typical for something
 2 like that to result in that kind of discipline or the
 3 90-day Improvement Program -- Improvement Plan?
 4 MR. PERUCCA: I'm going to object to the form.
 5 THE WITNESS: There was one other incident --
 6 and I can't recall -- I do have the form, but I can't
 7 recall what written -- it was to be a written -- another
 8 written warning, but that written warning was put on
 9 hold while we put together this plan, this Performance
 10 Improvement Plan.
 11 One of the agreements was he had to meet these
 12 certain criteria -- he would follow up with CE -- the
 13 community service hours and make sure that schools were
 14 happy, and there was I think another couple of issues
 15 that he met. Then that written warning would also go
 16 away as though it just -- it didn't happen.
 17 I went through this with HR, and then it was
 18 HR who made a suggestion that his evaluation -- which
 19 I did not know your evaluation, as we talked about,
 20 could only be on the yearly basis, and it's usually
 21 whenever you were hired and then it was when Mr. de Knijf's
 22 normally was, but you also can change an evaluation
 23 based on this Improvement Plan because he had been given
 24 a "Did Not Achieve," and then we re-evaluated it. Since
 25 he met the stipulations of that Performance Plan, we

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1 changed the evaluation. I remember this was in February
 2 of this year.
 3 Q. (BY MR. SCHOPPE) Are you aware of other
 4 incidents involving failure to appropriately supervise
 5 juveniles that --
 6 A. There was one that had happened --
 7 Q. Hold on.
 8 -- that didn't result in disciplinary action
 9 of that sort?
 10 A. And that would be -- that was one of Mr. de Knijf's
 11 complaints, is why he was being held to a different standard.
 12 There had been other people that had been in the secure
 13 area. Why was he being punished because it had happened
 14 to other people in the various units?
 15 I mean, we had -- there have been instances
 16 where things happen, and you see punishment than occurs
 17 where we're taking out the garbage, staff turns their
 18 back, and two juveniles take off running. That he had a
 19 consequence, but then there's others where you just had
 20 this last year where a hazardous material incident occurred.
 21 We had a man whose cognitive level is low,
 22 and he was allowed to take acid and mix it and emit chlorine
 23 gas, which isn't something that we -- even in our homes,
 24 you have to be careful what you mix.
 25 It caused the Fire Department to come out. We

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1 had to open up -- we had to manually open up the skylights
 2 to get fresh air in.
 3 Q. Who was involved in that incident?
 4 A. That occurred in B Pod of Solutions -- or of
 5 Choices, and the man -- [REDACTED] -- and this, to my
 6 knowledge, to this day the staff that allowed that --
 7 that was supposed to have been watching the custodial
 8 closet because that's where he would have obtained the
 9 chemicals to mix was never held -- or there was never
 10 any punishment.
 11 Q. Do you know who that was?
 12 A. When?
 13 Q. Who.
 14 A. No, I don't know who that was.
 15 Q. How about the garbage incident that you mentioned,
 16 the door being opened?
 17 A. That staff was, I believe, put on -- I don't
 18 know if it was paid leave or was put on leave for a
 19 while.
 20 Q. In the meeting that you had with
 21 Superintendent Grimm and Director Harrigfeld after the
 22 petition was circulated and they became aware of it, you
 23 talked about another meeting involving Pat Thomson; is
 24 that right?
 25 A. Um-hmm. (Nodding head.)

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1 Q. And Mr. Thomson said something to the effect
 2 they didn't want to see anymore petitions; is that fair?
 3 A. Correct. Mr. Knoff was in that meeting, also.
 4 Q. Okay. And did you get the sense that there
 5 would be some sort of adverse or negative consequence
 6 from another petition or another expression of concern?
 7 MR. PERUCCA: Object to the form.
 8 THE WITNESS: I spoke to Mr. Knoff afterwards,
 9 and I looked at him and I said, "Does that sound like a
 10 veiled threat to you?" and he agreed it did.
 11 Q. (BY MR. SCHOPPE) Okay. And even on the
 12 individual level, did you feel like hiring practices by
 13 either Superintendent Grimm or Director Harrigfeld were
 14 something that could be brought up without repercussion
 15 or fear of repercussion?
 16 MR. PERUCCA: Object to the form.
 17 THE WITNESS: Yes.
 18 Q. (BY MR. SCHOPPE) You did feel that you could
 19 bring it up without fear of repercussion?
 20 A. Bring it up to them?
 21 Q. Right.
 22 A. Well, I had already brought up the one in the
 23 meeting, but I -- do I feel like I could have brought it
 24 up again after everything that had occurred? It may
 25 have been on my way out the door.

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1 Q. You mean --
 2 A. As in being terminated.
 3 Q. Is it fair to say that you were concerned that
 4 if you raised this sort of concern or objection again,
 5 you would suffer for it?
 6 MR. PERUCCA: Object to the form and leading.
 7 THE WITNESS: Yes.
 8 Q. (BY MR. SCHOPPE) If it's not fair to say,
 9 you can correct me.
 10 In your criticisms of Betty Grimm, or
 11 Ms. Harrigfeld, or Ms. Roters, or Ms. Cloud, is any of
 12 that personal in the sense that you just don't like
 13 these people -- or is it something that's job-related or
 14 what?
 15 MR. PERUCCA: Object to the form; vague.
 16 THE WITNESS: Ms. Harrigfeld, I have no doubt
 17 that she does care about the kids. I have no doubt that
 18 Ms. Grimm cares about the kids.
 19 You know, I have known Betty for a number of
 20 years before she became Superintendent.
 21 I have only worked with Ms. Cloud on hiring
 22 issues.
 23 Ms. Roters I really don't know that well.
 24 I just know she has worked in Choices, but is it
 25 personal? No.

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1 In fact, I think that you could look and with
 2 regard to both Ms. Viner and Ms. Grimm, their first year
 3 in their position that I, you know, that we are asked to
 4 give feedback on their performances and I believe I have --
 5 I remember writing both of them that I thought their
 6 first year -- Betty had done a pretty fair job for a
 7 relative newcomer.

8 Q. (BY MR. SCHOPPE) Is this one of the hiring
 9 practices?

10 A. This was -- the hiring practices were at least
 11 still three or four years yet to come.

12 Q. Okay. With respect to those hiring practices,
 13 the other things that you have expressed concerns about,
 14 are you able to tell sitting here or even at the time
 15 who was responsible for that -- whether that was Betty
 16 Grimm, Laura Roters, HR, Julie Cloud, Sharon Harrigfeld?
 17 Do you know who specifically was responsible for making
 18 that sort of thing happen?

19 MR. PERUCCA: Object to the form.

20 THE WITNESS: Someone -- and I believe, in my
 21 opinion, it would have to be especially based on the
 22 relationship between Laura and Director Harrigfeld that
 23 it had to be in the end Director Harrigfeld's decision
 24 to take -- you know, use the methodology they did, and
 25 Julie Cloud made sure it happened.

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1 Q. (BY MR. SCHOPPE) Did Betty Grimm ever make
 2 any statement to you about who wanted Laura Roters hired
 3 in the fashion that that occurred?

4 A. No. The one thing that she did say to me
 5 about it was she -- I mean, she took me aside and said,
 6 "I hope you --" you know, when I was new, I would have
 7 liked to have somebody given me a chance, and my point
 8 is, you know, that's all well and good, but to give
 9 someone a chance it has to have been at least hired in a
 10 fair and honest way.

11 Q. With respect to the other applicants for that
 12 position, did any of them ever express any concerns or
 13 upset, problems, anything like that about that hiring?

14 A. Mark Freckleton was upset. He was upset at
 15 not making -- not so much as not getting -- not being
 16 hired, as opposed to not even making the final cut or
 17 the final five applicants.

18 William Morris was upset, and Nicholas Tinker
 19 was upset. Steve and some of the others were so upset,
 20 like I said, they didn't even apply the second
 21 go-around.

22 Q. You talked about your belief that Tom Knoff
 23 suffered retaliation in connection with his reporting of
 24 concerns.

25 Are there other employees or former employees

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1 even who you think have also suffered retaliation?
 2 MR. PERUCCA: Object to the form.

3 THE WITNESS: We know -- of course, this is
 4 after the fact, after she had left the Department --
 5 that Crystal Moerles -- and I'm not sure if it's pronounced
 6 "Morals" or "Morales" -- how she pronounces her last name --
 7 that she had an issue that she had to speak to with
 8 Joe Blume regarding an alleged indiscretion in the
 9 Solutions Unit.

10 She had a discussion with him, and then it
 11 wasn't long after that that she was taken back to
 12 Headquarters -- I mean, she had been assigned to the
 13 Nampa facility, moved back to Headquarters, and she --
 14 and then not long after that that she found employment
 15 somewhere else.

16 Q. (BY MR. SCHOPPE) Okay. Anybody else?
 17 A. That's the one that comes to mind right
 18 off the bat.

19 Q. After the "All Staff" meeting in November of
 20 2013 that you talked about earlier, did you notice a
 21 change in the atmosphere of the working environment at
 22 the Department?

23 A. I can only answer that with one of the --
 24 we have Management Team meetings every month, which is
 25 the management of the facility in Nampa.

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1 The Director came out, and we -- she has done
 2 it before, but she took us through the River of Culture,
 3 which is basically the history of the Juvenile -- of the
 4 Idaho Department of Juvenile Corrections.

5 When it came to the point -- the chronological
 6 point of where Nampa facility was then, you know, she
 7 asked about it, and the Agreement of people in the room
 8 was that we are at a very low point with regard to staff
 9 morale and what the conditions were around the facility.

10 Q. What do you base your perception of that on?
 11 A. People were -- you know, there were several
 12 issues. There was the firing of Tom Knoff, which
 13 created a hubbub. There was the lawsuit. There was the
 14 original -- there was the paper. There was the feeling
 15 that it was a Club Med facility.

16 I mean, there was also the -- and that was
 17 also when she began to put together the bucket list.

18 You know, in the various groups she had
 19 different people putting together those teams to get
 20 ways of improving.

21 Q. When you say, "she --"
 22 A. Director Harrigfeld had wanted people to
 23 become parts of those groups to try to repair the
 24 damage, so to speak. It seemed to be -- at least in my
 25 take of it - words only. I didn't see a lot of action.

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1 Some good ideas, but nothing concrete came up.
 2 Q. Okay. With respect to safety and security of
 3 the staff and juveniles, do you feel that that's something
 4 that still is a significant concern?
 5 A. Yes.
 6 MR. PERUCCA: Object to the form.
 7 Q. (BY MR. SCHOPPE) How so?
 8 A. Staff even -- you know, it is one of the
 9 points that I have spoken to Ms. Viner about. She
 10 issued an e-mail with regard to juveniles being able to
 11 move if they so -- if they become upset, they are allowed
 12 to walk out of class, and oftentimes they will head back
 13 to their room.
 14 Well, staff oftentimes will say, "No, you
 15 need to go back to this," or "You need to sit down and
 16 process," and that occurred one day.
 17 Then there was some issues about it that led
 18 to the Superintendent issuing a facility-wide statement --
 19 "If juveniles decide to do this, the pods would be locked --
 20 they would process in front of the pods, but if they get
 21 to walk around the facility, they could do that."
 22 There was some staff, particularly one Choices
 23 staff in particular, who were upset because even -- and
 24 even one of our Safe and Security officers who is a
 25 former law enforcement officer said that's -- you know,

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1 to have a juvenile walking around the facility, especially
 2 when we have a lot of gang issues, that could be a way
 3 of actually just doing a recognizance to take a look at
 4 who is where, and that could lead to further problems
 5 down the road.
 6 Q. And who has expressed those sorts of concerns
 7 to you?
 8 A. Brian Dean was the Safety and Security officer
 9 who has the law enforcement background, and I cannot --
 10 I do not know the name of the staff that was in Choices.
 11 I know he has since quit and is employed somewhere else
 12 now.
 13 Q. With respect to your fellow Plaintiffs' claims,
 14 essentially the Plaintiffs have all alleged retaliation
 15 in different ways.
 16 Are you able to offer any personal knowledge
 17 of yours with respect to any of their particular claims --
 18 whether it's Rhonda Ledford, Jo McKinney, Tom de Knijf --
 19 MR. PERUCCA: Object to the form.
 20 THE WITNESS: Most of what I know about
 21 Rhonda is what I have read. I know she's -- it has been
 22 difficult for her -- and the Transport Coordinator, you
 23 know, due to the things that she has gone through.
 24 The one that really stands out to me has been
 25 Jo McKinney because her physical -- I mean, I believe

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1 she has had some surgery to take care of some issues --
 2 but I know she has got staff that sits behind her who
 3 does not particularly care for her who has put up a
 4 shroud between her -- because we have windows between
 5 our work spaces -- at least some of them do, and she has
 6 put a shroud to block that off so she doesn't have to
 7 look at Jo.
 8 Then I know that Jo and Rhonda have their
 9 e-mails -- HR has their -- you know, they can go through
 10 their e-mails, they have access to their e-mails, and
 11 even Rhonda has had -- we are allowed to donate our
 12 vacation time for maybe someone that doesn't have it or
 13 has run out of theirs, and Julie Cloud wanted to know
 14 not only if any hours were donated to Rhonda, but also
 15 who that staff was that donated.
 16 So I know Rhonda and Jo have been the two that
 17 I have dealt with.
 18 I know Tom is dealing with some issues with
 19 education, trying to get enough juveniles to perform the
 20 tasks that he has had had to work with such as floor
 21 care and such.
 22 It has been difficult for us to even get -- we
 23 used to be able to do the gym, burnish the floor once a
 24 day. Now we're lucky to get a full burnish on it once a
 25 week because there are just not enough juveniles -- or,

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1 for whatever reason, they can go on other things and --
 2 you know, you'll have to speak to Mr. de Knijf to know
 3 exactly how that extends, but he's not allowed to --
 4 you know, they'll be able to go on certain projects, but
 5 he's not allowed to take them for community service
 6 hours, which is even a question for -- you know, I talked
 7 to the other facilities. Some of them don't even view
 8 janitorial work within the facility to even be eligible
 9 for community service hours, but that was a decision
 10 that was made at a higher level than I am able to make.
 11 Q. (BY MR. SCHOPPE) Do you know who made that
 12 decision?
 13 A. I don't know whether it was the Superintendent,
 14 I don't know whether it was the Director, I don't know
 15 who made that decision to call them "community service
 16 hours."
 17 Q. Okay. With respect to your particular claim,
 18 your concerns about things that you reported and
 19 retaliation that you've testified about, who would be
 20 other witnesses that we could talk to that might support
 21 those claims -- or might have knowledge about them and
 22 support them?
 23 A. Are you talking about me personally?
 24 Q. Yes, that you know of.
 25 A. Tom Knoff would be able to, Bob Robinson,

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1 probably -- several of the -- you know, I'm sure a
 2 number of the Plaintiffs would be able to. You know,
 3 Tom, Rhonda -- those are the ones that I could -- and
 4 probably a number of the O&A staff, at least the ones --
 5 Gracie Reyna, Phillip Gregston, would be able to I think
 6 corroborate some of the issues.
 7 MR. SCHOPPE: Okay. I will take a quick look
 8 at my notes. I think I'll probably be done in a few
 9 minutes. (Pause.)
 10 Q. (BY MR. SCHOPPE) Stepping back to 2011, 2012,
 11 as far as you were concerned, was the Department a
 12 hostile work environment?
 13 MR. PERUCCA: Object to the form.
 14 THE WITNESS: Yes.
 15 Q. (BY MR. SCHOPPE) Did anybody else express
 16 that sort of opinion to you?
 17 A. I believe you could see it -- was it I guess a
 18 hostile work -- was it a place where you really wanted
 19 to get up and go to work in the morning? I guess you
 20 have a hard time telling, you know, because there's a
 21 lot of suspicion and there's also that -- the morale
 22 is low.
 23 Were there other people? It doesn't -- all
 24 you need to do is just look at staff walking around. I
 25 know many of the O&A staff that we've already mentioned,

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1 nursing staff -- some of the nursing staff -- Carla and
 2 Sandy -- they have been vocal about some of their
 3 criticisms of, you know, "What are we doing?"
 4 Patty Hansen, Rita Fell.
 5 Q. How about in terms of cronyism or favoritism?
 6 A. I mean, that's been -- you can see the --
 7 especially the ones that went through the Roters
 8 incident can testify to that or the ones that lost out
 9 on the position -- such as Ryan Dean was one of the
 10 applicants for Julie McCormick's job -- a job that
 11 Julie McCormick got.
 12 The cronyism even in that was the fact that we
 13 had -- at the time they created the position which is
 14 called "Lead Safety and Security officer" which, to my
 15 knowledge, had never even existed before Julie had it --
 16 and to this day, as far as I know, it doesn't exist. So
 17 that was a clue of cronyism, at least for me.
 18 Q. That position came and went with Julie McCormick?
 19 A. As far as I know, yes.
 20 Q. Okay. Do you know anything about juveniles
 21 participating in interviews with potential hires or
 22 staff members? Do you personally know anything about that?
 23 A. I just know that I've seen the offices set up.
 24 Juveniles were brought down to interview prospective
 25 staff members.

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1 I believe, from what I was told, it was only
 2 after they got to the final five or six is when they
 3 brought them down.
 4 I know one of them they brought down was one
 5 of our more notorious -- and I use that -- not judgmental,
 6 but one of our best known juveniles in the facility, the
 7 juveniles were there to ask questions of the applicants,
 8 yes.
 9 Q. When you say, "notorious," do you mean "dangerous"?
 10 A. I guess society would view him as "dangerous."
 11 When I say, "notorious," I would probably mean it in a
 12 way that -- in a sense -- he's been in the newspaper.
 13 Q. Is that N?
 14 A. Yes.
 15 Q. Okay. And what was the concern about that?
 16 You said you were told that they were involved at the
 17 end of the process. Who told you that?
 18 A. You know, I've talked to Mark Freckleton about
 19 this, Robert Fog; that they were involved -- they would
 20 be allowed to ask questions of the applicants.
 21 Q. Okay. Did you have any concerns about that or
 22 did anyone tell you that they had concerns about that?
 23 A. One applicant actually refused to even go
 24 through the process because in his viewpoint, you know,
 25 that's personal information that should have been

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1 between -- any information he gave was between him and
 2 the HR, the interviewers; and the juveniles had no place
 3 in this -- that's the way he looked at -- in knowing his
 4 personal information.
 5 Q. Do you know who that was?
 6 A. I don't know that. We don't have -- we're not
 7 privy to the hiring list, as far as I know.
 8 Q. Okay. With respect to your "Solid Sustained"
 9 Performance Evaluation -- this is in the "Communications"
 10 section -- did it have a financial impact?
 11 A. I believe it cost me an "Exceptional." That's
 12 speculation, but based on the previous two being
 13 "Exceptional," that's why I would make that judgment,
 14 that I did communicate, because I had never -- as far
 15 as -- I don't remember, except maybe in my early years,
 16 ever getting something like "Achieve." I usually get a
 17 "Solid Sustained" and maybe "Exceptional." That would
 18 tend to be what I normally got instead of just "Achieves."
 19 MR. PERUCCA: Move to strike on the basis that
 20 it's not responsive to the question asked.
 21 MR. SCHOPPE: Okay. I think I'm done.
 22 MR. PERUCCA: Just a few follow-up questions.
 23 THE WITNESS: I just need -- do you mind if
 24 I take some medicine?
 25 MR. PERUCCA: No, that's fine. That's fine.

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1 (Discussion held off the record.)
 2 (Recess taken.)
 3
 4 FURTHER EXAMINATION
 5 QUESTIONS BY MR. PERUCCA:
 6 Q. Your attorney asked you if there was a hostile
 7 work environment at the Department in 2010 and 2011, and
 8 you described "Yes."
 9 What is your definition of a "hostile work
 10 environment" when you were responding in the affirmative?
 11 A. I believe a "hostile work environment" is a
 12 place when you go to work, you don't really want to be
 13 there. There's just so many things happening -- and,
 14 you know, it's both a fear of safety and security and
 15 it's also where morale is very low.
 16 I have seen it where staff don't want to
 17 respond to Code Reds because they are afraid, "Okay,
 18 if I get -- what do I do? If I do do something, am I
 19 going to get written up -- if I don't have the hold just
 20 a certain way?"
 21 In other words, it doesn't allow you to do
 22 your job. You're questioning everything that you're
 23 responding to.
 24 For me, it's -- you know, I can go back to why --
 25 I ask "Why?" of staff all the time. "Come on, we can do

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1 better than this. We've been working together a number
 2 of years. We know what we need to do." For me, that
 3 creates a hostile work environment because you don't
 4 want to be there.
 5 Q. The attorney also asked why you're suing the
 6 Department, and you described hiring practices not being
 7 correct and that you were concerned about the treatment
 8 of Tom Knoff.
 9 Have you suffered any economic loss as a
 10 result of anything that you're claiming in this lawsuit?
 11 A. Ever since I've been -- I mean, since I came
 12 to the Department, as far as economic I pay out so much
 13 every year because I had -- I wasn't diagnosed with high
 14 blood pressure until I came to work for the Department.
 15 As far as -- you know, I mentioned earlier
 16 that one of the things that I asked for -- you know, and
 17 I have talked to HR about it -- I just would like the
 18 same opportunity as other staff get.
 19 You know, I think when we look at the hiring
 20 of Roters, they bent over backwards more so -- and
 21 there's only one other staff I've ever known that got
 22 that kind of treatment for a job.
 23 All I'm -- you know, I'm just asking, "If
 24 you're going to do this kind of thing --" because it's
 25 mentioned in the notes that, you know, "We want to get

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1 you ready to promote to mid-level positions because
 2 there will be positions opening up," why is she being
 3 singled out, you know? Why isn't that open to other
 4 staff members, too, because we have many good staff
 5 members.
 6 Then for me, there is nothing for me to try to
 7 attain -- I mean, I've been trying to get them for
 8 several years -- "If there's something, help me to find
 9 it," because we follow -- and that's even part of the
 10 JCCN leadership -- or IDJC leadership point to strive
 11 for is to make sure that employees -- that you sit down
 12 and you come up -- you know, and we have had it actually
 13 in supervision training online. If you can, when you're
 14 interviewing, you know, try to get dreams and aspirations
 15 of your staff because if you've got a staff trying to
 16 achieve to be the best they can be, it makes for a
 17 better place to come to work.
 18 Q. Okay. So what you're saying is that you want
 19 to have the same opportunities for advancement in your
 20 career? Is that the concern?
 21 A. Yes.
 22 Q. Okay. You testified earlier that -- if I'm
 23 correct -- that the only opportunity for advancement in
 24 the position that you're in now is to the Foreman position
 25 at St. Anthony; correct?

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1 A. That's the only one that is comparable to
 2 something -- we used to have a position called
 3 "Construction Manager," which is to my knowledge the
 4 highest -- was the highest paid position that you could
 5 go in the realm of what I do, but in my discussions with
 6 HR, you know, I have -- you know, you asked for education;
 7 I have education. You asked for degrees; I have the
 8 degrees. I have the professional licenses.
 9 If there's no position that can be created,
 10 what can we do, you know, to give me -- to offer the
 11 same opportunities not only for me, but also for my
 12 Senior Maintenance Craftsman who has nearly as much
 13 experience -- between the two of us, we have nearly
 14 80 years in what we do. We're just asking for the same
 15 opportunity. For myself, I'm asking for the same
 16 opportunity. That's why one of the reasons -- you know,
 17 that's why I feel I -- you know it's important to me.
 18 Q. Okay. When you say, "the same opportunity,"
 19 what would you like to see the Department do to assist
 20 in your career improving or moving forward with the
 21 Department?
 22 A. Well, I would like first for them to sit down
 23 with me and go over it.
 24 Julie Cloud has been in two meetings in the
 25 past several years where she goes -- where she has

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1 asked, "Ray, we need to sit down and go over --" because
 2 they've asked -- they will ask the question, "What can
 3 we do to improve, you know, our opportunities for
 4 employees?" I have said the same thing twice. I said,
 5 "Offer them hope." I mean, when you take hope away from
 6 people, then it -- then you get the zombie look when you
 7 come through the door.
 8 I mean, you know, an opportunity -- I mean,
 9 when you -- as I go back to what Roters was offered,
 10 I mean, they were going to talk to the Director about
 11 taking care of some costs that she would have had to
 12 incur to take a course. You know, "We'll take care of
 13 that to get you trained."
 14 Much of the training I go to, they may tell me
 15 about it, but it's usually up to me to either find my
 16 own training -- and especially since I already have the
 17 licenses -- what do you do then?
 18 Q. Your attorney also asked you a bunch of questions
 19 regarding a number of different allegations that have
 20 been asserted in the lawsuit. I know, for the most part,
 21 in your deposition today we talked about the hiring
 22 practices.
 23 A. Right.
 24 Q. But you briefly covered some areas -- like,
 25 for instance, safety. You talked about an issue with

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1 hazardous materials. I know that you discussed your
 2 knowledge of some of these issues.
 3 What I would like to briefly go over is your
 4 personal communications with management over these issues.
 5 For instance, with regard to safety -- the hazardous
 6 materials incident that you referred to. Did you
 7 personally discuss that issue with either Ms. Harrigfeld
 8 or Ms. Grimm?
 9 A. No, because we had never had a HazMat incident
 10 up to that time.
 11 Q. Okay. You discussed your concerns about
 12 failure to supervise juveniles; correct? That's one of
 13 your concerns that you indicated.
 14 A. Yes.
 15 Q. Okay. Did you ever personally discuss your
 16 concerns of that issue with either Ms. Grimm or
 17 Ms. Harrigfeld?
 18 A. I really didn't have to on that one.
 19 We had an incident come up where we had
 20 juveniles that got separated from -- and this is during
 21 when Superintendent Grimm was still with the Department --
 22 where the juveniles went off on an excursion, and
 23 juveniles took off with no supervision. I believe they
 24 knew that we had problems with supervision through that
 25 incident.

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1 Q. All right. So you believe they knew it
 2 because of that, but what I'm asking is whether you had --
 3 whether you had a personal discussion with either of
 4 them on that issue?
 5 A. No.
 6 Q. You discussed lunch program concerns. Did you
 7 personally discuss that issue with either of them?
 8 A. I had not, but that had been discussed with
 9 Superintendent Grimm.
 10 Q. You discussed that with Superintendent Grimm?
 11 A. No, I did not. Cheryl Knox did.
 12 Q. Okay. I'm only concerned right now with what
 13 you discussed.
 14 A. Okay.
 15 Q. I don't want to go back over testimony of what
 16 other people might have said.
 17 A. Okay.
 18 Q. You talked about concerns over discrimination
 19 of veterans. Did you ever discuss that particular
 20 concern with Ms. Grimm or Ms. Harrigfeld?
 21 A. Yes. That got brought up on the -- in the
 22 meeting, especially because of Ms. Grimm's comment about
 23 IDOC employees.
 24 Q. And that was the morning meeting that you
 25 described?

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1 A. That was the morning meeting.
 2 Q. Was that the only context in which that arose?
 3 A. No. When Julie McCormick made the comment
 4 about, "We do not want --" you know, talking about
 5 corrections, law enforcement, and military -- that's not
 6 who we want watching our kids -- Betty Grimm was sitting
 7 right across the table from her, and it would have been
 8 the perfect opportunity to say, "Stop. Hold it. We do
 9 not believe that as a Department," and that is not the
 10 case. She sat there silently.
 11 Q. Okay. But once again, you never had a
 12 personal conversation with Ms. Grimm about it after that
 13 incident -- or after that meeting; correct?
 14 A. After that meeting, no, because, like I said,
 15 I felt insulted that she would make that -- especially
 16 with my brother having to go through what he had to go
 17 through to achieve where he's at.
 18 Q. You discussed the restitution program, the
 19 damage to the facility. Did you ever personally discuss
 20 that issue with Ms. Grimm or Ms. Harrigfeld?
 21 A. With Ms. Grimm, yes -- and actually with
 22 Ms. Harrigfeld because we met with Canyon County Prosecutors
 23 over that either earlier this year or late last year.
 24 Q. Okay. With regard to the security concerns
 25 that you discussed a little bit, did you ever --

1 although you may have been aware of certain issues that
2 you testified, did you ever personally discuss those
3 concerns with Ms. Harrigfeld or Ms. Grimm?

4 A. Ms. Grimm, yes. Those were oftentimes brought
5 up in morning meetings -- and it was just not only I
6 that had concerns there, too.

7 Q. All right. You discussed that although you
8 were aware of a Department policy for grievance process
9 was in place, that you felt constrained to use it
10 because you felt it was futile to do so; correct?

11 A. Correct.

12 Q. Would you agree with me that it would be
13 speculation to say that it was futile unless you
14 actually used the process and saw that it did not work?

15 MR. SCHOPPE: Object to the form of the
16 question; calls for speculation.

17 You can answer if you know or understand the
18 question.

19 THE WITNESS: I understand the question. I
20 can only base it on what I've seen with other people
21 that have tried it, and it let them down.

22 Q. (BY MR. PERUCCA) Okay. Have you ever discussed
23 with Ms. Grimm or Ms. Harrigfeld that you were concerned
24 about using a grievance process because you felt that it
25 wouldn't be productive?

1 A. I did mention there was a sense of futility
2 about it in that morning meeting.

3 Q. Okay. In the same morning meeting that the --

4 A. Yes.

5 Q. Okay.

6 A. Because that was, of course, one of their
7 first questions.

8 MR. PERUCCA: That's all the questions I have.

9 MR. SCHOPPE: I think you're done.

10 THE REPORTER: Would you like to purchase a
11 copy of the transcript?

12 MR. PERUCCA: Yes.

13 MR. SCHOPPE: Yes, I would, please.

14 (Deposition concluded at 2:27 p.m.)

15 (Signature requested. Read and sign
16 secured by Andrew T. Schoppe.)

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1 CERTIFICATE OF WITNESS

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I, RAYMON DELL GREGSTON, being first duly sworn,
depose and say:

That I am the witness named in the foregoing
deposition consisting of pages 7 through 159; that I
have read said deposition and know the contents thereof;
that the questions contained therein were propounded to
me; and that the answers therein contained are true and
correct, except for any changes that I may have listed
on the Change Sheet attached hereto.

DATED this ___ day of _____, 2013.

RAYMON DELL GREGSTON

SUBSCRIBED AND SWORN to before me this ___
day of _____, 2013.

NAME OF NOTARY PUBLIC

NOTARY PUBLIC FOR _____

RESIDING AT _____

MY COMMISSION EXPIRES ____

1 ERRATA SHEET FOR RAYMON DELL GREGSTON

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WITNESS SIGNATURE: _____

1 REPORTER'S CERTIFICATE

2 I, BARBARA BURKE, CSR NO. 463, Certified Shorthand
3 Reporter, certify:

4 That the foregoing proceedings were taken before
5 me at the time and place therein set forth, at which time
6 the witness was put under oath by me;

7 That the testimony and all objections made were
8 recorded stenographically by me and were thereafter
9 transcribed by me, or under my direction;

10 That the foregoing is a true and correct record
11 of all testimony given, to the best of my ability;

12 I further certify that I am not a relative
13 or employee of any attorney or party, nor am I
14 financially interested in the action.

15 IN WITNESS WHEREOF, I set my hand and seal this
16 16th day of July, 2013.

17
18
19
20
21 _____
22 BARBARA BURKE, CSR NO. 463
23 Notary Public for Idaho
24 My Commission Expires 4-30-2014.
25

EXHIBIT C

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual; RAYMON)
GREGSTON, an individual; JO MCKINNEY,)
an individual; SHANE PENROD, an)
individual; KIM MCCORMICK, an)
individual; BOB ROBINSON, an)
individual; and GRACIE REYNA, an)
individual,)

Plaintiffs,)

vs.)

IDAHO DEPARTMENT OF JUVENILE)
CORRECTIONS, an executive department)
of the State of Idaho; IDJC DIRECTOR)
SHARON HARRIGFELD, in her individual)
and official capacities; IDJC)
JUVENILE CORRECTIONS CENTER - NAMPA)
SUPERINTENDENT BETTY GRIMM, in her)
individual and official capacities;)
and DOES 1-20,)

Defendants.)

Case No.

1:12-cv-00326-BLW

DEPOSITION OF SHANE PENROD

JULY 10, 2013

REPORTED BY:

BEVERLY A. BENJAMIN, CSR No. 710, RPR

Notary Public

Page 2

1 THE DEPOSITION OF SHANE PENROD was taken on
 2 behalf of the Defendants Idaho Department of Juvenile
 3 Corrections, Sharon Harrigfeld and Betty Grimm, at the
 4 offices of Anderson, Julian & Hull, LLP, C. W.
 5 Plaza, 250 South 5th Street, Suite 700, Boise, Idaho,
 6 commencing at 9:06 a.m. on July 10, 2013, before
 7 Beverly A. Benjamin, Certified Shorthand Reporter and
 8 Notary Public within and for the State of Idaho, in the
 9 above-entitled matter.
 10 A P P E A R A N C E S:
 11 For the Plaintiffs:
 12 Law Office of Andrew T. Schoppe, PLLC
 13 BY MR. ANDREW T. SCHOPPE
 14 910 W. Main Street, Suite 328
 15 Boise, Idaho 83702
 16 For the Defendants Idaho Department of Juvenile
 17 Corrections, Sharon Harrigfeld, and Betty Grimm:
 18 Anderson, Julian & Hull, LLP
 19 BY MR. PHILLIP J. COLLAER
 20 C. W. Plaza
 21 250 South 5th Street, Suite 700
 22 P.O. Box 7426
 23 Boise, Idaho 83707-7426
 24 Also Present: Rhonda Ledford
 25 Marc Crecelius

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 11 57 - IDJC Position Description, Safety & 34
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1 65 - Allen Property Management, LLC 84
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 6 67 - IDJC Written Warning Record 93
 7 68 - Problem-Solving Request Form, 102
 8 1/17/2012
 9 69 - E-mail chain ending from Shane Penrod 107
 10 to Pat Thomson, Sharon Harrigfeld,
 11 February 10, 2012, Subject: RE:
 12 Proposed Problem Solving Solution
 13 70 - IDJC Problem Solving Request Form 112
 14 (Final), February 27, 2012
 15 71 - E-mail chain ending from Julie 117
 16 McCormick to Shane Penrod, January 31,
 17 2012, Subject: RE: Shane Penrod Time
 18 Off Request
 19 72 - E-mail chain ending from Julie 119
 20 McCormick to Karin Magnelli, April 05,
 21 2012, Subject: FW: New Hire,
 22 Scheduling and time cards
 23 73 - Memorandum to Shane Penrod from Mark 123
 24 Freckleton, May 12, 2013, Subject:
 25 Performance Bonus

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1 SHANE PENROD,
 2 first duly sworn to tell the truth relating to said
 3 cause, testified as follows:
 4
 5 MR. COLLAER: Let the record reflect this is
 6 the time and place scheduled for the taking of the
 7 deposition of Shane Penrod. The witness is present,
 8 represented by counsel. Also in attendance is Rhonda
 9 Ledford.
 10 Counsel, anything preliminary we need to get
 11 on the record before we start?
 12 MR. SCHOPPE: Not that I can think of.
 13
 14 EXAMINATION
 15 QUESTIONS BY MR. COLLAER:
 16 Q. Mr. Penrod, could you please state your full
 17 name and spell the last for the record, please.
 18 A. Shane T. Penrod, P-e-n-r-o-d.
 19 Q. Mr. Penrod, have you ever had your deposition
 20 taken before?
 21 A. No.
 22 Q. I'm sure you have spoken with your attorney
 23 about what we are going to be doing today, but just as
 24 an explanation -- and I know you sat through at least
 25 one deposition -- what is going to be happening through

1 the day is I'm going to be asking you a series of
2 factual questions, trying to find out what you know or
3 what you don't know about the allegations involved in
4 this case. I'm asking for what you actually know or
5 what somebody has told you, what you have knowledge of.
6 I don't want you to guess or reconstruct things or
7 speculate about facts that you don't know.

8 If I ask you a question you don't know, tell
9 me you don't know the answer to it or you don't recall.
10 That is a perfectly honest answer.

11 Also, it's important that the two of us don't
12 speak at the same time. So if you will let me get my
13 question completely out before you start to answer, that
14 will help the court reporter a lot. I will make every
15 effort not to start asking you a new question before you
16 are finished. Okay?

17 A. Okay.

18 Q. Throughout the day if you need to take a break
19 to stretch your legs or use the facilities, just let me
20 know and we can take breaks whenever you want. The only
21 restriction I would put on that is if there is a pending
22 question, I'm going to ask that you answer the question
23 before the break is taken. Okay?

24 A. Okay.

25 Q. It's also important that if I ask you a

1 A. No, not those.

2 Q. Anything other than that that you reviewed,
3 just describe to me generally what they were. What were
4 the papers that you reviewed?

5 A. The papers I gave to my attorney to give --

6 MR. SCHOPPE: I think he might mean like what
7 kind of e-mails.

8 Q. (BY MR. COLLAER) What kind of papers did you
9 give to your lawyer?

10 A. E-mails between me and my supervisor and the
11 superintendent and also the director; just different
12 e-mails at different times.

13 Q. Was there a great deal of documentation?

14 A. Yes. I would say a couple inches thick of
15 documentation.

16 Q. Did those documents deal with your grievance
17 process, that type of process, where your shift was
18 changed?

19 A. Yes.

20 Q. Outside the context of that, any other papers
21 that you reviewed?

22 A. I can't recall at this time.

23 Q. Mr. Penrod, where do you currently reside?

24 A. 122 Delaware Avenue, Apartment D, as in "dog,"
25 in Nampa, 83651.

1 question that you don't understand or you need some
2 explanation, let me know that and I'll be more than
3 happy to explain my question or rephrase it in a manner
4 that we do understand each other. Okay?

5 A. Okay.

6 Q. But if I ask you a question and you answer it,
7 I'm going to assume that you understood it; is that
8 fair?

9 A. Yes.

10 Q. Mr. Penrod, could you describe for me what you
11 did to prepare for today's deposition. Other than
12 speaking with your attorney, who else did you speak to
13 or what materials did you review?

14 A. I just reviewed all of my e-mails and all the
15 papers that I've given to my attorney, last night and
16 this morning.

17 Q. How many e-mails did you review?

18 A. I'm not sure. I briefly skimmed through
19 everything. I did not really read through everything.
20 I just glanced through everything so I could try and
21 refresh my memory on things.

22 Q. These papers given to your attorney -- what
23 I'm not interested in is e-mails or communications,
24 letters between you and your lawyer. I'm not interested
25 in that.

1 Q. How long have you lived at the 122 Delaware
2 Avenue address?

3 A. Approximately a year and a half.

4 Q. Where did you live before that?

5 A. 727 6th Avenue South in Nampa at the same zip
6 code.

7 Q. Was that a residence or an apartment?

8 A. It was a house. It was a rental house.

9 Q. How long did you live on 6th Avenue?

10 A. One year.

11 Q. Tell me, since you've been working for the
12 Department of Corrections have you ever owned your own
13 home?

14 A. Yes.

15 Q. When did you own your own home?

16 A. When I first started with the Department in
17 September of '07, I owned a home in Kuna, Idaho. I
18 would have to refer to my notes for the address.

19 Q. Sure. Any other homes that you've owned since
20 then?

21 A. And one home in Nampa -- actually, two homes
22 in Nampa, Idaho I've owned since September of '07.

23 Q. I understand that at some point you went
24 through a divorce; correct?

25 A. Yes.

1 Q. That was while you were employed with the
 2 Department?
 3 A. Yes. Two divorces while I was employed with
 4 the Department.
 5 Q. In each of those divorces was there a home
 6 involved that was split between you and your wife?
 7 A. The first house, yes.
 8 Q. The second two homes in Nampa were not
 9 involved in a divorce at all?
 10 A. No.
 11 Q. Am I correct in assuming that it was the Kuna
 12 home with the divorce, your wife stayed in the home?
 13 A. No, we both sold the house and then we both
 14 moved out at the same time.
 15 Q. The homes that you owned in Nampa, which ones
 16 of those were your principal residence?
 17 A. They both were; I owned a home on Washington,
 18 I moved out of that and rented to someone and I bought
 19 another house with another wife.
 20 Q. Are you currently married?
 21 A. No.
 22 Q. When did you and your second wife split?
 23 A. August of 2008.
 24 Q. When did your first divorce occur?
 25 A. Approximately the year 2000.

1 Q. Does she live in the area?
 2 A. She lives in Kuna.
 3 Q. Tell me, why don't you give me a rundown of
 4 your educational background from high school to the
 5 present.
 6 A. I have my general educational diploma from
 7 Mountain Cove High School in Boise. From there I went
 8 into the US Army. And any further education, I received
 9 on-the-job trainings, classes, courses.
 10 Q. Did you go to any specialized schools while
 11 you were in the Army?
 12 A. Infantry training and -- I believe it was
 13 called infantry training.
 14 Q. Was that through basic training or some
 15 specialized school you went to after that?
 16 A. Yes, after basic training was a specialized.
 17 I drove Bradley tanks and was in specialized training
 18 for Bradley tank and infantry personnel.
 19 Q. What years were you in the Army?
 20 A. 1988 to 1991.
 21 Q. So a single tour of duty?
 22 A. Yes.
 23 Q. Did you serve overseas?
 24 A. Yes.
 25 Q. Where?

1 Q. So that was prior to your employment with the
 2 Department?
 3 A. Yes. My third divorce was approximately
 4 January of 2011.
 5 Q. Did you and your third wife own a home
 6 together?
 7 A. Yes.
 8 Q. That was the --
 9 A. No, I'm sorry. She owned the home -- we
 10 bought it together, but it was in her name.
 11 Q. Tell me, of the three marriages -- I know that
 12 you have, I understand you have children.
 13 A. Yes.
 14 Q. How many children do you have and which
 15 marriages were they from?
 16 A. I have an 8-year-old son from my second
 17 marriage.
 18 Q. What was the name of your third wife?
 19 A. Angela. Her last name now, I believe, is
 20 Jasnowski.
 21 Q. Does she still live in the area?
 22 A. I believe she lives in Meridian.
 23 Q. Your second wife, what is her name?
 24 A. Shannon Schaffer. I believe it's
 25 S-c-h-a-f-f-e-r.

1 A. Germany, in Schweinfurt.
 2 Q. Other than being stationed in Germany,
 3 anywhere else you were stationed overseas?
 4 A. No, that was my base station.
 5 Q. Were you deployed to any combat zones?
 6 A. In my military jacket it does not show that,
 7 no.
 8 Q. Can you explain that. Were you deployed like
 9 to Iraq or Afghanistan or anything of that nature?
 10 A. Yes; Desert Storm, Desert Shield.
 11 Q. Why doesn't it show in your military jacket
 12 that you served in Desert Storm or Desert Shield?
 13 A. I trained people in Germany for approximately
 14 one month to go over there. We were deployed
 15 Thanksgiving morning to go to Iraq, Thanksgiving of, I
 16 believe it was 1990. We were there for a very short
 17 time, I got wounded and came back from there.
 18 Q. Did you receive a Purple Heart for your
 19 wounds?
 20 A. No, I did not.
 21 Q. Were you wounded in combat or just in an
 22 accident?
 23 A. Yes; combat.
 24 Q. Why didn't you get a Purple Heart?
 25 A. When I left the military, my military record

1 was expunged because when I left the military I was out
 2 on a general discharge under honorable conditions.
 3 Q. Why don't you tell me the circumstances of
 4 your leaving the military.
 5 A. I felt at the time that I had a drinking
 6 problem, I seeked help, requested myself on help for
 7 that. And after being injured I went back to drinking
 8 and they decided that was a waste of their money and
 9 time.
 10 Q. So you were given a general discharge from the
 11 military?
 12 A. Yes; under honorable conditions.
 13 Q. Sure. At the time that you were discharged
 14 were there any kind of disciplinary actions pending
 15 against you?
 16 A. No, nothing.
 17 Q. But you had started drinking again?
 18 A. Yes.
 19 Q. Did you get help for that when you came home?
 20 A. Yes, I did. I was 21 years old. Not to make
 21 excuses, but I was and dumb.
 22 Q. Sure.
 23 A. Just bad choices.
 24 Q. Did you consider yourself an alcoholic at the
 25 time?

1 A. They were all full-time.
 2 Q. They weren't career type jobs?
 3 A. No, not really.
 4 Q. Not something you could see yourself doing
 5 when you were 50 years old?
 6 A. I don't believe so, no.
 7 Q. Is that why you referred to them as odd jobs?
 8 A. Yes.
 9 Q. Sure. At what point did you transition from
 10 doing these odd jobs to something more of a long-term
 11 type of position?
 12 A. Once I was doing security work, working as an
 13 armed guard, I decided that was a career path that I
 14 wanted. I started working for the Department of
 15 Corrections.
 16 Q. When did you first gain employment with the
 17 Department of Corrections?
 18 A. I believe it was 1998.
 19 Q. What portion of the Department were you
 20 working for?
 21 A. For a year I started out at minimum and for
 22 five years I was out at medium security.
 23 Q. So the minimum security, was that out here
 24 south of town?
 25 A. Yes.

1 A. At the time, yes. Yeah.
 2 Q. You have been sober since?
 3 A. Yes. I'd have a drink once in awhile, but I
 4 haven't been drunk -- I can't even tell you the last
 5 time. I just don't drink hardly any more.
 6 Q. Tell me, when did you attain your GED from
 7 Mountain Cove High School?
 8 A. 1988.
 9 Q. So after you left high school you went
 10 directly into the military?
 11 A. Yes.
 12 Q. Was it your plan for the military to be a
 13 career?
 14 A. I wasn't sure at that time. I was 18 years
 15 old, I had no idea. I don't come from a military
 16 background, so I had no idea.
 17 Q. After you were discharged from the military
 18 and returned home, what did you do when you got home?
 19 What did you do for employment?
 20 A. I owned some taxicabs and I was a taxicab
 21 driver for approximately two years.
 22 Q. After that what did you do?
 23 A. I had a various number of odd jobs; bartending
 24 and security work.
 25 Q. Were these more part-time type jobs?

1 Q. Referred to as "the Farm"?
 2 A. Yes.
 3 Q. That is SICI?
 4 A. Yes, it is.
 5 Q. The medium security is ISCI, isn't it?
 6 A. Yes, it is.
 7 Q. That is the facility you worked at for five
 8 years?
 9 A. Yes.
 10 Q. Were you a correctional officer?
 11 A. Yes.
 12 Q. What is the highest rank that you obtained at
 13 IDOC when you worked at Corrections?
 14 A. Just a correctional officer.
 15 Q. Were you POST certified?
 16 A. Not at that time, no. They didn't have POST
 17 certification at that time.
 18 Q. Are you now POST certified?
 19 A. Yes, I am.
 20 Q. When did you attend the academy?
 21 A. I believe 2008. I'm not positive.
 22 Q. What are you certified as?
 23 A. Juvenile Corrections officer.
 24 Q. You have never been certified as a
 25 correctional officer?

1 A. No. I went through an academy, I believe it
2 was a three- or four-week academy, but it wasn't through
3 the POST academy. It was out at Gowen Field is where my
4 IDOC academy was.

5 Q. Your IDOC academy, you attended that in 2008?

6 A. That was 1998.

7 Q. 1998.

8 A. The POST academy was 2008.

9 Q. Okay. What were the circumstances of you
10 leaving Department of Corrections?

11 A. I wanted just something different. It seemed
12 to have been stale for me. I just...

13 Q. How so?

14 A. I just really couldn't elaborate on that at
15 this time. I just felt like I wanted a change in
16 careers.

17 Q. What type of career change were you looking
18 for?

19 A. I was trying to start my own businesses is
20 what I was hoping to accomplish. And I had a couple of
21 my own businesses and a start-up of another one, but
22 they never really got off the ground that good.

23 Q. How long were you working on your own
24 businesses?

25 A. Approximately two to three years.

1 businesses didn't pan out for you what did you do?

2 A. I believe that's when I started with the
3 Department of Juvenile Corrections in September of '07.

4 Q. How did you learn about the job at Juvenile
5 Corrections?

6 A. I believe I was just going through the State
7 website and saw the job and it was very interesting to
8 me. Since I worked out at the adult prison, I felt like
9 I could make a good change starting with the juveniles
10 because they're more apt to take change than adults
11 were.

12 Q. What was the position that you saw on the
13 website, how was it described?

14 A. Safety and security officer.

15 Q. When you saw it on the website was there a
16 published job description?

17 A. Yes. I'm sure there was, yes.

18 Q. Can you just describe for me, as best you can
19 recollect, what the job description was.

20 A. I believe it was basically the same as the
21 adult system; walking cell blocks basically, providing
22 security and safety for staff, juveniles, and public,
23 performing emergency CPR. And I can't really remember
24 much else right now.

25 Q. That's fine. I understand it's been a number

1 Q. Was that all here in the Boise-Meridian area?

2 A. Yes.

3 Q. What were the businesses that you were trying
4 to start?

5 A. I had United Drug Testing Services. It
6 involved instant drug tests and other instant tests for
7 parents of juveniles mainly.

8 Q. Anything else that you were involved with
9 then?

10 A. I was attempting to get a bowling alley built
11 and start it in Kuna. I had permission from the bank
12 and the loan was approved, the only thing I couldn't get
13 was investors at that time. So that fell through.

14 Q. Anything else?

15 A. That's all.

16 Q. While you were running United Drug Testing and
17 working on this bowling alley, were you still employed
18 in a different type of job?

19 A. Yes; full-time at Wells Fargo Armored Car
20 Services.

21 Q. So you were a security guard?

22 A. Yes.

23 Q. How long did you work for Wells Fargo?

24 A. I believe that lasted maybe nine months.

25 Q. After you left Wells Fargo and these other

1 of years.

2 I see you have a notebook in front of you with
3 some notes. What are those notes?

4 A. Just some basic things I thought you might ask
5 me, because I can't remember a whole lot of details
6 about some things at this time. So I thought some notes
7 might help me jog my memory.

8 Q. What things have you got written down there?

9 A. About harassment, my problem solving. That's
10 basically it.

11 Q. When did you create those notes?

12 A. This morning.

13 Q. Did anybody help you do it?

14 A. Did anyone help me do it?

15 Q. Yes.

16 A. No.

17 Q. Just something you jotted down yourself to
18 refresh your memory?

19 A. Yes.

20 Q. Can I take a look at those?

21 A. Sure.

22 MR. SCHOPPE: Yes.

23 THE WITNESS: (Handing.)

24 MR. COLLAER: (Reviewing document.)

25 Q. (BY MR. COLLAER) Other than those notes,

1 anything else in that notebook about this case?
 2 A. I don't believe so.
 3 Q. Tell me, at some point did you apply for the
 4 safety and security officer position that you saw on the
 5 website?
 6 A. Did I apply for it?
 7 Q. Yes.
 8 A. Yes.
 9 Q. Could you describe for me as best you can
 10 recollect the application process.
 11 A. I believe there was a type of online test, as
 12 in questions and answers.
 13 Q. Was the application an online application?
 14 A. Yes.
 15 Q. Other than filling out the application and
 16 taking the test, anything else you recall about the
 17 application process?
 18 A. The test was graded and I believe on the
 19 website there's a certain percentage that you get, and I
 20 believe that they pick from the top possibly 25, as my
 21 understanding is, and then if they select you they'll
 22 call you for an interview.
 23 Q. Did you see how your score compared to the
 24 other applicants?
 25 A. No.

1 panel were?
 2 A. I believe it was Roberto Coronado and Crystal
 3 Morales.
 4 MR. SCHOPPE: Did you want to get a copy of
 5 those notes so he can get his notebook back?
 6 MR. COLLAER: Yes. Maybe at the break we'll
 7 do that.
 8 MR. SCHOPPE: Okay.
 9 Q. (BY MR. COLLAER) Tell me, how long did the
 10 interview last?
 11 A. I can't recall at this time. I would
 12 approximately say 15 to 20 minutes.
 13 Q. Where did the interview take place?
 14 A. At the Correctional Center in Nampa.
 15 Q. Were there other candidates there that day for
 16 interviews at the same time you were, that you saw?
 17 A. I don't recall seeing anyone else.
 18 Q. At the end of your interview, could you
 19 describe any interaction or discussion between yourself
 20 and the panel members about your application or anything
 21 of that nature?
 22 A. No.
 23 Q. Do you recall the types of things they asked
 24 you about during the interview?
 25 A. I believe the standard questions of most job

1 Q. Could you tell that online?
 2 A. No.
 3 Q. Did you see what your score was?
 4 A. Yes.
 5 Q. Do you recall what it was?
 6 A. I cannot.
 7 Q. Were you offered an interview?
 8 A. Yes.
 9 Q. How soon after you submitted your application
 10 were you contacted about an interview?
 11 A. I can't recall at this time.
 12 Q. Days, weeks or anything you can help me with
 13 in that regard?
 14 A. I would say possibly weeks.
 15 Q. Do you know how many people applied for the
 16 position you were applying for?
 17 A. I do not.
 18 Q. You did have an interview; correct?
 19 A. Yes.
 20 Q. Describe the interview for me.
 21 A. It was my at-that-time supervisor and I
 22 believe two other people in the room.
 23 Q. Who was the supervisor you were referring to?
 24 A. Jim Stucker.
 25 Q. Do you recall who the other individuals on the

1 interviews; about my history, about why I would be a
 2 good fit for the Department.
 3 Q. Is there anything about the interview process
 4 that you found problematic or distasteful in any way?
 5 MR. SCHOPPE: Object to the form of the
 6 question. You can answer.
 7 THE WITNESS: I don't recall.
 8 Q. (BY MR. COLLAER) What I'm interested in, was
 9 there any questions that you found offensive or you
 10 didn't like or irritated you in any fashion?
 11 A. It's been so long, I can't recall at this
 12 time.
 13 Q. At the end of the interview were you told what
 14 was going to happen after that?
 15 A. If they decided to select me they'll give me a
 16 phone call.
 17 Q. Did they tell you how many positions they were
 18 filling or did you have any idea?
 19 A. I don't recall at this time.
 20 Q. I'm assuming that at some point after the
 21 interview you did get the phone call about being offered
 22 a position?
 23 A. Yes.
 24 Q. Who contacted you?
 25 A. Jim Stucker.

1 Q. How soon after the interview did Mr. Stucker
2 contact you?
3 A. I would say approximately within a week.
4 Q. He called you at home?
5 A. Yes.
6 Q. Could you describe for me, just as best you
7 can recollect, the conversation between yourself and
8 Mr. Stucker at that point.
9 A. I can't recall that conversation.
10 Q. Do you recall anything about it at all?
11 A. I believe possibly he asked me to come in, and
12 at that time when I came in I believe he offered me a
13 position.
14 Q. When he first called you on the phone, did he
15 say they were going to offer you a position?
16 A. No.
17 Q. So I take it this phone call was fairly short
18 and focused on could you come back down?
19 A. Yes.
20 Q. How soon after that phone call did you go back
21 in and meet with him?
22 A. I can't recall. I would have to say within a
23 day or two.
24 Q. When you met with him, I take it that was at
25 the Nampa facility?

1 was explained basically what I would be doing.
2 Q. You say you reviewed policies and procedures.
3 Were those the written SOPs?
4 A. Yes.
5 Q. Were you given a binder of those or did you
6 review them on the computer?
7 A. They were in a binder.
8 Q. How much time during that week did you spend
9 reading and reviewing those policies and procedures?
10 A. I really can't recall at this time.
11 Q. How big was the binder?
12 A. I would say there is approximately two to
13 three this size (indicating).
14 Q. So probably at least binders that are about 3
15 inches thick, about two of them, two or three of them?
16 A. Sure.
17 Q. Did you read every one of the policies in
18 those binders?
19 A. Not every single page, no.
20 Q. Were there any policies or procedures that you
21 had questions about?
22 A. No. At the time it was all basically common
23 sense from when I worked out at the prison. They're
24 close, really close in nature.
25 Q. You said you toured the facility. Who gave

1 A. Yes.
2 Q. At that meeting who all was present?
3 A. Just Jim Stucker and myself.
4 Q. How long did the two of you meet that day?
5 A. I believe five to ten minutes.
6 Q. What was discussed during that meeting?
7 A. I can't recall that good. I believe possibly
8 he offered me a position and I accepted the position.
9 Q. What position did he offer you?
10 A. Safety and security officer.
11 Q. Did the two of you talk about when you would
12 start or anything of that type, any orientation,
13 anything of that nature?
14 A. It's been so long ago, I can't remember.
15 Q. When was the next time you were back to the
16 facility after you were offered the job?
17 A. If I recall, approximately two weeks.
18 Q. Was that when you started work?
19 A. I can't recall at this time. I would say
20 possibly.
21 Q. Starting on your first week on the job, can
22 you describe for me basically what you did during that
23 week.
24 A. I believe I glanced through policy and
25 procedures, I was taken on a tour of the facility, and I

1 you that tour?
2 A. If I recall it was Jim Stucker.
3 Q. He was going to be your supervisor; correct?
4 A. Yes.
5 Q. How long did he remain your supervisor after
6 you started?
7 A. I would have to say approximately nine months
8 to a year.
9 Q. Who became your supervisor after that?
10 A. Steven Fitzgerald.
11 Q. How long did he remain your supervisor?
12 A. Approximately nine months.
13 Q. Then who replaced him?
14 A. Mark Freckleton.
15 Q. How long did he work as your supervisor?
16 A. I believe approximately six months.
17 Q. Who replaced Mr. Freckleton?
18 A. Summer Wade.
19 Q. How long was she your supervisor?
20 A. I'd say approximately a year and a half.
21 Q. Then who replaced her?
22 A. Julie McCormick.
23 Q. She was there for what, a year? How long was
24 she your supervisor?
25 A. Approximately a year.

1 Q. Then who replaced her?
 2 A. Mark Freckleton.
 3 Q. Is he your current supervisor?
 4 A. Yes.
 5 Q. When did he become your supervisor again?
 6 A. I believe roughly August of 2012.
 7 Q. Tell me, while you were touring the facility
 8 with your supervisor, what all did that involve; just
 9 showing you the layout or what did that tour involve?
 10 A. Basically he showed me around to the different
 11 units, introduced me to staff, and just basically showed
 12 me the layout of the place.
 13 Q. You also indicated that it was explained to
 14 you what you would be doing. Who spoke with you about
 15 that?
 16 A. Mr. Stucker.
 17 Q. What did he tell you?
 18 A. I can't recall at this time the specifics. It
 19 entailed my job duties, I believe.
 20 Q. At that time what did you understand your job
 21 duties were going to be?
 22 A. Providing safety and security for juveniles,
 23 staff, and the public.
 24 Q. Anything else?
 25 A. I can't recall at this time.

1 you were offered the position?
 2 A. I believe that was the start date.
 3 Q. That was your first day when you showed up and
 4 Mr. Stucker -- you reviewed the policies and procedures,
 5 you toured the facility and Mr. Stucker told you what he
 6 expected you would be doing?
 7 A. Some of that on that date, yes.
 8 Q. Tell me, Exhibit No. 56 in the third paragraph
 9 starting with "Your full-time probation appointment."
 10 Do you see that?
 11 A. Yes.
 12 Q. What was your understanding of what your
 13 probation would be?
 14 A. At that time I understood that my probation
 15 would be the six months and 1,040 hours, the same as
 16 when I worked out at IDOC.
 17 Q. You had successfully completed probation at
 18 IDOC; correct?
 19 A. Yes.
 20 Q. What was your understanding of your status as
 21 a probationary employee during that time period?
 22 A. That I would have to complete any necessary
 23 training at that time.
 24 Q. Was it your understanding that at the end of
 25 your probation the Department could choose to not retain

1 Q. Was it your understanding -- was this
 2 consistent with what the job description was you had
 3 reviewed online?
 4 A. Yes.
 5 Q. So if I'm understanding what was explained to
 6 you by Mr. Stucker about what you would be doing, it was
 7 consistent with the position you felt you understood you
 8 were applying for and would be hired for?
 9 A. Yes.
 10 Q. Based upon the published job description?
 11 A. Yes.
 12 (Exhibit 56 marked.)
 13 Q. (BY MR. COLLAER) I'm going to hand you what
 14 I've marked as Exhibit No. 56. Could you identify
 15 No. 56 for me, please.
 16 A. I believe it's a welcome to the Department of
 17 Juvenile Corrections from my supervisor at that time,
 18 Mr. Stucker.
 19 Q. Would you look at the second page. Do you
 20 recognize your signature at the bottom?
 21 A. Yes.
 22 Q. Is the handwriting on the date your own?
 23 A. Yes.
 24 Q. Tell me, is the date on this letter,
 25 September 10, 2007, consistent with when you understood

1 you?
 2 A. Yes.
 3 Q. For any reason excluding a discriminatory
 4 reason.
 5 A. Yes.
 6 Q. After you completed your probation, what was
 7 your understanding of your status as an employee; how
 8 did it change, if it did?
 9 A. It changed to a classified employee.
 10 Q. What is your understanding of what a
 11 classified employee is? What does that mean to you?
 12 A. To me it means permanent status, that an
 13 employer couldn't fire you without just cause.
 14 Q. Anything else?
 15 A. That I would be off of my probationary period.
 16 Q. Sure. Other than you're done with your
 17 probation, you can only be discharged for cause,
 18 anything else that you understood being a classified
 19 employee meant to you?
 20 A. I don't believe so.
 21 Q. During your probationary period did you
 22 receive performance evaluations?
 23 A. I believe I did.
 24 Q. Who did those evaluations?
 25 A. If I recall, after my probationary period I

1 think that it was Mr. Tom Knoff.
 2 Q. What I was focusing on was during the
 3 probationary period, who did your evaluations?
 4 A. I don't recall at this time.
 5 Q. That's fine.
 6 Do you recall if they were meet standards or
 7 substandard evaluations; what was the rating?
 8 A. I believe it was at least meets standards.
 9 Q. You understood that as a probationary employee
 10 you needed to have meets standards to complete
 11 probation; correct?
 12 A. Yes.
 13 (Exhibit 57 marked.)
 14 Q. (BY MR. COLLAER) I'm going to hand you what
 15 I've marked as Exhibit No. 57. Could you identify
 16 No. 57 for me, please.
 17 A. It appears to be a position description.
 18 Q. Is this the position description that you saw
 19 online when you were applying for your job?
 20 MR. SCHOPPE: Go ahead and take your time in
 21 looking through the document.
 22 THE WITNESS: (Reviewing document.) It
 23 appears to be similar, yes.
 24 Q. (BY MR. COLLAER) The description on the first
 25 page of Position Summary, is that consistent with what

1 A. Yes.
 2 Q. Is that consistent with other folks in your
 3 similar position, have they worked all three shifts?
 4 MR. SCHOPPE: Object to the form of the
 5 question.
 6 THE WITNESS: No.
 7 Q. (BY MR. COLLAER) Who hasn't worked all three
 8 shifts?
 9 A. I believe Mr. Coronado has always been on day
 10 shift.
 11 Q. Do you know for certain?
 12 A. He started just before me, so no, I don't know
 13 for certain.
 14 Q. Anybody else?
 15 A. I couldn't say names off the top of my head,
 16 but I know a lot of night shift right now have always
 17 been on night shift. James Corthen has always been on
 18 night shift. Robert Gunion has always been on night
 19 shift. Shawn Crawford has always been on night shift.
 20 Q. How long have those folks worked for the
 21 Department?
 22 A. James Corthen I believe approximately 13
 23 years. Robert Gunion I believe approximately 13 to 15
 24 years.
 25 Q. Do you know why those folks have always worked

1 you saw online and what you expected the position
 2 involved?
 3 A. I believe it's similar, yes.
 4 Q. It also, it says in this Position Summary
 5 that: "These positions require shift work on all three
 6 shifts." Do you see that?
 7 A. Yes.
 8 Q. When you were first hired, did anybody
 9 indicate to you that you would be assigned a single
 10 shift or would never change?
 11 A. When I first started I started on the
 12 graveyard shift.
 13 Q. My question was: When you first started, did
 14 anybody tell you that the shift that you were assigned
 15 to would be permanent, never change, that's what you
 16 would always be working?
 17 A. I don't recall anyone telling me that, no.
 18 Q. Has anybody ever told you that?
 19 A. I don't recall at this time anyone telling me
 20 that.
 21 Q. The position description says that somebody in
 22 your spot will be required to work on all three shifts;
 23 correct?
 24 A. That's what this says, yes.
 25 Q. In your employment have you done that?

1 night shift?
 2 A. Because that's what they prefer.
 3 Q. Do you know if they have ever been asked to
 4 work other shifts?
 5 A. I don't know.
 6 Q. How long did you work the graveyard?
 7 A. For approximately nine months when I started.
 8 Q. What shift did you change to after that?
 9 A. Day shift.
 10 Q. Did you ask for the change or was it something
 11 that just happened?
 12 A. Jim Stucker came to me and asked me if I would
 13 like to do transports on the day shift.
 14 Q. You said you would be interested in that?
 15 A. Yes.
 16 Q. During the night shift were you doing any
 17 transports?
 18 A. No.
 19 Q. Why were you interested in doing the
 20 transports?
 21 A. I like to drive and I thought it would be a
 22 very good variation of different duties.
 23 Q. So this isn't something you applied for?
 24 A. Actually, yes.
 25 Q. Why don't you tell me the application process.

1 A. There wasn't a physical application process
 2 for it.
 3 Q. Was there an online process or --
 4 A. No.
 5 Q. Was it published that there was a position for
 6 transports available?
 7 A. No.
 8 Q. How did you become aware that it was
 9 available?
 10 A. I was asked by my supervisor if I would like
 11 to do transports, and there were other people interested
 12 in doing transports. He said that -- he asked me to go
 13 through a type of interview process like when I was
 14 hired. So I sat in the room with Mr. Stucker,
 15 Mr. Coronado, and I'm not positive, I believe
 16 Mr. Leavitt was there, and they interviewed me for the
 17 position of a transport officer.
 18 Q. Were other people interviewed?
 19 A. I don't have that information.
 20 Q. Is a transport officer a published position?
 21 A. Not with the State of Idaho, no.
 22 Q. So your job description throughout your entire
 23 employment has always been safety and security officer?
 24 A. Yes.
 25 Q. The job description has never changed?

1 A. No.
 2 (Exhibit 58 marked.)
 3 Q. (BY MR. COLLAER) Handing you what I've marked
 4 as Exhibit No. 58. Would you identify No. 58 for me,
 5 please.
 6 A. State Employee Orientation and understanding
 7 of policies.
 8 Q. At the bottom there is a signature under the
 9 Employee's Signature line. Do you see that?
 10 A. Yes.
 11 Q. Whose signature is that?
 12 A. Mine.
 13 Q. There is also a series of initials next to
 14 these, it looks like policies. Do you recognize those
 15 initials?
 16 A. Yes.
 17 Q. Are these the policies that you described
 18 earlier that you reviewed when you first started with
 19 the Department?
 20 A. The policies that were in place at that time,
 21 yes.
 22 Q. You reviewed each of the policies that you
 23 initialed having reviewed?
 24 A. Yes, at that time.
 25 Q. Do you recall any questions or objections you

1 A. Yes, they did.
 2 Q. When did it change?
 3 A. It significantly took on a lot of -- a lot
 4 more responsibilities.
 5 Q. Such as?
 6 A. Learning court proceedings; medical, dental,
 7 and vision procedures; transporting kids within the
 8 state of Idaho and within the United States.
 9 Q. The same job description applied to all safety
 10 and security officers?
 11 A. No.
 12 Q. You had a specialized one for you?
 13 A. For transport officers there was additional
 14 position duties on top of safety and security officer
 15 duties.
 16 Q. My question is: Is there a published job
 17 description for this transport officer you are
 18 describing?
 19 A. No.
 20 Q. Does it appear in the personnel system as a
 21 published position in any way?
 22 A. No.
 23 Q. When it becomes open, is it published for
 24 application like the safety and security officer
 25 position?

1 had to any of the policies on this list?
 2 A. At that time, no.
 3 Q. At any time.
 4 A. At any time these policies and procedures have
 5 changed several times within the past years.
 6 Q. As changes have been made, have you had any
 7 objections to them or have any questions about the
 8 changes?
 9 A. Yes, I have.
 10 Q. Why don't you describe that for me.
 11 A. In different safety and security policies and
 12 procedures I've had questions to Ms. Summer Wade and
 13 Ms. Julie McCormick.
 14 Q. Let's talk about the questions you had for
 15 Summer Wade about the changes in the safety policies.
 16 What number would that be that is on Exhibit No. 58;
 17 would that be 370.10?
 18 MR. SCHOPPE: Object to the form of the
 19 question.
 20 THE WITNESS: That's one of them, yes.
 21 Q. (BY MR. COLLAER) Any others that you recall
 22 talking with Ms. Wade about as far as changes that you
 23 had questions about or problems with?
 24 A. There are several policies and procedures that
 25 I have brought up to Ms. Summer Wade and Julie McCormick

1 when certain incidents have happened.
 2 Q. Well, why don't you tell me, let's focus on
 3 Summer Wade. What questions or discussion did you have
 4 with her about safety policies?
 5 A. I've brought up to her questions about
 6 juveniles having cell phones in their hands of staff
 7 members.
 8 Q. What do you mean "of staff members"? Oh, they
 9 had the number of staff members in their cell phones?
 10 A. No. A staff member gave a juvenile their cell
 11 phone.
 12 Q. So a staff gave a juvenile the staff's cell
 13 phone what, to make a call or for what purpose?
 14 A. I have no idea. I saw the juvenile with the
 15 staff member's cell phone in his hand. She was showing
 16 him things on her cell phone. I brought this up to
 17 Summer Wade and she told me that I must not have seen
 18 what I thought I saw.
 19 Q. When did this happen?
 20 A. Summer Wade was the supervisor for
 21 approximately a year and a half. It was during her time
 22 as a supervisor.
 23 Q. Can you give me a year?
 24 A. I believe approximately 2010.
 25 Q. After you talked with her about that what

1 Q. Anything else you talked to Summer Wade about
 2 dealing with safety and security?
 3 A. A juvenile had an uncut key hanging on the
 4 outside of his door.
 5 Q. Anything else?
 6 A. I told her about another staff member putting
 7 nails in the tires of my car and vandalizing my personal
 8 property.
 9 Q. Anything else?
 10 A. If I may follow up on that.
 11 Q. I was going to follow up on that. I just want
 12 to get the list of things you talked to her about, then
 13 I'll follow up on it.
 14 A. As far as safety and security, I can't recall
 15 at this time anything else.
 16 Q. This instance with the juvenile with the uncut
 17 key on the outside of his door, uncut key to what?
 18 A. It was a regular house key. It was straight,
 19 uncut.
 20 Q. So it's just something that hadn't been turned
 21 into a functional key yet?
 22 A. Correct.
 23 Q. How did she respond to that?
 24 A. She told me that the juvenile was leaving, I
 25 would have to say within approximately a week or so, so

1 became of it?
 2 A. Nothing.
 3 Q. Anything to the juvenile, to you or any other
 4 reaction at all?
 5 A. No.
 6 Q. Any other conversations between yourself and
 7 Summer Wade about safety policies?
 8 A. I've told her about certain staff members
 9 showing juveniles things on a staff computer.
 10 Q. When did that happen?
 11 A. Approximately 2010. Several times.
 12 Q. Do you know what things the staff was showing
 13 the juveniles?
 14 A. I do not know.
 15 Q. What was Ms. Wade's reaction?
 16 A. I believe she said, Thank you, I'll look into
 17 that.
 18 Q. What happened after that?
 19 A. I do not know.
 20 Q. Anything happen to you after you brought it to
 21 her attention?
 22 A. No.
 23 Q. Do you know if she advised Betty Grimm or
 24 Sharon Harrigfeld about your complaints?
 25 A. I don't have any knowledge of that.

1 it was okay if he had it to take with him.
 2 Q. Anything else come of that?
 3 A. No.
 4 Q. Anything adverse to you come of that?
 5 A. Of that particular situation, I don't believe
 6 so.
 7 Q. Now, the staff that you say put nails in your
 8 tires, which staff?
 9 A. Corey Jones.
 10 Q. Is he still working there?
 11 A. No.
 12 Q. When did he leave?
 13 A. I don't have an approximate date on that.
 14 Q. Was his leaving connected with your belief
 15 that he put nails in your tires?
 16 A. No.
 17 Q. What were the circumstance of his leaving the
 18 Department, if you know?
 19 A. I can't recall at this time.
 20 Q. When did he leave in relation to when this
 21 vandalism to your car happened?
 22 A. I would say approximately within nine months.
 23 And that happened through a duration of about three
 24 months. There was four different incidents.
 25 Q. I presume there was some kind of conflict

1 between yourself and Mr. Jones. What was it?
 2 A. I had no conflict with him. I don't know.
 3 Q. Had the two of you ever had any disagreement
 4 of any kind?
 5 A. No.
 6 Q. How do you know he vandalized your car?
 7 A. He admitted it to another staff member, who in
 8 turn told me.
 9 Q. Who was that staff member?
 10 A. I believe his name is Roger Evenson.
 11 Q. Is he still working there?
 12 A. No.
 13 Q. Tell me, after Mr. Evenson advised you that
 14 Corey Jones had vandalized your car, did you confront
 15 Mr. Jones?
 16 A. No, I did not.
 17 Q. Did you report it to your supervisor Ms. Wade?
 18 A. Yes, I did.
 19 Q. Did you do it in writing or verbally?
 20 A. Verbally.
 21 Q. How did she react?
 22 A. She said that I must have picked up the nails
 23 on the way to work somewhere.
 24 Q. Did you file any grievances or anything of
 25 that nature?

1 Q. That would include Betty Grimm or Sharon
 2 Harrigfeld.
 3 A. No, I did not.
 4 Q. Do you have any information to suggest that
 5 either Ms. Grimm or Ms. Harrigfeld were aware of this
 6 incident?
 7 A. I don't have that information.
 8 Q. What about Julie McCormick, anything you
 9 talked to her about or complaints you made to her about
 10 safety and security?
 11 A. After going through a week-long GPS training,
 12 which is global positioning system, an ankle monitor, I
 13 went through a week-long training in Houston, Texas for
 14 that, I came back and told her there was significant
 15 problems with our GPS monitoring.
 16 Q. Anything else the two of you two talked about
 17 with the GPS monitoring?
 18 A. No. I gave that to her in an e-mail and she
 19 never responded to me in person or in e-mail or phone.
 20 Q. When did you send her that?
 21 A. Approximately the end of 2011.
 22 Q. What did she do with that information when you
 23 sent it to her?
 24 A. Nothing.
 25 Q. You never heard back from her?

1 A. No, I did not.
 2 Q. Is that something you could have done?
 3 A. I could have, but I didn't believe it would
 4 have done any good at the time.
 5 Q. But my question is: You didn't do it,
 6 although you knew that you could; correct?
 7 A. Correct.
 8 Q. Did anybody discourage you from seeking the
 9 problem solving or grievance?
 10 A. No.
 11 Q. Did anybody tell you why Mr. Jones had
 12 vandalized your car?
 13 A. I believe someone told me they felt that he
 14 did it out of fun.
 15 Q. So it wasn't in retaliation or for something
 16 that he was irritated at you about?
 17 A. No.
 18 Q. Do you have any reason to believe that he was
 19 encouraged or told by anybody to vandalize your car?
 20 A. I don't believe so.
 21 Q. Did you report this to the police?
 22 A. No.
 23 Q. Other than Summer Wade, did you talk to any
 24 other management person about this incident?
 25 A. No.

1 A. No.
 2 Q. Did she do anything to you because you sent
 3 her the e-mail?
 4 A. No.
 5 Q. No retaliation for that e-mail?
 6 A. I heard nothing back from her.
 7 Q. What is the next thing that you talked to
 8 Julie McCormick about dealing with safety and security?
 9 A. I believe it would have to do with safety and
 10 security, I requested for training for appropriate use
 11 of force that I was due for. I requested four times
 12 within approximately four months in the beginning of
 13 2012. And all of the responses that I got were roughly,
 14 We're looking into that.
 15 Q. Anything else?
 16 A. I'd like to add on that that at the end of
 17 that four months and those four requests, I would say
 18 approximately three other night shift employees were
 19 scheduled for AUF, but I was not.
 20 Q. Well, other than you requested training on use
 21 of force and she said she was looking into it, anything
 22 else she did?
 23 A. I gave her 13 e-mails within her approximate
 24 year as my supervisor, all with no responses, telling
 25 her about different safety and security issues and also

1 asking for time off. And all of those 13 e-mails were
 2 not replied to by e-mail, by phone or in person. She
 3 just ignored them all.
 4 Q. Outside of that, anything else she did?
 5 A. She scheduled me to work on a holiday.
 6 Q. Let's focus on -- what I'm really interested
 7 in is you requested the training for the use of force.
 8 What I'm interested in is what was the -- as I
 9 understand, the response to that was, We're looking into
 10 it. Anything else, any other reaction or blow back from
 11 the fact that you asked for training for use of force?
 12 A. Can you either rephrase that or retell me the
 13 question.
 14 Q. Sure.
 15 What I'm interested in is you indicated that
 16 you asked her for additional training on use of force.
 17 As I understand, her response was, We're looking into
 18 that, and you heard nothing more.
 19 A. Correct.
 20 Q. What I'm interested in is, other than she
 21 didn't respond, anything else she did because you had
 22 asked for that additional training, anything she did to
 23 you because you asked for that training?
 24 A. No, I was just ignored.
 25 Q. Now, you also said you sent her e-mails

1 Q. Do you recognize Exhibit No. 21?
 2 A. It's for problem solving, corrective action,
 3 and due process procedure.
 4 Q. Is that the problem solving or due process
 5 policy that you read when you first became employed in
 6 2007?
 7 A. No.
 8 Q. How is it different?
 9 A. This policy has changed several times since I
 10 was hired.
 11 Q. Was this the policy that was in place in 2010?
 12 A. It says that it was revised in 8/30 of 2010.
 13 Q. So from August of 2010 until revised again,
 14 was this the policy?
 15 A. I'm not sure exactly what you are asking.
 16 Q. What I'm asking is, are you aware of any other
 17 policy for problem solving that would have been in place
 18 and effective after August 30, 2010?
 19 A. I couldn't say at this time. All of our
 20 policies and procedures change constantly.
 21 Q. Tell me, when they changed do you review them?
 22 A. Yes.
 23 Q. Were you familiar with the problem-solving
 24 procedure throughout your employment or have you been
 25 familiar with it?

1 regarding various safety and security issues and she
 2 ignored you.
 3 A. Yes.
 4 Q. Heard nothing.
 5 Did she do anything else other than ignore
 6 you?
 7 A. She took me off of my transport position and
 8 put me on to graveyards.
 9 Q. When did she do that in relation to you
 10 bringing up these issues about safety and security?
 11 A. Those issues were all brought up within the
 12 time that she was the supervisor.
 13 Q. You can't put a timeline on them?
 14 A. No. They're all scattered within the year
 15 that she was the supervisor.
 16 Q. All right. Since the time you've been in
 17 employment with the Department, you were aware of the
 18 problem-solving policy; correct?
 19 A. Yes.
 20 Q. Turning back to Exhibit 58, that is listed on
 21 the Due Process policy that you initialed?
 22 A. Yes.
 23 Q. Would you take a look in this binder, Exhibit
 24 No. 21 and 22. Do you have 21 in front of you?
 25 A. Yes.

1 A. Yes.
 2 Q. Looking at Exhibit No. 21, there is four
 3 paragraphs that speak to things that a probationary
 4 employee can file problem solving for. None of those
 5 happened to you, did they?
 6 A. Not during my probationary period, no.
 7 Q. Have you ever received any kind of formal
 8 discipline as far as notice of contemplated action for
 9 suspension, discharge, demotion, anything of that
 10 nature?
 11 A. I don't believe so.
 12 Q. Would you take a look at Exhibit No. 22. What
 13 is Exhibit No. 22?
 14 A. It appears to be the same as Exhibit No. 21.
 15 Q. It has a more current date on it, does it not?
 16 It shows it was revised January 30, 2012.
 17 A. Yes.
 18 Q. You would have reviewed Exhibit No. 22 when it
 19 came out?
 20 A. Yes.
 21 Q. Would you take a look at Exhibit No. 24. Do
 22 you recognize Exhibit No. 24?
 23 A. Yes; "Attendance (Absenteeism and Tardiness)."
 24 Q. Is this a policy you would have reviewed and
 25 familiarized yourself with when it came out?

1 A. When it was revised, yes.
 2 Q. Do you recall if you had any questions or
 3 disagreements about Exhibit No. 24 when it was
 4 promulgated?
 5 A. I can't recall at this time.
 6 Q. Take a look at Exhibit No. 25. Do you
 7 recognize No. 25?
 8 A. Yes.
 9 Q. What is it?
 10 A. Hours of Work and Rest Periods.
 11 Q. Was this policy in place during your
 12 employment or has it been in place during your
 13 employment?
 14 A. Yes.
 15 Q. Has a similar or same policy been in place
 16 throughout your employment?
 17 A. I don't recall at this time.
 18 Q. You don't recall if there has been an SOP
 19 dealing with hours of work and rest periods?
 20 A. According to this revision it was January 25th
 21 of 2010. I don't recall if there was one before that or
 22 not.
 23 Q. Would you look under effective date, there is
 24 an October 28, '01. Do you see that?
 25 A. Yes.

1 (Exhibit 59 marked.)
 2 Q. (BY MR. COLLAER) Handing you what I've marked
 3 as Exhibit No. 59. Would you identify No. 59 for me.
 4 A. Veterans Status Form.
 5 Q. Do you recognize the signature at the bottom?
 6 A. Yes.
 7 Q. The first page at paragraph 3 is marked with
 8 an X. Do you see that?
 9 A. Yes.
 10 Q. Is that your handwriting that marked that?
 11 A. Yes.
 12 Q. Is this something you filled out during your
 13 orientation?
 14 A. It says that I signed it 9/10 of '07.
 15 Q. So it would have been two months after you
 16 were hired -- or excuse me, strike that.
 17 That is the date of your first day; correct?
 18 A. Yes.
 19 Q. When it says "(EV) other veterans," do you
 20 know what that reference is?
 21 A. It means that I'm a veteran that served during
 22 a war period.
 23 Q. Since you started with the Department, can you
 24 describe all positions you have applied for.
 25 A. I have not applied to other positions due to I

1 Q. That indicates this policy was in effect, been
 2 effective since 2001?
 3 A. Yes.
 4 Q. So a policy dealing with this subject would
 5 have been in existence throughout your employment?
 6 A. Yes.
 7 Q. This is something you would have reviewed and
 8 familiarized yourself with?
 9 A. Yes.
 10 Q. Do you recall if you had any questions or
 11 objections to this policy, Exhibit 25, when it came out?
 12 A. I don't recall at this time.
 13 Q. Could you look at Exhibit No. 26. Could you
 14 identify No. 26 for me.
 15 A. Work Schedules.
 16 Q. Is this a policy that has been in effect
 17 throughout your employment?
 18 A. Yes.
 19 Q. This is one you would have also reviewed and
 20 familiarized yourself with; correct?
 21 A. Yes.
 22 Q. Do you recall any questions or objections you
 23 had concerning Exhibit No. 26 throughout your
 24 employment?
 25 A. I don't recall at this time.

1 was told that my veteran status would hinder me from
 2 doing so.
 3 Q. What positions are you referring to?
 4 A. Safety and security supervisor and
 5 rehabilitation technician.
 6 Q. When were you considering applying for any of
 7 those positions?
 8 A. I would say within my first nine months of
 9 hire and since then.
 10 Q. In the first nine months who told you your
 11 veterans status would disqualify you?
 12 A. I was told when I was hired by Jim Stucker
 13 that the Department did not -- or I should say preferred
 14 not to hire military, correctional officers or police
 15 officers.
 16 Q. But they hired you?
 17 A. Yes, they did.
 18 Q. Anybody else ever say that to you?
 19 A. To me directly, no. I've heard it from other
 20 people though.
 21 Q. Well, my question is: Have you ever heard
 22 that from Sharon Harrigfeld?
 23 A. I have not personally heard that from her.
 24 Q. Have you ever heard that from Betty Grimm?
 25 A. Personally, no. I've heard other people

1 saying she said that.
 2 Q. But she never said that to you, has she?
 3 A. Not directly to me, no.
 4 Q. Has she ever discouraged you from applying for
 5 any position within the Department?
 6 A. She has not personally discouraged me, but I
 7 feel that her response to other people about veterans,
 8 those responses discouraged me.
 9 Q. What are you referring to?
 10 A. Betty has made it well known that she does not
 11 prefer ex-correctional officers or veterans because she
 12 believes that they're too hard on the juveniles.
 13 Q. Who told you that?
 14 A. Jim Stucker, I've heard from various other
 15 employees throughout the years, Julie McCormick.
 16 Q. You indicated there was the safety and
 17 security supervisor, you were interested in that
 18 position in the first nine months. Who actually applied
 19 for and got the position?
 20 A. Steven Fitzgerald.
 21 Q. What was his qualifications for that job?
 22 A. I don't have personal knowledge of his
 23 qualifications.
 24 Q. Is it your position that he was not qualified
 25 for that position?

1 A. I believe it was Mark Freckleton.
 2 Q. Was that a competitive application and
 3 interview process?
 4 A. Yes.
 5 Q. Is it your position Mr. Freckleton was not
 6 qualified for that spot?
 7 A. I'm not in a position to make that assumption.
 8 Q. Would you consider his qualifications to be
 9 similar or superior to your own?
 10 MR. SCHOPPE: Objection; calls for
 11 speculation, object to the form.
 12 THE WITNESS: I have no knowledge of his
 13 background.
 14 Q. (BY MR. COLLAER) How do you know if you had
 15 applied for that position that you would have been
 16 selected instead of him?
 17 A. I don't believe I would have been selected.
 18 Q. That is because you believe because of your
 19 history as a correctional officer and veteran?
 20 A. Yes.
 21 Q. What did you believe would be the larger
 22 disqualifier in the eyes of the decision makers, your
 23 status as a correctional officer or a veteran?
 24 A. I would say as a veteran.
 25 Q. Why?

1 A. I don't have personal knowledge of his
 2 background.
 3 Q. Do you have any knowledge if he had any
 4 history in law enforcement, the military or as a
 5 correctional officer?
 6 A. I never spoke with him about his past.
 7 Q. So you don't know, he could be a veteran and
 8 you don't know?
 9 MR. SCHOPPE: Object to the form of the
 10 question; calls for speculation.
 11 THE WITNESS: I have no idea.
 12 Q. (BY MR. COLLAER) Any other times that that
 13 position has come open that you did not apply or were
 14 considering?
 15 A. I've considered it a couple of times.
 16 Q. When did it come open and you considered it?
 17 A. When Steven Fitzgerald left, that position
 18 became open again.
 19 Q. When did that occur?
 20 A. Approximately 2008 or 2009.
 21 Q. Did Betty Grimm or Sharon Harrigfeld do
 22 anything to you personally to discourage you from
 23 applying for that position?
 24 A. Personally, no.
 25 Q. Who got the position?

1 A. Because that's been the general knowledge and
 2 rumor of IDJC.
 3 Q. Tell me, do you have any knowledge of what
 4 Mr. Freckleton's background is?
 5 A. I do not.
 6 Q. You don't know if he's a veteran or not?
 7 A. I do not, no.
 8 Q. When was the next time that supervisor spot
 9 came open that you considered applying?
 10 A. Those were the only two times I considered it.
 11 Q. So this happened in 2008 or 2009 and then one
 12 time before that; correct?
 13 A. Yes. Approximately.
 14 MR. COLLAER: Counsel, it's about 10:30. This
 15 is a logical time for a break.
 16 (Recess taken.)
 17 MR. COLLAER: We are back on the record.
 18 (Exhibit 60 marked.)
 19 Q. (BY MR. COLLAER) Mr. Penrod, I'm handing you
 20 what I've marked as Exhibit No. 60. Would you identify
 21 No. 60 for me, please.
 22 A. A performance review.
 23 Q. Who is the employee whose performance is being
 24 reviewed?
 25 A. Myself.

1 Q. Tell me, looking at the review period of
 2 September 2007 to March of '08, is that during the
 3 probationary period?
 4 A. Yes.
 5 Q. Who was the reviewer that did your evaluation?
 6 A. Tom Knoff.
 7 Q. Is that his signature there in the middle
 8 under Reviewer/Manager Signature?
 9 A. I couldn't say for sure. I don't remember
 10 what his signature looked like. I would assume it is.
 11 Q. It wouldn't have been done by your supervisor,
 12 Mr. Stucker?
 13 A. No, Mr. Stucker at that time was gone.
 14 Q. So what was Mr. Knoff's position at this
 15 point?
 16 A. O&A, observation and assessment, unit manager,
 17 I believe.
 18 Q. You see that you received an achieves
 19 performance standards rating.
 20 A. Yes.
 21 Q. As an employee what does that rating mean to
 22 you?
 23 A. It means that I'm not doing bad.
 24 Q. You're doing what is expected of you; correct?
 25 A. Yes.

1 experience?
 2 A. No.
 3 Q. What have been the exceptions?
 4 A. With Summer Wade and Julie McCormick. With
 5 Summer Wade I was told to -- actually, back up. I was
 6 given my performance evaluation by Summer Wade over the
 7 computer, the Internet, I reviewed it. If I recall, I
 8 made some notes and went over it with her at a later
 9 date.
 10 Q. How about with Julie McCormick?
 11 A. With Julie McCormick, she called me into her
 12 office, the lights were out, and there was just a desk
 13 lamp in there, so it was very dim. I couldn't -- I had
 14 contacts in at the time and I couldn't read it good
 15 enough, I told her because of the lighting. She said,
 16 Well, I'll read it to you.
 17 She began to read my performance eval to me
 18 and I said, Excuse me, I have a question about this.
 19 She said, No, you will not speak at this time. You will
 20 talk when I tell you you can talk. And I said, Okay.
 21 So she finished reading her performance evaluation to
 22 me, and I said, I don't agree with -- she said, Well,
 23 you'll have to put it in writing.
 24 Q. Did you do that?
 25 A. Yes, I did.

1 Q. Did you file any kind of written response to
 2 this evaluation?
 3 A. I don't believe I did.
 4 Q. Do you recall meeting with the reviewer or the
 5 evaluator before you signed the evaluation?
 6 A. I don't specifically recall at this time. I
 7 believe that he called me into his office and he had me
 8 review it and we went over it and I signed it at that
 9 time, but I can't be sure.
 10 Q. I'm assuming there is some type of a give and
 11 take or a discussion when he gave you your evaluation.
 12 What I'm interested in is, what do you recall about that
 13 exchange, if anything?
 14 A. Back then I don't recall.
 15 Q. But you believe that type of an exchange
 16 occurred?
 17 A. I would assume so, yes.
 18 Q. When you have had other evaluations, is that
 19 the normal process?
 20 A. Not always, no.
 21 Q. Normally is that the process; you were given
 22 the evaluation, you review it, talk about it with the
 23 reviewer?
 24 A. Normally it should be, yes.
 25 Q. Is that normally how it has happened, in your

1 Q. Did you file a problem solving with this
 2 evaluation?
 3 A. Yes, I did.
 4 Q. Other than the evaluation with Ms. McCormick,
 5 any other performance evaluations you filed a problem
 6 solving on?
 7 A. Not a problem solving. I believe I took notes
 8 and reviewed it with the supervisor at the time.
 9 Q. You were aware that if you received an
 10 evaluation, performance evaluation that contained things
 11 that you disagreed with, that's something you can seek
 12 problem solving on; correct?
 13 A. Yes.
 14 Q. What was your understanding of how far that
 15 problem solving could go? What kind of relief could you
 16 obtain, assuming you were successful?
 17 A. I think every instance would be different.
 18 Q. As an example, if they put something in your
 19 evaluation that you felt was factually inaccurate, could
 20 you, through the problem-solving and appeal process,
 21 could that information be removed from your evaluation?
 22 A. I believe it could.
 23 Q. That is what I'm talking about, not whether it
 24 happened. Your understanding is that is the type of
 25 thing you had the right to seek?

1 A. Right. As an example, yes, that's what I
 2 believe.
 3 Q. How far up could that be appealed? Meaning,
 4 if you filed the problem solving and your immediate
 5 supervisor said no, denies it, you can appeal up a
 6 number of steps from that. Could you describe for me
 7 your understanding of how that process worked.
 8 A. My understanding of the problem solving, when
 9 I first started it was approximately three steps. Now I
 10 believe the problem-solving process has more than
 11 doubled in steps. So if you're talking about before or
 12 current, it would be different. It would go all the way
 13 up the chain to the superintendent, I believe, and then
 14 to the director from there.
 15 Q. So at some point through the appeal process
 16 you would reach the superintendent, who back in 2008
 17 would have been Betty Grimm.
 18 A. Yes.
 19 Q. Now it would be Lynn Viner.
 20 A. Yes.
 21 Q. Then the director would be Sharon Harrigfeld.
 22 A. Currently, yes.
 23 Q. If Ms. Harrigfeld on a problem solving on a
 24 performance evaluation made her decision, you disagreed
 25 with that, what was your understanding of any appellate

1 can get involved and help with the process and possibly,
 2 as I understand, they could even overturn. But I'm not
 3 sure.
 4 Q. (BY MR. COLLAER) What I'm interested in is
 5 not whether you are legally right or wrong, I'm just
 6 interested in what your understanding of the process is.
 7 A. Yeah, that's my understanding. I really am
 8 not that familiar with the details of the legal aspect
 9 of it.
 10 Q. But you were aware throughout your employment
 11 there was an avenue to the Personnel Commission in at
 12 least certain situations.
 13 A. I wasn't aware of that until approximately
 14 2011. I didn't realize that was an option. It never
 15 went that far for me.
 16 Q. In 2011 you had a matter that you did take to
 17 the Personnel Commission; correct?
 18 A. Yes.
 19 Q. Returning to Exhibit No. 60, at this point in
 20 2008 had you had any disputes or problems with Betty
 21 Grimm?
 22 A. I don't recall at this time.
 23 Q. Have you ever had any personal disputes or
 24 problems with Betty Grimm?
 25 A. Yes.

1 rights you have past her?
 2 A. I'm not completely familiar with all of my
 3 appellate rights.
 4 Q. Is it your understanding they are set forth in
 5 the statutes?
 6 MR. SCHOPPE: Object to the form.
 7 THE WITNESS: I'm not sure if I understand the
 8 question.
 9 Q. (BY MR. COLLAER) Well, we've gone through and
 10 you identified the SOP policies dealing with problem
 11 solving. Are you aware of any other like legislation
 12 statutes passed by the Idaho Legislature dealing with
 13 those grievance rights, and specifically your ability to
 14 have it reviewed by the Personnel Commission?
 15 A. Yes, I believe that the Idaho Personnel
 16 Commission can get involved after I finish the problem-
 17 solving process.
 18 Q. Why don't you tell me, as best you can relate
 19 it to me, your understanding of how the Personnel
 20 Commission can be involved, what they can be involved
 21 with, and how it works.
 22 MR. SCHOPPE: Objection; calls for speculation
 23 and a legal conclusion. You can answer if you know.
 24 THE WITNESS: As my attorney said, it would be
 25 speculating. I really don't know. I believe that they

1 Q. What?
 2 A. She has always said that she has an open-door
 3 policy. I've gone to her with matters and asked her
 4 personal opinion and that they be off the record. She
 5 went directly to my supervisor at the time within 15
 6 minutes of our conversation and told my supervisor
 7 everything that I said. And my supervisor at the time
 8 was Julie McCormick, and Ms. McCormick informed me that
 9 I was not to go to the superintendent unless it was an
 10 emergency situation.
 11 Q. Anything else?
 12 A. I believe there was a couple other incidents,
 13 but I can't recall at this time.
 14 Q. When Ms. McCormick told you not to go to the
 15 superintendent unless an emergency, did she tell you to
 16 bring those issues to her first?
 17 A. Yes.
 18 Q. So she wanted you to follow the chain of
 19 command.
 20 MR. SCHOPPE: Objection; calls for
 21 speculation, object to form. You can answer if you can.
 22 Q. (BY MR. COLLAER) Would that be the chain of
 23 command within your organization?
 24 A. Yes. First would be the supervisor, unless
 25 the problem was the supervisor, and then you go to that

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1 supervisor's supervisor.
 2 Q. Understood.
 3 But that would not be the superintendent
 4 directly.
 5 A. If that was my supervisor's supervisor, yes.
 6 Q. Understood. Understood.
 7 When did this incident where you went to talk
 8 to Betty off the record and she told Julie, when did
 9 that happen?
 10 A. I would say near the end of 2011.
 11 Q. Could you give me a month, if you can.
 12 A. Approximately November.
 13 Q. Was that before or after you filed this
 14 lawsuit?
 15 A. After.
 16 Q. Nothing before?
 17 A. I'm not sure at this time.
 18 Q. Did you file a problem-solving request with
 19 respect to the instruction you got from Julie McCormick?
 20 A. No, I didn't believe problem solving would
 21 work at that time.
 22 Q. Well, the question is, you didn't do it, did
 23 you?
 24 A. No, I did not.
 25 Q. On the back page of Exhibit No. 60, there is

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1 two developmental objectives that are there. Do you see
 2 those?
 3 A. Yes.
 4 Q. Did you have any input in creating these
 5 objectives?
 6 A. I believe I could of at the time.
 7 Q. But did you?
 8 A. I can't recall.
 9 Q. Do you recall if you disagreed with any of
 10 these objectives?
 11 A. No, I did not.
 12 Q. Did you accomplish them?
 13 A. Yes, I did.
 14 (Exhibit 61 marked.)
 15 Q. (BY MR. COLLAER) Handing you what I'm marking
 16 as Exhibit No. 61. Could you identify 61 for me,
 17 please.
 18 A. Another performance review.
 19 Q. Does it relate to yourself?
 20 A. Yes, it does.
 21 Q. Is it the next in order after the time period,
 22 the period that was evaluated in Exhibit No. 60?
 23 A. Yes.
 24 Q. Do you recognize under the Reviewer/Manager
 25 Signature, do you see that?

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1 A. Yes.
 2 Q. Do you know who that reviewer was?
 3 A. No, I do not.
 4 Q. It's not Tom Knoff, is it?
 5 A. No, it's not.
 6 Q. Isn't it the same signature that was on
 7 Exhibit No. 60 as the reviewer?
 8 A. It appears to be, yes.
 9 Q. So Exhibit 60 was not done by Tom Knoff.
 10 MR. SCHOPPE: Objection; calls for
 11 speculation.
 12 Q. (BY MR. COLLAER) Based upon the signature.
 13 A. I really don't know.
 14 Q. This Exhibit 61 bears your signature, does it
 15 not, as the employee?
 16 A. Yes, it does.
 17 Q. What was the rating you received?
 18 A. Solid sustained performance.
 19 Q. Is that a favorable or unfavorable evaluation?
 20 A. Favorable.
 21 Q. Look at the page 3. Under the rating for
 22 Customer Service, there is some handwriting off to the
 23 side, it's typed in "5" and there is a "4" and "C.M."
 24 Do you see that?
 25 A. Yes.

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1 Q. Do you know whose handwriting that is?
 2 A. I believe that would be Crystal Morales.
 3 Q. Did Crystal Morales ever do your performance
 4 evaluation?
 5 A. No, she did not.
 6 Q. Do you know, what was Ms. Morales' position in
 7 the Department at this time in relation to your own?
 8 A. Human resources at the facility in Nampa.
 9 Q. Tell me, when you received this evaluation,
 10 did you meet with the reviewer and discuss it?
 11 A. I'm unsure at this time.
 12 Q. You don't recall who the reviewer was?
 13 A. I don't recall.
 14 Q. Do you know if you provided any written
 15 response to the evaluation?
 16 A. I can't recall at this time.
 17 Q. You didn't file a problem-solving request for
 18 this evaluation, did you?
 19 A. I don't believe so.
 20 Q. Because it's a favorable evaluation.
 21 A. Correct.
 22 Q. Do you recall anything in this that you didn't
 23 agree with?
 24 A. I don't recall at this time.
 25 (Exhibit 62 marked.)

1 Q. (BY MR. COLLAER) Handing you what I've marked
 2 as Exhibit No. 62. Could you identify No. 62 for me,
 3 please?
 4 A. A performance review.
 5 Q. Who is the employee that is being reviewed?
 6 A. Myself.
 7 Q. Do you see your signature under the Employee's
 8 Signature line?
 9 A. Yes.
 10 Q. Who was the reviewer?
 11 A. Mark Freckleton.
 12 Q. At this point was he your supervisor?
 13 A. I believe so.
 14 Q. Do you recall how long Mr. Freckleton was your
 15 supervisor during this review period that would have
 16 been from September of '08 until September of '09?
 17 A. Yes, he would have been my supervisor within
 18 that time.
 19 Q. How much of that time period was he your
 20 supervisor?
 21 A. I can't be certain, but I would believe
 22 between nine and ten months of that review.
 23 Q. So the majority of the period, the work
 24 period?
 25 A. Yes.

1 Q. (BY MR. COLLAER) Handing you what I've marked
 2 as Exhibit No. 63. Could you identify No. 63 for me,
 3 please.
 4 A. Performance review.
 5 Q. Again, is this for your performance?
 6 A. Yes, it is.
 7 Q. Do you see your signature in the Employee
 8 Signature?
 9 A. Yes.
 10 Q. The reviewer that signed, who is that?
 11 A. Summer Wade.
 12 Q. I see in the middle where it identifies the
 13 Supervisor/Manager it identifies Mr. Freckleton being
 14 your supervisor for a period of time and then Summer
 15 Wade. Do you see that?
 16 A. Yes.
 17 Q. Does that accurately describe the time that
 18 Mr. Freckleton and Ms. Wade were your supervisors during
 19 that time period?
 20 A. I believe so, but I can't recall the specific
 21 dates.
 22 Q. Do you recall meeting with Ms. Wade when you
 23 received this evaluation, Exhibit No. 63?
 24 A. I believe so.
 25 Q. Why don't you recollect for me, as best you

1 Q. When you received your evaluation, which is
 2 Exhibit No. 62, do you recall meeting with
 3 Mr. Freckleton to discuss it before you signed?
 4 A. I don't recall at this time.
 5 Q. Do you recall if you made any written
 6 additions or comments to the evaluation?
 7 A. I don't believe so, but I don't recall.
 8 Q. If you look at page 6, whose handwriting is
 9 that under Employee Comments?
 10 A. Mine.
 11 Q. Then it says: "Will work on the comments."
 12 Do you know what you are referring to there?
 13 A. I believe it was a general statement under all
 14 of his comments in all sections.
 15 Q. Was there anything that you can recall about
 16 Exhibit No. 62 and Mr. Freckleton's comments or his
 17 evaluation of your performance that you disagreed with
 18 or you felt was inaccurate?
 19 A. I don't believe so.
 20 Q. You didn't file a problem solving dealing with
 21 this evaluation?
 22 A. No, I did not.
 23 Q. You view it as a favorable evaluation.
 24 A. Yes, I do.
 25 (Exhibit 63 marked.)

1 can, that meeting.
 2 A. I believe that I had some corrections to some
 3 of the wording in here and some of the facts.
 4 Q. Were those corrections made by Ms. Wade or
 5 were they just something that you were allowed to attach
 6 a comment?
 7 A. I believe she corrected a couple of things but
 8 not others.
 9 Q. Do you recall what those things that she would
 10 not correct were?
 11 A. I can't recall.
 12 Q. Did you file any kind of a response to the
 13 evaluation?
 14 A. I believe she gave me this evaluation through
 15 an e-mail. I believe this is the one she gave me
 16 through an e-mail, but I can't be sure. And I believe
 17 that I would have printed this off and made my comments
 18 on my copy and went over them with her.
 19 Q. Did you keep that copy?
 20 A. I believe I did.
 21 Q. Do you still have it in your personal records?
 22 A. I would, yes.
 23 Q. Why don't you give that to your counsel so he
 24 can forward it to me.
 25 A. I believe I already have.

1 MR. COLLAER: We don't have that, Counsel.
 2 MR. SCHOPPE: It's already been produced or
 3 will be soon.
 4 Q. (BY MR. COLLAER) Could you turn to page 6.
 5 There is Objectives for Next Review Period. Do you see
 6 that?
 7 A. Yes.
 8 Q. Were you involved in creating these
 9 objectives?
 10 A. No, I was not.
 11 Q. Did you agree with these objectives as being
 12 something that would be good for you?
 13 A. Yes.
 14 Q. Did you do them?
 15 A. Yes.
 16 Q. Did you consider this evaluation a favorable
 17 or an unfavorable evaluation?
 18 A. The overall rating I would consider favorable.
 19 I would consider some of her comments, reading between
 20 the lines, was unfavorable.
 21 Q. Would you turn to page 3 under Interpersonal
 22 Skills, I'll read you a sentence, it's at the bottom of
 23 the first paragraph. It says: "In August you filed a
 24 formal problem-solving form to obtain further assistance
 25 with resolving your continued conflicts with the

1 Q. But your problem solving with respect to
 2 Ms. Littlefield, that was resolved to your satisfaction?
 3 A. Yes.
 4 Q. So the process worked?
 5 A. Yes, it did. For that situation.
 6 Q. There is also a reference, it says: "There
 7 were a couple of occasions over the past six months that
 8 you came to me requesting to never be paired with
 9 certain individuals for transports." Do you see that?
 10 A. That was on page 3?
 11 Q. Yes.
 12 My question is: Who were the individuals you
 13 didn't want to be paired with?
 14 A. Honestly, I can't positively recall at this
 15 time. I believe it was Diane Miles.
 16 Q. Anybody else?
 17 A. I don't believe so.
 18 Q. Why didn't you want to work with Diane Miles?
 19 A. She would not help with any of the transport
 20 duties. She told me on one occasion that she was just
 21 along for the ride.
 22 Q. Was she a security officer?
 23 A. Yes.
 24 Q. Did she help with driving or did she just sit
 25 in the seat?

1 transport coordinator." Do you see that?
 2 A. Yes.
 3 Q. Who was the transport coordinator?
 4 A. Lisa Littlefield.
 5 Q. What were the conflicts you were having with
 6 her?
 7 A. What happened was there was things that were
 8 being said to her and to myself through a third party,
 9 that the overall conclusion to the problem solving was
 10 that we were both listening to a third party that was
 11 riling us both up to be in conflict with each other.
 12 And once we figured out in that problem solving that
 13 that third party was doing this, we were able to work
 14 together much better because we were not listening to
 15 that third party.
 16 Q. The two of you talked to each other rather
 17 than through a third person?
 18 A. Yes.
 19 Q. Who was the third person that was the, I'll
 20 call it the pot stirrer?
 21 A. Roberto Coronado.
 22 Q. Does he still work there?
 23 A. Yes, he does.
 24 Q. Is he still a pot stirrer?
 25 A. In my personal opinion, yes.

1 A. Just sit in the seat.
 2 (Exhibit 64 marked.)
 3 Q. (BY MR. COLLAER) Handing you what I've marked
 4 as Exhibit No. 64. Would you identify No. 64 for me,
 5 please.
 6 A. A performance review.
 7 Q. Is that your performance review?
 8 A. Yes.
 9 Q. Who was your reviewer?
 10 A. Julie McCormick.
 11 Q. Is this the performance evaluation we
 12 discussed earlier that you came in and Ms. McCormick
 13 read to you?
 14 A. Yes. She gave it to me four months overdue.
 15 Q. But this is the evaluation we were talking
 16 about earlier?
 17 A. Yes.
 18 Q. It says you refused to sign.
 19 A. Yes.
 20 Q. Why?
 21 A. I did not agree with most all of the stuff she
 22 put in the performance review.
 23 Q. But she rated you solid sustained; correct?
 24 A. Yes, she did.
 25 Q. That is a favorable evaluation overall rating,

1 is it not?
 2 A. Yes, it is.
 3 Q. Same rating you had had the year before?
 4 A. Yes.
 5 Q. From Summer Wade.
 6 What specific things did she include that you
 7 did not agree with?
 8 A. One part she says that she encourages me to
 9 speak up and ask questions when I don't believe that
 10 there's something that I don't know, which I continually
 11 did.
 12 MR. SCHOPPE: Where was that?
 13 Q. (BY MR. COLLAER) Anything else?
 14 A. In the first comment box that was located on
 15 the last paragraph.
 16 It says that you have "reported that instead
 17 of speaking to those which you have issues, you talk to
 18 other staff about it," which I have not done.
 19 Q. Anything else?
 20 A. "When given information you do not agree with
 21 or see need for, you appear to become frustrated," which
 22 is not the case, I simply asked her questions. If I
 23 didn't understand something, I would ask her questions,
 24 and she thought that I was getting frustrated for some
 25 reason because I asked her questions.

1 Q. We'll go through the problem solving.
 2 (Exhibit 65 marked.)
 3 Q. (BY MR. COLLAER) Handing you what I've marked
 4 as Exhibit 65. Would you identify No. 65 for me,
 5 please.
 6 A. It's for my rental agreement for my current
 7 residence.
 8 Q. I just wondered what this was. This was a job
 9 application?
 10 A. No, this was an application for a rental
 11 property. They wanted to know that I was an employee
 12 and in good standing.
 13 Q. The handwriting about "Attached performance
 14 evaluation," whose handwriting is that?
 15 A. I would have to speculate it would be Joyce
 16 Clark.
 17 Q. Is that the property manager?
 18 A. No, that is an HR person with the Department
 19 of Juvenile Corrections.
 20 Q. Did you authorize the Department to provide
 21 the property management company a copy of your
 22 performance evaluation?
 23 A. Yes.
 24 Q. They did that for you?
 25 A. Yes.

1 Q. Questions about what?
 2 A. About different safety and security issues, I
 3 believe it was, at the time throughout her year.
 4 Q. All right. Tell me, did you file any kind of
 5 a response to this evaluation, Exhibit 64?
 6 A. I believe this was a part of my problem
 7 solving, but I can't be certain, the one that I took up
 8 to HR and then up to Idaho Personnel Commission.
 9 Q. You believe you may have filed a problem
 10 solving with respect to the rating you received on
 11 Exhibit 64?
 12 A. No, it would have been the content of her
 13 comments.
 14 Q. That problem solving you filed, was any part
 15 of your evaluation changed?
 16 A. No. I would have to say most of her comments
 17 in here were nonfactual.
 18 Q. But the problem solving, you did not prevail
 19 on that at all, did you?
 20 A. No.
 21 Q. So the reviewers all through that process
 22 found against you; correct?
 23 A. I have no idea what they found.
 24 Q. You weren't provided a decision by them?
 25 A. No, I was not.

1 Q. Do you know which performance evaluation they
 2 forwarded?
 3 A. I would believe it would have been -- well, it
 4 says from -- I'm sorry. I signed this on 12/20 of '11,
 5 so whatever my last performance evaluation would have
 6 been, I would assume that's what they would have sent
 7 her or sent them.
 8 (Exhibit 66 marked.)
 9 Q. (BY MR. COLLAER) Handing you what I've marked
 10 as Exhibit No. 66. Could you identify No. 66 for me.
 11 A. A performance review.
 12 Q. Is that your performance evaluation?
 13 A. Yes.
 14 Q. Does your signature appear under the Employee
 15 Signature line?
 16 A. Yes.
 17 Q. The reviewer was Mark Freckleton?
 18 A. Yes.
 19 Q. What was the evaluation that you received, the
 20 rating you received?
 21 A. Solid sustained.
 22 Q. Is that the same as the rating you received
 23 the year prior?
 24 A. Yes.
 25 Q. Back since early in your employment have you

1 received anything other than solid sustained
 2 evaluations?
 3 A. No.
 4 Q. Is this your last evaluation, the most recent
 5 evaluation you received?
 6 A. Yes.
 7 Q. So this evaluation review period is during the
 8 time that you have been involved in this litigation;
 9 correct?
 10 A. Yes.
 11 Q. Tell me, when you received this evaluation,
 12 did you meet with Mr. Freckleton and discuss his ratings
 13 or comments?
 14 A. Yes.
 15 Q. Why don't you tell me about that.
 16 A. I looked it over and read it, and I did not
 17 have any objections to what he had written.
 18 Q. You didn't add any comments, written comments,
 19 to your evaluation?
 20 A. I don't believe I did.
 21 Q. You didn't file a problem solving?
 22 A. No.
 23 Q. You didn't disagree with any of it?
 24 A. No.
 25 Q. Tell me, focusing in the time period of 2010,

1 that Betty Grimm had knowledge that you had spoken with
 2 Julie or Summer about those issues?
 3 A. Yes, I believe that on a lot of those issues
 4 they consulted with Betty Grimm on.
 5 Q. How do you know that?
 6 A. Firsthand knowledge I don't know that.
 7 Q. That is what I'm interested in is do you know
 8 they did or are you just supposing it?
 9 A. I am assuming.
 10 Q. Aside from your assumptions, are you aware of
 11 anything that causes you to conclude that they did, in
 12 fact, speak with Betty about those issues?
 13 A. If I did have any firsthand knowledge of it, I
 14 would have printed out the e-mails and given them to my
 15 attorney.
 16 Q. Focusing on those same issues you talked with
 17 Summer and Julie about in 2010 about safety and security
 18 issues, do you have any information or reason to believe
 19 that Sharon Harrigfeld was advised that you had spoken
 20 with Julie or Summer about those points?
 21 A. I would have to say again if I did have
 22 knowledge of it, I would have printed out the e-mails
 23 and given them to my attorney.
 24 Q. Tell me, can you tell me anything in 2010 that
 25 Sharon Harrigfeld did to adversely impact your job, what

1 can you describe any instances where you criticized the
 2 management of the Nampa facility?
 3 A. I believe I did.
 4 Q. Why don't you tell me about it. Who did you
 5 make those comments to and what did it involve?
 6 A. As I previously stated, to Summer Wade and
 7 Julie McCormick about the safety and security issues.
 8 Q. Other than what we've already talked about, we
 9 do not need to replot that, anything else in 2010 you
 10 spoke to anybody about regarding the manner in which the
 11 Nampa facility was managed?
 12 A. I don't completely recall at this time, but I
 13 believe I have spoken to Mark Freckleton and Lynn Viner
 14 about some issues.
 15 Q. I'm talking about 2010.
 16 A. I'm sorry. I don't recall at this time.
 17 Q. Let's focus on 2011, any instances where you
 18 criticized the management of the Nampa facility?
 19 A. I really can't recall at this time.
 20 Q. How about same question for 2012.
 21 A. Same answer.
 22 Q. Tell me, turning back to your discussions with
 23 Summer Wade and Julie McCormick in 2010 regarding safety
 24 and security issues that we already talked about, do you
 25 have any information or anything to cause you to believe

1 did she do to you personally?
 2 A. I'm trying to refer to my notes to see when I
 3 was placed on graveyards. She was not involved with my
 4 process until I was put on graveyards January of 2012.
 5 So the time that you are speaking of, no.
 6 Q. How was she involved in your being placed on
 7 graveyards in 2012?
 8 A. When -- I'll have to start from the beginning.
 9 When Julie McCormick gave me my performance eval
 10 January 17 of 2012, she told me that I was being put on
 11 graveyards for four specific reasons, and that was the
 12 reason why I was being put on graveyards. And it was
 13 going to be within 12 days that I was going to be moved
 14 to graveyards. I told her, I became very upset because
 15 I told her --
 16 MR. SCHOPPE: Do you need a break?
 17 THE WITNESS: (Nodding.)
 18 I'm sorry. I told her that it would adversely
 19 affect my time with my son, and Julie did not seem to
 20 care. I filled out a problem solving, and when that
 21 came back, I was later told by Pat Thomson that it was
 22 decided that Sharon and Betty, HR -- human resources --
 23 and Julie at a meeting of some kind that it was decided
 24 of cross-training. They told me that was the reason why
 25 I was being moved to graveyards. That is not the reason

1 Julie originally told me.
 2 Q. (BY MR. COLLAER) Please go ahead.
 3 A. So I filled out the problem solving. They
 4 told me a different reason, it was supposedly for cross-
 5 training. I took it to the Idaho Personnel Commission,
 6 I guess before that.
 7 I met with Sharon about this, and she was a
 8 part of the problem-solving process. She founded that I
 9 was not being moved to graveyards for disciplinary
 10 reasons.
 11 Q. Anything else?
 12 A. She said it was due to cross-training reasons.
 13 My current supervisor and current superintendent have no
 14 knowledge of this cross-training program. It was
 15 supposed to be every six months a mandatory rotation of
 16 graveyard SSOs to rotate to the transport position. It
 17 has been over a year and a half, that has not happened.
 18 So that was a lie also.
 19 Q. Other than Ms. Harrigfeld's involvement in the
 20 problem-solving process and her conclusion that
 21 Ms. McCormick's decision to swap you to graveyards was
 22 not disciplinary, anything else you contend that
 23 Ms. Harrigfeld did to you?
 24 A. No, not personally.
 25 Q. Same question with respect to Betty Grimm.

1 question.
 2 THE WITNESS: She has not personally come to
 3 me and done anything to me.
 4 Q. (BY MR. COLLAER) What has Betty Grimm
 5 personally done to you that would prevent you from
 6 criticizing the Department on anything?
 7 A. I wouldn't be able to answer that at this
 8 time.
 9 Q. What has Sharon Harrigfeld done to you
 10 personally because you criticized the Department in any
 11 way?
 12 A. I don't have any firsthand knowledge of that
 13 at this time.
 14 Q. Same question with respect to Betty Grimm.
 15 What has she done to you because you criticized the
 16 Department in any way?
 17 A. She has told my supervisor at that time that I
 18 was not allowed to come back to day shift.
 19 Q. When did she do that?
 20 A. I believe it would have been January of 2012.
 21 Q. When did you make any criticism that caused
 22 her to do that?
 23 A. I filed the lawsuit.
 24 Q. So the lawsuit is what you are referring to?
 25 A. Yes. I also had my name on a petition that

1 What did Betty Grimm do to you that affected your pay,
 2 anything of that nature, that she personally did to you?
 3 A. She was heard by Jo McKinney making a comment
 4 to Julie McCormick that I will go to nights or I won't
 5 be working there any more.
 6 Q. Anything else?
 7 A. Not that I can recall at this time.
 8 Q. Do you know if Ms. McCormick consulted with or
 9 talked with Ms. Grimm about shifting you to nights
 10 before she made the decision to do it?
 11 A. I believe she did.
 12 Q. Do you know that?
 13 A. Yes, I do.
 14 Q. How?
 15 A. I can't be specific at this time, but I
 16 believe that it was within e-mails. That's all I can
 17 say. I believe it was within e-mails.
 18 Q. Other than the move to nights, anything else
 19 you believe that Ms. Grimm did to you personally?
 20 A. Not that I can recall at this time.
 21 Q. And can you describe for me anything that
 22 Ms. Harrigfeld has done that has prevented you from
 23 criticizing the Department on anything, anything she has
 24 personally done to you?
 25 MR. SCHOPPE: Object to the form of the

1 was circulated throughout the facility.
 2 Q. How do you know she ever saw the petition with
 3 your signature on it?
 4 A. I believe it was given to her directly, but I
 5 am not positive of that.
 6 Q. Okay.
 7 MR. SCHOPPE: How do you think you are doing
 8 timing-wise with respect to breaking for lunch?
 9 MR. COLLAER: I maybe have another 45 minutes
 10 or so.
 11 MR. SCHOPPE: Okay. Why don't we take a
 12 shorter lunch, maybe 45-minute lunch?
 13 MR. COLLAER: That's fine.
 14 (Luncheon recess taken.)
 15 Q. (BY MR. COLLAER) Back on the record.
 16 Mr. Penrod, during the lunch break did you
 17 review any materials to prepare for your deposition?
 18 A. No.
 19 Q. Other than speaking with your attorney did you
 20 talk to anybody else?
 21 A. No.
 22 MR. SCHOPPE: That would include that we were
 23 just looking at the dates on the performance review,
 24 just to be clear.
 25 (Exhibit 67 marked.)

1 Q. (BY MR. COLLAER) Handing you what I've marked
 2 as Exhibit 67. Would you identify No. 67 for me,
 3 please.
 4 A. Written Warning Record.
 5 Q. Do you recognize this document?
 6 A. (Reviewing document.) I believe I recognize
 7 it.
 8 Q. Was this a written warning that was issued to
 9 yourself?
 10 A. Yes.
 11 Q. Your supervisor was Ms. McCormick?
 12 A. Yes.
 13 Q. The description of the behavior/action which
 14 occurred at the front page, is that dealing with the
 15 time when you were meeting with her to do your
 16 performance evaluation and she told you she was going to
 17 move you to night shift?
 18 A. Yes.
 19 Q. That is when this conversation occurred? I'm
 20 just talking about the event of what had occurred. I'm
 21 going to ask you some details about the conversation
 22 itself.
 23 A. Yes.
 24 Q. In the first paragraph it says that you failed
 25 to report to work on January 16 and failed to call your

1 response when she told you you were going to be changed
 2 to the night shift. And your response is: "'Oh really!
 3 You think so?' and 'You can't do this.' 'This is
 4 f'ing,'" I think it says "f'ing bullshit."
 5 A. Yes.
 6 Q. It refers to vulgarity that you expressed to
 7 her.
 8 A. Yes, it does. This is not completely accurate
 9 either.
 10 Q. Did you use vulgarity with Ms. --
 11 A. Yes, I did.
 12 Q. Specifically what did you say? Did you use
 13 the F word?
 14 A. I did say "This is f'ing bull."
 15 Q. How many times did you tell her that?
 16 A. Throughout the course of her telling me she
 17 can do what she wants to, I possibly said it twice.
 18 Q. Did she use vulgarity back to you?
 19 A. Yes, she did.
 20 Q. What did she say?
 21 A. "I can do what I fucking want because I'm the
 22 supervisor."
 23 Q. So she fed back the same vulgar language that
 24 you used?
 25 A. Yes.

1 supervisor that you weren't coming in. Did that happen?
 2 A. Yes, but with an explanation.
 3 Q. I was going to ask you, why didn't you come to
 4 work on the 16th?
 5 A. I checked the calendar, I believe it was even
 6 that Friday, I was not on the calendar to work. I had
 7 not been told verbally, I was not given an e-mail or
 8 anything about having to work that day. I had my son
 9 for that holiday. Ms. McCormick knew my detailed
 10 Outlook calendar because we discussed it just two weeks
 11 prior to that, on her computer she pulled up my Outlook
 12 calendar.
 13 Q. Was this before or after you had been switched
 14 to nights or told you were going to be switched to
 15 nights?
 16 A. This incident happened on the 16th. She told
 17 me about me having to work -- told me about this
 18 incident on the 17th.
 19 Q. So you're telling me that you didn't come to
 20 work on the 16th because you didn't think you were
 21 supposed to be there?
 22 A. I had no clue I was on the schedule and she
 23 didn't tell me verbally or by e-mail or any other way to
 24 communicate to me that I needed to be in to work.
 25 Q. The second paragraph, it speaks to your

1 Q. Tell me, do you feel that using vulgar
 2 language, the F word, to a female supervisor is
 3 insubordinate?
 4 MR. SCHOPPE: Object to the form of the
 5 question.
 6 THE WITNESS: Because of the situation and
 7 what she was presenting to me why she was moving me to
 8 graveyards, and due to the loss of time I would have
 9 with my son, I was extremely emotional at the time and I
 10 did use vulgarity. I was probably not in the right to
 11 do that. I regret doing that. But...
 12 Q. (BY MR. COLLAER) Because you recognize you
 13 are not in the right to do that, because you could have
 14 used, you could have expressed your displeasure by not
 15 using vulgarity; correct?
 16 A. I could have. She kept pushing my buttons and
 17 pushing them.
 18 Q. Tell me, considering you were in the wrong in
 19 using vulgarity, not objecting to what she says you're
 20 going to do, I'm not suggesting that, but just that you
 21 used the vulgarity, is that something you could have
 22 been disciplined for?
 23 A. I believe so.
 24 Q. You weren't given any time off without pay or
 25 any demotions or anything of that nature as a result of

1 this, were you?
 2 MR. SCHOPPE: Object to the form of the
 3 question.
 4 THE WITNESS: I was not docked any pay; I did
 5 have to leave work early that day.
 6 Q. (BY MR. COLLAER) But you weren't docked pay
 7 for the time you didn't work that day, were you?
 8 A. I had to use sick time.
 9 Q. Were you given a notice of contemplated
 10 disciplinary action because of the language you used in
 11 your exchange with Ms. McCormick?
 12 A. No, I don't believe so.
 13 Q. In the next paragraph it speaks to you walked
 14 into a meeting with Ms. McCormick and the HR person, Pat
 15 Thomson. Do you see that?
 16 A. Yes.
 17 Q. It also references that you used vulgar
 18 language in your interactions when you walked into that
 19 meeting also. Is that accurate?
 20 A. Yes.
 21 Q. Again, would you agree that you should not
 22 have used vulgar language in that interaction?
 23 A. Given the circumstances and due to my
 24 emotional distress, I don't see myself -- I was very
 25 emotionally distressed that day.

1 MR. SCHOPPE: Assumes facts not in evidence.
 2 THE WITNESS: I went to go speak to Pat
 3 Thomson.
 4 Q. (BY MR. COLLAER) Well, Mr. Pat Thomson was in
 5 his office speaking with Ms. McCormick and you walked in
 6 without being invited; correct?
 7 A. I did not. I waited outside the door until
 8 someone was done speaking and I asked Pat Thomson if I
 9 was able to speak with him when he had a minute. That's
 10 exactly what I said. And I don't remember what his
 11 response was. I believe he started interacting with me
 12 at that time, and I was talking with him.
 13 Q. In this written warning, the second page you
 14 are told: "When you are speaking with me, I expect you
 15 to maintain your composure and I demand that you speak
 16 with me in a professional manner without the use of
 17 profanity or posturing yourself." Do you see that?
 18 A. I'm sorry, I don't see that at this time.
 19 Q. The second-to-the-last paragraph in the
 20 middle. It's the first sentence, it says: "When you
 21 are speaking with me..." Do you see that?
 22 A. On the second page?
 23 Q. The second page. Or it may be the -- excuse
 24 me, it's the third page.
 25 A. Yes, I see that.

1 Q. My question is: Does IDJC policy allow
 2 employees such as yourself to use vulgar language when
 3 you are disagreeing with an order or something or
 4 interacting with a supervisor ever?
 5 A. To tell the truth, I don't know that there is
 6 a policy stating not to use vulgar language. In my
 7 opinion it shouldn't be done.
 8 Q. Again, you didn't receive a notice of
 9 contemplated action because of the vulgar language you
 10 used during a meeting with Mr. Pat Thomson and
 11 Ms. McCormick?
 12 A. I don't believe so. And there is a lot of
 13 factual inaccuracies about that paragraph as well.
 14 Q. What is inaccurate?
 15 A. It says that I was uninvited and disrupted the
 16 conversation. I went to Pat Thomson's office, the door
 17 was open, I saw that they were standing there talking,
 18 and I waited until someone was done talking before I
 19 started talking. I did not interrupt anyone. I waited
 20 until it was my turn to speak.
 21 Q. But you entered a meeting that you weren't
 22 invited to?
 23 MR. SCHOPPE: Object to the form of the
 24 question.
 25 Q. (BY MR. COLLAER) Correct?

1 Q. Did you comply with that after receiving this
 2 warning?
 3 A. Yes, I did.
 4 Q. Do you think that is a reasonable thing that a
 5 supervisor can expect from somebody working for them?
 6 A. I don't believe that saying "I demand" is very
 7 professional.
 8 Q. My question is: Do you feel it's reasonable
 9 that a supervisor expect that their subordinates would
 10 address them in a professional manner without profanity
 11 or posturing themselves?
 12 A. Yes.
 13 Q. Were you sent home that day by Ms. McCormick?
 14 A. No, I was not.
 15 Q. Why did you go home?
 16 A. I went home because I was so emotionally
 17 distraught. I called Pat Thomson as soon as I got home.
 18 He asked me if I needed to take the rest of the day off
 19 to compose myself. I said I would like to and he said
 20 that was okay.
 21 Q. Did you get permission to go home by your
 22 supervisor?
 23 A. No, I did not.
 24 Q. Did you tell your supervisor you were leaving
 25 before you did?

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1 A. Yes, I did.
 2 Q. You told Ms. McCormick that?
 3 A. Yes.
 4 Q. When did you tell her that?
 5 A. As soon as she was done telling me that I was
 6 moving to graveyards.
 7 Q. When you told her you were going to go home
 8 for the day, how did she respond?
 9 A. I don't recall at this time.
 10 Q. Did she say, Go ahead and go?
 11 A. I really don't recall at this time.
 12 Q. Do you recall her doing anything that caused
 13 you to conclude she was approving or was okay with you
 14 leaving to go home?
 15 A. I don't recall at this time.
 16 Q. After this meeting I understand you filed a
 17 problem-solving request; correct?
 18 A. Yes, I did.
 19 (Exhibit 68 marked.)
 20 Q. (BY MR. COLLAER) Handing you what I've marked
 21 as Exhibit No. 68. Do you recognize No. 68?
 22 A. Yes, I do.
 23 Q. What is it?
 24 A. It's my Problem-Solving Request Form.
 25 Q. Did anybody help you fill this form out?

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1 A. No.
 2 Q. It's dated January 17, 2012. My understanding
 3 is that this was filled out after your meeting with
 4 Ms. McCormick and the interaction we were just talking
 5 about where you used vulgarity with her?
 6 A. Yes.
 7 Q. Did you fill it out at home?
 8 A. Yes, I did.
 9 Q. Your suggested solution is that you stay in
 10 your position as a transport officer with Monday through
 11 Thursday day shift. Do you see that?
 12 A. Yes.
 13 Q. Could you identify for me any written policy
 14 of the IDJC that in any way guaranteed you that you
 15 would have the same shift?
 16 A. No, but due to other employees not being
 17 switched positions for the previous five years that I've
 18 been employed there, I had no reason to believe that
 19 there was any reason why I should have been transferred
 20 to graveyards.
 21 Q. So the answer to my question is, there is no
 22 written policy guaranteeing you a specific shift;
 23 correct?
 24 A. Correct.
 25 Q. Tell me, the second page to Exhibit 68, is

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1 this a narrative that was appended to your
 2 problem-solving request?
 3 A. Yes, I typed this up and attached it to my
 4 problem solving.
 5 Q. There is a reference referencing your
 6 interaction with Ms. McCormick on the 17th. It
 7 indicates that during the evaluation that she had
 8 received some information that you had been driving
 9 recklessly with kids and kids were complaining about you
 10 as being mean. Do you see that?
 11 A. Yes.
 12 Q. Does that appear anywhere in the actual
 13 written evaluation?
 14 A. I would have to reference it.
 15 Q. Why don't you go ahead and look. I believe
 16 it's Exhibit 66.
 17 A. It would be Exhibit 64.
 18 If I recall, I do not believe it was
 19 referenced within my performance review in Exhibit 64.
 20 Q. So the information she spoke with you about
 21 was not something you were downgraded on in your annual
 22 performance evaluation; correct?
 23 A. Not in writing, no.
 24 Q. Well, if it's not in writing, it's not in your
 25 official record, is it, your permanent record?

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1 MR. SCHOPPE: Objection; calls for
 2 speculation, object to form.
 3 THE WITNESS: As far as I know, no. There is
 4 two different records; the record that I receive from HR
 5 on my performance evals and there is another record
 6 within the facility that I believe would have that in
 7 there.
 8 Q. (BY MR. COLLAER) But your permanent record
 9 with HR, if another employer was looking at your
 10 employment file and your performance evaluations, these
 11 incidents of reckless driving or kids' complaints is not
 12 there, is it?
 13 A. Correct.
 14 Q. So it wasn't part of your evaluation, was it,
 15 of your rating?
 16 A. Correct.
 17 Q. After you filed your problem-solving request,
 18 what was the next step that happened with respect to
 19 that thing working through the system?
 20 A. I believe Pat Thomson replied to me, stating
 21 that I was moved to graveyard not due to any
 22 disciplinary actions, that it was due to cross-training,
 23 which is not what Julie McCormick had told me why I was
 24 being moved.
 25 Q. What specifically did Julie McCormick tell

1 you?
 2 A. She told me that I had run someone off the
 3 road two weeks ago.
 4 Q. So it was the reckless driving stuff is what
 5 she told you?
 6 A. And that I was driving 4 miles an hour over
 7 the speed limit and that I was driving recklessly, and
 8 the kids were complaining that I was being mean. She
 9 told me that is the reason why that she was moving me to
 10 graveyards.
 11 Q. There is no notice of contemplated action
 12 dealing with this reckless driving allegation, is there?
 13 A. No.
 14 Q. Your pay or your position was never impacted
 15 other than you moved to night shift; correct?
 16 A. I was no longer a transport officer. I moved
 17 to night shift and my days and hours changed.
 18 Q. Your pay wasn't affected, was it?
 19 A. No.
 20 Q. After Mr. Thomson responded to your
 21 problem-solving request, what did you do?
 22 A. I'd like to back up for one second to say --
 23 Q. I'd like you to answer the question. Do you
 24 remember the question I asked you?
 25 A. Please repeat it.

1 Q. Are you still a member of the union?
 2 A. No.
 3 Q. When did that membership end?
 4 A. As soon as I got back the results from the
 5 Idaho Personnel Commission.
 6 Q. Did you drop your membership?
 7 A. Yes, I did.
 8 Q. Why?
 9 A. Because I felt like he was not representing me
 10 in any way, shape or form during the hearing at the
 11 Idaho Personnel Commission.
 12 Q. So you were dissatisfied with the legal
 13 representations that he gave you?
 14 A. Extremely, yes.
 15 Q. Well, in this Exhibit 69 it appears you are
 16 asking for -- is this where you asked for a meeting with
 17 the director, Director Harrigfeld?
 18 A. Yes.
 19 Q. Did that meeting occur?
 20 A. Yes, it did.
 21 Q. Did you go by yourself or did somebody go with
 22 you?
 23 A. It was myself and Brad, I can't think of his
 24 last name, I'm sorry.
 25 Q. The attorney that the union hired for you?

1 MR. COLLAER: Could you read it back, please.
 2 (Record read back.)
 3 THE WITNESS: I believe that I requested a
 4 meeting with Sharon Harrigfeld.
 5 (Exhibit 69 marked.)
 6 Q. (BY MR. COLLAER) Handing you what I've marked
 7 as Exhibit 69. Do you recognize Exhibit 69?
 8 A. Yes.
 9 Q. What is it?
 10 A. An e-mail from me to Pat Thomson, Sharon
 11 Harrigfeld, and Brad -- I can't think of his last name
 12 at this time.
 13 Q. Who is Brad?
 14 A. An attorney for -- I would have to refer to
 15 Rhonda Ledford for the company name.
 16 Q. Was he your attorney?
 17 A. Yes.
 18 Q. I don't want you to tell me what went on
 19 between you and your attorney on this.
 20 A. He represented me on behalf of the membership
 21 that I was a part of.
 22 Q. The Public Employees Union?
 23 A. Yes.
 24 Q. Were you a union member at this point?
 25 A. Yes.

1 A. Yes.
 2 Q. Where did this meeting take place?
 3 A. In Ms. Harrigfeld's office.
 4 Q. How soon after the time that you requested the
 5 meeting did it occur?
 6 A. I don't recall at this time.
 7 Q. Do you recall a significant length of time or
 8 delay between your request for the meeting and it
 9 happening?
 10 A. Yes, there was some delay I remember. And
 11 they tried to put it off until after -- I believe there
 12 was a policy that said they had to meet with me within a
 13 certain amount of time. They tried to delay the meeting
 14 until after that timeline, and I remember that other
 15 people within the facility had explained to me about the
 16 timeline and I said, No, we need to do it within this
 17 amount of time. So they did reschedule it within that
 18 amount of time.
 19 Q. So the meeting happened within the timeline
 20 that you felt that it should be?
 21 A. Yes.
 22 Q. How long did the meeting last?
 23 A. I would say approximately half an hour to 45
 24 minutes.
 25 Q. What happened during this meeting?

1 A. I explained to Ms. Harrigfeld about what
2 had -- the events that had led up to my being put on
3 graveyards. That my problem solving went nowhere with
4 Pat Thomson. He says that there was a proposed
5 solution. He did not give any proposed solution, so I
6 wanted to have the meeting with Ms. Harrigfeld. And me
7 going to graveyards was discussed within that too.

8 Q. Did she ask you questions or make any comments
9 during this meeting?

10 A. I believe she did, but I can't recall what
11 they were at this time.

12 Q. Did you feel that she was disrespectful for
13 your concerns in any way during this meeting?

14 A. I believe that I felt that she didn't care
15 what I had to say.

16 Q. During the meeting what made you think that?
17 What did she do to make you think that? During the
18 meeting what was said, anything that had happened?

19 A. It was her general responses and her tone with
20 me. It just made me feel like this has happened, it was
21 done by a supervisor and HR, so that's it.

22 Q. Anything else?

23 A. No.

24 Q. Other than yourself and your attorney that was
25 there with you, anybody else present during this meeting

1 Ms. Harrigfeld tell you what she was going to do or what
2 was going to happen after that?

3 A. She said that nothing was going to happen
4 because it was not a disciplinary action, it was for
5 cross-training purposes.

6 Q. Did she tell you if she was going to give you
7 a decision in writing or if she already made up her
8 mind? Did she tell you at the end of that meeting how
9 she was going to decide on your problem-solving request?

10 A. I don't recall specifically what she said. If
11 I remember correctly, I think she told me it would be
12 given to me in writing.

13 Q. Did she tell you at that time what her
14 decision was going to be one way or another?

15 A. I believe through the course of the meeting
16 the way that she was talking, it was pretty much a done
17 deal because she said that it was not a disciplinary
18 reason, it was for cross-training purposes.

19 Q. But my question is: Did she tell you at the
20 end, when you told her whatever you wanted to tell her,
21 did she tell you, Okay, I'm going to get you a written
22 decision, but this is what I'm going to do; did she do
23 anything of that nature?

24 A. I don't recall at this time.

25 (Exhibit 70 marked.)

1 with Director Harrigfeld?

2 A. Yes, someone from legal.

3 Q. Somebody from the Attorney General's staff was
4 there?

5 A. It was someone from headquarter's legal
6 department, she had dark hair. I believe she moved to
7 another position within IDOC at this time.

8 Q. Could it be Karin Magnelli?

9 A. That's her name, yes.

10 Q. Other than yourself, your attorney and
11 Ms. Magnelli and the director, anybody else there during
12 that meeting?

13 A. No.

14 Q. So Ms. McCormick was not there?

15 A. No.

16 Q. Mr. Thomson was not there?

17 A. No.

18 Q. Do you know if the director solicited any
19 information from any of those people about your
20 concerns?

21 A. I believe that she did because Pat Thomson, I
22 believe, was talking with her about this and when I
23 objected to Pat Thomson's proposal, I e-mailed also
24 Sharon Harrigfeld at that time.

25 Q. Tell me, after your meeting ended, did

1 Q. (BY MR. COLLAER) Handing you what I've marked
2 as Exhibit 70. Would you identify Exhibit 70 for me,
3 please.

4 A. It is a problem-solving request form.

5 Q. Is this addressed from Ms. Harrigfeld to
6 yourself?

7 A. Yes.

8 Q. The date is February 27, 2012. Is that the
9 date that you recall receiving this document?

10 A. Yes.

11 Q. When do you recall your meeting with
12 Ms. Harrigfeld occurred in relation to when you received
13 Exhibit No. 70?

14 Let me ask you this: The second paragraph
15 states that on February 17, 2012 Ms. Harrigfeld met with
16 yourself and your attorney, Brad Goodsell.

17 A. Goodsell.

18 Q. Is that the date this meeting with Director
19 Harrigfeld occurred?

20 A. Yes, it is.

21 Q. Is the recap of what you told her or what was
22 discussed during that meeting on the first page, were
23 those issues discussed during that meeting?

24 MR. SCHOPPE: Take your time and look through
25 the document carefully.

1 THE WITNESS: (Reviewing document.) Yes,
 2 that's correct.
 3 Q. (BY MR. COLLAER) There is a reference there
 4 that you said: "He stated he received notice of his
 5 change in shift 11 days prior to the start of his new
 6 shift." Is that accurate?
 7 A. That's correct.
 8 Q. In the third paragraph from the top, last
 9 sentence says: "When asked, he said he did not recall
 10 seeing his son during the week in the summer while on
 11 the day shift." Do you see that?
 12 A. Yes. I do.
 13 Q. Is that accurate?
 14 A. No, it's not.
 15 Q. What is inaccurate about it?
 16 A. It's inaccurate because I didn't make that
 17 statement.
 18 Q. Was it accurate from the standpoint that you
 19 didn't see your son during the week in the summer while
 20 you were working the day shift?
 21 A. Yes, I did.
 22 Q. You did see your son during that time frame?
 23 A. Yes.
 24 Q. On the second page there is a reference of
 25 Interviews. Do you see that? Are you aware that the

1 determined there were equal trips, compensatory time
 2 accrual. That isn't correct because my spreadsheet
 3 clearly showed that I was passed over five when it was
 4 my turn to do next.
 5 Q. Tell me, can you describe for me any written
 6 policy that said that these trips were going to be done
 7 on a rotating basis?
 8 A. Not in policy, no.
 9 Q. Tell me, after you were changed to night
 10 shift, when you requested time off because of visitation
 11 with your child, was your schedule arranged so that it
 12 would match with your days with your child?
 13 A. That's complicated. I would have to say yes
 14 and no. I would have to ask and request for days off to
 15 be with my son and I had to use 16 hours of vacation
 16 days a month for the normal days that I had with him,
 17 that's not including the days that I had holidays with
 18 him. So I would use well over 16 hours a month on an
 19 average of vacation time just to be with my son.
 20 Q. Tell me, was your schedule also arranged on
 21 your normal days off so it would coincide as much as it
 22 could with your visitation with your son?
 23 A. There was one day off that coincided with my
 24 son.
 25 Q. You were working five days a week?

1 director was going to speak to Superintendent Grimm?
 2 A. Where is that located?
 3 Q. Second page, down at the bottom.
 4 A. I see that.
 5 Q. Did you expect that Ms. Harrigfeld would talk
 6 to Betty Grimm about your problem-solving request?
 7 A. I would assume she would.
 8 Q. In reference to when she talked to Ms. Grimm,
 9 there is a reference that you had complained that you
 10 weren't getting all the transports you wanted; is that
 11 true?
 12 A. Yes, that is true.
 13 Q. Who did you complain to?
 14 A. I complained to, at that time, Lisa
 15 Littlefield and Mark Freckleton.
 16 Q. Who was getting the transports that you
 17 wanted?
 18 A. It wasn't a question of what I wanted. It was
 19 a question of there are a certain number of out-of-state
 20 transports, and I was passed over several of them.
 21 Mr. Freckleton suggested that I make an Excel
 22 spreadsheet so that Ms. Littlefield would understand who
 23 is getting what and going where, and that would help her
 24 to understand who gets the next out-of-state transport,
 25 and I did that. It says that she reviewed the logs and

1 A. Yes.
 2 Q. Were you working weekends?
 3 A. I had Sunday and Monday off.
 4 Q. So if you'd have had days off during the week,
 5 like Wednesday or Thursday, that would coincide with
 6 when you would see your son; correct?
 7 A. No, I don't get him during the week, I get him
 8 every other weekend and some holidays.
 9 Q. So you were not working on weekends when you
 10 moved to nights; correct?
 11 A. I had Sunday and Monday off. So when I went
 12 to pick him up from school Friday afternoon, I would
 13 have to take off Friday night and Saturday night.
 14 (Exhibit 71 marked.)
 15 Q. (BY MR. COLLAER) Handing you what I've marked
 16 as Exhibit 71. Could you identify 71 for me, please.
 17 A. This is an e-mail from Julie McCormick to
 18 myself.
 19 Q. The first e-mail is from you to Ms. McCormick,
 20 is it not?
 21 A. Yes, it is.
 22 Q. You're requesting four days off?
 23 A. Yes.
 24 Q. These were all granted; correct?
 25 A. I can't recall at this time, but I would

1 assume that they were.
 2 Q. Well, her response says "Done," doesn't it?
 3 A. Yes, it does.
 4 Q. So that is indicating she's approving you
 5 taking those days.
 6 A. I would assume I would have.
 7 Q. Are these days you took vacation days?
 8 A. Yes, they were.
 9 Q. Was there any time that you did not have
 10 enough accrued vacation to see your son?
 11 A. No, I had almost maxed out on my vacation
 12 hours at that time. So I had vacation hours to use, but
 13 it was just to be with my son.
 14 Q. Did you cancel any trips or anything else you
 15 were going to do because you were using vacation to be
 16 with your son?
 17 A. Yes.
 18 Q. What?
 19 A. There were several things throughout the year
 20 that I wanted to go do, take a vacation, take time off,
 21 that I couldn't do because I didn't want to run out of
 22 time to be with my son.
 23 Q. What vacations did you cancel?
 24 A. I didn't cancel; I just didn't make them
 25 because I knew I would be using too much vacation hours

1 A. I believe he was.
 2 Q. Did he have prior experience with Juvenile
 3 Corrections, if you know?
 4 A. I have no knowledge of that.
 5 Q. Is he still with the Department?
 6 A. No, he's not.
 7 Q. How long was he with the Department?
 8 A. I couldn't say for sure. He was on the night
 9 shift and I was on the day shift, I didn't really know
 10 him.
 11 Q. How many of these new people that were hired,
 12 when they were hired initially worked the night shift?
 13 A. I believe just David Lewis, as far as I know.
 14 Q. How many people were actually hired?
 15 A. It appears to be from this e-mail three of
 16 them.
 17 Q. Mr. Mesa, he was working swing shifts?
 18 A. According to this e-mail, yes.
 19 Q. Was he a new hire or was he an existing
 20 employee?
 21 A. I'm unsure of when he was actually hired.
 22 Q. There is a reference to Diane Miles
 23 transitioning to the day shift to cover transports. Do
 24 you see that?
 25 A. Yes.

1 just to be with my son.
 2 (Exhibit 72 marked.)
 3 Q. (BY MR. COLLAER) Handing you what I've marked
 4 as Exhibit 72. Would you identify No. 72 for me,
 5 please.
 6 A. It appears to be an e-mail from Julie
 7 McCormick to Karin Magnelli.
 8 Q. What I'm referencing is the second from Julie
 9 McCormick to the JCCN staff, do you see that?
 10 A. Yes.
 11 Q. Did you receive this e-mail when Ms. McCormick
 12 sent it out?
 13 A. Yes, I did.
 14 Q. What did you understand this e-mail related
 15 to?
 16 A. It related to the new hires.
 17 Q. Those new hires were hired for what position?
 18 A. Safety and security officers.
 19 Q. The same position as yourself?
 20 A. Yes, on various shifts.
 21 Q. There is a reference to a Dave Lewis in the
 22 second paragraph returning in the middle of October. Do
 23 you see that?
 24 A. Yes.
 25 Q. Was he a safety and security officer also?

1 Q. Was she a new hire?
 2 A. At that time I don't believe so, but I'm
 3 unclear of when she was exactly hired.
 4 Q. There is also reference to Diane and Sheri
 5 rotating between days and swings on a bimonthly
 6 rotation. Do you see that?
 7 A. Yes.
 8 Q. Who is Sheri?
 9 A. Sheri Estrada.
 10 Q. Did that rotation occur, if you know?
 11 A. To my knowledge that never occurred.
 12 Q. Do you know why?
 13 A. I have no clue why.
 14 Q. Did Ms. Miles stay on day shift to do
 15 transports?
 16 A. I believe she did.
 17 Q. As safety and security officers, was doing
 18 transport something that safety and security officers
 19 wanted to do generally, if you know?
 20 A. After speaking with several people about it,
 21 some were a little interested in doing it, but it's a
 22 job that they either like or don't like, because there
 23 is so much driving.
 24 Q. Would you agree that other safety and security
 25 officers should be given the opportunity to train or be

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1 able to do transports if they wish, if they want to?
 2 MR. SCHOPPE: Object to the form of the
 3 question; calls for speculation. You can answer if you
 4 know.
 5 THE WITNESS: In my opinion, no. I believe
 6 that having someone cross-trained to help is good, but
 7 there are so many different rules and regulations of
 8 court proceedings, of transporting out-of-state at
 9 airports, there is just so many different rules and
 10 regulations that we need to know, that transitioning
 11 someone in and out of that position is just not
 12 feasible.
 13 Q. (BY MR. COLLAER) So if management wanted to
 14 give everybody an opportunity to do transports, that's a
 15 management decision you would just disagree with;
 16 correct?
 17 MR. SCHOPPE: Object to the form of the
 18 question; mischaracterizes facts or assumes facts not in
 19 evidence.
 20 THE WITNESS: I would have to ask you to
 21 either reask the question or rephrase it.
 22 Q. (BY MR. COLLAER) If management, supervisor
 23 and management, made the decision that they wanted to
 24 give all safety and security officers the opportunity to
 25 do transports if they wanted to, is that a management

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1 decision that you would disagree with?
 2 A. Personally, yes, I would disagree with that.
 3 Q. Would you agree that is a management decision
 4 though, if they chose to do that, they could do that?
 5 A. Management can do whatever they want to.
 6 (Exhibit 73 marked.)
 7 Q. (BY MR. COLLAER) Handing you what I've marked
 8 as Exhibit No. 73. Would you identify No. 73 for me,
 9 please?
 10 A. It appears to be a memorandum to myself from
 11 Mark Freckleton.
 12 Q. There is reference of a performance bonus of
 13 \$800. Do you see that?
 14 A. Yes.
 15 Q. Did you receive a performance bonus in 2013 of
 16 \$800?
 17 A. Yes.
 18 Q. Are you aware of other employees at the
 19 Department that received bonuses also?
 20 A. I would assume they did. I have no idea what
 21 their performance evaluations -- the bonuses were based
 22 on performance evaluations, and I would assume that
 23 everyone's would be different.
 24 Q. What was your understanding of the rating you
 25 had to have in order to be eligible for a bonus?

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1 A. Achieves or meets standards.
 2 Q. If you received a higher than achieved or
 3 meets, was your bonus different?
 4 A. I believe it would have been more.
 5 Q. How much, if you know?
 6 A. I'm unclear.
 7 Q. Did you receive any merit pay raises in 2013?
 8 A. I don't believe so.
 9 Q. Since 2010 have you received any pay raises?
 10 A. We had a pay raise across the board, I would
 11 say within the last three years.
 12 Q. Do you remember what percentage it was?
 13 A. I'm unclear to the exact percentage.
 14 Q. Was there a component of it that was also tied
 15 to merit pay?
 16 A. I don't recall at this time.
 17 Q. Specifically do you recall receiving any merit
 18 pay raises in the last three years?
 19 A. Yes, I believe so.
 20 Q. Why don't you tell me as much as you can
 21 recollect about that.
 22 A. Okay. If I recall, it was across the board, I
 23 believe, for the State of Idaho employees, that it
 24 finally came about that the State of Idaho employees got
 25 across-the-board pay raises. And I believe that could

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1 have been tied to their performance evaluations, I'm not
 2 sure.
 3 Q. You just don't remember one way or another.
 4 A. I can't recall specifically at this time.
 5 Q. In the last three years have you failed to
 6 receive any pay raises that you contend you were
 7 eligible for?
 8 A. Compared to everyone else, I don't believe so.
 9 Q. Tell me, could you describe any financial
 10 losses you contend you've experienced as a result of
 11 anything Sharon Harrigfeld has done to you.
 12 A. I believe that Ms. Harrigfeld with her actions
 13 of not putting me back onto day shift resulted in my
 14 loss of several vacation hours that I had to use to be
 15 with my son.
 16 Q. How do you quantify that; what's the dollar
 17 amount you affix to that?
 18 A. I would have to refer to my attorney for that
 19 amount.
 20 Q. Could you describe for me financial losses you
 21 contend you are going to experience in the future as a
 22 result of anything Ms. Harrigfeld has done to you?
 23 A. In the future, no, not at this time.
 24 Q. What about Betty Grimm, what financial loss do
 25 you contend you've experienced as a result of anything

1 that Betty Grimm has done to you?
 2 A. On the dollar amount I would have to refer to
 3 my attorney. But she has made comments that I am not to
 4 go back to day shift under any circumstance, which
 5 reflects the time that I spend with my son and having to
 6 use vacation hours for that time.
 7 Q. Any financial losses you contend you will
 8 experience in the future because of anything Betty Grimm
 9 has done to you?
 10 A. At this time I couldn't speculate on that.
 11 Q. Are you still working night shifts?
 12 A. No, I'm not.
 13 Q. When did that end?
 14 A. Approximately one month ago.
 15 Q. How long did you work nights?
 16 A. I believe between 14 and 16 months.
 17 Q. Can you describe any other damages you contend
 18 you've experienced as a result of anything that
 19 Ms. Harrigfeld or Ms. Grimm have done to you?
 20 MR. SCHOPPE: Objection; calls for a legal
 21 conclusion. You can answer if you understand.
 22 THE WITNESS: I don't understand exactly the
 23 question.
 24 Q. (BY MR. COLLAER) Anything you contend has
 25 harmed you in any way as a result of anything those two

1 A. Yes, on a general daily basis we would talk
 2 about different safety and security issues and policies
 3 not being followed.
 4 Q. Who would you talk with about that?
 5 A. Rhonda Ledford, Roberto Coronado, Shawn
 6 Crawford, Reines. I would say a good majority of
 7 my coworkers.
 8 Q. In the course of your ordinary workday or
 9 workweek interactions with your supervisor, Summer Wade
 10 at that time, would you discuss those sorts of things
 11 with her?
 12 A. Yes.
 13 Q. But not necessarily in the context of a
 14 meeting in her office or something?
 15 A. Nothing formal.
 16 Q. What sorts of things would you talk about?
 17 A. We've discussed safety and security issues
 18 with transports, with the security of the facility,
 19 weapons being found, juveniles injuring other juveniles
 20 or injuring staff. The suicide levels were not being
 21 followed like they are written in policy.
 22 Q. I want to go through those categories. With
 23 respect to transport issues, let's actually go up
 24 through 2011 and 2012, as applied to both Summer Wade
 25 and Julie McCormick, is it fair to say you discussed

1 ladies have done to you?
 2 A. I'm unable to answer that at this time.
 3 MR. COLLAER: I have nothing further.
 4 MR. SCHOPPE: I have some follow-up questions
 5 for you, Shane.
 6
 7 EXAMINATION
 8 QUESTIONS BY MR. SCHOPPE:
 9 Q. Step back to 2010. Apart from your formal
 10 sit-down meetings you might have had with Summer Wade,
 11 your supervisor at the time, did you ever express
 12 criticisms of the way in which the Department was
 13 managing?
 14 MR. COLLAER: Objection; asked and answered.
 15 Q. (BY MR. SCHOPPE) With anybody.
 16 A. The way the Department has been managed, I've
 17 expressed concerns to several of my coworkers and to
 18 Summer Wade, Julie McCormick, and even Betty Grimm.
 19 Q. So we are talking about for now just 2010.
 20 You testified earlier about more specific formal
 21 instances where you might have done that with Summer
 22 Wade in 2010.
 23 In the more ordinary course of your workweek
 24 or your workday, did you discuss those sorts of things
 25 with any of your coworkers?

1 those same sorts of things under those same sorts of
 2 circumstances with Julie McCormick?
 3 A. Yes.
 4 Q. Is it fair to say in 2011-2012 right to the
 5 present, you sort of regularly discussed those sorts of
 6 things with your coworkers?
 7 A. Yes.
 8 Q. Same general group of coworkers?
 9 A. Yes.
 10 Q. Anybody else come to mind?
 11 A. Yes.
 12 Q. Who?
 13 A. Lisa Littlefield, Ray Gregston, Darla Crespin.
 14 Q. Did you discuss those sorts of things with
 15 your current supervisor, Mr. Freckleton?
 16 A. Yes.
 17 Q. With respect to transports, and looking
 18 specifically at 2010, 2011, and 2012, what kind of
 19 things would you have discussed with your coworkers or
 20 your supervisors? And if there is a difference in what
 21 you discussed, let me know.
 22 A. What I discussed was a various amount of
 23 different policy violations with Summer Wade, along with
 24 Julie McCormick. With Summer Wade, she wanted to make a
 25 lot of changes. I told her that some of her changes

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1 were unsafe and unwarranted. She tried to get the other
 2 two institutions, the Lewiston and St. Anthony
 3 institutions, on board with her and they disagreed with
 4 her as well.
 5 Q. What were the changes she wanted to make?
 6 A. She wanted to restrain all juveniles on
 7 transports, including the juveniles that were being
 8 released and ones going on home pass.
 9 Q. Restrained how?
 10 A. In soft restraints, meaning belly chains and
 11 leg irons.
 12 Q. What was your concern about that?
 13 A. I explained to her that we have never done it
 14 that way, that these kids are being released and going
 15 on home passes into the community. That there was no
 16 need to restrain them on transports and our policy even
 17 states that only high-risk juveniles be restrained.
 18 Q. Have there been any incidents in a transport
 19 that might have caused her to be concerned about that,
 20 as far as you know?
 21 A. In my past six years of being there I have not
 22 heard of any incidents on transports.
 23 Q. Do you know what the response was from the
 24 other two facilities you mentioned to her proposal?
 25 A. They told her, I believe, that they would not

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1 get on board with her, that they would do things the
 2 same as they always have.
 3 Q. How do you know that?
 4 A. I believe she shared that with me in a casual
 5 conversation, because she was explaining to me about the
 6 conference call that she had with the three other
 7 institutions.
 8 Q. How about with Julie McCormick, did you ever
 9 discuss transport-related concerns with her?
 10 A. Yes.
 11 Q. What did you discuss with her?
 12 A. I've discussed with her the use of rental cars
 13 on transports that were not needed, the booking of extra
 14 hotel rooms that were not needed, using hotels that
 15 didn't have a shuttle when they were available.
 16 Q. Why were you concerned about those things?
 17 A. Because it's a waste of money when we didn't
 18 need to use a rental car and we could have used a hotel
 19 shuttle. I called the hotel and they said that they had
 20 plenty of rooms available and they had shuttle service
 21 that were a lot closer to the airport. She told me that
 22 I needed to do as I'm told, that it wasn't my concern,
 23 and that there was no need for me to be checking and
 24 calling these hotels.
 25 Q. What was the booking of the extra hotel rooms

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1 about?
 2 A. She booked an extra hotel for me going to
 3 Alaska halfway point because she felt that there might
 4 be weather issues, it was in the wintertime. So she
 5 booked an extra hotel just in case at the first airport
 6 that we went to, then we were going to board another
 7 plane to go to Alaska from that airport. I told her
 8 that there was no need to book that, that I would let
 9 her know if we would be missing our flight, our
 10 connecting flight. She booked it anyway.
 11 Q. How about with respect to weapons, you
 12 mentioned something about juveniles with weapons?
 13 A. There has been several weapons found within
 14 the facility.
 15 Q. Is it fair to say you discussed those concerns
 16 about weapons in the facility with both Summer Wade and
 17 Julie McCormick?
 18 A. Yes. I've expressed to both of them that I
 19 worked at an adult facility for six years prior and I
 20 felt safer out there than I did with the juveniles.
 21 Q. Anybody else discuss those sorts of things
 22 with either Wade or McCormick, as far as you know?
 23 A. Yes, I believe Dean -- at this time I can't
 24 remember.
 25 Q. Is that a first name or a last name, Dean?

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1 A. I believe that's his last name.
 2 Q. Brian Dean?
 3 A. Yes, Brian Dean. He's discussed issues. I
 4 believe Roger Evenson has discussed safety and security
 5 issues with Summer Wade, along with Corey Jones.
 6 Q. They expressed the same kind of concerns?
 7 A. Yes.
 8 Q. What were the specific concerns that you had?
 9 A. Specifically that the program staff were
 10 allowing things and giving things to the juveniles that
 11 they shouldn't be having; an overabundant amount of
 12 tape, which doesn't sound like anything, but you can do
 13 a lot of things with tape, box tape. You can make a lot
 14 of weapons out of it, you can hide things, whatever.
 15 This was given out freely. I expressed concerns to both
 16 of them about that and they disregarded anything that I
 17 had to say.
 18 Q. Was anything done to try to limit those sorts
 19 of materials being given to juveniles?
 20 A. No. It's pretty much widely known that if you
 21 need any supplies, office supplies, you go and search a
 22 juvenile's bed and you'll find more than the staff has.
 23 Q. Sort of a running joke?
 24 A. Yes.
 25 Q. Is that sort of thing, box tape or office

1 supplies like that, is that against policy for juveniles
 2 to have that sort of thing?
 3 A. I'm unclear if it is against policy at this
 4 moment. But the waste and the amount of supplies that
 5 these juveniles have, it shouldn't be.
 6 Q. Do those items pose a risk to other juveniles
 7 or staff --
 8 MR. COLLAER: Object to the form of the
 9 question; calls for speculation, hypothetical.
 10 MR. SCHOPPE: I'm not done with the question.
 11 Q. (BY MR. SCHOPPE) Or to staff?
 12 MR. COLLAER: Same objection.
 13 THE WITNESS: In my opinion, it is very
 14 dangerous to let juveniles have hard pens to write with,
 15 for them to have as much tape, masking or box tape,
 16 paper clips, and staples.
 17 Q. (BY MR. SCHOPPE) Are there certain items that
 18 are prohibited by policy for juveniles to have in the
 19 facility or vice versa, on the other side of the coin,
 20 are there certain items that they're only allowed to
 21 have, whatever makes sense to you?
 22 A. I believe the way that it is worded within
 23 policy, they are allowed to have what staff see fit to
 24 give them. And it is in my opinion that staff give them
 25 way too much.

1 workweek/workday kind of discussions about weapons with
 2 either Summer Wade or Julie McCormick?
 3 A. Yes.
 4 Q. More than once?
 5 A. Yes, more than once.
 6 Q. What kind of a response did you typically get?
 7 A. I usually get a response that they are in
 8 control of the situation and I am basically ignored.
 9 Q. How about with respect to juvenile assaults?
 10 We are talking about assaults on other juveniles or
 11 staff or both?
 12 A. Both.
 13 Q. In 2010, 2011, and 2012, is that something you
 14 discussed with your coworkers?
 15 A. Yes.
 16 Q. Who did you discuss that with?
 17 A. With the majority of my coworkers that I've
 18 worked with. All of the names previously mentioned.
 19 Q. If anybody else pops into your head, go ahead
 20 and let me know.
 21 What were the concerns that you had or that
 22 you felt were shared by the people you discussed this
 23 with?
 24 MR. COLLAER: Object to the form of the
 25 question; it's vague, calls for speculation, and also

1 Q. What kind of weapons are you aware of having
 2 been found in the facility?
 3 A. I believe just within this past three months
 4 there has been four shanks found. They've all been
 5 documented in information reports.
 6 Q. What happens to weapons when they are found?
 7 A. In the past, up until the current supervisor,
 8 they have been given to the safety and security
 9 supervisor, and at that point they usually throw them in
 10 the trash.
 11 Q. Has anyone suggested those might be evidence?
 12 A. Yes.
 13 Q. Has anyone suggested those should be
 14 preserved?
 15 A. Yes.
 16 Q. Who said so?
 17 A. I said that.
 18 Q. Has anybody else said so, if you know?
 19 A. Yes, Brian Dean, Rhonda Ledford, and Shawn
 20 Crawford.
 21 Q. Is it fair to say that this weapons being
 22 found was a topic of discussion, topic of concern that
 23 you discussed with your coworkers in 2010-2011?
 24 A. Yes.
 25 Q. Did you ever have any kind of ordinary

1 hearsay.
 2 Q. (BY MR. SCHOPPE) Did anyone else you
 3 discussed this with share your concerns?
 4 A. Yes, everybody shared the same concerns.
 5 Q. Did you talk about those sorts of problems
 6 with Summer Wade and Julie McCormick?
 7 A. Yes.
 8 Q. What were the specific concerns that arose
 9 during that time period, 2010 through the end of 2012?
 10 A. That there was not enough adequate training,
 11 that we were being told to not restrain juveniles. The
 12 juveniles know and it's common knowledge that we're not
 13 allowed to put hands on them unless they get to
 14 extremes.
 15 Q. What does that do? Is there something bad
 16 about that?
 17 MR. COLLAER: Object to the form of the
 18 question; calls for speculation, it's an incomplete
 19 hypothetical.
 20 THE WITNESS: The juveniles, it's common
 21 knowledge that the juveniles know that we are not
 22 allowed to stand in their way if they decide to walk out
 23 of a classroom. If they want to wander around by
 24 themselves without any supervision, they know they can
 25 walk and go anywhere they want without us -- without

1 them having any repercussions. There are no
2 consequences basically for what they do.

3 I've seen juveniles assault other juveniles or
4 juveniles assault staff. They can be in their room for
5 15, 20 minutes, if staff feels that they have calmed
6 down, they come right out and rejoin the group. And
7 I've seen some of those juveniles assault again within
8 the same day, other juveniles or other staff. There is
9 no consequences for their actions.

10 Q. (BY MR. SCHOPPE) Have any other staff or
11 juveniles expressed fear or concern about assaults?

12 A. I've heard juveniles saying they are afraid.
13 I've heard several other staff saying they were afraid
14 of juveniles being assaulted by juveniles.

15 Q. Can you recall any particular people who said
16 that, juveniles or staff?

17 A. Juveniles' names at this time I cannot recall.
18 I've heard most all of the previously mentioned staff
19 say that, I've said that.

20 Q. Are there any particular assaults that come to
21 mind during that time period that were more particularly
22 concerning to you?

23 A. At this time I can't recall because there's
24 been so many juvenile-on-juvenile assaults and
25 juvenile-on-staff assaults.

1 basic suicide levels: Level 1 is to where they are
2 monitored every 15 minutes; level 2 is where they are
3 monitored between 5 and 10 minutes; and level 3 is where
4 they are monitored with eyes on by staff all the time.

5 There has been constant e-mails put out that a
6 juvenile is on level 1 with 10-minute watches, that
7 would actually be a level 2.

8 Q. (BY MR. SCHOPPE) Who sends out those e-mails?

9 A. The majority of those e-mails I've seen came
10 from Rita Fell, and I believe there has been a couple
11 other clinicians who have put those e-mails out.

12 Q. Who determines what level suicide watch might
13 be appropriate?

14 A. Any staff at the time that deems it necessary
15 that a juvenile is unsafe to himself.

16 Q. Is there a reason for the mismatch between the
17 level and the minute interval for monitoring the
18 juveniles?

19 MR. COLLAER: Objection; calls for
20 speculation.

21 Q. (BY MR. SCHOPPE) As far as you know.

22 A. As far as I know, it is for PBS standards.
23 They monitor the number of suicide levels and at what
24 level, I believe, is what we report, is what I
25 understand, but I'm not positive at this time. So if we

1 Q. Do you recall anybody, any particular staff
2 members who might have been assaulted during that time
3 frame?

4 A. I was assaulted on a couple of occasions.
5 Ms. -- a teacher was kicked in the head and had severe
6 head trauma one time. I saw a staff get assaulted, had
7 a pencil jabbed into his side approximately 2 inches.

8 Q. Is it Fosdick?

9 A. Yes.

10 I've seen other staff get assaulted by
11 juveniles with closed-hand fists, I've been bitten, I've
12 seen other staff get bitten.

13 Q. Are these the sorts of things that you've
14 specifically discussed with Summer Wade and Julie
15 McCormick sort of on an ongoing basis?

16 A. Yes, it's an ongoing basis.

17 Q. It's not the sort of thing that you ordinarily
18 have a formal sit-down meeting about necessarily, but
19 something that comes up in the ordinary course of work?

20 A. Correct.

21 Q. You mentioned suicide levels. What did you
22 mean by that?

23 MR. COLLAER: Object to the form of the
24 question; it's vague, calls for speculation.

25 THE WITNESS: Suicide levels, there are three

1 are reporting a low number of suicide level severities,
2 in my opinion, from what I understand, it's better.

3 Q. It looks better?

4 A. It looks better on paper.

5 Q. Is there a written policy for the suicide
6 levels, spells out the suicide levels and the minute
7 intervals?

8 A. I believe so, yes.

9 Q. Is it fair to say that the Department doesn't
10 follow that policy?

11 MR. COLLAER: Object to the form of the
12 question; it's vague, incomplete hypothetical, calls for
13 speculation.

14 THE WITNESS: That is true.

15 Q. (BY MR. SCHOPPE) Looking at other policies,
16 is there a policy about contraband --

17 A. Yes, there is.

18 Q. -- not being permitted in the facility?

19 A. Yes, there is.

20 Q. Is that policy followed in practice by the
21 Department?

22 MR. COLLAER: Object to the form of the
23 question; it's vague and calls for speculation.

24 THE WITNESS: No, it is not.

25 Q. (BY MR. SCHOPPE) How so?

1 A. There have been staff who have brought in
2 items to juveniles, which is not allowed. I myself have
3 found items brought in from outside visiting people or
4 clergy people that were not allowed.

5 Q. What kind of items?

6 A. I've recently found a small canister type of
7 an item that is normally used within the drug area,
8 people. People that use drugs use this type of little
9 canister for powdered drugs usually.

10 Q. Like a film container?

11 A. Yes, a small, tiny, tiny, small container.

12 Q. Okay.

13 A. There has been several metal crucifixes and
14 several juveniles have gotten numerous amounts of
15 crucifixes, they collect them. In which Betty Grimm at
16 one point, I believe, put out a memorandum saying that
17 they were only allowed to have the plastic ones.

18 Q. What is the problem with metal crucifixes?

19 A. They can shape them into weapons very easily,
20 they can damage locks, they can make all kind of weapons
21 out of them.

22 Q. Was that policy followed?

23 A. No.

24 Q. What kind of items have been bought in by
25 staff and do you know which staff have done that?

1 exchange his video games.

2 Q. Does that seem unusual to you?

3 A. Extremely unusual, yes.

4 Q. Why?

5 A. Because that is just not something you do
6 within a correctional facility. And it's --

7 Q. Having a game device like that is against
8 policy, it's contraband?

9 A. Yes. And he was -- not all juveniles have
10 that privilege.

11 Q. Are you aware of whether he was given money by
12 Ms. Grimm?

13 A. Yes, I have heard that Ms. Grimm has handed
14 him cash before.

15 Q. How do you know that? Who would be the person
16 to ask about that?

17 A. I believe possibly Mr. Fordham and/or a staff
18 member that is no longer in O&A, Mr. Amaya and one other
19 staff member knew of this, I believe.

20 Q. Do you know who that might be?

21 A. I cannot remember his name at this time.

22 Q. If it pops up later, let me know.

23 So is it fair to say the Department does not
24 follow its policy concerning contraband?

25 A. Correct.

1 A. I know that there has been books brought in to
2 juveniles, Game Boys, staff has brought in food, soda,
3 candy for juveniles.

4 Q. Can you tell me who?

5 A. It's several staff. I know Roberto Coronado
6 has purchased things out of his own money for juveniles,
7 the program staff and the education staff.

8 Q. Are you aware of whether a juvenile was given
9 a PSP, I think it is, sort of like a Game Boy?

10 A. Yes, games. They have been brought in, I
11 believe one Game Boy type system was brought in for
12 juveniles in O&A and there was a PSP game console with
13 many games that I saw brought in to the Solutions Unit,
14 it was in a large cardboard box for the juveniles.

15 Q. Specifically do you know if a juvenile named
16 L. was allowed to have a PSP?

17 A. Yes.

18 Q. Do you know whether Ms. Grimm was aware of
19 that and approved of that?

20 A. I believe Ms. Grimm authorized that, yes.

21 Q. Do you know or had you heard whether she
22 actually authorized to go to GameStop to get games
23 for that device?

24 A. Yes, I saw an e-mail to where she put out that
25 Lewis was allowed to go to a gaming place to

1 Q. Is there a policy about juveniles not being
2 allowed to wear gang clothing in the facility?

3 A. Yes, there is.

4 Q. Is that followed?

5 A. No.

6 Q. How so?

7 A. I have seen gang members wearing their colors;
8 if they belong to a certain gang they wear red or they
9 wear blue. And when they are documented and admitted
10 gang members, they are allowed to wear these colors and
11 allowed to where their paints baggy, which should not be
12 done.

13 Q. Why is that bad?

14 MR. COLLAER: Objection; calls for
15 speculation.

16 THE WITNESS: It's bad because it's against
17 policy.

18 Q. (BY MR. SCHOPPE) With respect to the gang
19 affiliation, is that a safety and security issue?

20 A. Yes, it is.

21 Q. It's fair to say that poses a danger to staff
22 and other juveniles?

23 MR. COLLAER: Objection; it's an incomplete
24 hypothetical, calls for speculation.

25 THE WITNESS: Yes, it is.

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1 Q. (BY MR. SCHOPPE) Do you know what those gangs
 2 are that they might be affiliated with?
 3 A. There is several gangs that are out in the
 4 streets; there is Tiny Toons, North Side, South Side,
 5 Bloods, Crips, there is several -- Brown Pride, there is
 6 several of these juveniles that belong to gangs and are
 7 still affiliated with gangs.
 8 Q. Are those typically Nampa area gangs or what?
 9 A. No, it's within the state of Idaho.
 10 Q. Is that something that you and coworkers have
 11 become familiar with, names of gangs?
 12 A. Yes. During my transports I intake kids and I
 13 do an intake process, and that's one of the processes of
 14 an intake is getting their gang affiliations, their
 15 colors, their monikers.
 16 Q. Does the Department have a policy about
 17 reporting violent assaults involving juveniles?
 18 A. Yes.
 19 Q. Does the Department follow that policy?
 20 A. No.
 21 Q. How so?
 22 A. There have been assaults on other juveniles or
 23 staff that are not followed up within information
 24 reports.
 25 Q. Incident reports?

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1 A. Yes.
 2 Q. How so and how do you know?
 3 A. I know because I've seen these assaults happen
 4 and I've gone back to look in the information reports,
 5 and some are either not there or have a lot of the
 6 details not in them that there should be.
 7 Q. Who's responsible for preparing or finalizing,
 8 approving those reports, whatever the process may be?
 9 A. I believe the process is that the person on
 10 scene and the people involved write these reports. They
 11 go through to their supervisor, I believe that the
 12 supervisor signs off on them, and it goes to the
 13 superintendent. I'm not sure if they go to the director
 14 if they're extreme, if the superintendent sends them to
 15 the director or not, I have no idea at this time.
 16 Q. Are there particular incidents that come to
 17 mind in talking about preparation of incident reports
 18 you just described?
 19 A. I can think of one, that school teacher being
 20 kicked in the head. I tried to research it and look for
 21 her information report on our system and it is not in
 22 there.
 23 I've heard common practice that
 24 Mr. Rohrbach has told juveniles to not file charges if
 25 there is a juvenile-on-juvenile assault and also

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1 Ms. Roters has deterred people from filing police
 2 reports.
 3 Q. How do you know?
 4 A. I know from one of the juveniles stating they
 5 wanted to file a report that she was assaulted by
 6 another juvenile, and Ms. Roters deterred that.
 7 Q. Who was that juvenile who wanted to file the
 8 report?
 9 A. I'm not positive, but I believe her name was
 10 S.
 11 Q. Is it fair to say that in practice the
 12 Department doesn't follow its policy concerning the
 13 reporting of violent assaults?
 14 MR. COLLAER: Object to the form of the
 15 question; it's vague, calls for speculation.
 16 Q. (BY MR. SCHOPPE) As far as you know.
 17 MR. COLLAER: Same objection.
 18 THE WITNESS: That's correct.
 19 Q. (BY MR. SCHOPPE) Is there a policy about
 20 staff interactions with juveniles? By "interactions" I
 21 mean romantic or sexual relationships.
 22 A. Yes.
 23 Q. Is it fair to say those are prohibited?
 24 A. Yes.
 25 Q. Are you aware of incidents in which that

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1 policy has not been followed?
 2 A. Yes.
 3 Q. What comes to mind?
 4 A. The Diaz and incident, their
 5 relationship; and a female juvenile were in a
 6 relationship. Julie and Y. in a relationship.
 7 Q. Julie McCormick?
 8 A. Yes.
 9 Q. With the relationship you mentioned,
 10 was that
 11 A. Yes. was the juvenile that was
 12 involved with.
 13 Q. Any other incidents of which you are aware?
 14 A. That I'm aware of, that I've heard, there has
 15 been other instances at other facilities, but I do not
 16 know firsthand knowledge of them.
 17 Q. How do you know about the Diaz- issue?
 18 A. When I first started Mr. was
 19 incarcerated with us, and I heard as soon as he got out,
 20 within a short time frame he moved in with her.
 21 Q. Who told you about that?
 22 A. It was common knowledge, most all staff knew
 23 that they had a relationship.
 24 Q. Anybody specific come to mind who might have
 25 known whether they actually lived together or something

1 like that?
 2 A. No. Like I said, it was common knowledge, the
 3 majority of the staff there knew about that
 4 relationship.
 5 Q. Is it against policy for staff members to have
 6 relationships with juveniles after they're released from
 7 custody?
 8 A. Yes, it is.
 9 Q. What are the potential outcomes of violating
 10 that policy?
 11 MR. COLLAER: Objection; calls for
 12 speculation, incomplete hypothetical.
 13 Q. (BY MR. SCHOPPE) If you know.
 14 A. The outcome would be disciplinary action up to
 15 firing.
 16 Q. Are you aware of whether Ms. Diaz was ever
 17 disciplined in any way for that incident?
 18 A. Not that I'm aware of, no.
 19 Q. Are you aware of whether that relationship was
 20 ever reported to the Department of Health and Welfare or
 21 law enforcement?
 22 A. I don't believe so. I'm not aware of it.
 23 Q. Is there anybody who comes to mind as being a
 24 good witness to talk about that situation?
 25 A. Specific people, no. Like I said, it was

1 A. I do not.
 2 Q. Does the Department have a policy about
 3 employing employees with criminal backgrounds?
 4 A. I would not be able to answer that at this
 5 time.
 6 Q. But is it fair to say that everyone knew that
 7 Mr. was the same juvenile that had been
 8 incarcerated there before?
 9 A. Yes. He had not been out of the custody of
 10 Juvenile Corrections for very long. And he was still
 11 under adult supervision during the time he was working
 12 there.
 13 Q. Was he wearing an ankle at the time
 14 you saw him, as far as you can recall?
 15 A. Not that I recall, but he told me himself that
 16 he was still under adult probation supervision.
 17 Q. So it seemed like it was just a little bit
 18 odd, but no sex or nudity as far as you could see?
 19 A. Not that I personally saw, no.
 20 Q. Anybody else mention to you anything about the
 21 relationship between them?
 22 A. I do believe that one or two other staff
 23 members, from what I recall, noticed things weren't
 24 right a couple of times with her being in the kitchen
 25 out of camera range. I do not recall their names, the

1 common knowledge throughout the facility, all three
 2 programs had common knowledge of their relationship.
 3 Q. Who did you talk about it with, that you
 4 recall, in the context of that common knowledge?
 5 A. That was in approximately 2008.
 6 Q. Did you ever talk about it with Mr. Stucker?
 7 A. I don't believe so.
 8 Q. Is it correct to say that Ms. Diaz still works
 9 at the Department now?
 10 A. Yes, she does.
 11 Q. The second incident you mentioned, and
 12 what do you know about that and how do you know?
 13 A. I know because I've walked into the kitchen
 14 before, and when I have walked into the kitchen, they
 15 were up to the cooks line and they both acted as if
 16 something they were doing was wrong. I didn't
 17 physically see them engaged in any activity.
 18 Q. It just seemed a little odd?
 19 A. Yes, it did.
 20 Q. at that point was no longer
 21 incarcerated there, but was working there; is that
 22 right?
 23 A. Correct; he became a cook there after his
 24 incarceration.
 25 Q. Do you know why he was incarcerated?

1 staff members' names.
 2 Q. Is there a policy about staying in camera
 3 range?
 4 A. I couldn't answer that definitely at this
 5 point. It would be common sense.
 6 Q. Is it something you might call best practice?
 7 A. Best practice you should always be within
 8 camera range with a juvenile if you are alone with them.
 9 Q. Is there a policy or best practice about not
 10 being behind closed doors with juveniles?
 11 A. Yes.
 12 Q. And off camera.
 13 A. Yes.
 14 Q. Then how is it that you became more aware that
 15 there was some sort of relationship between and
 16
 17 A. I heard that when was released that her
 18 and Mr. had moved in together and were engaged to
 19 be married.
 20 Q. Was he still an employee at that point?
 21 A. Yes, he was.
 22 Q. In the same way that Diaz and were
 23 common knowledge, is it fair to say that the and
 24 relationship was common knowledge?
 25 A. Yes, it was.

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1 Q. Do you know whether Betty Grimm knew about it?
 2 A. At one point, yes, she did.
 3 Q. When was that?
 4 A. I couldn't give you a specific date, but I
 5 believe she gave him an ultimatum of resigning or being
 6 fired, to my knowledge.
 7 Q. With respect to Julie McCormick and Y.,
 8 what do you know about that and how do you know?
 9 A. I believe it was when she walked out of the
 10 facility that it was known that she had inappropriate
 11 sexual relations with a juvenile. Also before that it
 12 was a word-of-mouth thing that they spent time in her
 13 office behind closed doors with a magnet on her window.
 14 Q. What do you mean a "magnet"?
 15 A. The window is approximately a foot tall by
 16 possibly 6 inches wide, and to put a full magnet over
 17 that window so that no one can see in.
 18 Q. Was the window in the door?
 19 A. Yes, it is.
 20 Q. Who talked about this, where did this come up?
 21 A. Well, Diane Miles stood guard outside of her
 22 door, I believe, for approximately 45 minutes while the
 23 magnet was on her door and she was in the office alone
 24 with Y.
 25 Q. How do you know that?

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1 A. Because I believe that Diane Miles had
 2 admitted that.
 3 Q. You heard that from someone else?
 4 A. Yes, I did. I believe Mr. Amaya was working
 5 in the booth at that time and he was a witness possibly
 6 to that action.
 7 Q. Is it fair to say it was common knowledge that
 8 Ms. McCormick was spending time with that juvenile out
 9 of sight of cameras?
 10 A. Yes, it was that juvenile and other juveniles.
 11 Q. Who else?
 12 A. I do not remember his name, I believe he was
 13 in the Choices program. She would have him in her
 14 office. And at one time this juvenile put on a scary
 15 mask of some kind and would pop out behind the door to
 16 scare the other juveniles, which is completely not
 17 right.
 18 Q. In the context of a secure juvenile facility?
 19 A. Secure juvenile facility and morally it's just
 20 she shouldn't have had a juvenile in her office by
 21 herself out of camera range.
 22 Q. Is there a policy in place about reporting
 23 sexual abuse of juveniles?
 24 A. Yes.
 25 Q. Does the Department follow that policy as far

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1 as you know?
 2 A. No.
 3 Q. What do you know about that?
 4 A. I know that with Diaz and that policy
 5 wasn't followed. Can you repeat that question?
 6 Q. What do you know about that, about whether the
 7 policy is followed or not?
 8 MR. COLLAER: Object to the form of the
 9 question; it's vague and calls for speculation.
 10 Q. (BY MR. SCHOPPE) If you don't know, if you
 11 can say who might know.
 12 MR. COLLAER: Same objection.
 13 THE WITNESS: As far as I could say at this
 14 point, Rhonda Ledford would possibly know that
 15 information.
 16 Q. (BY MR. SCHOPPE) As far as you know, are all
 17 staff trained in that policy?
 18 A. Yes.
 19 Q. Does that apply to Prison Rape Elimination Act
 20 reports?
 21 A. Yes, it does.
 22 Q. Are staff trained in CRIPA, Civil Rights of
 23 Institutionalized Persons?
 24 A. Yes, they are.
 25 Q. Are you aware of any specific instance in

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1 which PREA or CRIPA guidelines have not been followed?
 2 A. I believe the instance with a possible
 3 juvenile's name S., she reported a PREA incident to
 4 Ms. Roters and nothing was done about that.
 5 Q. Did you see that happen or did you hear about
 6 it from somebody else?
 7 A. I heard about it from someone else.
 8 Q. Who would be the person to ask about that?
 9 A. I would have to refer that information again
 10 to Ms. Rhonda Ledford.
 11 Q. Ms. Roters would be aware of that?
 12 A. Yes. Ms. Roters was given a grievance, I
 13 believe, from and I believe she answered her own
 14 grievance.
 15 Q. Ms. Roters answered the grievance?
 16 A. Yes.
 17 Q. Is that against policy?
 18 MR. COLLAER: Object to the form of the
 19 question; it's vague, calls for speculation.
 20 THE WITNESS: At this point I wouldn't know
 21 specifically if it's against policy. It's definitely
 22 not good to do.
 23 Q. (BY MR. SCHOPPE) Is it fair to say that when
 24 Jim Stucker and after him Mr. Freckleton were your
 25 supervisors, that you spoke with them about safety and

1 security issues, possible waste or fraud issues or
2 things of that sort, that you also discussed with Summer
3 Wade and Julie McCormick?

4 MR. COLLAER: Object to the form of the
5 question; it's compound and vague.

6 THE WITNESS: Yes.

7 Q. (BY MR. SCHOPPE) Did you understand the
8 question?

9 A. Yes.

10 I did speak to them about that.

11 Q. What was the response that you typically got
12 from them?

13 A. My response from Jim Stucker seemed to be he
14 cared about the information and he would act on any
15 information that I might give him. The same with Mark
16 Freckleton, I feel that the information that I gave to
17 him was being followed up on. Mr. Fitzgerald was not my
18 supervisor long enough to really have gotten to know him
19 or give him very much information, if any. Summer Wade
20 and Julie McCormick both I gave information to and was
21 disregarded or I was told that I was imagining things.

22 Q. As time went on from the period you started in
23 2007 through up to the present, is it fair to say that
24 the frequency of your expressions of concerns about this
25 were being increased?

1 A. As far as Summer Wade, any concerns that I
2 presented to her she disregarded, the same with Julie
3 McCormick. Summer Wade would constantly -- if I would
4 send an e-mail of some kind or I would tell her verbally
5 of anything, she would contradict anything that I said.

6 Just the constant harassment from Summer Wade
7 and Julie McCormick was ongoing. Summer Wade would tell
8 me to do things, send out e-mails, make phone calls or
9 give me directives, and then she would turn around and
10 ask me why I did that, why did I do it wrong. She would
11 constantly verbally tell me that I didn't know how to do
12 my job. And the previous three and a half to four years
13 that I was doing that job, I was getting praises from my
14 supervisors, that I was doing such a good job and that I
15 knew how to do my job and I was teaching new employees
16 how to do things.

17 Q. Did you find that you were treated differently
18 from other coworkers in the same position as you?

19 A. Yes.

20 Q. Anybody specific?

21 A. Roberto Coronado.

22 Q. Did he make the same sorts of reports or
23 complaints that you were making?

24 A. No. Mr. Coronado did anything that a
25 supervisor would tell him to do.

1 A. Yes, it did.

2 Q. Did you get the sense that in contrast to
3 Mr. Freckleton and Mr. Stucker that Ms. Wade and
4 Ms. McCormick viewed your reports as a problem?

5 MR. COLLAER: Object to the form of the
6 question; calls for speculation as to their state of
7 mind.

8 Q. (BY MR. SCHOPPE) I'm asking about your sense
9 of things.

10 MR. COLLAER: Same objection.

11 THE WITNESS: Yes, I felt that they did not
12 take me seriously as my other two supervisors did.

13 Q. (BY MR. SCHOPPE) As time went on did that
14 sense lead you to have concerns about making those sort
15 of reports to Summer Wade and to Julie McCormick?

16 A. Yes. I did not feel like I could bring
17 anything to my supervisors, and I felt that anything
18 that I did bring to them was either a burden to them or
19 they had told me that I was making things up or I was
20 imagining things.

21 Q. Did they treat you differently than had
22 Mr. Freckleton or Mr. Stucker in the course of your
23 everyday interactions with them?

24 A. Yes.

25 Q. How so?

1 Q. A fairly compliant employee, as far as you
2 could tell?

3 A. Yes.

4 Q. Did you have, as far as you know, different
5 expectations or standards that were applied to you
6 versus to Mr. Coronado?

7 MR. COLLAER: Object to the form of the
8 question; vague, calls for speculation.

9 THE WITNESS: Yes.

10 Q. (BY MR. COLLAER) What specific standards or
11 expectations are you talking about?

12 A. As far as Summer Wade and Julie McCormick were
13 concerned, I had to give them both daily and weekly
14 e-mails about what my time worked was, the times and the
15 amounts each day that I worked. I asked Mr. Coronado at
16 one point if he had to do the same thing and he said no.
17 So I don't understand why I was required to do something
18 like that when I've never had an attendance problem
19 previously.

20 Q. Had Mr. Stucker or Mr. Freckleton previously
21 required you to do that?

22 A. No.

23 Q. How about now that Mr. Freckleton is your
24 supervisor again?

25 A. No, he does not.

1 Q. Is there any kind of policy that requires that
 2 sort of time accounting to be done?
 3 A. Yes.
 4 Q. What is that policy?
 5 A. There is a policy of accurately reporting your
 6 time, not to give a daily recap to your supervisor, but
 7 to accurately report your time within iTime.
 8 Q. Are you aware of whether that policy is
 9 followed at the Department, the accurate reporting of
 10 time?
 11 A. Accurately, no, it is not.
 12 Q. Are you aware of employees who do not
 13 accurately report their time?
 14 A. Yes.
 15 Q. Who specifically and tell me how you know.
 16 A. How I know that Roberto Coronado, we earn the
 17 same time in service. I have actually more time in
 18 service than him.
 19 Q. "Time in service"?
 20 A. With the State of Idaho.
 21 Q. Okay.
 22 A. And we earn close to the same amount of
 23 vacation hours. He takes at a minimum two to three
 24 weeks of vacation a year and is always topped out on his
 25 maximum time. I take approximately one week a year and

1 Q. (BY MR. SCHOPPE) Is it grounds for
 2 termination, as far as you know?
 3 MR. COLLAER: Same objection.
 4 THE WITNESS: Yes, it is, discipline up to
 5 termination.
 6 Q. (BY MR. SCHOPPE) Are you aware of other
 7 employees who you believe fraudulently report their
 8 time?
 9 A. I've heard that Mr. Baranco goes out golfing
 10 regularly while clocked in.
 11 Q. Where did you hear that?
 12 A. It's common knowledge throughout the facility.
 13 I've heard it from different sources.
 14 Q. Do you know who the person to ask about that
 15 would be, apart from Mr. Baranco himself?
 16 A. I couldn't give you that at this point.
 17 Q. Any other instances that you are aware of?
 18 Maybe you can start with anything you're personally
 19 aware of and if you've heard something, go ahead.
 20 A. Personally, no. I have heard of both of the
 21 Rohrbachs. Actually, I know both Glenda and Dave
 22 Rohrbach are hardly ever at the facility. I've never
 23 seen them there that much. And from what I understand
 24 from what other people say, is that they were getting 40
 25 hours a week on their paychecks.

1 I've never been close to getting maxed out on my time
 2 except for recently.
 3 Q. Are you generally pretty familiar with
 4 Mr. Coronado's actual schedule?
 5 A. Yes, we work side by side on -- we did work
 6 side by side on transports.
 7 Q. So is it your opinion that he's not accurately
 8 reporting his time or overreporting his time?
 9 A. Correct.
 10 MR. COLLAER: Objection; it lacks foundation,
 11 calls for speculation, assumes facts not in evidence,
 12 it's also irrelevant.
 13 Q. (BY MR. SCHOPPE) Would that be considered, as
 14 far as you are concerned, a waste of public resources or
 15 money?
 16 A. Yes.
 17 Q. Do you know whether that's a crime or not?
 18 MR. COLLAER: Object to the form of the
 19 question; calls for a legal conclusion, it's not
 20 relevant.
 21 Q. (BY MR. SCHOPPE) If you know.
 22 A. I believe it is considered fraud.
 23 Q. Is it grounds for discipline?
 24 MR. COLLAER: Same objection.
 25 THE WITNESS: Yes, it is.

1 MR. COLLAER: I'm going to pose an objection
 2 and move to strike as speculative.
 3 Q. (BY MR. SCHOPPE) Who said that?
 4 A. The Rohrbachs, both of them were common
 5 knowledge throughout the whole facility about the
 6 Rohrbachs.
 7 MR. COLLAER: The same objection as to "common
 8 knowledge," it speaks to the state of mind of other
 9 unidentified individuals.
 10 Q. (BY MR. SCHOPPE) So it is fair to say that
 11 other employees might testify to the same sort of thing,
 12 hearing the same thing?
 13 MR. COLLAER: Objection; calls for speculation
 14 as to other people's state of mind who are unidentified.
 15 THE WITNESS: Yes, they would.
 16 Q. (BY MR. SCHOPPE) Who might testify to that?
 17 A. I would have to say again it is common
 18 knowledge throughout the facility.
 19 MR. COLLAER: Move to strike as nonresponsive
 20 and speaks to the state of mind of other unidentified
 21 individuals.
 22 Q. (BY MR. SCHOPPE) Would Betty Grimm be someone
 23 who might have some knowledge about that?
 24 MR. COLLAER: Objection; calls for speculation
 25 as to the state of mind of Ms. Grimm.

1 THE WITNESS: I believe so.
 2 Q. (BY MR. SCHOPPE) In 2011, in late 2011
 3 specifically, were you aware of a petition that was
 4 prepared and circulated amongst the staff?
 5 A. Yes, I am.
 6 Q. Do you remember what the subject of that
 7 petition was?
 8 A. The subject of that petition was Laura Roters
 9 and her receiving a position that she was not qualified
 10 for.
 11 Q. Would it be fair to characterize it as hiring
 12 practices?
 13 A. Yes.
 14 Q. Did the petition also address hiring practices
 15 in connection with Julie McCormick?
 16 A. I cannot recall at this time. I believe it
 17 could have, but I am not sure.
 18 Q. Did you or anyone else ever express concerns
 19 about the manner in which Julie McCormick was hired?
 20 A. Yes.
 21 Q. What were those concerns?
 22 A. That Julie McCormick did not have supervisory
 23 experience. I brought it up to -- it was talked about
 24 between several different staff at the facility.
 25 Q. Who was that?

1 And I asked about the lead SSO position and I was told
 2 that it no longer existed.
 3 Q. Is it fair to say you discussed concerns about
 4 that hiring with your coworkers?
 5 A. Yes.
 6 Q. Who did you discuss that with apart from
 7 Mr. Gregston?
 8 A. I discussed that situation with all of the
 9 SSO, safety and security officers, at that time.
 10 Q. Was that something you regard as improper?
 11 A. Yes, I did.
 12 Q. Did anyone else tell you that?
 13 A. I'm sorry, was it improper of me to discuss
 14 that?
 15 Q. That it was improper, the hiring was
 16 improperly done.
 17 MR. COLLAER: Object to the form of the
 18 question; it calls for a hypothetical, an incomplete
 19 hypothetical, speculation, also a legal conclusion.
 20 Q. (BY MR. SCHOPPE) Was it your opinion?
 21 A. In my opinion it was, yes.
 22 Q. Was there a specific policy or procedure that
 23 came to mind?
 24 A. The hiring practices policy and procedures.
 25 Q. Did anyone else tell you they thought it was

1 A. Ray Gregston, as far as I know, every SSO at
 2 that time that was working there. I brought it up
 3 myself to Ms. Grimm. I specifically asked her about the
 4 announcement being changed to be tailored to
 5 Ms. McCormick.
 6 Q. What announcement?
 7 A. The job announcement.
 8 Q. What was the specific position?
 9 A. The position was safety and security
 10 supervisor.
 11 Q. What did you mean about the tailoring of the
 12 announcement?
 13 A. I asked her about -- within the announcement
 14 it basically says supervisory experience, and it got
 15 added in there "lead SSO" or "lead worker," I'm not
 16 sure, I cannot quote what the announcement said. But it
 17 had something to do to pertain to lead supervisory type
 18 experience.
 19 Q. As far as you know, had that position existed
 20 previously?
 21 A. Not previously.
 22 Q. As far as you know, has that position existed
 23 since Ms. McCormick was arrested?
 24 A. No, that position lasted for two weeks.
 25 Summer Wade gave that position title to Julie McCormick.

1 improper?
 2 A. Everyone that I had spoke to within that time
 3 frame, yes.
 4 Q. Do you remember anybody else apart from
 5 Mr. Gregston?
 6 A. I remember the majority of the safety and
 7 security officers at that time.
 8 Q. Who were they?
 9 A. Rhonda Ledford, Shawn Crawford, Reines,
 10 Roberto Coronado.
 11 Q. Did you discuss it with Mr. Freckleton?
 12 A. I could have, but I can't be certain at this
 13 point.
 14 Q. Did you discuss it with Ms. McCormick
 15 directly?
 16 A. No, I did not.
 17 Q. Did you feel like that was something you could
 18 safely discuss with her?
 19 A. Not safely, no.
 20 Q. Why was that?
 21 MR. COLLAER: Object to the form of the
 22 question; calls for speculation as to the state of mind
 23 of Ms. McCormick.
 24 Q. (BY MR. SCHOPPE) Why did you feel that it was
 25 not safe for you to do so?

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1 A. I felt like I would have extreme retaliation
 2 against me if I was to mention something like that to my
 3 supervisor at that time.
 4 Q. Fair to say there were a lot of other
 5 employees who were aware of your concerns, including
 6 Ms. Grimm?
 7 MR. COLLAER: Object to the form of the
 8 question; calls for speculation.
 9 THE WITNESS: Yes, there were.
 10 Q. (BY MR. SCHOPPE) With respect to that
 11 petition, did you participate in that petition at all?
 12 A. Yes, I was the first one that signed it.
 13 Q. Who gave you that petition?
 14 A. Ray Gregston.
 15 Q. Do you know anybody else who signed it?
 16 A. I am not aware at this time because I was the
 17 first one that signed it, so I'm not sure who signed
 18 after me.
 19 Q. Anybody ever tell you they signed it?
 20 A. I believe a majority of the O&A staff and some
 21 of the SSO staff.
 22 Q. Did you tell people that you had signed it?
 23 A. No. I told no one.
 24 Q. But Mr. Gregston was aware?
 25 A. But Mr. Gregston and Ms. Ledford.

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1 Q. Is it fair to say at that point in time you
 2 were routinely discussing with coworkers concerns about
 3 safety and security, mismanagement of the Department,
 4 fraud, waste, all these issues we talked about,
 5 including the hiring practices?
 6 A. Yes, I did.
 7 Q. Did you discuss any of those issues with Julie
 8 McCormick at that time?
 9 A. Yes, I did.
 10 Q. Did you feel that she was receptive to your
 11 discussions or reports of those issues?
 12 A. No, she was not.
 13 Q. There was an incident -- this was November
 14 2011, is that right, the petition was circulated?
 15 A. I believe approximately, yes.
 16 Q. There was an all staff meeting in November
 17 2011. Did you attend that?
 18 A. No, I did not.
 19 Q. Were you out on a transport or something like
 20 that?
 21 A. Yes, I was on transport.
 22 Q. Presumably you heard about that later?
 23 A. Yes, I did.
 24 Q. There was later, we discussed an allegation by
 25 Ms. Miles, Diane Miles, I think we have referred to it

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1 as the road rage incident.
 2 A. Yes.
 3 Q. The fake road rage incident.
 4 She had indicated, I'm looking here at Exhibit
 5 70 if you want to pull that up, this is Ms. Harrigfeld's
 6 summary of what the report had been. Paragraph two
 7 says: Running someone off the road, driving 4 miles an
 8 hour over the speed limit with juveniles in the vehicle,
 9 being mean to kids and driving recklessly. As far as
 10 you know, was it Ms. Miles who made that allegation?
 11 A. Yes, it is.
 12 Q. Did you run anybody off the road?
 13 A. No, I did not.
 14 Q. Were you speeding?
 15 A. I at that time was passing someone and I was
 16 going 4 miles an hour over the speed limit, yes.
 17 Q. Were you endangering yourself, the vehicle,
 18 Ms. Miles, and the juveniles in any way?
 19 A. No, in no way.
 20 Q. Were you mean to the kids?
 21 A. No.
 22 Q. Were you driving recklessly?
 23 A. No, I was not.
 24 Q. Do you know why Ms. Miles would say all that?
 25 MR. COLLAER: Object to the form of the

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1 question; calls for speculation.
 2 THE WITNESS: I personally do not know why she
 3 would say that. That incident, the semi truck was
 4 coming into our lane and almost ran us off the road. I
 5 had to slam on the brakes and push on the horn for a
 6 very long time until I could safely get behind him and
 7 he swerved back into his lane.
 8 Q. (BY MR. SCHOPPE) Where was that?
 9 A. It was on I-84 just east of the weigh station.
 10 Q. Is a good driving record important in the
 11 context of doing transport, as far as you know?
 12 A. I don't believe there is a policy for that,
 13 but it would seem logical to me to have a good driving
 14 record doing transports, yes.
 15 Q. Are you aware of whether Ms. Miles had been
 16 convicted of driving under the influence at the time
 17 that this incident occurred?
 18 A. Yes, I was aware of that.
 19 Q. How were you aware of that?
 20 A. It was on the State Repository that she had
 21 been convicted of a DUI.
 22 Q. She was on transport staff?
 23 A. Yes, she was.
 24 Q. Do you know if the Department is aware of
 25 that?

1 A. Yes, they were.
 2 Q. How do you know that?
 3 A. Because I believe that Ms. Grimm had given an
 4 e-mail or a talk to the current supervisor at the time,
 5 which I believe was Julie McCormick.
 6 Q. As far as you know, did Ms. Miles' first DUI
 7 conviction occur while she was working transport or was
 8 it before she was assigned to transport?
 9 A. As far as I know, she was currently a
 10 transport officer, but it happened on her personal time.
 11 Q. Do you know if her license was suspended or
 12 anything like that?
 13 A. As far as I know, her license was suspended.
 14 Q. She was still permitted to work transport?
 15 A. Yes.
 16 Q. In working transport, I understand sometimes
 17 it's one transport officer, sometimes two; is that fair?
 18 A. Yes, that's correct.
 19 Q. Is it fair to say that even if someone is
 20 riding in the passenger seat, they may be required to
 21 operate a vehicle?
 22 A. If necessary, yes.
 23 Q. Is it fair to say if Ms. Miles didn't have a
 24 valid license when working transport she could not have
 25 legally operated the vehicle?

1 Q. So as far as you know, she was still working
 2 transport with a suspended license?
 3 A. Yes.
 4 Q. As far as you know, the Department knew about
 5 that?
 6 A. Yes.
 7 Q. As far as you know, is that a violation of law
 8 or policy?
 9 A. It is both a violation of law and policy.
 10 Driving on a suspended license is against the law.
 11 Q. Are you aware of whether Ms. Miles was seen
 12 driving herself to the facility without a valid license?
 13 A. Yes, I've seen her. When she had reported she
 14 was supposedly on a suspended license, I've seen her
 15 drive into and out of the parking lot.
 16 Q. Are you aware of whether any disciplinary
 17 action was taken against Ms. Miles in connection with
 18 that DUI charge?
 19 A. I'm not aware of that.
 20 Q. How about the first DUI conviction?
 21 A. I'm not aware of any disciplinary action on
 22 that either.
 23 Q. Has she been at work?
 24 A. Recently, no.
 25 Q. Do you know where she is?

1 A. That's correct.
 2 Q. The Department was aware of this?
 3 A. As far as I know, Ms. Miles had reported that
 4 to the Department, yes.
 5 Q. You attribute that to an e-mail from Betty
 6 Grimm; is that right?
 7 A. Yes.
 8 Q. Are you aware of a second conviction for DUI
 9 more recently?
 10 A. Yes, I am.
 11 Q. What do you know about that?
 12 A. Again, it's public information on the Idaho
 13 State Repository.
 14 Q. Is the Department aware of it?
 15 A. Yes, they are.
 16 Q. Do you know when it occurred?
 17 A. I would have to say within the past two to
 18 three months approximately.
 19 Q. Are you aware of whether Ms. Miles still
 20 worked transport duty after that second charge? And let
 21 me be clear, I'm not talking about a conviction, but a
 22 charge of DUI.
 23 A. Right. After the second charge I do believe
 24 she was going on transports, and as far as I know, she
 25 reported that she had a suspended license.

1 A. I do not.
 2 Q. Do you know if she's on family medical leave?
 3 A. I do not know. As far as I know, the
 4 supervisor has put on the work schedule that she is out
 5 sick.
 6 Q. Do you know if she was threatened with any
 7 sort of disciplinary action?
 8 A. I do not know that.
 9 Q. When the issue of the road rage incident was
 10 first raised with you by Ms. McCormick -- and I think we
 11 are talking about January of 2012?
 12 A. Yes.
 13 Q. Is that the first time she raised that with
 14 you?
 15 A. Yes. It was almost exactly two weeks after
 16 the incident happened that she brought these allegations
 17 to me.
 18 Q. What did she tell you?
 19 A. She told me at the end of my performance
 20 evaluation that because of those four reasons she was
 21 moving me to graveyards.
 22 Q. "Those four reasons," the ones that we --
 23 A. Yes, the ones we have just discussed.
 24 Q. Did she tell you whether she investigated
 25 those allegations at all?

1 A. She did not tell me that.
 2 Q. Did she say whether she had spoken with any of
 3 the juveniles in the vehicle?
 4 A. I asked her where these allegations came from,
 5 that I have a right to know who my accuser is. She said
 6 that she did not have to give me any information. I
 7 asked her if she'd spoken to the juveniles that were in
 8 the vehicle at that time. She said she didn't have to
 9 tell me that.
 10 Q. Did you do anything to try to investigate the
 11 allegations?
 12 A. I didn't have to investigate the allegations
 13 because I knew that they were not factual. I wrote down
 14 exactly what happened and -- I mean, there is nothing
 15 else I could do. I mean, I knew what happened, the
 16 juveniles knew what happened, so there was nothing else
 17 that I could do.
 18 Q. Did you have an idea of what the incident was
 19 to which the allegations referred?
 20 A. The incident as far as trying to run someone
 21 else off the road, speeding, being mean to kids, and
 22 driving recklessly.
 23 Q. But did you have an idea, even though you
 24 didn't think that any of those things happened, did you
 25 have an idea of what transport incident might have been

1 A. Yes, I did.
 2 Q. Were you able to figure anything out?
 3 A. I printed off that day's transport calendar
 4 and I had given it to you, the transport calendar for
 5 that day of the juveniles' names that were in the
 6 vehicle.
 7 Q. Were you able to speak with any of them?
 8 A. No, I was not.
 9 Q. Why was that?
 10 A. I believe that two of them were going to
 11 release that day, the other two were going into the O&A
 12 program, and I did not feel that it was appropriate for
 13 me to speak to the juveniles about this incident.
 14 Q. So when it came down to it, is it fair to say
 15 that it was essentially Ms. Miles' word against yours as
 16 to what happened?
 17 A. Yes, it is.
 18 Q. Did Ms. McCormick do anything -- I think you
 19 already answered that.
 20 As far as you know, did she do anything to
 21 investigate your version of events?
 22 A. No, she did not.
 23 Q. As far as you know, did she simply take
 24 Ms. Miles' word for it?
 25 A. Yes.

1 the subject of those allegations?
 2 A. Yes, I knew which she was talking about.
 3 Q. How did you find out that Diane Miles made
 4 that report?
 5 A. I believe Diane Miles had told other employees
 6 this. But Ms. Miles was the only other staff member
 7 that was with me during this time that could possibly
 8 see what my speed limit was and could report the details
 9 of what happened.
 10 Q. Did you receive any kind of written report or
 11 anything from Ms. Miles?
 12 A. From Ms. McCormick you mean?
 13 Q. No, Ms. Miles.
 14 A. No, I had not seen or heard anything from her
 15 about this incident.
 16 Q. Did she give you a date on which it occurred,
 17 a time frame?
 18 A. Ms. McCormick told me during the January 17
 19 meeting with her that these four instances had happened
 20 two weeks previously.
 21 Q. Did you try to talk with any of the juveniles
 22 involved who had been on the transport?
 23 A. No, I did not.
 24 Q. Did you try to look up any information as to
 25 who might have been on the transport?

1 Q. Was there any kind of incident report prepared
 2 for the incident, as far as you know?
 3 A. No, there was not.
 4 Q. No police report?
 5 A. No, there was not.
 6 Q. No ticket?
 7 A. No.
 8 Q. And during your January 17 meeting with
 9 Ms. McCormick, that is where she discussed that incident
 10 with you?
 11 A. Yes, she did.
 12 Q. When she told you that she was going to move
 13 you to the graveyard shift, is it correct that she told
 14 you it was disciplinary, in connection with your conduct
 15 in that incident?
 16 A. What she told me was that it had been reported
 17 that I tried to run someone off the road, that I was
 18 mean to kids and driving recklessly, and that is why I
 19 am moving you to graveyards starting the 29th.
 20 Q. Did she offer any more specifics other than
 21 those basic four points?
 22 A. No, she did not. I asked if I could explain
 23 what had really happened and she would not listen to me.
 24 Q. Is that when she told you that you could not
 25 speak?

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1 A. No, that was during her reading of my
 2 performance evaluation.
 3 Q. Was that in the same meeting?
 4 A. Yes, it was.
 5 Q. When you had met with any of your other
 6 supervisors at any point in time, had any of them told
 7 you that you could not speak to them?
 8 A. No.
 9 Q. As far as you know, is there any policy that
 10 prohibits you from speaking with your supervising during
 11 a performance evaluation?
 12 A. No.
 13 Q. Is it fair to say that the point of the
 14 performance evaluation is to speak with your supervisor?
 15 A. Yes.
 16 Q. Did you feel like you were being treated
 17 unfairly by Ms. McCormick?
 18 A. Yes, I did.
 19 Q. Did you feel that it might have been in
 20 connection with your criticisms about safety, security,
 21 fraud, hiring practices, including her hiring?
 22 A. Yes, I did.
 23 Q. This is within about two or three months of
 24 the petition circulating?
 25 A. Yes, it was.

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1 Q. It was within about two months of the all
 2 staff meeting that was held in the facility about hiring
 3 practices?
 4 A. Yes, it was.
 5 Q. With respect to those other issues, I am
 6 looking right now at Exhibit 64, which is the
 7 January 17, 2012 performance review prepared for you by
 8 Ms. McCormick, I'm looking at page 3, the second
 9 paragraph under Comments, there is a statement in there:
 10 "It has been reported that instead of speaking to those
 11 which you have issues, you talk to other staff about
 12 it." Is that true?
 13 A. Yes.
 14 Q. So you did talk with other staff about issues
 15 that you might have in the facility like safety and
 16 security?
 17 A. About safety and security practices, if I had
 18 issues with my supervisor, I would speak to her
 19 supervisor.
 20 Q. Specifically your concerns about hiring
 21 practices, and specific to Ms. McCormick, but that was
 22 not a topic that you could safely discuss with her?
 23 A. I didn't feel like I could safely discuss that
 24 at all with her.
 25 Q. Had you been told by -- I think you testified

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1 earlier, that you had been told by Ms. Grimm that she
 2 had an open-door policy; is that right?
 3 A. Yes. She tells -- has put that out in
 4 numerous e-mails and she has told everybody that she has
 5 an open-door policy.
 6 Q. You had gone to speak with her, I think it was
 7 early 2011; is that right?
 8 A. Yes.
 9 Q. You testified earlier that you asked that what
 10 you spoke about with her remain confidential; is that
 11 right?
 12 A. Yes, I did.
 13 Q. Did she assure you that would be the case?
 14 A. Yes, she did.
 15 Q. You trusted her and relied on her?
 16 A. Yes, I did.
 17 Q. Then you said that within 15 minutes or so
 18 Julie McCormick was aware of the fact that you had
 19 spoken with Ms. Grimm?
 20 A. That's correct.
 21 Q. You didn't tell Ms. McCormick that?
 22 A. No, I did not.
 23 Q. Was there anyone other than Ms. Grimm who
 24 could have told Ms. McCormick about that?
 25 A. No, it was supposed to be a private

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1 conversation between myself and Ms. Grimm.
 2 Q. Some of the concerns related were about
 3 Ms. McCormick?
 4 A. Yes, they were.
 5 Q. It was after that point that Ms. McCormick
 6 warned you not to speak with Ms. Grimm again?
 7 A. Yes, she did.
 8 Q. Did that seem odd given that Ms. Grimm had
 9 personally said she had an open-door policy?
 10 A. Yes.
 11 Q. After that point did you feel that you could
 12 place any trust or confidence in Ms. Grimm?
 13 A. At that point I didn't feel I had trust or
 14 confidence in any of my supervisors.
 15 Q. Specifically Ms. Grimm?
 16 A. Specifically Ms. Grimm and Ms. McCormick.
 17 Q. When you discussed issues, and generally
 18 speaking, the issues that seem to be addressed here in
 19 paragraph 2 of page 3, did you generally gossip about
 20 personal problems with staff or were you talking about
 21 work-related safety and security problems, things like
 22 that?
 23 A. I did not gossip with other staff. I had
 24 conversations about work-related issues, safety and
 25 security issues, along those lines, with other staff.

1 Q. Ms. McCormick referred to violations of
 2 standards of conduct in connection with your conduct.
 3 Did you know what she was talking about, what she was
 4 referring to?
 5 A. No, not at that time.
 6 Q. Is there a specific written policy or anything
 7 like that that came to mind?
 8 A. Not at that time that I was reading this, no.
 9 Q. Looking at Exhibit 67, it's a written warning
 10 record that was prepared by Ms. McCormick for you for
 11 your meeting with her on January 16 and 17, 2012. With
 12 respect to the first paragraph, we talked earlier, you
 13 testified about not being aware that you were on the
 14 calendar to work on Monday the 16th; is that fair?
 15 A. That's correct.
 16 Q. You had checked the calendar the Friday before
 17 and you weren't listed as being on?
 18 A. That's correct.
 19 Q. Had you been listed as being on duty, would
 20 you have planned to be there or found a way to get the
 21 day off?
 22 A. I would have talked to my supervisor about it
 23 because I had my son for that holiday.
 24 Q. And you had looked at your calendar on
 25 Ms. McCormick's computer about two weeks before that?

1 for work on the 16th, did she show you the calendar at
 2 that point?
 3 A. No, she did not.
 4 Q. So you didn't see whether you were actually on
 5 the calendar for that day or not?
 6 A. I hadn't seen it at that point.
 7 Q. It was simply her word?
 8 A. Yes.
 9 Q. During all your time at Juvenile Corrections
 10 was your schedule fairly routine and set in nature?
 11 A. Yes, it was.
 12 Q. Is it fairly common for most staff security
 13 officers' calendars and schedules to be pretty routine
 14 and predictable?
 15 A. Yes, they were.
 16 Q. There might be occasional exceptions where you
 17 might be called in to work a different shift for a few
 18 days or a week or something like that?
 19 A. Correct.
 20 Q. Are other safety and security officers'
 21 schedules fairly routine, predictable, and set?
 22 MR. COLLAER: Object to the form of the
 23 question; it lacks foundation, calls for speculation.
 24 THE WITNESS: Yes.
 25 Q. (BY MR. SCHOPPE) And when you met with

1 A. That's correct.
 2 Q. As far as you can tell, at that point you were
 3 off on Martin Luther King, Jr. Day?
 4 A. Yes, I was.
 5 Q. You shared with Ms. McCormick your visitation
 6 schedule with your son?
 7 A. Yes.
 8 Q. That was for the purpose of making sure your
 9 schedule fit with that?
 10 A. Correct. I explained to her where my Outlook
 11 calendar was, she brought it up on the computer. I
 12 usually have approximately a year ahead on all of my
 13 dates that I have with my son on my calendar.
 14 Q. Is there anyone who could have changed that
 15 calendar between the time you looked at it on Friday, I
 16 guess it must have been the 13th, and the 16th?
 17 A. What you're referring to is two different
 18 calendars. My Outlook calendar is my personal calendar
 19 on Outlook. I believe the calendar that you are
 20 referring to is the safety and security officers'
 21 scheduling calendar.
 22 Q. And that was the one you looked at with
 23 Ms. McCormick?
 24 A. Yes.
 25 Q. In discussing your alleged failure to show up

1 Ms. McCormick and she told you that you would be going
 2 to night shift, your testimony today and from your
 3 reaction at the time, you were pretty upset with that;
 4 is that fair to say?
 5 A. Yes.
 6 Q. You stated that your chief concern about that
 7 change, which as far as you were concerned was on fairly
 8 short notice, was that it would greatly interfere with
 9 your custody schedule?
 10 A. Yes, it was.
 11 Q. You have indicated your son is also autistic;
 12 is that right?
 13 A. Yes, he is.
 14 Q. In the context of changing visitation
 15 schedules, is it fair to say that disrupting routines is
 16 particularly upsetting for your son?
 17 A. It is.
 18 Q. You can take a minute to catch your breath.
 19 A. He requires a lot of attention. He's a
 20 special needs child. And everything that I try and do
 21 with him is to help him along his routine. If he gets
 22 out of his normal daily routine of the time I pick him
 23 up or the time we eat or the time we watch certain TV
 24 shows, he gets very upset.
 25 Q. On the spectrum of autism have you been told

1 where he stands on that?
 2 A. Yes, he's been diagnosed with autism and
 3 Asperger's, and ADHD.
 4 Q. Would you characterize him as mildly or
 5 severely autistic or not sure?
 6 A. He is mildly autistic and autism and
 7 moderately ADHD.
 8 Q. But schedule changes like the one that
 9 Ms. McCormick told you would be shortly happening in
 10 January are difficult for him?
 11 A. Yes. Being on the graveyard shift I had to
 12 constantly take little naps during the day because on
 13 the graveyard shift I would have to sleep through the
 14 day. During the weekends that I had him I would have to
 15 try and sleep at night, if at all, and not sleep during
 16 the day when I had him. And our quality time together
 17 for that over a year was very diminished.
 18 Q. Is it fair to say then that the reason you
 19 were so upset that you used vulgarity and dropped the
 20 F bomb, is the way you could put it, wasn't just because
 21 you were no longer going to have the schedule that you
 22 wanted, but that this was going to be very disruptive to
 23 your entire relationship with your son?
 24 MR. COLLAER: Objection; calls for
 25 speculation, it's also state of mind, it's also

1 A. At this point in time I couldn't give you
 2 specific names. I do know that other staff have second
 3 jobs they've talked to me about, other people have child
 4 care issues. I have spoken to these staff personally,
 5 but at this time I could not clarify their names.
 6 Q. If you remember, please say so.
 7 At this point in time was Ms. McCormick aware
 8 that you had your custody calendar planned out up to a
 9 year in advance?
 10 A. Yes, she was.
 11 Q. That was something you had specifically shared
 12 with her?
 13 A. Yes, we've discussed it.
 14 Q. Had you discussed your custody arrangement
 15 with anybody else you worked with at the facility?
 16 A. Before or after January 17?
 17 Q. Before.
 18 A. Yes. Ms. McCormick -- I mean, Ms. McCormick
 19 knew of my custody issues, all of my supervisors
 20 actually knew, from August of 2008 until present day.
 21 Q. What was significant about August 2008?
 22 A. That is when I had my divorce and...
 23 Q. As far as you know, was management aware of
 24 this, Ms. Grimm?
 25 A. Yes, they were.

1 irrelevant.
 2 Q. (BY MR. SCHOPPE) I'm asking about what you
 3 felt.
 4 A. As far as what I felt, it had nothing to do
 5 with what I wanted. It had everything to do with my
 6 son, having visitation time with him, and losing all of
 7 my vacation time just to be with him.
 8 Q. It became pretty apparent to you that you
 9 would need to take vacation time that maybe you had
 10 hoped to use for other purposes?
 11 A. Yes.
 12 Q. You would need to, instead of using it for
 13 vacations or trips or something like that, you would
 14 have to use it for visitation?
 15 A. Yes.
 16 Q. With respect to other safety and security
 17 officers and other staff in general, is it common
 18 practice in the Department to accommodate personal needs
 19 in scheduling?
 20 A. Yes, I've seen it.
 21 Q. Who else seemed to have their personal needs
 22 or preferences respected?
 23 MR. COLLAER: Object to the form of the
 24 question; lacks foundation, calls for speculation.
 25 Q. (BY MR. SCHOPPE) What did you see?

1 Q. Were people also aware that your son was
 2 autistic and that your visitation schedule was maybe a
 3 little more particularized for that reason?
 4 A. Yes, it was.
 5 Q. When Ms. McCormick told you that this would be
 6 changed for you, did you again point out that the
 7 custody schedule was oriented around your son's needs as
 8 an autistic?
 9 A. Yes, I did.
 10 Q. She indicated to you that she had taken that
 11 into account?
 12 A. That is what she said, yes.
 13 Q. When she changed your schedule, it's fair to
 14 say she said it was for disciplinary reasons involved in
 15 connection with the road rage incident?
 16 A. That's what she told me, yes.
 17 Q. Did she tell you at that point in time that it
 18 was for some sort of cross-training?
 19 A. No, she did not.
 20 Q. Were you aware of any cross-training program?
 21 A. No, I was not.
 22 Q. Had you heard of anything like that?
 23 A. No, I did not.
 24 Q. Did you know of any other employees who were
 25 on that kind of a program?

1 A. I believe at that time possibly Mr. Meza was
 2 doing a little, I guess you could say cross-training or
 3 helping out with the rehab techs so that he could become
 4 a rehab tech. But I couldn't tell you as to what he was
 5 specifically told or was doing.
 6 Q. As far as you know, there was nothing that
 7 would, as a mandatory matter, force safety and security
 8 officers or other employees to switch from day shift to
 9 night shift every six months or any other --
 10 A. Not at that time, no.
 11 Q. All the way up until the end of your meeting
 12 with Ms. McCormick did that topic come up at all?
 13 A. No, it did not.
 14 Q. Did you feel that Ms. McCormick's warning to
 15 you not to speak to her violated standards of conduct at
 16 the Department?
 17 A. Yes, I did.
 18 Q. Do you feel that was courteous?
 19 A. I felt it was very disrespectful to me.
 20 Q. Did you feel that she was fulfilling her
 21 obligations or her duties as your supervisor when she
 22 didn't credit your version of the events involved in the
 23 road rage incident or take any steps to investigate it?
 24 A. That's correct.
 25 Q. Typically in incidents where there might be a

1 disclosed that she had actually used vulgarity with you?
 2 A. No, it does not say it in here.
 3 Q. Would you consider her use of vulgarity as a
 4 violation of the standards of conduct?
 5 A. Yes.
 6 Q. Have you ever heard anybody else swear at the
 7 Department?
 8 A. All the time.
 9 Q. So it's not a tremendously uncommon thing in
 10 the context of working at Juvenile Corrections?
 11 A. Not in that type of work environment. It's
 12 pretty common practice for the juveniles to swear either
 13 when they're upset or not upset. And I've heard staff
 14 swearing, either just in casual conversations or in
 15 upset speaking.
 16 Q. Hopefully the staff try not to swear around
 17 the juveniles, I imagine.
 18 A. They try not to in casual conversations. It
 19 might be blurted out, but not in anger.
 20 Q. Did Ms. McCormick ever apologize to you for
 21 swearing at you?
 22 A. No, she did not.
 23 Q. Do you think it's appropriate for supervisors
 24 to swear at staff members under any circumstances?
 25 A. No, it is not.

1 complaint against an employee, as far as you know, is it
 2 common practice in the Department to conceal information
 3 like the identity of the accuser or identity of
 4 juveniles involved or information like that?
 5 MR. COLLAER: Object to the form of the
 6 question; lacks foundation, calls for speculation.
 7 Q. (BY MR. SCHOPPE) Did it seem odd to you that
 8 she wouldn't tell you any of those things?
 9 MR. COLLAER: Same objection.
 10 THE WITNESS: Yes, it did.
 11 Q. (BY MR. SCHOPPE) Why did it seem odd?
 12 A. Because I asked her specifically who was
 13 making these allegations against me and if she had
 14 spoken to the juveniles, and she told me that she didn't
 15 have to give me that information.
 16 Q. At some point Ms. McCormick swore toward or at
 17 you; is that right?
 18 A. Yes.
 19 Q. What did she say again?
 20 A. I believe after I first swore towards her, she
 21 said: I can do whatever the F I want.
 22 Q. Meaning the F word there?
 23 A. Yes.
 24 Q. In reviewing that written warning record that
 25 she prepared, do you see any indication where she

1 Q. Do you know anybody at Juvenile Corrections
 2 who would say it is appropriate?
 3 MR. COLLAER: Object to form of the question;
 4 it calls for speculation.
 5 THE WITNESS: I don't believe anyone would say
 6 it would be appropriate.
 7 Q. (BY MR. SCHOPPE) Did you ever mention that to
 8 either Ms. Grimm or Ms. Harrigfeld or anyone else?
 9 A. I believe Pat Thomson and Ms. Grimm, yes.
 10 Q. So you let them know that Julie McCormick had
 11 used vulgarity with you in the same meeting?
 12 A. At this time I couldn't be positive, but
 13 within our meetings I believe that was brought out.
 14 Q. Fair to say that you described what happened
 15 in the meeting accurately to Ms. Grimm and Mr. Thomson?
 16 A. Yes.
 17 Q. As far as you know, did they take any action
 18 against Ms. McCormick?
 19 A. No.
 20 Q. When you met, and you just said Ms. Grimm and
 21 Mr. Thomson, is that a different meeting than when you
 22 also met with Director Harrigfeld?
 23 A. Yes.
 24 Q. Which occurred first, your meeting with
 25 Ms. Grimm and Mr. Thomson?

1 A. I had my initial meeting with Ms. McCormick,
 2 and then at the end of that meeting I went to talk to
 3 Mr. Thomson and I ended up going home.
 4 I called Mr. Thomson on the phone and asked if
 5 I could come back and talk with him, we talked. And
 6 there was a separate meeting with Ms. Grimm and a
 7 separate meeting with Ms. Harrigfeld surrounding this
 8 entire situation.
 9 Q. In your first discussions with Mr. Thomson and
 10 Ms. Grimm, was there any mention of a six-month
 11 crossover training program?
 12 A. No, there was not.
 13 Q. Had you ever heard of such a thing from either
 14 of them before?
 15 A. No, I had not.
 16 Q. When was the first time you heard about a
 17 six-month cross-training program?
 18 A. In my response, I believe, was from
 19 Mr. Thomson.
 20 Q. A written response?
 21 A. Yes, it was.
 22 Q. That was reiterated by Director Harrigfeld in
 23 her response, which is Problem Solving Request Form,
 24 Exhibit 70?
 25 A. Yes.

1 A. I believe it is, yes.
 2 Q. Is that the common practice that if some sort
 3 of action, in this case moving you to a different shift
 4 for disciplinary reasons, are you aware of whether that
 5 sort of thing ought to be in writing?
 6 A. It should be, yes.
 7 Q. Is there anywhere that Ms. McCormick, despite
 8 what she told you at the meeting, wrote down the reason
 9 for your shift reassignment was disciplinary?
 10 A. Not that I'm aware of.
 11 Q. Immediately after the meeting did you speak
 12 with anybody about the meeting, other than Mr. Thomson,
 13 as you've testified?
 14 A. Not other than Mr. Thomson. Yes, I did. I
 15 spoke to a fellow employee.
 16 Q. Who was that?
 17 A. Rhonda Ledford.
 18 Q. Why did you talk to Rhonda?
 19 A. Because I was so upset that I would not have
 20 my time with my son. It was not explained to me in
 21 detail that day of how I would be able to use vacation
 22 time to be with my son. It was later that it was
 23 explained to me that I would need to use my vacation
 24 time in order to be with my son.
 25 Q. Generally speaking is it difficult to make

1 Q. Did Ms. McCormick later say the reason for
 2 which you were moved to the night shift was for this
 3 program?
 4 A. That's what she said, yes.
 5 Q. When did she first tell you that?
 6 A. I couldn't give you a specific date. It was
 7 within the course of this problem solving.
 8 Q. Was it before Director Harrigfeld's problem-
 9 solving response?
 10 A. Yes. Pat Thomson's problem-solving response
 11 was before Ms. Harrigfeld's.
 12 Q. Are you aware of whether there is a policy at
 13 the Department that requires the disciplinary actions or
 14 reasons for them to be written down?
 15 A. Could you repeat that.
 16 Q. Are you aware of whether there's a policy at
 17 the Department that requires the disciplinary actions
 18 and reasons for them be in writing?
 19 A. I believe there are certain steps you can get
 20 disciplinary warnings verbal and there are written
 21 disciplinary warnings as well and actions.
 22 Q. For discipline involving an actual action
 23 against the employee versus something like a verbal
 24 warning, are you aware of whether that needs to be in
 25 writing?

1 changes to your custody schedule?
 2 A. It is extremely difficult, yes.
 3 Q. Did you talk to anybody else in any of the
 4 days following the meeting with Ms. McCormick about the
 5 meeting specifically?
 6 A. I believe the only people I talked to were Ms.
 7 Ledford, my mother, and I called an EAP counselor.
 8 Q. Did you tell anybody at work that you were
 9 being disciplined or what your interactions with
 10 Ms. McCormick at your meeting with her had been?
 11 A. People could see that I was not myself and
 12 visibly shaken, so they asked me why I looked a little
 13 upset and I told them why.
 14 Q. In telling them why, did you tell them that
 15 Ms. McCormick had said you were being disciplined?
 16 A. Yes. At that time all I knew that I was being
 17 moved to graveyards was because of disciplinary actions.
 18 Q. You didn't tell any of those people that you
 19 were going to be put on a six-month cross-training
 20 program?
 21 A. No, I had no idea of that.
 22 Q. Once you were actually moved to the night
 23 shift, when did that happen?
 24 A. January 29, I believe, was my start date.
 25 Q. You testified earlier it lasted something like

1 14 months; is that fair?
 2 A. Approximately 14 to 16 months, I believe.
 3 Q. After your meeting with Ms. McCormick, this
 4 six-month cross-training program, who said it was for
 5 six months, for example? Who described the outline of
 6 this program to you?
 7 A. I'm unclear at this time. I believe that it
 8 was Pat Thomson within our problem-solving
 9 correspondence and also within the meeting with
 10 Ms. Harrigfeld. As of that point I had no contact with
 11 Ms. Grimm, she was too busy to see me, I guess. I asked
 12 to talk to her on a couple of different occasions about
 13 it and she didn't.
 14 Q. Is it fair to say you were specifically told
 15 it was a six-month program?
 16 A. Yes, I was.
 17 Q. How did the program work, according to what
 18 you were told?
 19 MR. COLLAER: Object to form of the question;
 20 he's testified he can't remember who told him this, so
 21 he's speculating.
 22 THE WITNESS: What I was told in a meeting
 23 with the rest of the night SSO people within a couple of
 24 weeks after I was put on nights, Ms. McCormick held a
 25 meeting stating that it was a mandatory six-month

1 that six-month cross-training they were to go back onto
 2 the night shift, and whatever days were available was
 3 the days off that they got. They were not able to go
 4 back into their previous days off. That's what she said
 5 in that meeting.
 6 Q. But that mandatory switchover never happened?
 7 A. No, it did not.
 8 Q. After six months did anything different happen
 9 with you?
 10 A. No, it did not.
 11 Q. You were on the night shift for 14 months
 12 after your assignment to that in January?
 13 A. Yes, it was approximately.
 14 Q. About that. Okay.
 15 After Ms. McCormick was arrested and
 16 terminated in August of 2012, Mr. Freckleton became your
 17 supervisor; is that right?
 18 A. Yes, he did.
 19 Q. Did you discuss your assignment on the night
 20 shift with him?
 21 A. Yes, I did.
 22 Q. What did you talk about with him?
 23 A. I discussed with him how I felt it was unfair
 24 what happened to me, that the cross-training was not
 25 real, it was a fake thing that the Department came up

1 rotation for night SSOs to go into the transport spot
 2 that Mr. Blackburn was in that replaced me.
 3 Q. (BY MR. SCHOPPE) That is Curtis Blackburn?
 4 A. Yes.
 5 Q. Did you ever see anything in writing about
 6 this program?
 7 A. I am not sure if she put out an e-mail about
 8 that or not at this time.
 9 Q. At any point since then has anybody else been
 10 moved from the night shift to the day shift or vice
 11 versa, according to the manner in which the program is
 12 supposed to work?
 13 A. No. In the past over year and a half no one
 14 has been switched out for cross-training.
 15 Q. So no other changes except the one involving
 16 you?
 17 A. Correct.
 18 Q. Did anyone explain to you that the six-month
 19 mark -- or let me step back.
 20 Were you switched back after six months on the
 21 night shift?
 22 A. My understanding of the meeting that Julie
 23 McCormick held for the night SSOs was that it was
 24 mandatory for each of the night SSOs to cross-train
 25 where Mr. Blackburn was currently at. At the end of

1 with in order to cover themselves from me not having due
 2 process of my disciplinary action.
 3 Q. Did you talk about your meeting with
 4 Ms. McCormick?
 5 A. I believe I did, yes.
 6 Q. Did you tell him that she had told you it was
 7 for disciplinary reasons?
 8 A. Yes, I did tell him that.
 9 Q. Did you tell him that you were later told that
 10 it was for cross-training purposes?
 11 A. Yes, I did.
 12 Q. As far as you know, what was his response?
 13 A. He told me that the situation, he didn't
 14 believe that my situation was good. I asked him about
 15 possibly going back into my transport position doing
 16 transports, he told me that he was not going to do to
 17 Blackburn what they did to me.
 18 Q. What did he mean by that, as far as you knew?
 19 A. As far as I understood, what he meant was he
 20 wasn't going to, I guess for a better term, mess over
 21 Blackburn like they messed over me.
 22 Q. Did he indicate you had been treated unfairly?
 23 A. Yes, that's what I mean.
 24 Q. Did he talk with you at all about the cross-
 25 training program?

1 A. I asked him about the cross-training program.
 2 He told me he knew nothing about it. And I believe he
 3 talked to Ms. Viner about it. And as far as I
 4 understand, she had no knowledge of the cross-training
 5 either.
 6 Q. How do you know what he talked to her about?
 7 A. He told me.
 8 Q. So your new supervisor who replaced Julie
 9 McCormick had no idea that there was such a thing as a
 10 mandatory six-month cross-training program?
 11 A. Correct.
 12 Q. According to him, the superintendent of the
 13 facility had no idea there was such a thing as a
 14 mandatory six-month cross-training program?
 15 A. Correct.
 16 Q. How did it come to be that you were eventually
 17 taken off night shift?
 18 A. What I understood from my supervisor,
 19 Mr. Freckleton, is that they needed help on the day
 20 shift to cover transports for approximately a week.
 21 Q. When was that?
 22 A. I would say approximately two months ago to
 23 three months ago possibly.
 24 Q. Prior to that time, after Mr. Freckleton
 25 became your supervisor once again, this is back, I

1 anybody else that Betty Grimm did not want you moved
 2 back to the day shift?
 3 A. Yes, I was.
 4 Q. Tell me about that.
 5 A. Ms. Jo McKinney told me that she heard Betty
 6 Grimm telling Julie McCormick that I was to either go to
 7 night shift or I will not be working here any more.
 8 Q. So that was in January of 2012; is that right?
 9 A. Yes.
 10 Q. Or thereabouts.
 11 A. Approximately, yes.
 12 Q. Then later on did Ms. Grimm have anything to
 13 say about not letting you get back to day shifts at all?
 14 A. I believe so.
 15 Q. How do you know about that?
 16 MR. COLLAER: Object to the form of the
 17 question; calls for speculation, lacks foundation.
 18 THE WITNESS: I believe it was either from
 19 Ms. Jo McKinney or Ms. Rhonda Ledford that that comment
 20 was made by Ms. Grimm.
 21 Q. (BY MR. SCHOPPE) To whom did she make that;
 22 was that to Mr. Freckleton or someone else?
 23 A. I believe to Mr. Freckleton, yes.
 24 Q. Do you know what the nature of the comment was
 25 or the words used?

1 think, around August 2012?
 2 A. Yes.
 3 Q. Are you aware of whether Mr. Freckleton tried
 4 to get you transferred back to day shift?
 5 A. He said that he was working on something to
 6 get me back to day shift, basically trying to get an
 7 extra transport officer, a third person. He said it
 8 would take baby steps, but he's trying to get the
 9 Department to put on a third transport officer, which
 10 has always been needed since I started transports back
 11 in 2008.
 12 Q. Were you temporarily moved back for a short
 13 period of time to transports during the day?
 14 A. Yes, for a week time is what I was told.
 15 Q. Did Mr. Freckleton ever tell you what he meant
 16 by "baby steps" or why baby steps would be required?
 17 A. He didn't elaborate on what he meant by that,
 18 no.
 19 Q. Since that time have you learned anything
 20 about why you weren't transferred back to the day shift?
 21 MR. COLLAER: Object to the form of the
 22 question; lacks foundation, calls for speculation.
 23 THE WITNESS: I do not know why I wasn't moved
 24 back, no.
 25 Q. (BY MR. SCHOPPE) Have you been told by

1 A. I couldn't quote it, no. I believe --
 2 MR. COLLAER: I'm going to impose an
 3 objection, it calls for speculation, he's not talking
 4 about his firsthand knowledge or that he has any
 5 knowledge of it at all.
 6 Q. (BY MR. COLLAER) So if I were to ask
 7 Mr. Freckleton about this, do you think he will testify
 8 as to what was said?
 9 MR. COLLAER: Objection; calls for speculation
 10 as to Mr. Freckleton's state of mind.
 11 THE WITNESS: I believe that Mr. Freckleton
 12 would tell you what was said between him and Ms. Grimm,
 13 yes.
 14 Q. (BY MR. SCHOPPE) Do you think you would have
 15 been moved back to the day shift if Julie McCormick was
 16 your supervisor?
 17 A. No, I don't believe I would.
 18 Q. Same question with respect to Ms. Grimm.
 19 A. I don't believe I would.
 20 Q. Have you noticed a difference in how you've
 21 been treated on a daily basis since Mr. Freckleton
 22 became your supervisor?
 23 A. I've been treated with respect and if I've had
 24 any safety and security issues, which there has been
 25 quite a few in the past few months that I've been on day

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1 shift and when I was on graveyards as well when he was
 2 my supervisor, and still is, he's been very receptive
 3 and concerned about my issues.
 4 Q. Dave Lewis came up earlier. He's no longer
 5 with the Department; is that correct?
 6 A. That's correct.
 7 Q. Do you know why he left, terminated, quit,
 8 resigned?
 9 MR. COLLAER: Object to the form of the
 10 question; calls for speculation.
 11 THE WITNESS: I don't have firsthand knowledge
 12 of why.
 13 Q. (BY MR. SCHOPPE) Did anyone ever tell you
 14 why?
 15 MR. COLLAER: Same objection.
 16 THE WITNESS: No, I don't know why.
 17 Q. (BY MR. SCHOPPE) How about Sheri Estrada, do
 18 you know why she's no longer with the Department?
 19 MR. COLLAER: Object to the form of the
 20 question; calls for speculation.
 21 THE WITNESS: I do not know why.
 22 Q. (BY MR. SCHOPPE) Has anyone ever told you --
 23 MR. COLLAER: Same objection.
 24 Q. (BY MR. SCHOPPE) -- that they know why?
 25 MR. SCHOPPE: Let me finish my question,

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1 please. And I'm asking what he knows.
 2 Q. (BY MR. SCHOPPE) Has anyone ever told you
 3 that they know why?
 4 MR. COLLAER: Same objection; calls for
 5 speculation.
 6 THE WITNESS: No, no one has told me.
 7 MR. SCHOPPE: Let's take a break.
 8 (Recess taken.)
 9 (Rhonda Ledford not present.)
 10 Q. (BY MR. SCHOPPE) Regardless of whether there
 11 is a written policy that might guarantee you or promise
 12 you a certain shift, is it, in fact, common practice at
 13 the Department for employees to have set shifts?
 14 A. Yes.
 15 MR. COLLAER: Object to the form of the
 16 question; lacks foundation.
 17 Q. (BY MR. SCHOPPE) Is your shift fairly routine
 18 and set, as far as you are concerned, at this point in
 19 time?
 20 A. Right now, no.
 21 Q. What is happening with it now?
 22 A. Currently I go where they need me to go on day
 23 shift and/or swing shift for transport needs.
 24 Q. Has Mr. Freckleton tried to accommodate your
 25 visitation schedule with your son?

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1 A. Yes, he does.
 2 Q. So far has that led to any kind of conflict?
 3 A. No.
 4 Q. Has Mr. Freckleton expressed to you that you
 5 were treated unusually or unfairly in being assigned to
 6 the night shift?
 7 MR. COLLAER: Objection; that has been asked
 8 and answered and it also calls for speculation, lacks
 9 foundation with speculation by Mr. Freckleton as to
 10 other people's state of mind.
 11 THE WITNESS: In my opinion, with my
 12 conversations with him, he appears to be displeased with
 13 what happened to me.
 14 MR. COLLAER: Move to strike as speculation as
 15 to Mr. Freckleton's state of mind.
 16 Q. (BY MR. SCHOPPE) Is that your impression?
 17 A. That's my opinion, yes.
 18 Q. As far as you know, are there any different
 19 expectations applied to you now versus what was applied
 20 to you under Ms. McCormick?
 21 MR. COLLAER: Objection; lacks foundation,
 22 it's vague, calls for speculation.
 23 THE WITNESS: Yes, there are different
 24 expectations.
 25 Q. (BY MR. SCHOPPE) But they are basically

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1 similar to other safety and security officers?
 2 MR. COLLAER: Same objection.
 3 THE WITNESS: Now, yes, most all safety and
 4 security officers have the same guidelines to follow.
 5 Q. (BY MR. SCHOPPE) Are you aware of whether any
 6 of your fellow Plaintiffs have suffered retaliation, as
 7 far as you know?
 8 MR. COLLAER: Objection; lacks foundation.
 9 THE WITNESS: As far as I know, yes, they
 10 have.
 11 Q. (BY MR. SCHOPPE) What do you know about that;
 12 who are we talking about?
 13 A. I believe Gracie Reyna has had her schedule,
 14 from what I understand, her schedule has been changed
 15 quite a bit.
 16 Q. Is that in a way that is different from other
 17 employees that are in Gracie's same classification or
 18 situation?
 19 A. As far as I'm concerned, you would have to
 20 speak with her about her schedule. I have not spoken to
 21 her in detail about her schedule.
 22 Q. That's fine.
 23 Anyone else?
 24 A. I think Ms. Cortez, from what I understand,
 25 was supposed to go to graveyards or she was told she

1 could quit.
 2 Q. Who told her that, as far as you know?
 3 A. I couldn't say for sure at this time.
 4 Q. Do you know where you heard that or who I
 5 could ask about that?
 6 A. You could ask Ms. Cortez.
 7 Q. Is she no longer with the Department?
 8 A. Correct.
 9 Q. Going back to Ms. Reyna, it's fair to say she
 10 was a critic of policies and procedures and management
 11 at Juvenile Corrections?
 12 A. As far as I know, she was, yes.
 13 Q. Did you ever talk or discuss with her her
 14 criticisms and complaints about the Department?
 15 A. No, not in any detail.
 16 Q. With respect to any of the other Plaintiffs,
 17 Rhonda Ledford?
 18 A. I believe that she went on intermittent FMLA,
 19 from what I understand, and my supervisor at the time,
 20 Julie McCormick, told me it was indefinite FMLA. I
 21 asked Ms. Ledford about it later that day, because she
 22 was home and when I got off work I asked her about it,
 23 and she had no clue that she was on indefinite FMLA.
 24 Q. Did anybody else like Ms. Grimm or
 25 Ms. Harrigfeld, Julie Cloud, Laura Roters, anybody else

1 Q. Are you aware of any facts which causes you to
 2 believe that anyone else at the Department has suffered
 3 retaliation?
 4 MR. COLLAER: Object to the form of the
 5 question; lacks foundation, calls for speculation, it's
 6 compound.
 7 THE WITNESS: I don't personally have anything
 8 that I know firsthand about any of that, no.
 9 Q. (BY MR. SCHOPPE) Has anyone ever told you
 10 they thought they were retaliated against or unfairly
 11 treated?
 12 A. I believe so, but I couldn't recall who or
 13 when at this time.
 14 Q. If it comes up, let us know.
 15 With respect to performance evaluations, if
 16 you receive a different rating other than exemplary or
 17 achieves standards, things like that, does that have any
 18 kind of financial impact on bonuses or pay raises?
 19 A. Yes, it does.
 20 Q. How so?
 21 A. I believe that if you get a do not achieve
 22 performance standards, you do not get a bonus or raise,
 23 as to my understanding. If you achieve performance
 24 standards, I believe you do get a possible bonus or
 25 raise if it's offered to the State. The same as the

1 in the Department ever say anything to you about Rhonda
 2 Ledford?
 3 A. Not to me personally, no.
 4 Q. Do you have any personal knowledge as to
 5 whether she was treated differently than other employees
 6 at her level?
 7 MR. COLLAER: Objection; lacks foundation,
 8 calls for speculation.
 9 THE WITNESS: As far as I have heard, I
 10 believe that she was given separate expectations for her
 11 job performance and duties, different from other SSOs.
 12 Q. (BY MR. SCHOPPE) How do you know that?
 13 A. I believe that she told me herself this.
 14 Q. Have you ever discussed that with
 15 Mr. Freckleton or anybody else?
 16 A. No, I did not.
 17 Q. Do you know personally whether that was true?
 18 A. Personally I do not know if that was true.
 19 Q. With respect to any of the other Plaintiffs,
 20 Ms. Littlefield, Mr. Fordham, Frank Farnworth, anyone
 21 like that?
 22 A. Yes, I did not speak with them personally
 23 about their personal retaliation, harassment, because I
 24 felt that it was their personal thing and not for me to
 25 pry to ask them about it.

1 next step, which is solid sustained and exemplary, I
 2 believe they are step units.
 3 Q. With respect to vacation time that you had
 4 planned to use in 2012, you testified earlier you didn't
 5 have any specific trips planned in mind. But did you
 6 have an idea of some things you would have wanted to do,
 7 places you might have wanted to go that you couldn't?
 8 A. Yes, I would have liked to have seen my father
 9 in California. I would have liked to have traveled more
 10 within the US as well. But working on the graveyard
 11 shift and having my son and having to use my vacation
 12 time for him, I didn't feel I could do that.
 13 Q. With respect to your concerns over not getting
 14 your share of the interstate travel or transports?
 15 A. Yes.
 16 Q. With Mr. Freckleton, he suggested you make the
 17 Excel spreadsheet. Regardless of whether there is a
 18 written policy about equal distribution of those duties,
 19 is it actually the practice in transport to equally
 20 distribute travel?
 21 MR. COLLAER: Object to the form of the
 22 question; it's irrelevant and calls for speculation.
 23 THE WITNESS: Yes. As a general practice
 24 between myself and Mr. Coronado to evenly split, if it
 25 was permitted, if he wasn't sick or I wasn't sick or

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1 vice versa, on vacation time, that we split every other
 2 out-of-state transport between us.
 3 Q. (BY MR. SCHOPPE) Is that how it's put into
 4 practice now?
 5 MR. COLLAER: Object to the form of the
 6 question; calls for speculation, lacks foundation.
 7 THE WITNESS: I am not aware of the practice
 8 currently. I believe that is what they do, but I am
 9 kind of a part-time transport officer helping out with
 10 various transports.
 11 Q. (BY MR. SCHOPPE) Going back to the day you
 12 were very upset after your meeting with Ms. McCormick,
 13 you said you had spoken with Mr. Thomson about being
 14 very upset; is that right?
 15 A. That day, yes.
 16 Q. Is it fair to say it was his suggestion that
 17 you go home, and I forget the words you used, to collect
 18 yourself or --
 19 A. Yes, compose myself.
 20 Q. As far as you were concerned, was Mr. Thomson
 21 someone working for HR who was authorized to tell you
 22 that was something you could do?
 23 MR. COLLAER: Object to the form; the question
 24 lacks foundation, calls for speculation.
 25 THE WITNESS: In my opinion, he worked for HR

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1 and I believed he had the authority to tell me that,
 2 yes.
 3 Q. (BY MR. SCHOPPE) So you weren't concerned
 4 after that about not going back to work?
 5 A. No, because he told me -- I believe, I'm not
 6 positive on the time, but I believe he told me that
 7 approximately around noon I could come back in and have
 8 a meeting with him and talk to him about the situation,
 9 which I did. And he asked me at that time if I needed
 10 the rest of the day off because I was still very upset.
 11 Q. But you weren't trying to do anything improper
 12 or make life difficult for anybody at the facility?
 13 A. No.
 14 Q. You weren't trying to intentionally not show
 15 up for work?
 16 A. No.
 17 Q. Looking at Exhibit 67, which is a Written
 18 Warning Record prepared by Ms. McCormick against you.
 19 Looking at the second page of that, a Policy 324,
 20 Standards of Conduct.
 21 A. Yes.
 22 Q. It says: "The Standard of Conduct policy
 23 reads in part: '...all employees shall conduct
 24 themselves in a manner which promotes a safe, efficient
 25 and courteous environment for juveniles, visitors,

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1 vendors, the community and our fellow employees."
 2 A. Yes.
 3 Q. Did you feel that Summer Wade's conduct
 4 towards you as your supervisor was in compliance with
 5 that standard?
 6 A. No, I do not feel she did.
 7 Q. How about with respect to Julie McCormick and
 8 her conduct towards you as a supervisor?
 9 A. No, I do not feel that.
 10 Q. Do you feel that the Department promotes a
 11 safe and efficient, courteous environment for juveniles?
 12 MR. COLLAER: Object to form of the question;
 13 lacks foundation, calls for speculation.
 14 THE WITNESS: No, I do not.
 15 Q. (BY MR. SCHOPPE) Was that your feeling in
 16 2010, 2011, and 2012?
 17 A. Yes, it was.
 18 Q. The policy towards the bottom of the page,
 19 Policy 366.30 titled Respectful Workplace and
 20 Harassment, it states that: "A respectful workplace
 21 supports the physical, psychological and social
 22 well-being of all employees. In a respectful workplace:
 23 Employees are valued and communication is polite and
 24 courteous; the dignity of each and every person is
 25 respected; people are treated as they wish to be

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1 treated; disrespectful behaviors are not tolerated and
 2 are addressed by all employees."
 3 Do you think that in your experience looking
 4 back from 2010 through the present that the Department
 5 is a respectful workplace?
 6 A. No, I do not.
 7 Q. Do you feel that all of its employees are
 8 valued?
 9 MR. COLLAER: Object to the form of the
 10 question; calls for speculation, lacks foundation.
 11 THE WITNESS: I do not.
 12 Q. (BY MR. SCHOPPE) Do you feel that the dignity
 13 of each and every person is respected?
 14 MR. COLLAER: Same objection.
 15 THE WITNESS: I do not.
 16 Q. (BY MR. SCHOPPE) Did you feel that Ms. Wade
 17 respected your dignity?
 18 MR. COLLAER: Object to the form of the
 19 question; lacks foundation, calls for speculation.
 20 THE WITNESS: No, I do not.
 21 Q. (BY MR. SCHOPPE) How about Ms. McCormick?
 22 MR. COLLAER: Same objection.
 23 THE WITNESS: No, I do not.
 24 Q. (BY MR. SCHOPPE) How about Ms. Grimm?
 25 MR. COLLAER: Same objection.

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1 THE WITNESS: No, I do not.
 2 Q. (BY MR. SCHOPPE) In preparing her response to
 3 the problem solving, Ms. Grimm indicated that there was
 4 a cross-training program in place. Do you believe that
 5 to have been a true statement?
 6 MR. COLLAER: Object to the form of the
 7 question; that's been asked and answered, also calls for
 8 speculation.
 9 THE WITNESS: No, I do not.
 10 Q. (BY MR. SCHOPPE) Do you think that she lied
 11 to you?
 12 A. Yes, I do.
 13 Q. Do you think lying to you respected your
 14 dignity?
 15 A. No, it did not.
 16 Q. Do you feel like you've been treated as you
 17 wish to have been treated?
 18 A. No, I do not.
 19 Q. Do you feel disrespectful behaviors are
 20 actually tolerated at the Department?
 21 MR. COLLAER: Object to the form of the
 22 question; calls for speculation, lacks foundation.
 23 THE WITNESS: Do I feel that disrespectful
 24 behaviors are tolerated?
 25 Q. (BY MR. SCHOPPE) Yes. Do you feel

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1 disrespectful behaviors towards employees such as
 2 yourself are tolerated at the Department?
 3 MR. COLLAER: Same objection.
 4 THE WITNESS: Yes, I do.
 5 Q. (BY MR. SCHOPPE) Have you ever heard that
 6 Laura Roters called a juvenile a dumb-ass?
 7 A. I do not believe I heard that personally, no.
 8 Q. Did you hear about it?
 9 A. I heard about it.
 10 Q. Do you know who might know more about that
 11 apart from Ms. Roters herself?
 12 A. I do not know specifically who. I would have
 13 to guess that it would be an O&A staff member.
 14 Q. In making any of the complaints that you have
 15 testified that you made any time to the present and in
 16 bringing this lawsuit, is it your intent to undermine
 17 the Department?
 18 A. No.
 19 Q. Has it been your intent to undermine any of
 20 your supervisors?
 21 A. No.
 22 MR. SCHOPPE: I think that's all I have in
 23 follow-up.
 24
 25

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1 FURTHER EXAMINATION
 2 QUESTIONS BY MR. COLLAER:
 3 Q. Mr. Penrod, the various policies you've been
 4 asked to opine that you feel the Department doesn't
 5 follow, are those SOPs, IDJC SOPs of the Department of
 6 Corrections?
 7 MR. SCHOPPE: Objection; vague, overbroad,
 8 ambiguous.
 9 THE WITNESS: I believe so.
 10 Q. (BY MR. COLLAER) Other than internal SOPs,
 11 any other policies you contend the Department doesn't
 12 follow?
 13 MR. SCHOPPE: Same objection.
 14 THE WITNESS: I believe the previous ones that
 15 I've stated.
 16 Q. (BY MR. COLLAER) What I'm referring to as
 17 "internal SOPs," it's the same, such as an example,
 18 Exhibit 21, the problem solving, that is an internal
 19 SOP, is it not?
 20 A. It's a departmental standard procedure, I
 21 believe.
 22 Q. That is what I mean, it's something that is
 23 issued by the Department, it's changed by the Department
 24 at its discretion; correct?
 25 A. Yes, I believe so.

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1 Q. Tell me, as I understand when you would talk
 2 to Julie or Summer Wade about safety or issues, your
 3 criticism is they would basically ignore you; correct?
 4 A. Yes.
 5 Q. My question is: When you would have those
 6 discussions with them after you did in 2010 with
 7 Ms. Wade, did she do anything adverse to you after you
 8 had those conversations?
 9 A. She seemed to be more micromanaging of my
 10 work.
 11 Q. Other than that, anything else?
 12 A. Not that I can recall at this time.
 13 Q. Did Betty Grimm or Sharon Harrigfeld have any
 14 knowledge that you were having those conversations with
 15 Ms. Wade?
 16 A. Not to my knowledge at this time, no.
 17 Q. Same question with respect to Ms. Grimm.
 18 A. Same answer.
 19 Q. With respect to Julie McCormick, same type of
 20 thing, my understanding is you had talked to her about
 21 your concerns about safety issues and policy issues and
 22 she would ignore you; correct?
 23 A. Yes.
 24 Q. What I'm interested in is, other than ignore
 25 you, what else did she do after you had those

1 conversations with her?
 2 A. I'm not sure if I can answer that at this
 3 time.
 4 Q. You're not aware of anything she did against
 5 you because you brought up or spoke with her about these
 6 safety issues you've discussed?
 7 A. I believe a collective deal of me bringing all
 8 these issues up is the reason why she wanted to move me
 9 to graveyards.
 10 Q. She took that action in January of 2012;
 11 correct?
 12 A. Yes.
 13 Q. On the day that you met with her to talk about
 14 her evaluation?
 15 A. January 17, yes.
 16 Q. So that's when it would have occurred;
 17 correct? When she took the action, that's when she did
 18 it.
 19 A. That specific one, if there wasn't others that
 20 I can't recall at this time, yes.
 21 MR. COLLAER: Nothing further.
 22 MR. SCHOPPE: We are done.
 23 (Deposition concluded at 4:58 p.m.)
 24 (Signature requested.)
 25

1 CHANGE SHEET FOR SHANE PENROD
 2 Page ___ Line ___ Reason for Change _____
 3 Reads _____
 4 Should Read _____
 5 Page ___ Line ___ Reason for Change _____
 6 Reads _____
 7 Should Read _____
 8 Page ___ Line ___ Reason for Change _____
 9 Reads _____
 10 Should Read _____
 11 Page ___ Line ___ Reason for Change _____
 12 Reads _____
 13 Should Read _____
 14 Page ___ Line ___ Reason for Change _____
 15 Reads _____
 16 Should Read _____
 17 Page ___ Line ___ Reason for Change _____
 18 Reads _____
 19 Should Read _____
 20 Page ___ Line ___ Reason for Change _____
 21 Reads _____
 22 Should Read _____
 23 Page ___ Line ___ Reason for Change _____
 24 Please use separate sheet if you need more room.
 25 SIGNATURE _____

1 CERTIFICATE OF SHANE PENROD
 2 I, SHANE PENROD, being first duly sworn, depose
 3 and say:
 4 That I am the witness named in the foregoing
 5 deposition, that I have read said deposition and know
 6 the contents thereof; that the questions contained
 7 therein were propounded to me; and that the answers
 8 contained therein are true and correct, except for any
 9 changes that I may have listed on the change sheet
 10 attached hereto.
 11
 12 DATED this ___ day of _____, ____
 13
 14 CHANGES ON ERRATA SHEET YES ___ NO ___
 15
 16 _____
 17 WITNESS
 18
 19 SUBSCRIBED AND SWORN to before me this ___
 20 day of _____, ____.
 21
 22 _____
 23 NAME OF NOTARY PUBLIC
 24 NOTARY PUBLIC FOR _____
 25 RESIDING AT _____
 MY COMMISSION EXPIRES _____

1 REPORTER'S CERTIFICATE
 2 I, BEVERLY A. BENJAMIN, CSR No. 710, Certified
 3 Shorthand Reporter, certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place therein set forth, at
 6 which time the witness was put under oath by me;
 7 That the testimony and all objections made were
 8 recorded stenographically by me and transcribed by me or
 9 under my direction;
 10 That the foregoing is a true and correct record
 11 of all testimony given, to the best of my ability;
 12 I further certify that I am not a relative or
 13 employee of any attorney or party, nor am I financially
 14 interested in the action.
 15 IN WITNESS WHEREOF, I set my hand and seal this
 16 18th day of July, 2013.
 17
 18
 19
 20
 21 _____
 22 BEVERLY A. BENJAMIN, CSR, RPR
 23 Notary Public
 24 P.O. Box 2636
 25 Boise, Idaho 83701-2636
 My commission expires May 28, 2019.

EXHIBIT D

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual; RAYMON)
GREGSTON, an individual; JO MCKINNEY,)
an individual; SHANE PENROD, an)
individual; KIM MCCORMICK, an)
individual; BOB ROBINSON, an)
individual; and GRACIE REYNA, an)
individual,)

Plaintiffs,)

vs.)

IDAHO DEPARTMENT OF JUVENILE)
CORRECTIONS, an executive department)
of the State of Idaho; IDJC DIRECTOR)
SHARON HARRIGFELD, in her individual)
and official capacities; IDJC)
JUVENILE CORRECTIONS CENTER - NAMPA)
SUPERINTENDENT BETTY GRIMM, in her)
individual and official capacities;)
and DOES 1-20,)

Defendants.)

Case No.

1:12-cv-00326-BLW

DEPOSITION OF KIMBERLY MCCORMICK

OCTOBER 24, 2013

REPORTED BY:

BEVERLY A. BENJAMIN, CSR No. 710, RPR

Notary Public

Page 2

1 THE DEPOSITION OF KIMBERLY McCORMICK was taken
 2 on behalf of the Defendants, at Anderson, Julian & Hull,
 3 250 South Fifth Street, Suite 700, Boise, Idaho,
 4 commencing at 9:10 a.m. on October 24, 2013, before
 5 Beverly A. Benjamin, Certified Shorthand Reporter and
 6 Notary Public within and for the State of Idaho, in the
 7 above-entitled matter.
 8
 9 APPEARANCES:
 10 For the Plaintiffs:
 11 Law Office of Andrew T. Schoppe, PLLC
 12 BY MR. ANDREW T. SCHOPPE
 13 910 W. Main Street, Suite 358
 14 Boise, Idaho 83702-5796
 15
 16 For the Defendants Idaho Department of Juvenile
 17 Corrections, Sharon Harrigfeld, and Betty Grimm:
 18 Anderson, Julian & Hull, LLP
 19 BY MR. PHILLIP J. COLLAER
 20 C. W. Plaza
 21 250 South 5th Street, Suite 700
 22 P.O. Box 7426
 23 Boise, Idaho 83707-7426
 24
 25 Also Present: Nancy Bishop, Shane Penrod

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Page 5

1 KIMBERLY McCORMICK,
 2 first duly sworn to tell the truth relating to said
 3 cause, testified as follows:
 4
 5 MR. COLLAER: Let the record reflect this
 6 is the time and place set for the taking of the
 7 deposition of Kim McCormick. The witness is present
 8 represented by counsel.
 9
 10 EXAMINATION
 11 QUESTIONS BY MR. COLLAER:
 12 Q. Ms. McCormick, could you please state your
 13 full name and spell the last for the record, please.
 14 A. Kimberly McCormick, M-c-C-o-r-m-i-c-k.
 15 Q. Ms. McCormick, have you ever had your
 16 deposition taken before?
 17 A. Yes.
 18 Q. How many times?
 19 A. Probably twice.
 20 Q. Could you explain for me what were the
 21 circumstances of those prior depositions?
 22 A. Divorce.
 23 Q. Outside the divorce -- I assume those were
 24 your personal cases?
 25 A. Not mine.

1 Q. Outside those proceedings any other
2 depositions or court testimony you've been involved in?

3 A. No.

4 Q. So I know you have some familiarity with the
5 process, what we are going to be going through today.
6 But just as a precursor, I'm going to be asking you a
7 series of factual questions seeking to find out what you
8 know or what you don't know about the various
9 allegations in this case.

10 When you answer questions, it's important that
11 you answer them audibly so that the court reporter can
12 take down your responses. It's also important that you
13 and I try not to speak at the same time. So when I ask
14 a question and you know what the full question is and
15 you know how you are going to answer, please don't start
16 spitting out the answer until I get the question out.
17 Okay? And at the same time I will try very hard not to
18 try to ask you a new question until you've completely
19 answered the one that's already been asked of you.

20 Okay?

21 A. Yes, sir.

22 Q. It's also important that if I ask you
23 a question that you don't understand or you aren't sure
24 what I'm asking you, let me know that, because I'll be
25 more than happy to rephrase the question or explain my

1 A. Muir College.

2 Q. M-u-i-r?

3 A. Uh-huh.

4 Q. Is that a community college?

5 A. It's an accelerated college.

6 Q. And you received an accounting degree from
7 that institution?

8 A. Yes.

9 Q. And was that a BS or a BA degree?

10 A. Associate's.

11 Q. Did you ever sit for the CPA?

12 A. No.

13 Q. Then you indicated you have a chef's
14 certificate?

15 A. I do.

16 Q. Where did you get that at?

17 A. Astoria Community College.

18 Q. When you got your accounting degree from Muir,
19 when did you obtain that?

20 A. In 1978.

21 Q. And your chef's certificate from Astoria, when
22 did you get that?

23 A. 1974.

24 Q. Any other higher education other than Muir
25 College or Astoria Community College?

1 question so that we can get an understanding.

2 I'm trying to get your personal knowledge and
3 what you know or what you don't know, so it's important
4 that if you don't understand something, let me know so
5 we can make sure we have a fair dialogue going. Okay?
6 But if I ask you a question and you answer it, I'm going
7 to assume that you understood it. Okay?

8 A. Yep.

9 Q. Is that fair?

10 A. Yes, sir.

11 Q. Tell me, is there anything going on with
12 yourself, as far as any medication you are taking or
13 anything like that, that would impact your ability to
14 have your deposition taken this morning?

15 A. No, sir.

16 Q. Could you give me your educational background.

17 A. Graduated from Nampa High School. Well, I
18 didn't really graduate from Nampa High School, I got a
19 GED. Went to college in San Diego, have a degree in
20 accounting. I also have a chef's certificate.

21 Q. Did you obtain both those degrees in
22 San Diego?

23 A. No.

24 Q. So you've got a chef's -- let's focus first on
25 the college in San Diego. What college was that at?

1 A. San Diego Southwest University, programming.

2 Q. When you say "programming," is that computer?

3 A. Yes. But it's not a degree, it's just -- it's
4 a long story. But it was in a bad time and they
5 suggested I change courses, so I went into accounting
6 because the field was overwhelmed at the time with
7 programmers.

8 Q. So if I understand, you started at San Diego
9 Southwest in a computer science programming type of
10 field and then changed your focus of study to
11 accounting.

12 A. Yes.

13 Q. How long were you at Southwest?

14 A. A year.

15 Q. Any other higher education you've obtained?

16 A. No.

17 Q. Tell me about your work history after you
18 finished college.

19 A. I worked for Schmidt Construction, six
20 years -- five years, in California. Moved back to
21 Idaho, went to work for Circle K Corporation for two
22 years. Left there, went to work for Preco Electronics,
23 six years. Worked for the Department of Corrections,
24 two and a half years. Went overseas for two years.
25 Came back and went to work for the Department of

1 Juvenile Corrections, been there ever since.
 2 Q. And when you went overseas for two years, were
 3 you working or were you just traveling?
 4 A. I was working.
 5 Q. Where were you working?
 6 A. I was a chef for the military.
 7 Q. Was there a particular base or --
 8 A. Camp Lemonnier.
 9 Q. What country is that in?
 10 A. Djibouti.
 11 Q. So it's in Africa?
 12 A. Yes.
 13 Q. Were you a civilian contractor with the
 14 military?
 15 A. Yes.
 16 Q. The time that you were with the Department of
 17 Corrections what department did you work for there?
 18 A. I was a POST certified guard.
 19 Q. What facility were you at?
 20 A. ISCI.
 21 Q. And tell me, who was the warden while you were
 22 there at ISCI?
 23 A. I don't remember.
 24 Q. Was there a particular lieutenant or a captain
 25 that you worked for?

1 A. I was manager.
 2 Q. Was that at a given store or an overall area?
 3 A. I worked at three different stores in the
 4 Boise area.
 5 Q. Was there a supervisor you worked for?
 6 A. There was, but I don't remember his name.
 7 Q. What were the circumstances of you leaving
 8 Circle K?
 9 A. I got a better job.
 10 Q. That was the job at Preco?
 11 A. Yes, sir.
 12 Q. Had you been looking for another job while you
 13 were at Circle K for a period of time before you found
 14 the job at Preco?
 15 A. Yes.
 16 Q. Why were you looking for another job?
 17 A. I just needed better hours and better pay.
 18 Q. And what kind of hours were you working at
 19 Circle K?
 20 A. About 16 hours a day.
 21 Q. Was it day hours or shift work or --
 22 A. It just depended on -- my scheduled hours were
 23 6:00 a.m. to 2:00, unless somebody called in sick.
 24 Q. Which they always did.
 25 A. Yes, sir, frequently.

1 A. Captain Clooney.
 2 Q. What is his first name?
 3 A. I have no idea. I don't remember.
 4 Q. What were the circumstances of you leaving the
 5 Department of Corrections?
 6 A. I got a job offer to go to Africa.
 7 Q. I've anticipated that.
 8 When you were working for Preco Electronics,
 9 what were you doing for that company?
 10 A. Accounting.
 11 Q. What were the circumstances of you leaving
 12 Preco to go to work for the Department of Corrections?
 13 A. They were going through a change. They were
 14 merging with another company, and I was just part of the
 15 change.
 16 Q. Were you laid off or --
 17 A. Yes.
 18 Q. Your separation wasn't performance based or
 19 anything like that.
 20 A. No, sir.
 21 Q. It was just a downsizing and you were caught
 22 in it?
 23 A. Yeah, we can call it that.
 24 Q. The Circle K of Idaho, you worked there for
 25 two years. What did you do for them?

1 Q. Tell me, Ms. McCormick, are you married?
 2 A. No, sir.
 3 Q. Have you ever been married?
 4 A. Yes, sir.
 5 Q. Do you have kids?
 6 A. Yes, sir.
 7 Q. How many kids do you have?
 8 A. One.
 9 Q. Is it a boy or girl?
 10 A. Girl.
 11 Q. How old is your daughter?
 12 A. 37.
 13 Q. Is she here in the area?
 14 A. No, sir.
 15 Q. Where does she live?
 16 A. Seattle.
 17 Q. When did you get divorced from your husband?
 18 A. I don't know that I am.
 19 Q. How long have the two of you been separated?
 20 A. 35 years. We've had a wonderful marriage.
 21 Q. Where does he live?
 22 A. Who?
 23 Q. Your husband.
 24 A. I have no idea.
 25 Q. Where were you living when the two of you

1 separated?
 2 A. Nampa, Idaho.
 3 Q. And I presume he just left one day and you've
 4 lost contact with him?
 5 A. Yes.
 6 Q. I don't need to know the details.
 7 A. Thank you. It's on the police report in Nampa
 8 if you ever need to know.
 9 Q. That's okay.
 10 When was the last time you saw him?
 11 A. Right after he beat me to a pulp.
 12 Q. Obviously that is when the two of you were
 13 separated at that point.
 14 A. Yes, sir.
 15 Q. Was he prosecuted for that crime?
 16 A. We tried.
 17 Q. Was he arrested?
 18 A. No, sir.
 19 Q. Did he disappear before he could be arrested?
 20 A. Yes, sir.
 21 Q. How long has it been since that event
 22 happened?
 23 A. About 35 years.
 24 Q. Okay. So it was probably just shortly after
 25 you moved back to Nampa?

1 I handle all of the bills for the residential
 2 facilities. I pay all the bills. I handle -- I pay all
 3 the grant billings, or process them I guess is probably
 4 a better word. I also handle all the payroll. I guess
 5 that about covers it.
 6 Q. Since 2006 when you first started as a
 7 financial technician, how have the duties that you just
 8 described changed?
 9 A. Immensely. When I first started there, I was
 10 only responsible for two facilities. Oh, sorry, I need
 11 to add to that list.
 12 Q. Sure.
 13 A. I also handle three districts. I process
 14 reports for seven. I also process monthly reports for
 15 seven JJ district councils. So since I started my
 16 original, when I was originally hired, my only job was
 17 to process payments for two facilities.
 18 Q. All right. And so your duties expanded over
 19 the years.
 20 A. Yes. As they've let people go, I've taken
 21 over parts of other people's desks.
 22 Q. You work at headquarters, don't you?
 23 A. Yes, sir.
 24 Q. Have you always worked at headquarters?
 25 A. No.

1 A. Pardon?
 2 Q. Was it shortly after you moved back to Nampa
 3 that that happened?
 4 A. I never left Nampa.
 5 Q. Well, you lived in California for a while.
 6 A. I lived in California later in life.
 7 Q. Okay. But after you moved back to Idaho --
 8 A. I never left Idaho until later in life.
 9 Q. How old were you when you attended college in
 10 San Diego?
 11 A. I was 27. I was raised in Nampa. I got
 12 married at 19, 18 -- 18 or 19.
 13 Q. Did you go to college after you and your
 14 husband split?
 15 A. Yes.
 16 Q. Tell me, the current job you have for IDJC,
 17 how long have you had that job?
 18 A. Since December 18th, 2006.
 19 Q. Have you been in the same position?
 20 A. Yes, sir.
 21 Q. What position is that?
 22 A. Financial technician.
 23 Q. Tell me, as a financial technician what do you
 24 do?
 25 A. I pay all of the bills for three facilities.

1 Q. Where else have you been stationed?
 2 A. The fiscal office used to be in Meridian, so
 3 we were segregated from headquarters.
 4 Q. But have you ever worked in the individual
 5 facilities?
 6 A. No, sir.
 7 Q. Specifically, you have never worked in the
 8 Nampa facility.
 9 A. No, sir.
 10 Q. Do you spend any time out at the Nampa
 11 facility?
 12 A. I've been out there. I've done a -- I had to
 13 observe a training -- or a fire drill out there. I'm
 14 part of a team, but I don't -- no.
 15 Q. You don't go out there on a regular basis?
 16 A. No, sir.
 17 Q. When was the last time you were there?
 18 A. I don't even remember; six months ago.
 19 Q. Was that to deal with a fire alarm drill that
 20 you were talking about?
 21 A. No.
 22 Q. Why were you out there six months ago?
 23 A. I can't honestly remember.
 24 Q. Tell me, am I correct in assuming that as you
 25 worked in your position since you were hired, your job

1 has, or duties have expanded rather than contracted.
 2 A. Yes, sir.
 3 Q. What has been the history of your pay? Have
 4 you experienced pay raises or decreases over the years?
 5 A. Typically not pay raises. We've had a pay
 6 raise. That is pretty much decided by legislation.
 7 Q. Have you ever been denied a pay raise you felt
 8 you were entitled to?
 9 A. Hasn't everybody? Yes.
 10 Q. Why don't you explain that to me.
 11 A. Coming out of a probationary period you are
 12 entitled to a pay raise, which I didn't get. In theory
 13 it was because of government holdback, but...
 14 Q. When did that occur?
 15 A. Way back.
 16 Q. A number of years ago?
 17 A. Yes.
 18 Q. Somewhere back like in 2007 or earlier? If
 19 you were hired in 2006, it would have been either late
 20 2006 or '07 when you came out of probation, isn't it?
 21 A. Probably '07.
 22 Q. Okay. Any other instance where you didn't get
 23 a raise you felt you were entitled to?
 24 A. No.
 25 Q. Tell me, as far as with pay that you have or

1 five years?
 2 A. One.
 3 Q. Tell me about that.
 4 A. We were all issued a raise, a merit raise last
 5 year, I believe.
 6 Q. Any others during the time you have worked
 7 there?
 8 A. There has to be one other one.
 9 Q. We can maybe look at some documents that will
 10 help you remember.
 11 A. Yeah.
 12 Q. Tell me --
 13 A. I know there has to be one other one.
 14 Q. Okay.
 15 A. I just don't remember when it is.
 16 Q. All right. When you mentioned that everyone
 17 got a merit pay raise last year, when you say "a merit
 18 pay raise," what are you referring to?
 19 A. Everyone received a merit pay raise last year.
 20 Q. What does "merit" mean?
 21 A. Well, it's based on whatever your evaluation
 22 was, whether it was a meets standards or above or
 23 exceptional, you got a 1 percent, 2 percent or -- it was
 24 a percentage raise.
 25 Q. If your performance evaluation did not meet

1 haven't received, raises, those types of things, have
 2 you been treated differently than any other employee in
 3 a similar position at the Department?
 4 A. Yes.
 5 Q. How so?
 6 A. I'm not allowed to interact with employees as
 7 much --
 8 Q. I'm talking about your pay.
 9 A. Not to my knowledge. Pay isn't anything we
 10 are allowed to discuss.
 11 Q. Well, you know what everybody is getting paid
 12 because you do the payroll; correct?
 13 A. I do now.
 14 Q. But as you sit here now, based on similarly
 15 situated employees with similar type of jobs, are you
 16 treated any differently on pay than anybody else that
 17 you know of?
 18 A. I have to clarify. I do not know what
 19 everybody makes.
 20 Q. From what you know, you are not aware of your
 21 being treated any differently than similarly situated
 22 employees.
 23 A. I have no idea because I do not know what
 24 everybody makes.
 25 Q. Tell me, have you received raises in the past

1 expectations, were you eligible for a raise?
 2 A. No, I don't believe you were.
 3 Q. But you were eligible; correct?
 4 A. Yes, sir.
 5 Q. And at the time that this merit raise was made
 6 available, what was your --
 7 A. 3 percent.
 8 Q. What was your annual performance evaluation
 9 rating at that time?
 10 A. Meets; I got a 3 percent raise.
 11 Q. The maximum?
 12 A. No.
 13 Q. What was the maximum?
 14 A. 5 percent.
 15 Q. Do you know if your raise was a solid
 16 sustained?
 17 A. Solid sustained.
 18 Q. That's higher than a meets expectations;
 19 correct?
 20 A. Yes.
 21 Q. What is the only higher than that?
 22 A. I think it's called exceptional or -- nobody
 23 ever gets it, or to my knowledge very few people ever
 24 get it.
 25 Q. You applied at the IDJC in 2006; correct?

1 A. Uh-huh.
 2 Q. Was that the first time you ever applied for
 3 employment there?
 4 A. No.
 5 Q. Why don't you tell me about the prior times.
 6 A. The prior time -- well, it would have been in
 7 2006 as well. I applied to work at, in fact, in Nampa
 8 in the kitchen. I was qualified to work. They had a
 9 lead cook position open, and I was qualified for it, but
 10 I didn't receive it.
 11 Q. Let's talk about that application first. Why
 12 don't you tell me about the application process that you
 13 went through.
 14 A. I applied, I interviewed, I did not get it.
 15 Q. Do you recall who you interviewed with?
 16 A. I do not. He's no longer with the agency.
 17 Later it turned out he was running an illegal catering
 18 service.
 19 Q. Did he run the kitchen at the Nampa facility?
 20 A. Yes.
 21 Q. Other than this individual, was there a panel
 22 or anybody else that you interviewed with?
 23 A. I believe it was just him. There may have
 24 been one other person, but I don't think so.
 25 Q. Do you know the person that was hired for the

1 Q. Who is Donna McRae?
 2 A. She's my current supervisor.
 3 Q. Has she always been your supervisor?
 4 A. Yes.
 5 Q. Sheri Elam, who is she?
 6 A. She was a financial specialist with the
 7 Department.
 8 Q. Is she still with the Department?
 9 A. No, sir.
 10 Q. At the time where was she working?
 11 A. I don't understand the question.
 12 Q. Was she working at headquarters or one of the
 13 facilities?
 14 A. She was working for fiscal in Meridian.
 15 Q. So when you started work was she one of your
 16 coworkers?
 17 A. Yes.
 18 Q. Tell me, how soon after you interviewed were
 19 you offered the job?
 20 A. Maybe a week.
 21 Q. And how were you contacted and offered the
 22 job?
 23 A. By phone.
 24 Q. Who contacted you?
 25 A. Donna McRae.

1 job?
 2 A. No, I don't.
 3 Q. Do you know how many people applied for that
 4 job?
 5 A. No, I don't.
 6 Q. Do you know if more than one person --
 7 obviously more than one person was interviewed because
 8 somebody other than you were hired.
 9 A. Correct.
 10 Q. But do you have any idea how many people were
 11 interviewed?
 12 A. No, sir.
 13 Q. So the next time you applied for employment at
 14 the Department was with your current position; correct?
 15 A. Yes.
 16 Q. And how long after you applied for the
 17 position in the kitchen did you apply for your current
 18 position?
 19 A. Two, three months.
 20 Q. Why don't you describe for me the application
 21 process involved in that.
 22 A. I applied, I interviewed, I got hired. There
 23 was a panel of two.
 24 Q. Who were the people you interviewed with?
 25 A. Donna McRae, Sheri Elam.

1 Q. Can you tell me as best you can recollect what
 2 she told you when she called you, what she said to you.
 3 A. Yes. She called me on a Sunday afternoon, and
 4 she said, I was just in the shower thinking about you.
 5 And she says, We would like to offer you the job if you
 6 are interested. And I said, Yes, I'm interested. And
 7 she said, Can you -- I had to go get a drug test, and
 8 that was fine. And she said I had to be somewhere at
 9 7:00 in the morning, at the drug clinic, and I said
 10 okay. And she says, I'll see you -- she told me where.
 11 I had to go back to wherever the office was in Meridian.
 12 And I said okay, and that was it.
 13 Q. And how soon after that did you start work?
 14 A. I did start that Monday.
 15 Q. That Monday.
 16 A. Yes.
 17 Q. When you started was there an orientation
 18 process you went through?
 19 A. Yes.
 20 Q. Why don't you describe that for me.
 21 A. The orientation took place at headquarters,
 22 which is the same building it is in now, but it was on
 23 the second floor.
 24 Q. And when did the orientation take place in
 25 relation to your first day at work?

1 A. I think it was probably, maybe the first,
 2 second day. It might have been the second day.
 3 Q. What happened during this orientation?
 4 A. I was given my employee handbook. I was shown
 5 how to do my timesheet, filled out insurance
 6 paperwork -- that was seven years ago. I had to read a
 7 couple policies, fill out a background application. I
 8 think that's about it.
 9 Q. Did this orientation last a single day or
 10 multiple days?
 11 A. Not even a whole day, maybe half a day, couple
 12 hours.
 13 Q. Was there an individual you were interacting
 14 with during the orientation?
 15 A. Her name was Judy.
 16 Q. Do you recall the last name?
 17 A. No, sir.
 18 Q. And do you know what her capacity at the
 19 Department was?
 20 A. I think she was like the receptionist for HR.
 21 Q. Tell me, when you said you read through a
 22 couple policies, why don't you describe that for me. Do
 23 you recall what they were or how that happened?
 24 A. No, I don't recall what they were. They were
 25 just standard policies. I read through the -- I'm

1 A. It was neither.
 2 Q. Describe that for me.
 3 A. It was just -- I can't even describe it. It
 4 was neither. It was just you went to the next level.
 5 You either pass it or you don't pass it.
 6 Q. Was your probation extended?
 7 A. Mine was.
 8 Q. Do you know why it was extended?
 9 A. Yes, I do.
 10 Q. Why don't you explain that for me.
 11 A. When I started with the Department the fiscal
 12 office was in Meridian, headquarters was downtown right
 13 where it is now. They had a program called Navision
 14 that they had paid \$20,000 for to get up and running.
 15 Nobody was working the program. And it's a grants
 16 program. They had a short amount of time to get it up
 17 and running or they were going to lose their \$20,000.
 18 They had me working downtown half a day and
 19 then driving back out to Meridian at my own expense. So
 20 I would drive to Boise, work half a day and drive to
 21 Meridian. This went on from the time I started until
 22 the end of April. Every day this was my schedule. I
 23 would come to Boise and then I would drive to Meridian.
 24 I worked with grants, helping, doing whatever
 25 I did there, process their work, and then I would drive

1 sorry -- the value statement for the policy, that was
 2 one of them. The value statement for the Department,
 3 behavior expectation.
 4 Q. Were these SOPs of the Department? When I say
 5 "SOP," standard operating procedures?
 6 A. Yes.
 7 Q. So these were the internal policies?
 8 A. Correct.
 9 Q. Tell me, when you were hired did you
 10 understand that you were going to be on probation for a
 11 period of time?
 12 A. Yes, sir.
 13 Q. What was your understanding about the
 14 probation, what it involved and how long it would last?
 15 A. You are told it's six months and it could go
 16 longer if they deemed it necessary, and that at the end
 17 you automatically -- you are hired at one pay and then
 18 when you finish probation, you ultimately go to the next
 19 level of pay.
 20 Q. Did you receive written performance
 21 evaluations during the time you were on probation?
 22 A. No.
 23 Q. How about at the end?
 24 A. Yes.
 25 Q. Was that evaluation positive or negative?

1 to Meridian to learn my stuff there. I was told by
 2 Donna McRae that when my probationary period was over
 3 that I would take over that desk in the grants
 4 department as the financial technician for the grants
 5 department.
 6 In the first part of May, I don't know what
 7 happened, but all of a sudden everything changed. Now
 8 I'm told, I don't want you going downtown any more. You
 9 stay here. You don't know how to do your job here.
 10 Well, I wasn't doing my job here because you didn't have
 11 me here. I went to Joe Tueller, who was the HR person
 12 at the time, and I said, Joe, I need to know what to do.
 13 And he says, Well, I can't really help you because I'm
 14 leaving. He was leaving the Department. We didn't have
 15 anybody in HR.
 16 And I went to Sharon Harrigfeld, who was the
 17 head of the COPS unit. I didn't know it was called COPS
 18 at the time, but she was head of the grants department.
 19 And I said, I'm devastated. I don't know what's going
 20 on. And she says, Let me try and figure it out for you.
 21 So in the interim my probation was extended.
 22 So Sheri Elam, who had been on my interview panel, saw
 23 what was happening. Sheri Elam went to Donna McRae. I
 24 don't know what happened, but I know there was a fight
 25 loud enough that behind closed doors people could hear

1 it. The next thing I knew I was off probation. I got
 2 my 25 cent an hour raise, and nothing else was said
 3 about it. So that's what I know.
 4 Q. Okay. How long was your probation extended?
 5 A. Initially six months.
 6 Q. How long did you remain on probation past the
 7 initial six-month period?
 8 A. I really don't remember.
 9 Q. But then once you were off probation you
 10 received your raise.
 11 A. Yes.
 12 Q. Tell me, was it your understanding that the
 13 person who made the decision to initially extend your
 14 probation was Donna McRae?
 15 A. Yes.
 16 Q. Anybody else involved in that decision?
 17 A. No.
 18 Q. What was your understanding of the
 19 Department's ability -- focusing on the probation
 20 period. What was your understanding of the Department's
 21 ability to terminate your employment during probation?
 22 A. They could have done it at any time.
 23 Q. For any reason?
 24 A. For any reason.
 25 Q. Excluding a discriminatory reason.

1 decided, Today I don't want Kim McCormick working here
 2 anymore.
 3 A. Correct.
 4 Q. Tell me, as a classified employee, what is
 5 your understanding of any grievance rights or
 6 problem-solving rights you possess?
 7 A. I don't have any.
 8 Q. You don't have the right to seek problem
 9 solving as a classified employee?
 10 A. No, sir.
 11 Q. What makes you think that?
 12 A. I don't think it. I know it.
 13 Q. Why do you think you can't do that?
 14 A. Because I've tried, and you can't.
 15 Q. Have you ever filed a problem-solving request?
 16 A. Yes.
 17 Q. When?
 18 A. In November of 2011.
 19 Q. Did you actually fill out the paperwork and
 20 file it?
 21 A. Yes.
 22 Q. Who did you file it with?
 23 A. Julie Cloud.
 24 Q. So this is in November of 2011?
 25 A. Yes.

1 A. Correct.
 2 Q. After you completed your probation what is
 3 your understanding of how your employment status
 4 changed?
 5 A. I became a full-time employee. At that time
 6 they would have had to document any wrongdoings by me.
 7 Q. Have you ever heard of the term "classified
 8 employee"?
 9 A. Yes.
 10 Q. What is your understanding of what is a
 11 classified employee?
 12 A. Well, most State employees are classified
 13 employees unless you are exempt.
 14 Q. Do you consider yourself a classified
 15 employee?
 16 A. Yes, sir.
 17 Q. What is your understanding of the Department's
 18 ability to terminate your employment as a classified
 19 employee?
 20 A. We can be terminated with documentation.
 21 Q. For cause?
 22 A. For cause.
 23 Q. For misconduct or something on the job.
 24 A. Correct.
 25 Q. But they can't just let you go because they

1 Q. Did you use a form to do that or just send an
 2 e-mail?
 3 A. A form, it's called a problem-solving form.
 4 Q. And what was the issue you were seeking
 5 problem solving on?
 6 A. We were having problems in the fiscal office,
 7 in the fiscal department, and it just kept escalating
 8 and it just kept escalating, and we kept going to Donna,
 9 and I kept going to Scott, and it just kept getting
 10 worse and worse.
 11 And so finally when you can't resolve an
 12 issue, the chain of command is you go to your
 13 supervisor, then you go to that person's supervisor, and
 14 then you go to the next person's supervisor. So our
 15 chain of command is Donna McRae, Scott Sharon
 16 Harrigfeld.
 17 Went to Donna multiple times, went to Scott
 18 multiple times. When that doesn't work, you go
 19 to Scott supervisor, Sharon Harrigfeld. Every
 20 time you would go to Sharon Harrigfeld, it got back to
 21 Donna McRae and threats ensued.
 22 So at one point at 2:00 in the afternoon on --
 23 I don't remember what day, but it was in November of
 24 2011, I got a notification that there was going to be a
 25 meeting in conference room 2 -- or conference room 1.

1 And I showed up and there was Donna McRae, Scott
 2 Julie Cloud, and Sherry French. And I'm
 3 sitting there thinking, What.
 4 Julie Cloud told us that this was going to be
 5 a peaceful conversation, and there will be no yelling,
 6 no raising of voices, no name calling. Does everybody
 7 understand? Yes.
 8 Immediately out of the gate Scott
 9 started yelling at myself and Sherry French, calling us
 10 horrible people, what terrible people we are, how
 11 indignant we are, that they have multiple complaints on
 12 how we handle interoffice problems.
 13 Well, if this is true -- and so I'm sitting
 14 there, and I'm just baffled at how we are having this
 15 meeting and why was this meeting even called, and then
 16 it comes out. Sherry French and I had brought several
 17 issues to Donna and to Scott, and as a result we were
 18 being targeted in the fiscal office.
 19 And one afternoon Sherry had been browbeat so
 20 badly she went home vomiting. She was so sick she just
 21 had to go home. And Sharon had asked me something, and
 22 I just started bawling. And I just sent her an e-mail,
 23 and I said, At least I just start crying, Sharon, I just
 24 sit at my desk and bawl. I don't go home sick. And she
 25 says, What do you mean? I says, It's not my story to

1 Scott he'll be damned if anybody is going to
 2 blemish his record, and I better figure out how I'm
 3 going to get along back here, or else.
 4 Well, okay. So not only has he harassed me in
 5 front of Julie Cloud once, now he's threatening me in
 6 front of her again because I've tried to seek out help.
 7 So I already know I have nothing.
 8 Q. Tell me, is Scott he's not your
 9 supervisor, is he?
 10 MR. SCHOPPE: Do you need a break?
 11 Answer his question then we'll need a break.
 12 THE WITNESS: He's my -- no. Ultimately, yes.
 13 MR. COLLAER: Why don't we go ahead and take a
 14 break.
 15 (Recess taken from 9:59 to 10:16 a.m.)
 16 Q. (BY MR. COLLAER) Ms. McCormick, you indicated
 17 that you had raised a problem solving because of issues
 18 that you and Ms. French had raised with Donna McRae and
 19 Scott What were those issues you were raising?
 20 A. Just mistreatment in the Department, double
 21 standards, things like we allow certain allowances for
 22 some employees that we don't allow for other employees.
 23 And as we would raise them we were told, Well, that's
 24 not a concern, don't let that be your concern, it's none
 25 of your business. And the more it would happen, the

1 tell, but when Sherry gets back you need to ask her.
 2 Although I knew what had happened, it wasn't my story to
 3 tell.
 4 The very next day Donna McRae called me into
 5 her office, and she knew about the e-mail I had sent to
 6 Sharon. So it does no good.
 7 So after we had this confrontation I filed a
 8 problem solving. I pulled out the documents. In fact,
 9 another employee said, Kim, you know you can file a
 10 problem solving and I'll tell you where the documents
 11 are, just go out and get them.
 12 So I went out and got the documents, I filled
 13 them all out. She says, You can pick anybody you want
 14 to to be your witnesses. And so I asked certain people
 15 if they would mind being a witness. They don't have to
 16 say nothing or nothing, they just have to sit in the
 17 room and be a witness. They don't have to do nothing.
 18 They don't have to talk, anything, and would they please
 19 go just to be my witness. So I had two employees offer
 20 to be my witness. I put the document in a file folder,
 21 and I put it in Julie's inbox because Julie Cloud was
 22 out.
 23 Nothing happened, nothing happened, nothing
 24 happened. The following week I was called in to Scott
 25 office with him and Julie, and I was told by

1 more -- I'm sorry, I have to think of the word --
 2 excluded we would become or -- I'll just leave it at
 3 that, the more excluded we would become.
 4 Q. Okay. Are you finished?
 5 A. Uh-huh.
 6 Q. Were you describing conditions or things that
 7 you and Ms. French were being subjected to, like your
 8 workplace conditions?
 9 A. Yes. We would bring things to the
 10 supervisors, transactions that we thought were
 11 inappropriate, and we were told, That is above your pay
 12 grade, you don't need to worry about it. Well, okay.
 13 Q. Anything else that you were talking about as
 14 far as double standards applying to some employees and
 15 not to others? What I'm trying to get at is, when you
 16 raised those issues, what were those issues and tell me
 17 in as much detail as you can recall about those things.
 18 A. Like, for example, we would have one employee
 19 who is allowed to have family phone calls daily, like
 20 Betty Turner would be allowed to have her family call
 21 her multiple times a day, where I was told my daughter
 22 was not allowed to call me at work, just for an example.
 23 Q. I'm trying to get a feel for when you say you
 24 raised issues at the Department about double standards
 25 for employees. I don't know what things you raised.

1 I'm just trying to find out what were they. So one
 2 issue was the family phone calls. Any others you can
 3 think of?
 4 A. They go on forever.
 5 Q. Again, Ms. McCormick, what I'm interested in
 6 is the issues that you raised with your supervisors
 7 that's part of this problem solving. That's what I'm
 8 interested in. What issues did you raise and what were
 9 they --
 10 A. The issues I raised in the problem solving was
 11 having a supervisor refer to me as an idiot or a
 12 horrible person.
 13 Q. Is that referring to Mr.
 14 A. Yes. Or the belittlement and the badgering
 15 continuously.
 16 Q. So this problem solving was directed at your
 17 interactions with Mr. and how he treated you.
 18 A. With the supervision in fiscal, not so much
 19 just Scott, but the supervision in fiscal.
 20 Q. So it would extend to both Mr. and
 21 Ms. McRae.
 22 A. Correct.
 23 Q. And so what you are saying is they were
 24 demeaning to you and said things to you you felt were
 25 unprofessional, things of that nature.

1 five, six breaks a day. Other people weren't allowed to
 2 take breaks at all or were told, I don't have to give
 3 you a break if I don't want to.
 4 I had been so badgered I wouldn't even leave
 5 my desk for fear of interacting with somebody just
 6 because of how badgered I had been by my boss, my
 7 supervisor.
 8 Q. Ms. McRae?
 9 A. Yes.
 10 Q. Other than the issues about the smokers'
 11 breaks and others can't take them at all, anything else?
 12 A. Right at this second, no.
 13 Q. In the problem solving that you filled out,
 14 was that also brought in conjunction with Ms. French?
 15 A. I don't know if she did it or not.
 16 Q. But part of it that you wrote referred to
 17 Mr. referring to Ms. French as an idiot.
 18 A. Yes.
 19 Q. Was there anything in there about him doing
 20 anything demeaning or derogatory to yourself?
 21 A. Yes.
 22 Q. What did you put in the problem solving that
 23 Mr. had done to you?
 24 A. He referred to us as -- and without rereading
 25 it at this point, because it's been two years -- we are

1 A. Correct.
 2 Q. And the way they criticized the way you did
 3 your job?
 4 A. Yes.
 5 Q. I'm just assuming, tell me if I'm wrong. The
 6 things they would criticize you about your job, would
 7 that be the manner in which you did your job or what?
 8 A. No.
 9 Q. Like an example, when Mr. referred to
 10 you as an idiot, what were the circumstances of that
 11 happening?
 12 A. He didn't call me an idiot. He called Sherry
 13 French an idiot.
 14 Q. Do you know the circumstances of him doing
 15 that?
 16 A. No.
 17 Q. Did Mr. or Ms. McRae ever refer to you
 18 in a demeaning way such as that?
 19 A. It's never -- it's very hard to explain. It's
 20 never direct. It's always inferred.
 21 Q. All right. Returning to the issues that you
 22 raised to fiscal management. You indicated one issue
 23 was the family phone calls. Any other issues that you
 24 raised to them that you were upset about?
 25 A. Breaks; smokers are allowed to take four or

1 horrible employees, we have terrible -- and he's
 2 screaming so -- I'm trying to remember his exact words.
 3 I can't even remember his exact words.
 4 Q. Am I safe in assuming it had to do with how he
 5 felt you were performing your job duties?
 6 A. I don't even know what he was screaming about
 7 truly.
 8 Q. Was it directed at you personally or the
 9 group?
 10 A. It was directed at Sherry and I, and it was
 11 like a tantrum of a child.
 12 Q. But you can't remember what he was screaming
 13 about or what he said?
 14 A. He was angry about how e-mails are written.
 15 He was angry at how we respond to customers, telling us
 16 that we are rude and unprofessional and he had never
 17 worked with such horrible people. And I'm like -- and I
 18 just sat there dazed.
 19 Q. Anything else in the problem solving? You
 20 indicated that you put in there about him calling
 21 Ms. French an idiot, and then the instance you just
 22 described where he was screaming at you and Ms. French
 23 and calling you horrible employees. Anything else that
 24 you put in that problem solving about what Mr.
 25 had done?

1 A. No.
 2 Q. Why don't you tell me --
 3 A. And I included Ms. McRae in that as well.
 4 Q. That was the next question. Was there
 5 anything that you put in that problem solving that
 6 described things that Ms. McRae had done to you
 7 personally you felt was inappropriate?
 8 A. Not in that problem solving.
 9 Q. Did you mention Ms. McRae in the problem
 10 solving at all?
 11 A. Yes.
 12 Q. How so?
 13 A. Just in that she was in the room and she sat
 14 there silently and did not say anything.
 15 Q. Tell me, could you describe for me how Sharon
 16 Harrigfeld was involved in this problem solving you
 17 filed at all, if you know?
 18 A. I can't answer that.
 19 Q. You don't know one way or the other?
 20 A. Correct.
 21 Q. How was Betty Grimm involved with it at all,
 22 if you know?
 23 A. She would not have been.
 24 And I need to correct that statement. I
 25 believe Sharon Harrigfeld would have been involved in

1 Q. Have you ever received any negative
 2 performance evaluations?
 3 A. No, sir.
 4 Q. Are there any disciplinary actions documented
 5 in your file at all, your personnel file that you know
 6 of?
 7 A. Yes.
 8 Q. What?
 9 A. There was a write-up back in --
 10 Q. 2008 sound right?
 11 A. About that probably.
 12 Q. So was it a written warning?
 13 A. It was, and it was a fictitious one.
 14 Q. Who did the warning?
 15 A. Jane McClaran.
 16 Q. Who is Jane McClaran?
 17 A. She was the administration administrator.
 18 Q. Is she still with the Department?
 19 A. Oh, no.
 20 Q. Who is in her position now?
 21 A. Scott
 22 Q. Did you respond to the reprimand, the warning?
 23 A. Yes, sir.
 24 Q. Was that included in your personnel file?
 25 A. Oh, yes, sir.

1 the fact that she was in the process of doing Scott's
 2 eval, because when I was called in to Scott's office and
 3 told to get a grip, more or less, he said, I'm not going
 4 to have my eval ruined by you. So at some point Sharon
 5 had to have known because his eval was on the line.
 6 Q. But that is an assumption on your part.
 7 A. Maybe; yes.
 8 Q. You don't know for certain?
 9 A. True.
 10 Q. Tell me, have you ever had any interactions
 11 with Betty Grimm at all?
 12 A. No, sir.
 13 Q. I wouldn't think so because you worked in
 14 headquarters and she was at the facility.
 15 A. No. I had interactions with her, but not...
 16 Q. You don't contend she ever did anything
 17 adverse to you.
 18 A. No, sir.
 19 Q. Have you ever received a notice of
 20 contemplated disciplinary action at any time during your
 21 employment?
 22 A. No, sir.
 23 Q. Have your supervisors ever sought any kind of
 24 discipline against you?
 25 A. No, sir.

1 Q. Outside the warning and your response, what
 2 else happened with it?
 3 A. Nothing.
 4 Q. Was it ever documented as a negative thing in
 5 your performance evaluation?
 6 A. No, sir.
 7 Q. Did it negatively impact your pay in any way?
 8 A. No, sir.
 9 Q. Your benefits in any way?
 10 A. No, sir.
 11 Q. Have you ever applied for any kind of
 12 promotions or other jobs within the Department?
 13 A. Yes.
 14 Q. What other jobs have you applied for?
 15 A. Financial specialist.
 16 Q. When was the last time you applied for that?
 17 A. I don't remember. Maybe 2010, maybe '11.
 18 Q. Was this a posted position?
 19 A. Yes, sir.
 20 Q. Did you apply and go through the interview
 21 process?
 22 A. I did.
 23 Q. And you did receive an interview?
 24 A. Yes, I did.
 25 Q. Who got the job?

1 A. Betty Turner. No, I'm sorry. No, no. We had
 2 a lot of changes in the Department right then. I think
 3 ultimately it was Susie Ogden.
 4 Q. Do you know how many people were interviewed
 5 for that position?
 6 A. No, sir.
 7 Q. There was obviously more than one.
 8 A. Yes.
 9 Q. Because you were given an interview.
 10 A. Yes.
 11 Q. Were you aware that Ms. Ogden had applied for
 12 that position also?
 13 A. No.
 14 Q. Did you know Susie Ogden before applying for
 15 this?
 16 A. No.
 17 Q. She hadn't worked for the Department before?
 18 A. No.
 19 Q. Did you know other co-employees at the
 20 Department that had applied for that position?
 21 A. Yes.
 22 Q. Who?
 23 A. Sean Southard and Sherry French.
 24 Q. Did those two individuals receive interviews?
 25 A. Yes.

1 Department?
 2 A. Yes, sir.
 3 Q. Do you know her at all?
 4 A. Yes.
 5 Q. Interact with her?
 6 A. Every day.
 7 Q. Do you feel she's competent in the job she was
 8 hired for?
 9 A. She still works for the Department.
 10 Q. But do you feel she's competent in the job she
 11 was hired to do?
 12 A. Yes.
 13 Q. Do you have any criticisms of the decision by
 14 whoever made the hiring decision to choose Ms. Ogden as
 15 opposed to the other folks who were interviewed?
 16 A. I'm sorry, what?
 17 Q. Do you have any criticism of the decision to
 18 hire Ms. Ogden as opposed to the other individuals who
 19 were interviewed?
 20 A. I'm sorry. I have to make a correction.
 21 Susie Ogden is not the person who filled the position.
 22 It was Nancy Ashcraft who got the position, because the
 23 position was for P-card administrator.
 24 Q. So it wasn't financial specialist.
 25 A. It is. It's a financial specialist position,

1 Q. And do you recall the interview process; was
 2 it a panel or a single person?
 3 A. It was a panel.
 4 Q. Do you recall the members of the panel?
 5 A. Scott Pat Thomson, and Laura Roters.
 6 Q. Why don't you recollect for me as best you can
 7 the interview you went through.
 8 A. I can't. I had a migraine that day, so I
 9 don't remember much of the interview. We were told that
 10 somebody in our department would get the position. And
 11 I looked at both of the other people and I said, None of
 12 us are getting this position. And they all looked at me
 13 like, Yeah, we were told. And I said, We are not
 14 getting it. I can tell you we are not getting it.
 15 Q. Was this position posted and made available to
 16 the general public?
 17 A. Yes, it was posted statewide. In theory it
 18 wasn't supposed to be.
 19 Q. But it was.
 20 A. Uh-huh.
 21 Q. So people that may have been working for
 22 private accounting firms could have applied for that
 23 job.
 24 A. Yes, sir.
 25 Q. Is Susie Ogden still working for the

1 yes, but Nancy Ashcraft is who got it.
 2 Q. Was Ms. Ashcraft a co-employee before or was
 3 she from the outside?
 4 A. She's from another state agency. Sorry.
 5 Q. That's fine. That's fine.
 6 And do you interact with Ms. Ashcraft?
 7 A. Little more now than before.
 8 Q. From your observations of her in that job, do
 9 you feel she's competent in her job?
 10 A. I can't answer that.
 11 Q. You don't have any criticisms of the manner in
 12 which she does her job?
 13 A. I can't answer that either.
 14 Q. Do you feel she's competent for that job?
 15 A. Sure.
 16 Q. Do you have any criticism of the decision of
 17 the hiring authority, the committee or the interview
 18 panel or whomever; do you have any criticism of their
 19 choice of Ms. Ashcraft over the other individuals who
 20 were interviewed?
 21 A. Can you clarify?
 22 Q. Well, obviously there was a number of folks
 23 that were interviewed, including yourself and Ms.
 24 Ashcraft. Ms. Ashcraft was chosen. Do you have any
 25 criticism of that decision?

1 A. Yes.
 2 Q. Why?
 3 A. Well, I think Nancy was picked long before
 4 anybody was interviewed.
 5 Q. How do you know that?
 6 A. She came from DOC. She worked with Scott
 7 before. I think Scott brought her in.
 8 Q. Outside that you don't know.
 9 A. No.
 10 Q. Do you have any reason to believe that the
 11 people that were on the interview panel favored her to
 12 the exclusion of anybody else before actually going
 13 through the interview?
 14 A. I don't think that Laura Roters should have
 15 been on the interview panel. She knows nothing about
 16 fiscal. She knows nothing about what we do there. She
 17 has no clue what the job entails.
 18 Q. That wasn't my question. My question is: Do
 19 you have any information suggesting that the people on
 20 that interview panel had some preordained preference
 21 towards Ms. Ashcraft before actually interviewing
 22 everybody?
 23 A. No.
 24 Q. Tell me, your interview that you did, you
 25 don't have any memory of it at all?

1 interview is an important factor in being able to
 2 compete for a job such as that?
 3 A. It might play a small part, yes.
 4 Q. But you don't know how it's weighted one way
 5 or the other.
 6 A. No, sir.
 7 Q. You would have to defer to the people making
 8 the decision.
 9 A. Yes.
 10 (Exhibit 200 marked.)
 11 Q. (BY MR. COLLAER) Handing you what I've marked
 12 as Exhibit No. 200. Could you identify No. 200 for me,
 13 please.
 14 A. It's my letter of employment.
 15 Q. Do you recall receiving Exhibit 200?
 16 A. Yes.
 17 Q. Does this accurately reflect when you were
 18 actually hired by the Department for the first time?
 19 A. Yes.
 20 Q. And is this the position you were hired for?
 21 A. Yes.
 22 Q. Does it also accurately reflect your initial,
 23 beginning rate of pay?
 24 A. Yes.
 25 Q. On the second page there is a signature there.

1 A. I have some.
 2 Q. Do you feel that you performed well at the
 3 interview or do you feel you struggled?
 4 A. I struggle at every interview. It's my
 5 nature.
 6 Q. How so?
 7 A. If I was going to parallel -- I just do. I
 8 don't interview well.
 9 Q. Understand.
 10 Would you agree that your struggling with
 11 interviews generally is something that makes you less
 12 competitive for an open position job like that?
 13 MR. SCHOPPE: Objection; calls for
 14 speculation. You can answer if you know.
 15 THE WITNESS: No.
 16 Q. (BY MR. COLLAER) Why not?
 17 A. Because my experience far outweighs my
 18 ability -- my...
 19 Q. Is it your assumption that --
 20 A. I don't make assumptions.
 21 Q. I'm asking you, is it your assumption that the
 22 hiring decision is based more on like your history, your
 23 job history, as opposed to how you do in the interview?
 24 A. No.
 25 Q. Would you agree that performance on the

1 Can you identify that for me, please.
 2 A. Yes, that's mine.
 3 MR. SCHOPPE: For all the documents he's going
 4 to show you, take your time, look through them all.
 5 THE WITNESS: Sure.
 6 (Exhibit 201 marked.)
 7 Q. (BY MR. COLLAER) I'm going to hand you what
 8 I've marked as Exhibit 201. Have you seen Exhibit 201
 9 before?
 10 A. (Reviewing document.) Okay.
 11 Q. Could you identify Exhibit 201 for me?
 12 A. It's a Certificate of Understanding.
 13 Q. Do you recognize your signature at the bottom?
 14 A. Yes.
 15 Q. There is a number of initials in blanks
 16 throughout the body of this document. Do you see those?
 17 A. Yes, sir.
 18 Q. Are those your initials?
 19 A. Yes, sir.
 20 Q. And it identifies various policies by number.
 21 Do you see those opposite your initials?
 22 A. I do.
 23 Q. Are those the policies you reviewed during
 24 your orientation?
 25 A. Yes, sir.

1 Q. And when you initialed those had you actually
 2 reviewed those policies before initialing?
 3 A. Well, you can see off to the left -- or off to
 4 the right when I had read those.
 5 Q. So the Effective Date, is that your
 6 handwriting?
 7 A. Yes, sir.
 8 Q. So if I'm understanding what you are telling
 9 me, when you filled out the date on the Effective Date,
 10 that was the date you actually reviewed each of these
 11 policies.
 12 A. Yes, sir.
 13 Q. And throughout your employment have these
 14 policies been available to yourself for review if you
 15 needed to access them?
 16 A. Yes.
 17 Q. How so; how can you as an employee access
 18 these various policies?
 19 A. Well, they've been changed numerous times and
 20 they are updated. As they are updated and changed they
 21 are made available on the Intranet.
 22 Q. Are they available at all times on the
 23 Intranet, meaning if you had a question that came up and
 24 you wanted to look at the policy dealing with
 25 harassment, as just an example, and you wanted to look

1 A. No.
 2 (Exhibit 203 marked.)
 3 Q. (BY MR. COLLAER) Handing you what I've marked
 4 as Exhibit 203. Could you identify 203 for me, please.
 5 A. It's a memorandum of reclassification of my
 6 job duties effective July of 2012.
 7 Q. Could you tell me what was being done with
 8 this reclassification?
 9 A. Changing my position from a financial support
 10 technician to a financial technician.
 11 Q. Did you view this as an advancement?
 12 A. Technically it's an advancement.
 13 Q. Or for lack of a better word, a promotion?
 14 A. Technically it's an advancement.
 15 Q. Your pay was raised?
 16 A. Yes, sir.
 17 Q. Can you tell me any kind of extra duties that
 18 came with this advancement?
 19 A. No, none. I had been working out of class
 20 since I had been hired.
 21 Q. So you get this advancement and you get a pay
 22 raise; correct?
 23 A. Yes, sir.
 24 Q. So you are being recognized for the work you
 25 are doing both as your title and in your pay.

1 at that policy, how would you access it?
 2 A. On the Intranet.
 3 (Exhibit 202 marked.)
 4 Q. (BY MR. COLLAER) Handing you what I've marked
 5 as Exhibit 202. Could you identify No. 202 for me,
 6 please.
 7 A. It's a request for dual employment.
 8 Q. And was this approved by your supervisor?
 9 A. Yes.
 10 Q. Do you still work at organize apparel [sic]?
 11 A. No.
 12 Q. How long did you work there?
 13 A. Four years. Well, technically I still work
 14 there, but I've been off since April.
 15 Q. Was there any adverse reaction by your
 16 employer to request for outside employment?
 17 A. No.
 18 Q. Did she ask you any questions about it or
 19 anything like that?
 20 A. No.
 21 Q. Have you ever had any difficulty organizing
 22 your time to work so you could have both jobs?
 23 A. No.
 24 Q. Did you have to ask for different shifts or
 25 anything to accommodate both jobs?

1 A. Yes.
 2 Q. Do you know, was there anything that occurred
 3 that caused this reclassification to occur; did
 4 something prompt it?
 5 A. Yes.
 6 Q. What?
 7 A. We had asked -- we had been asking for a
 8 reclassification for four years.
 9 Q. When you say "we," who?
 10 A. The financial support techs.
 11 Q. So you and who else?
 12 A. Sean Southard and Sherry French.
 13 Q. Did each of you receive this reclassification
 14 and advancement?
 15 A. Well, technically yes.
 16 Q. Well, was anybody treated any differently than
 17 yourself?
 18 A. No, but Sean Southard is no longer with us.
 19 He left the Department.
 20 Q. Understood. But as far as the techs, like
 21 yourself and Ms. French and anybody else with that
 22 similar classification all benefited from the same
 23 reclassification you got.
 24 A. Correct.
 25 Q. Who had been seeking this reclassification?

1 Had you individually or had your supervisors been
2 promoting it on your behalf?

3 A. We had sought it. We had to request -- there
4 is a form that we have to fill out that says our duties
5 justify a reclassification. We take it to the
6 supervisors and say, We think our duties are such. Then
7 the supervisor takes it to HR and says yes -- or the
8 supervisor decides yes or no. Then HR takes a look at
9 the forms that we fill out, and then they decide this
10 definitely justifies a -- then it goes to the DHR and
11 the DHR says, Yes, this definitely meets the
12 reclassifications.

13 Q. Had your supervisors ever said no to a request
14 for reclassification?

15 A. Yes.

16 Q. When did that happen?

17 A. 2006, 2007, 2008, 2009, 2010.

18 Q. And do you know what happened that caused them
19 to change their stance on that? Because obviously it
20 changed.

21 A. I do not.

22 Q. But you recognize that at some point they did
23 not disagree with the reclassification.

24 A. Correct.

25 (Exhibit 204 marked.)

1 A. Yes, sir.

2 Q. Could you look at the pages attached to it, I
3 think it's the third page in.

4 MR. SCHOPPE: Take as much time as you need.

5 Q. (BY MR. COLLAER) My question to you is: Is
6 this your response to the written warning that you
7 talked about earlier?

8 A. Yes, sir.

9 Q. Take a look at it and my question to you is:
10 Is there any part of your written response that is not
11 included there?

12 A. Say that again.

13 Q. Any part of your written response you recall
14 making that isn't included in the document that is
15 attached to Exhibit 205?

16 A. (Reviewing document.) There are several pages
17 not included.

18 Q. What are those pages?

19 A. There are several pages of backup e-mail
20 documentations that were included with this that are not
21 attached to this.

22 Q. Okay. I may have some of those and we'll
23 visit about it.

24 Tell me, there is a reference here on the
25 front page on Exhibit 205 about a verbal counseling you

1 Q. (BY MR. COLLAER) I'm handing you what I've
2 marked as Exhibit 204. Can you identify No. 204 for me,
3 please.

4 A. It's a memorandum of performance bonus.

5 Q. Is this the merit raise that you indicated
6 earlier that you received?

7 A. No, it's a bonus.

8 Q. Do you know how the bonus was determined?

9 A. By our evaluations.

10 Q. If you hadn't received a favorable performance
11 evaluation, you are not entitled to a bonus?

12 A. Correct.

13 Q. Tell me, along with this bonus did you also
14 receive a merit pay raise?

15 A. No.

16 Q. Do you know if any other financial techs such
17 as yourself received merit pay raises?

18 A. No.

19 (Exhibit 205 marked.)

20 Q. (BY MR. COLLAER) I've handed you what I've
21 marked as Exhibit 205. Could you identify Exhibit 205
22 for me, please.

23 A. It's a written warning record from 2008.

24 Q. Is that the written warning where you spoke of
25 earlier?

1 received in August and October regarding conflict
2 management training in September. Do you see that?

3 A. Which section?

4 Q. The section entitled: "What is the
5 behavior/action which occurred:" Referencing the second
6 sentence.

7 A. I see it.

8 Q. Could you describe for me, what do you recall
9 about this conflict management training that is
10 referenced there?

11 A. Everybody in the entire department went to a
12 training, which was -- to this day I don't understand
13 what the purpose of the training was.

14 Q. But you did attend.

15 A. Yes, it was mandatory.

16 Q. There is a reference here that you were
17 verbally counseled in August and October. Do you recall
18 what that involved?

19 A. No.

20 Q. Would that have come from Ms. McClaran?

21 A. No.

22 Q. From whom?

23 A. Donna.

24 Q. There is also a reference here, comments you
25 had been heard using on the phone, discriminatory and

1 obscene comments. Is there any truth to that?
 2 A. No.
 3 Q. That is addressed in your response?
 4 A. Yes, sir.
 5 Q. Tell me, prior to receiving this written
 6 warning had you had any conflicts of any kind with Ms.
 7 McClaran prior to that?
 8 A. No. And this conflict was not with Ms.
 9 McClaran.
 10 Q. Who was it with?
 11 A. Donna McRae.
 12 Q. Your current supervisor?
 13 A. Correct.
 14 Q. Tell me, the conflicts that led to this
 15 written warning that you had with Ms. McRae at the time,
 16 do they still exist to this day?
 17 MR. SCHOPPE: Objection to the extent that it
 18 calls for speculation as to Ms. McRae's state of mind.
 19 Q. (BY MR. COLLAER) I'm asking from your
 20 standpoint.
 21 A. I can't -- it depends on the day.
 22 Q. So the two of you do still have your
 23 conflicts.
 24 A. Not so much; depending on the day.
 25 Q. When you say "depending on the day," what are

1 A. Yes.
 2 Q. And what were the circumstances of you writing
 3 this?
 4 A. It goes directly to this.
 5 Q. The written reprimand?
 6 A. Yes.
 7 Q. And just for the record that is referencing
 8 Exhibit 205; correct?
 9 A. Yes, sir.
 10 Q. In the e-mail from Ms. McClaran to yourself at
 11 the bottom she's asking you to submit your action plan.
 12 Do you see that?
 13 A. Yes.
 14 Q. Did you create an action plan and submit it to
 15 Ms. McClaran as requested?
 16 A. So for clarification, the e-mail is from Jane
 17 and mine is the response to Jane.
 18 Q. Understood.
 19 A. Okay. So what led up to this write-up is what
 20 started this e-mail, just so you know.
 21 Q. Understood.
 22 A. Okay.
 23 Q. My question to you is: Did you create an
 24 action plan and submit it to Ms. McClaran as she
 25 requested you to do?

1 you referring to?
 2 A. Depending on the day. That is the best answer
 3 I can give you.
 4 Q. Does she speak to you in a disrespectful
 5 manner?
 6 A. Yes, sometimes.
 7 Q. How so?
 8 A. Some days Donna treats people like they are
 9 her friends. Other days Donna treats people like they
 10 are employees. Other days Donna treats people like they
 11 are enemies. So depending on the day will depend on how
 12 you are treated by Donna McRae.
 13 Q. From your perception is that descriptive of
 14 your relationship with her or her relationship with
 15 everybody under her supervision?
 16 A. In my perception everybody under her
 17 supervision.
 18 (Exhibit 206 marked.)
 19 Q. (BY MR. COLLAER) Handing you what I've marked
 20 as Exhibit 206. Could you identify No. 206 for me,
 21 please.
 22 A. It's an e-mail to Jane McClaran.
 23 Q. Authored by yourself?
 24 A. Yes, sir.
 25 Q. Do you recall authoring this e-mail?

1 A. It's right there, yes.
 2 Q. So your action plan is your e-mail response.
 3 A. Yes, sir.
 4 Q. Because it references that you inquired into
 5 EPA counseling. Can you explain that for me?
 6 A. Pardon me?
 7 Q. In your e-mail response back to Ms. McClaran,
 8 last paragraph, last sentence, it says: "I have
 9 inquired into EPA counseling."
 10 A. Yes.
 11 Q. What are you referring to there?
 12 A. Counseling.
 13 Q. Did you in fact do that?
 14 A. Yes, I did.
 15 Q. Did you see a counselor?
 16 A. Yes, I did.
 17 Q. Who was that?
 18 A. Paula Sharp.
 19 Q. How long did you see Ms. Sharp?
 20 A. Over a year.
 21 Q. Are you still seeing her?
 22 A. No.
 23 Q. Were you discharged from Ms. Sharp's --
 24 A. Yes, I was.
 25 Q. And tell me, is any of the counseling or

1 relationship you had with Ms. Sharp part of any of your
2 claims in this lawsuit?

3 MR. SCHOPPE: If you are not sure --

4 Q. (BY MR. COLLAER) Let me tell you why. I
5 haven't seen any of those medical records, and frankly
6 they are a counselor's records, which are normally none
7 of my business. But if they are part of your lawsuit,
8 then it becomes part of my business. So that's why I
9 asked the question. If it's not part of your lawsuit,
10 then it's none of my business. If it is, then it is.

11 MR. SCHOPPE: I'll object to the extent it
12 calls for a legal conclusion. I'm not sure if it's
13 something that has been submitted as part of the damages
14 or not. If you know one way or the other, you can tell
15 him.

16 THE WITNESS: Yes, it is. All of this leads
17 up to why I'm involved in his lawsuit.

18 MR. COLLAER: Counsel --

19 THE WITNESS: I'm sorry.

20 MR. COLLAER: That's fine.

21 We don't have any of those records. It is
22 something that's within the scope of our discovery
23 requests, so I'm going to ask that you provide all of
24 those records, and we are going to have to leave this
25 deposition open so we can talk to Ms. McCormick further

1 Q. Anything else, any other kind of medical care
2 that you have been seeking that has to do with this
3 lawsuit?

4 A. I don't know how it pertains to the lawsuit.
5 Yes, I see a neurologist. I see my diabetic doctor.

6 Q. Ms. McCormick, let me explain to you what I'm
7 getting at. Frankly, you've indicated you have
8 diabetes, and I understand you are being treated for
9 that condition. I have a hard time seeing how anything
10 involved with this would have caused your diabetes or
11 anything of that nature.

12 So I presume if that medical condition is
13 not -- you are not suggesting it's been caused or made
14 worse by this, then it's none of my business. It's
15 privileged and it's absolutely none of my business, and
16 I'm not going to ask you about it. Same thing with your
17 neurologist or anything like that.

18 But if you are contending that those
19 conditions are part of your damages and were somehow
20 related to this lawsuit, then you made it an issue and
21 it becomes something I'm entitled to know about.

22 So I will put it to you. If your diabetes or
23 your neurologist have anything to do with your damage
24 claims in this lawsuit, yes or no.

25 A. Yes.

1 about those records once we get them.

2 MR. SCHOPPE: That's fine.

3 MR. COLLAER: Also, we reserve the right to be
4 able to take the deposition of the counselor if we need
5 to.

6 MR. SCHOPPE: Sure.

7 Q. (BY MR. COLLAER) Ms. McCormick, I think you
8 may have already answered this. Ms. Sharp discharged
9 you from her care?

10 A. Yes.

11 Q. Did she refer you to another caregiver after
12 she discharged you?

13 A. No.

14 Q. When was the last time you saw her?

15 A. In 2012.

16 Q. Were you receiving any kind of medications?

17 A. No.

18 Q. Have you ever been prescribed any kind of
19 medications for anything involved in this lawsuit?

20 A. I don't believe medication, no.

21 Q. Other than Ms. Sharp, did you see any other
22 kind of medical providers or anything of that nature in
23 connection with anything that is involved in this
24 lawsuit?

25 A. No, not mental, no.

1 Q. You contend they do.

2 A. It makes it worse.

3 Q. Who is the neurologist?

4 A. Dr. Michael O'Brien. He's retired. My new
5 neurologist is Dr. Asher, and he treats me for the
6 migraines.

7 Q. Migraine headaches?

8 A. Yes.

9 MR. COLLAER: Again, Counsel, we haven't seen
10 any of those records.

11 MR. SCHOPPE: I just got some actually very
12 recently on that. These are all in our expert witness
13 disclosure from a couple months ago.

14 Q. (BY MR. COLLAER) Tell me, has Dr. Asher told
15 you that your migraine headaches are caused by anything
16 that any of the Defendants you've sued in this case have
17 done to you?

18 A. They are caused from undo stress.

19 Q. That is workplace stress?

20 A. Yes.

21 Q. And that relates to your relationship with
22 your supervisor Ms. McRae.

23 A. The whole package, yes.

24 Q. Tell me, do you have a similar -- I understand
25 the somewhat strained relationship you have with Ms.

1 McRae. Do you have a similar strained relationship with
 2 Ms. Harrigfeld?
 3 A. I'm not sure how to answer that.
 4 Q. As best you can.
 5 A. I used to think I could trust her, but I've
 6 since found out I can't.
 7 Q. Let me ask you this: Has Ms. Harrigfeld ever
 8 done anything or said anything to you that you felt was
 9 disrespectful or demeaning in any manner?
 10 A. Yes.
 11 Q. What?
 12 A. Not demeaning, but she's always told me she
 13 has an open-door policy, that I could come to her at any
 14 time. But I found out that going to her only makes my
 15 situation worse, in that when I go to her she takes it
 16 right back to my supervisor.
 17 Q. Outside that anything else?
 18 A. No.
 19 Q. So if I understand, when you go to Ms.
 20 Harrigfeld, and she's open to you approaching her about
 21 your complaints about Ms. McRae; correct?
 22 A. Yes.
 23 Q. You can approach her and she'll listen to you;
 24 correct?
 25 A. Uh-huh.

1 A. Nothing.
 2 Q. So there was no retribution to you from Donna
 3 because of that incident.
 4 A. No.
 5 Q. The second time you went to Sharon what did
 6 that involve?
 7 A. Just at this very moment I can't recollect. I
 8 just can't recollect right this second.
 9 Q. Do you recall if it was something that Ms.
 10 McRae had done to you that you didn't like?
 11 A. It's not that I don't like it. It's an
 12 action. You go months without being spoken to at all,
 13 or if you are spoken to, it's negatively. I can't even
 14 hardly put into words what it is. They are threats.
 15 For example, you'll be called into her
 16 office -- like when I go to Sharon and talk to her about
 17 something -- Sharon will come in and say, You guys can
 18 talk to me about anything. If you go to talk to Sharon,
 19 and you do, she goes back to your supervisor. For
 20 example, I'll get called back into my supervisor's
 21 office, and my supervisor will tell me, and she has told
 22 me, I am your supervisor, don't ever forget it. I can
 23 either make your job or take your job way from you.
 24 Q. Well, let's focus on the second incident where
 25 you went to Sharon. You can't recall what it was?

1 Q. After you tell here whatever it is you feel
 2 Ms. McRae has done wrong to you, she then talks to Ms.
 3 McRae about it and you hear about it from Ms. McRae.
 4 A. Yes.
 5 Q. That's your criticism.
 6 A. Yes.
 7 Q. Okay. How many times has that occurred?
 8 A. In the last two years probably five times.
 9 Q. When was the first time it ever occurred?
 10 A. 2007 maybe, 2008.
 11 Q. Okay. Focusing on that first time, what did
 12 you approach Ms. Harrigfeld about that you felt Ms.
 13 McRae was doing to you?
 14 A. The first time it happened I had been
 15 reprimanded by Donna McRae for something Sharon
 16 Harrigfeld had asked me to do, and Sharon actually came
 17 to me and apologized for the reprimand.
 18 Q. So Ms. McRae reprimanded you, you complained
 19 to Ms. Harrigfeld.
 20 A. The reprimand went out to myself, to Sharon.
 21 Donna is infamous for reprimanding via e-mail. And
 22 Sharon actually approached me and apologized. And I
 23 don't know what happened after that. And she took it up
 24 with Donna.
 25 Q. And then what did Donna do?

1 A. I can't focus on just one incident. Sometimes
 2 they happen so fast you can't, you just -- they just
 3 happen.
 4 Q. Okay. Tell me, with the second incident you
 5 went and talked to Sharon about, is it your position
 6 that after you spoke with her that she took the matter
 7 up with Ms. McRae?
 8 A. I would imagine she did, yes.
 9 Q. Was there any reaction from Ms. McRae towards
 10 you?
 11 A. Yes, sir, there was.
 12 Q. What was it?
 13 A. I was told I was never allowed to talk to
 14 Sharon.
 15 Q. Did you tell Ms. Harrigfeld that Ms. McRae
 16 told you that?
 17 A. Yes, I did.
 18 Q. What did she do?
 19 A. In fact, I was approached by Sharon. After
 20 about a month and a half Sharon says, How come you are
 21 not talking to me? I said, Because I was told I'm not
 22 allowed to talk to you anymore.
 23 Q. How did she react?
 24 A. She just looked at me and she said, Excuse me?
 25 I said, I was told by my supervisor I'm not allowed to

1 talk to you anymore, ever, not in passing, ever.
 2 Q. And did she tell you that that was fact or --
 3 A. She says, No, Kim, I have an open door, you
 4 can come to me any time with any problem. And I said,
 5 Well, that isn't what we are told.
 6 Q. What happened after that?
 7 A. I was called into my boss's office and she
 8 said, Do I need to remind you who your boss is?
 9 Q. Did you tell Sharon about that?
 10 A. Yes, I did.
 11 Q. And what happened?
 12 A. I was further told, Do I need to remind you
 13 who your boss is?
 14 Q. Sharon didn't tell you that, did she?
 15 A. No.
 16 Q. Ms. McRae did.
 17 A. Yes.
 18 Q. Has Sharon always made it clear to you that
 19 you could come to her if you wanted to?
 20 A. Sure.
 21 Q. Tell me, what was the third incident that you
 22 reported to Ms. Harrigfeld?
 23 A. They just -- it's a rotating circle. It's
 24 just a rotating circle.
 25 Q. What I'm interested in, Ms. McCormick, is, I

1 outside and talk to me. Not only did Sharon meet me in
 2 the alley, we went out in the alley. She called Julie
 3 into her office. We went into the front of the building
 4 into her office, had a conversation. The very next day
 5 I was reprimanded for meeting with Sharon in Sharon's
 6 office.
 7 Q. Did you tell Sharon that Donna had reprimanded
 8 you for meeting with her?
 9 A. Yes.
 10 Q. And what happened after that?
 11 A. Nothing.
 12 Q. Do you know if she talked to Donna about it?
 13 A. I have no idea.
 14 Q. This reprimand you said you received from
 15 Donna about your conversation with the probation
 16 officer, was this verbal?
 17 A. Yes.
 18 Q. Nothing in writing.
 19 A. No.
 20 Q. Didn't show on your performance evaluation.
 21 A. No.
 22 Q. That's three incidents. What is the fourth?
 23 A. I can't recall. Like I say, it's just a
 24 constant circle of stuff that happens. You don't think
 25 to write them down when they are happening, and you

1 wasn't there, I don't know what happened and I'm trying
 2 to find out. What did you complain to Ms. Harrigfeld
 3 about on these -- you said there were five instances.
 4 The first one you could recall was an e-mail you got
 5 from Ms. McRae for doing something that Sharon
 6 Harrigfeld had told you to do. I understand that.
 7 The second incident you can't recall the
 8 details. I'm trying to find out what details do you
 9 recall about these five instances, if at all.
 10 A. One instance, Probation Officer Brown from
 11 Bonner County had called me. She was talking about a
 12 parent who had written her a horrible nasty letter, and
 13 Probation Officer Brown was reading me part of the
 14 letter. And I was just dumbfounded, and I said, Oh, so
 15 you have one of those good parents. And I started
 16 laughing on the phone.
 17 One of Donna's henchmen, as I call them, ran
 18 right into Donna's office, told Donna that I was making
 19 fun of a parent on the phone to somebody. Mind you,
 20 nobody can hear who I'm talking to or what the
 21 conversation is about. No sooner had I hung up the
 22 phone from talking with the probation officer, I was
 23 reprimanded for 40 minutes.
 24 I went outside to calm down. I called Sharon
 25 on my cell phone and I asked her if she could come

1 just -- it's just a constant battle.
 2 Q. Am I correct in assuming that these incidents
 3 that you've described occurred that you went to Sharon
 4 about, they all involve things that happened in your
 5 workplace that Ms. McRae either observed or was told
 6 about and then verbally reprimanded you, and then you
 7 went and told Sharon about it.
 8 A. Correct. And they don't always involve Donna.
 9 Sometimes they are Scott, sometimes they were Julie.
 10 Q. But they always involved things that they
 11 perceived that you had done.
 12 A. Not necessarily.
 13 Q. Well, what is the exception to that?
 14 A. There is a lot of exceptions.
 15 Q. Tell me.
 16 A. Mistreatment of people in the Department,
 17 just -- I'm done.
 18 Q. Tell me --
 19 A. Sometimes I go to bat for Sherry who is being
 20 mistreated.
 21 Q. So you see Sherry being reprimanded and then
 22 you take that to Sharon?
 23 A. Yes.
 24 Q. And that gets back to Ms. McRae and she talks
 25 to you about it.

1 A. Yes, sir.
 2 Q. When you see Sherry being mistreated, what are
 3 you referring to? Same type of thing that's happened to
 4 you?
 5 A. Yes.
 6 Q. Something they perceive that she's done they
 7 don't like, they verbally reprimand her and then you
 8 told Sharon about it.
 9 A. She's picked on, she's bullied by other staff
 10 members, not necessarily Donna or Scott, but she's
 11 bullied by other staff members. And so when I bring
 12 that to somebody's attention, Sharon, Donna, Scott's, it
 13 just makes it worse.
 14 Q. Tell me, has Sharon ever told you, Stop coming
 15 to me about these things that are going on in your
 16 department?
 17 A. No.
 18 Q. Have you ever received any kind of formal
 19 discipline because of the times that you've approached
 20 Sharon to complain about actions of Ms. McRae or Mr.
 21
 22 A. No.
 23 (Exhibit 207 marked.)
 24 Q. (BY MR. COLLAER) Handing you what I've marked
 25 as Exhibit 207. Could you identify No. 207 for me,

1 any trainings, is there anything I wanted to expand on.
 2 That was about it.
 3 Q. What do you recall saying to her during that
 4 meeting?
 5 A. I told her I wanted to get back into the
 6 grants, I wanted to -- I don't know. I think that's
 7 about it.
 8 Q. Could you look at page 8. There's three
 9 objectives identified there. Do you see those?
 10 A. Yes.
 11 Q. Did you and Ms. McRae speak about the
 12 objectives that she set for you in your evaluation?
 13 A. Yes.
 14 Q. Did you agree with those objectives?
 15 A. Yes.
 16 Q. Were you involved in creating them?
 17 A. No.
 18 Q. Did you have any input on saying, I think it's
 19 a good idea, a bad idea or should be changed in any way?
 20 A. They were good ideas.
 21 Q. Would you characterize your evaluation on 207
 22 as a favorable or a disfavorable evaluation?
 23 A. Favorable.
 24 (Exhibit 208 marked.)
 25 Q. (BY MR. COLLAER) Handing you what I've marked

1 please.
 2 A. It's a performance review.
 3 Q. For what years?
 4 A. The current year.
 5 Q. And your supervisor is Donna McRae?
 6 A. Yes.
 7 Q. And what was your rating?
 8 A. Solid sustained.
 9 Q. Tell me, when you received this performance
 10 evaluation, do you meet with Ms. McRae to discuss it
 11 before you sign it?
 12 A. Yes.
 13 Q. And is this a face-to-face meeting?
 14 A. Yes.
 15 Q. And focussing on this year's, could you
 16 describe for me as best you can recollect your meeting
 17 with Ms. McRae when you were provided your performance
 18 evaluation?
 19 A. I don't understand what you are asking.
 20 Q. What did the two of you talk about?
 21 A. Any number of things; it was a short meeting.
 22 Q. What do you recall Ms. McRae saying to you
 23 during that meeting?
 24 A. She wanted to know what my goals were for the
 25 upcoming year, did I have anything I wanted to go to,

1 as Exhibit 208. Could you identify 208 for me, please.
 2 A. It's a performance eval.
 3 Q. For what year?
 4 A. 2012.
 5 Q. What was the overall rating?
 6 A. Solid sustained.
 7 Q. And again, Ms. McRae is your supervisor?
 8 A. Yes, sir.
 9 Q. Again, did you meet with her before you signed
 10 your evaluation?
 11 A. Yes.
 12 Q. Could you describe for me as best you can
 13 recollect the substance of that meeting?
 14 A. We went through the eval. Again, we discussed
 15 goals, goal setting, and different parts of the eval.
 16 Q. Could you turn to page 4. There is some
 17 handwriting there. Is that your handwriting?
 18 A. Yes, it is.
 19 Q. Why did you include this in your evaluation?
 20 A. Because the statement that is made here was
 21 unfair to me, and I wanted it stated for the record that
 22 I thought it was unfair to me.
 23 Q. What statement are you referring to?
 24 A. This section had nothing to do with this eval.
 25 It had everything to do with Donna McRae and Betty

1 Turner and the grants department and working with
2 grants. And there was a conflict going on between me
3 and Betty Turner and Donna. And the conversation going
4 on between Donna and I when she wrote this part, and I
5 put in here what I wrote because I didn't feel it was
6 fair to me at times because I was being eliminated from
7 the circle of work. And Donna made me write the rest of
8 this because she didn't feel it was fair because she was
9 trying to give me a chance. So I agreed to write part
10 of this down here for her.

11 Q. Tell me, you said your conflict with Donna and
12 Betty Turner in the grants; what are you referring to?

13 A. There was a conflict between myself and Betty
14 Turner, and I would try to -- I worked with the grants
15 department for three years, three and a half years
16 before Betty started working with them. Betty had no
17 idea how to work with the grants.

18 So when she got promoted into that position --
19 not promoted, when she moved over into that position,
20 for the first six months that she was in that position I
21 did her work because she couldn't do it. And then Donna
22 started doing her work. And so when I would try to help
23 her, I would suggest things to her.

24 So in here where it says, you might think
25 about ways to come across that would be better received

1 Q. (BY MR. COLLAER) Handing you what I've marked
2 as Exhibit 209. Could you identify No. 209 for me,
3 please.

4 A. Performance review.

5 Q. For what year?

6 A. 2011.

7 Q. What was your overall evaluation?

8 A. Solid sustained.

9 Q. Same as the other evaluations you had
10 received, the last two?

11 A. Yes.

12 Q. When you received the evaluation, 209, was
13 there any part of it that you did not agree with?

14 MR. SCHOPPE: Take your time.

15 THE WITNESS: (Reviewing document.) Repeat
16 your question.

17 Q. (BY MR. COLLAER) When you sat down and
18 discussed this evaluation with Ms. McRae when you
19 received it, was there any portion of it that you
20 disagreed with?

21 A. No, not really. I don't think so.

22 (Exhibit 210 marked.)

23 Q. (BY MR. COLLAER) Handing you what I've marked
24 as Exhibit 210. Could you identify No. 210 for me,
25 please.

1 such as instead of using "I" statements or "you," offer
2 other ways to do it. There isn't any other way to
3 explain. This is how I do something. May I suggest you
4 do it this way. There really isn't any other way to do
5 it.

6 But the person who I'm training, which was
7 Betty, she didn't think she should be trained by
8 somebody in a lower position than herself. So it just
9 became a horrible conflict.

10 Q. So am I correct in assuming that the work
11 relationship between yourself and Ms. Turner was
12 somewhat strained?

13 A. Yes. And when I would take it to my
14 supervisor, she wouldn't listen.

15 Q. All right. Could you look at page 7. There
16 is a list of four objectives there. Do you see those?

17 A. Yes.

18 Q. Did you and Ms. McRae talk about those
19 objectives that she had set for you?

20 A. Yes, sir.

21 Q. Did you agree with them?

22 A. Yes, sir.

23 Q. You thought they were a good idea?

24 A. Yes, sir, and I completed them.

25 (Exhibit 209 marked.)

1 A. It's a performance review from 2010.

2 Q. Is that your performance review?

3 A. Yes.

4 Q. You recognize your signature on the first
5 page?

6 A. Yes.

7 Q. Is that the date that you received it and
8 reviewed it for the first time?

9 A. Yes.

10 Q. And what was your overall rating?

11 A. Solid sustained.

12 Q. Again, you met with Ms. McRae prior to signing
13 your evaluation to discuss --

14 A. The day of.

15 Q. -- her of you?

16 A. Yes, sir.

17 Q. And what can you recall about that meeting, if
18 anything?

19 A. I don't recall anything.

20 Q. Do you recall anything negative being
21 discussed during that meeting?

22 A. Apparently I was upset about something.

23 So on page 6 there is a comment that's in my
24 evaluation that probably should not have been in my
25 evaluation, and I made a comment about it on page 7, if

1 that's what you're referring to.
 2 Q. Yes, just anything. I didn't see your
 3 employee comment about -- you made some comment about
 4 the employee bonus that you received.
 5 A. I didn't receive it.
 6 Q. Why don't you tell me about that.
 7 A. What?
 8 Q. The employee bonus that you didn't receive.
 9 A. It wasn't me at all. It wasn't even anybody
 10 in our agency.
 11 Q. The comment that you made on page 7 indicates
 12 that you voiced an opinion about employee bonuses. What
 13 was that?
 14 A. In the government holdbacks, the governor's
 15 holdbacks, all State employees were required to
 16 furlough, forced time off, which essentially is a cut in
 17 pay.
 18 Q. Sure.
 19 A. And this is a matter of record, it's public
 20 record, it's out there. But several State employees,
 21 not ours, not anybody in our agency, but some State
 22 employees were given substantial raises -- or not
 23 raises, but bonuses at the end of that fiscal year.
 24 So four people -- five people, including Jane
 25 McClaran, were having a conversation about it in fiscal.

1 Q. (BY MR. COLLAER) Ms. McCormick, during the
 2 lunch break did you review any documents or do anything
 3 to prepare for this afternoon's session?
 4 A. Not really.
 5 (Exhibit 211 marked.)
 6 Q. (BY MR. COLLAER) Handing you what I've marked
 7 as Exhibit 211. Would you identify No. 211 for me,
 8 please.
 9 A. It's a performance review from 2008.
 10 Q. Do you recognize your handwriting on the front
 11 page?
 12 A. Yes, I do.
 13 Q. It's under the employee signature?
 14 A. Yes, sir.
 15 Q. Your supervisor again on this was Donna McRae?
 16 A. Yes, sir.
 17 Q. And what was your overall rating?
 18 A. Solid sustained.
 19 Q. Tell me, as with your other performance
 20 reviews, did you meet with Ms. McRae to discuss her
 21 ratings of you before you signed it?
 22 A. Yes, sir.
 23 Q. Could you tell me as best you can recollect
 24 the subjects of the conversations you had with Ms. McRae
 25 during that meeting?

1 I mean, nobody was arguing, nobody was mad. And I was
 2 disgusted by it, we all were, and we all voiced our
 3 opinion about it. I wasn't angry. I was just voicing
 4 an opinion. My opinion is no different than Betty
 5 Turner's or anybody else's.
 6 But once again, this goes to show one of those
 7 little deals where I get reprimanded for voicing an
 8 opinion when nobody else got in trouble for saying the
 9 same thing. So this is just an example of one of those
 10 instances where I was told to keep my mouth shut when
 11 nobody else had to keep their mouth shut.
 12 Q. Okay. So I'm correct in assuming that this
 13 conversation that was happening in fiscal that shows in
 14 your evaluation, the subject of this comment that you
 15 made had nothing to do with how anybody at IDJC was
 16 being treated.
 17 A. No, no. It had nothing to do with IDJC at
 18 all.
 19 Q. It had to deal with some employees from other
 20 agencies.
 21 A. Yes.
 22 MR. COLLAER: Let's take a quick break and
 23 actually go off the record.
 24 (Discussion held off the record.)
 25 (Luncheon recess from 11:41 to 12:47 p.m.)

1 A. We just discussed my performance, my eval.
 2 Q. Was there anything negative you recall being
 3 discussed about your performance of that year?
 4 A. I'd have to reread it to see.
 5 Q. As you are sitting here, can you recall
 6 anything negative about your performance that you and
 7 Ms. McRae discussed during that meeting?
 8 A. Not off the top of my head.
 9 Q. If you look at page 7, there is two objectives
 10 identified there. Do you see those?
 11 A. Yes, sir.
 12 Q. Did you agree with those objectives that were
 13 set for you?
 14 A. Yes, sir.
 15 Q. Did you ask that anything about them be
 16 changed?
 17 A. No. In fact, I was excited about them.
 18 Q. So you felt this was a positive thing. This
 19 was a positive aspect of your evaluation.
 20 A. Yes, sir.
 21 Q. Were you able to accomplish those objectives?
 22 A. Yes, sir.
 23 (Exhibit 212 marked.)
 24 Q. (BY MR. COLLAER) Can you identify Exhibit 212
 25 for me, please.

1 A. Performance eval from 2007.
 2 Q. Is this your performance evaluation for that
 3 time frame?
 4 A. Yes, sir.
 5 Q. Is that your signature that appears under the
 6 employee signature on the front page?
 7 A. Yes, sir.
 8 Q. I see in the Type of Review, do you see that
 9 on the front page, Entrance Probation? Was this the
 10 evaluation at the end of your probationary period?
 11 A. Yes.
 12 Q. And it indicates an Achieves Performance
 13 Standards?
 14 A. Yes.
 15 Q. Do you recall, again, as with your other
 16 evaluations, when you received this evaluation, did you
 17 have a personal meeting with Ms. McRae to discuss her
 18 ratings?
 19 A. Yes, I did.
 20 Q. Could you tell me as best you can recollect
 21 what was discussed between the two of you in that
 22 meeting?
 23 A. We just discussed my eval.
 24 Q. Do you recall if there was anything negative
 25 about your performance that was discussed during that

1 got an evaluation and you didn't know what it really was
 2 or not?
 3 A. Yes.
 4 Q. I see that it does not have an overall rating.
 5 A. Correct.
 6 Q. Do you know why it did not have an overall
 7 rating?
 8 A. Do I know why it doesn't have one?
 9 Q. Yes.
 10 A. No.
 11 Q. Was it ever explained to you why you did not
 12 have an overall rating?
 13 A. No.
 14 Q. Did you ask Ms. McRae anything about that?
 15 A. At the time I wasn't aware of it. I did go to
 16 HR and ask about it. And for the record we just have to
 17 sign these. It's not --
 18 Q. I understand. You are not agreeing with
 19 anything. You are just acknowledging you received it.
 20 A. Correct.
 21 Q. But did you meet with Ms. McRae and discuss
 22 Exhibit 213 prior to the time you signed it?
 23 A. At the time I signed it, yes.
 24 Q. What do you recall about that meeting and
 25 discussion you and Ms. McRae had?

1 meeting?
 2 A. I'm sorry. Say again.
 3 Q. Can you recall if there was any negative
 4 aspect of your performance that was discussed during
 5 that meeting?
 6 A. No, there wasn't anything negative that I can
 7 remember.
 8 Q. Do you recall if you and Ms. McRae discussed
 9 items that she wanted you to work on to improve?
 10 A. Not in particular, no.
 11 Q. At this point this ended your probation?
 12 A. Yes, it did.
 13 Q. So then you became a classified employee, and
 14 I think as you testified earlier, you got a pay raise?
 15 A. I believe I did, yes.
 16 (Exhibit 213 marked.)
 17 Q. (BY MR. COLLAER) Handing you what I've marked
 18 as Exhibit 213. Could you identify No. 213 for me,
 19 please.
 20 A. It's an Improvement Requirement from June of
 21 '07.
 22 Q. Was this originally at the end of your first
 23 probationary period, your six-month probation?
 24 A. Yes.
 25 Q. This is what we discussed earlier about you

1 A. She just explained that she was extending my
 2 probation because I didn't understand my desk at the
 3 time. And as I explained earlier, I didn't understand
 4 my desk because she had me working at a desk at
 5 headquarters in Boise.
 6 Q. We've discussed that already. Is there
 7 anything else that you recall about the discussion you
 8 had with Ms. McRae at the time she gave you 213?
 9 A. No.
 10 Q. Then you went to HR. And who in HR did you
 11 speak with?
 12 A. I believe his name is Joe Tueller.
 13 Q. What did you tell Mr. Tueller?
 14 A. I asked him if he could help me figure this
 15 out.
 16 Q. What did you tell him you didn't understand or
 17 what did you tell him you needed help with?
 18 A. I didn't understand the whole thing, because I
 19 had done exactly what I had been told to do. I had been
 20 doing exactly what I had been told to do. Working
 21 exactly as I had been told to do. And now all of a
 22 sudden they are telling me I'm not doing what I was told
 23 to do. Well, excuse me, I'm doing what I'm told to do.
 24 Now suddenly I'm not?
 25 Q. Were you told by Ms. McRae how long she was

1 extending your probation?
 2 A. No. She said it could be 30 days, it could be
 3 6 months.
 4 (Exhibit 214 marked.)
 5 Q. (BY MR. COLLAER) Handing you what I've marked
 6 at Exhibit 214. Could you identify 214 for me, please.
 7 A. It's a letter from Joe Tueller.
 8 Q. Do you recall receiving this letter?
 9 A. Yes.
 10 Q. And there's a reference to a request to allow
 11 you additional time to complete your probation. Do you
 12 see that?
 13 A. Yes.
 14 Q. Is that the request that you were talking
 15 about when you were told by Ms. McRae she was going to
 16 extend your probation?
 17 A. Yes.
 18 Q. That 1,040 hours that is referenced here, is
 19 that your understanding of this letter, that this action
 20 will extend your probationary period up to 1,040 hours?
 21 A. Yes.
 22 Q. It could be a shorter time than that?
 23 A. Yes.
 24 Q. In fact it was, wasn't it?
 25 A. Yes.

1 A. No.
 2 Q. Have you ever made complaints to IDJC
 3 management on those issues?
 4 A. Yes.
 5 Q. When?
 6 A. It would have been 2011 or 2012. I would have
 7 to look at my certificate to tell you for sure. I was
 8 on the COOP's team, and I was reporting on a fire drill.
 9 Q. So whatever your certificate shows that you
 10 attended this fire drill, that would have been the time
 11 frame of when this report occurred?
 12 A. Correct.
 13 Q. And was that out at the Nampa facility?
 14 A. Yes.
 15 Q. When you say "the COOP's team," is that an
 16 acronym for something?
 17 A. It's an emergency preparedness team. I don't
 18 know. I can't tell you what all the letters stand for.
 19 Q. What specifically was the safety issue that
 20 you reported?
 21 A. There was no distinction between some of the
 22 employees and the juveniles. There was no direction of
 23 employees and juveniles. I was concerned with my
 24 safety, number one. I was monitoring a conjunction in
 25 the hall, and juveniles had no direction. There was

1 Q. How long did your extended probation last?
 2 A. I don't remember.
 3 Q. Again, it was your understanding that any time
 4 during your probation your supervisor could have said,
 5 We are going to let you go, and not be required to
 6 explain it.
 7 A. Correct.
 8 Q. But she didn't do that, did she?
 9 A. No.
 10 Q. Tell me, focusing on 2010, can you describe
 11 for me any time that you forwarded complaints to IDJC
 12 management concerning sexual misconduct of staff with
 13 juveniles?
 14 A. Excuse me?
 15 Q. Can you tell me any time in 2010 that you made
 16 any complaints or forwarded any reports to IDJC
 17 management regarding sexual misconduct of staff and
 18 juveniles?
 19 A. I have not.
 20 Q. Have you ever made any complaints to
 21 management about that subject?
 22 A. No.
 23 Q. Focusing again on 2010, can you describe any
 24 reports or complaints you made to IDJC management
 25 regarding safety issues involving juveniles?

1 staff that had visitors in their offices who didn't seem
 2 to know what they were supposed to do with their
 3 visitors.
 4 I made the report, I had made a written report
 5 that went to management, it went to the COOP's team, it
 6 went to the leadership team, which included -- the
 7 COOP's team, the leadership team, Sharon. I think that
 8 covers everybody.
 9 Q. And this was based upon observations you made
 10 while you were there for that fire drill?
 11 A. Correct.
 12 Q. How long were you there for the fire drill?
 13 A. Almost 30 minutes. It took 30 minutes to
 14 evacuate the building.
 15 Q. Tell me, as a result of this report that you
 16 authored and sent to these various people, including
 17 Sharon, what happened to you?
 18 A. What do you mean?
 19 Q. Did anybody do anything to you?
 20 A. Not to my knowledge that I know.
 21 Q. Specifically with respect to Sharon, did she
 22 contact you and criticize you or do anything adverse to
 23 you because you wrote this report?
 24 A. Specifically, no.
 25 Q. Did anybody do anything like that to you

1 because you wrote that report?
 2 A. The report is confidential.
 3 Q. My question is: Did anybody retaliate or do
 4 anything to you because you wrote that report?
 5 A. The report is confidential. My name is not on
 6 the report.
 7 Q. So nobody knows who wrote it.
 8 A. Correct.
 9 Q. Including Ms. Harrigfeld.
 10 A. Correct.
 11 Q. And that would also include Ms. Grimm.
 12 A. Correct.
 13 Q. Tell me, in 2010 did you ever make any reports
 14 to IDJC management concerning employees not reporting
 15 their time accurately?
 16 A. Say again.
 17 Q. In 2010 did you make any reports or complaints
 18 to IDJC management concerning employees not reporting
 19 their time accurately?
 20 A. I was not the CPO.
 21 Q. So the answer is no?
 22 A. Correct.
 23 Q. Have you ever made any complaints of that
 24 nature?
 25 A. Yes.

1 Q. Understood.
 2 Did Sharon Harrigfeld ever do anything adverse
 3 to you because you reported you had been told by
 4 employees that people weren't reporting their time
 5 accurately?
 6 A. Sharon has never asked me about it.
 7 Q. So she has never done anything to you, to your
 8 knowledge.
 9 A. No.
 10 Q. Has been anybody else done anything to you
 11 because of that?
 12 A. When I make my reports, things tend to get a
 13 little nasty, exclusions happen. If you were being
 14 treated nicely this week and you make a report, you are
 15 treated badly the next week until that passes.
 16 Q. Well, what I'm interested in is specifically
 17 when you forwarded on the fact that employees had told
 18 you that other employees were not accurately reporting
 19 their time, and Ms. McRae and Mr. told you what
 20 they did. Other than that, as a result of that
 21 conversation you had with Mr. and Ms. McRae, did
 22 they do anything to you?
 23 A. No.
 24 Q. In 2010 did you ever make any reports to IDJC
 25 management regarding misuse of government funds at the

1 Q. Tell me about it.
 2 A. I've had complaints come to me since I become
 3 the CPO. I take them to my supervisor or to HR. I am
 4 told that as long as the supervisor signs off on it,
 5 there is nothing I can do.
 6 Q. My question is: Any complaints that you
 7 personally made to management about employees not
 8 reporting their time accurately; have you ever done
 9 that?
 10 A. Report it to management?
 11 Q. Yes.
 12 A. Yes.
 13 Q. Specifically what, what was the report?
 14 A. That I've been told that employees aren't
 15 reporting their time correctly. I am told if their
 16 supervisor signed off on their timesheet, don't worry
 17 about it.
 18 Q. Okay. Who told you that?
 19 A. I've been told that by HR, I've been told that
 20 by Scott I've been told that by Donna McRae.
 21 If their supervisor signs off on it, don't worry about
 22 it.
 23 Q. Did you ever talk to Sharon Harrigfeld about
 24 that?
 25 A. No, I talked to my supervisors.

1 IDJC?
 2 A. Yes.
 3 Q. Why don't you tell me about in 2010 any
 4 reports that you made.
 5 A. There is several instances where we paid
 6 staff, cash advanced staff that we should not have; we
 7 never got the money back. We pay for housing that
 8 nobody tracks; we don't get the money back for
 9 juveniles. For example, we pay a deposit on an
 10 apartment; we never get that money back, nobody tracks
 11 it, it's just gone. And I voice a concern about that
 12 all the time, because some of the deposits we pay are
 13 pretty hefty.
 14 Purchasing furniture for the apartments that
 15 we rent for the juveniles who are out there. We have --
 16 not so much 2010, but just throughout time --
 17 Q. Let's focus on 2010, then we can talk about
 18 other times after that. Anything else in 2010 that you
 19 recall making reports about?
 20 A. No.
 21 Q. Tell me, with respect to the cash advances to
 22 staff, after you made those reports did anybody do
 23 anything adverse to you because of that report?
 24 A. I'm just told to mind my own business.
 25 Q. Nobody retaliated against you because you made

1 that report.
 2 MR. SCHOPPE: Objection; calls for speculation
 3 as to the state of mind of people.
 4 Q. (BY MR. COLLAER) That's with respect to did
 5 they do anything crappy to you because you made the
 6 report?
 7 A. Yes.
 8 Q. Who?
 9 A. I believe my supervisors both did.
 10 Q. Did Sharon Harrigfeld do anything adverse to
 11 you because you made that report?
 12 A. No.
 13 Q. Did Betty do anything adverse to you because
 14 you made that report?
 15 A. No, not Betty Grimm.
 16 Q. Let's talk about the housing not tracked and
 17 you don't get the money back. Same question, did
 18 anybody retaliate against you because you made those
 19 reports in 2010?
 20 MR. SCHOPPE: Same objection; calls for
 21 speculation.
 22 THE WITNESS: Again, it's the same issue, same
 23 answer.
 24 Q. (BY MR. COLLAER) So your supervisors were
 25 giving you a cold shoulder --

1 A. No, sir.
 2 Q. How about Ms. Grimm?
 3 A. No, sir.
 4 Q. How about 2012, did you make any reports about
 5 misuse of government funds?
 6 A. Same issues.
 7 Q. That we just talked about, the three, with the
 8 cash advances, tracking of housing, and purchasing
 9 furniture.
 10 A. Yes, sir.
 11 Q. And with respect to any complaints or reports
 12 you made in 2012, could you describe for me anything
 13 that Ms. Harrigfeld did adverse to you because you made
 14 those reports?
 15 A. No.
 16 Q. How about Ms. Grimm?
 17 A. No.
 18 Q. And the response from your supervisors is the
 19 same as you described earlier?
 20 A. Yes.
 21 Q. Tell me, in 2010 did you make any complaints
 22 or reports to IDJC management regarding hiring
 23 practices?
 24 A. I called it a dog and pony show.
 25 Q. Other than that anything else?

1 A. You are told, Go to your desk, sit down, and
 2 keep your mouth shut.
 3 Q. But other than that, did they do anything else
 4 to you?
 5 A. You are exiled. You are exiled. I don't know
 6 if --
 7 Q. Did Sharon Harrigfeld do anything retaliatory
 8 to you?
 9 A. No.
 10 Q. How about Betty Grimm?
 11 A. No.
 12 Q. The purchasing furniture for juvenile
 13 apartments, did Sharon Harrigfeld do anything adverse to
 14 you?
 15 A. No.
 16 Q. How about Betty?
 17 A. No.
 18 Q. In 2011 did you make any reports or complaints
 19 about misuse of government funds?
 20 A. Same issues.
 21 Q. Same things that we just talked about?
 22 A. Yes, sir.
 23 Q. With respect to any of those reports you made
 24 in 2011, did Sharon Harrigfeld do anything adverse to
 25 you?

1 A. No.
 2 Q. Other than making the comment that it's a dog
 3 and pony show, have you ever made any complaints to IDJC
 4 management regarding hiring practices of the Department?
 5 A. No.
 6 Q. Can you describe any financial losses you
 7 contend you've experienced as a result of any
 8 retaliation you contend Sharon Harrigfeld took against
 9 you?
 10 A. I don't contend that Sharon took any
 11 retaliation against me.
 12 Q. Same question with respect to Betty Grimm.
 13 A. I don't work with Betty Grimm.
 14 Q. Is it your contention that Ms. Grimm did
 15 anything retaliatory to you?
 16 A. No.
 17 Q. As I understand, the people who you have a
 18 contention with or a disagreement with or a dispute with
 19 in the workplace is some of your coworkers and primarily
 20 your supervisor Ms. McRae.
 21 MR. SCHOPPE: Objection; misstates testimony.
 22 THE WITNESS: What he said.
 23 Q. (BY MR. COLLAER) How is that wrong?
 24 A. You are generalizing it and that is not
 25 correct.

1 Q. Well, what's wrong about it?
 2 A. You are just limiting it to my supervisor and
 3 that would be incorrect.
 4 Q. I included your coworkers, a number of your
 5 coworkers.
 6 A. Scott isn't my coworker. Julie Cloud isn't my
 7 coworker.
 8 Q. So you are disagreeing with your supervisor,
 9 Ms. McRae; correct? One of them is.
 10 A. Yes.
 11 Q. And we've discussed about what she has done or
 12 hasn't done to you throughout the day, haven't we?
 13 A. Yes.
 14 Q. Is there anything that you haven't told me
 15 that you believe Ms. McRae has done wrongfully to you?
 16 A. Say again.
 17 Q. Is there anything we haven't discussed that
 18 you believe Ms. McRae has done to you that is wrongful?
 19 A. I think we've discussed her fully, yes.
 20 Q. Sure. Anything that we have discussed that
 21 you haven't told me about that Mr. has done to
 22 you that you feel is wrongful?
 23 A. I'm not sure I'm understanding your question.
 24 Q. I know you've described some things that Mr.
 25 has done.

1 A. My complaint is against the Department as a
 2 whole.
 3 Q. Do you have any complaints against anything
 4 she has done personally?
 5 A. I've answered the question.
 6 Q. Well, no, you haven't. My question is: Do
 7 you have any complaints about anything that Ms.
 8 Harrigfeld has done personally to you?
 9 THE WITNESS: Haven't I answered the question?
 10 MR. SCHOPPE: You can answer if there is
 11 something more than what you've already testified to.
 12 THE WITNESS: I've answered the question.
 13 Q. (BY MR. COLLAER) If she hasn't retaliated
 14 against you, what do you contend that she has done
 15 wrongful to you?
 16 A. I don't think she has done what she said she
 17 would do. I don't think she has protected me the way
 18 she said she would do.
 19 Q. What do you contend Ms. Grimm has done
 20 wrongful to you?
 21 A. I don't contend Ms. Grimm did anything to me.
 22 Q. Do you understand that you've sued her?
 23 A. I understand that I am suing the Department of
 24 Juvenile Corrections.
 25 Q. Do you understand that you are also suing Ms.

1 A. Yes.
 2 Q. You said he's yelled and screamed at employees
 3 when you were present, those types of things.
 4 A. Yes.
 5 Q. Other than the things you've described to me
 6 that Mr. has done, anything else you contend he
 7 has done to you that we haven't already discussed?
 8 A. No.
 9 Q. How about Julie Cloud, what do you contend she
 10 has done to you that you feel is wrongful?
 11 A. I think she allows -- I don't think she
 12 supports employees as she's supposed to.
 13 Q. Tell me, Ms. McCormick, if Ms. Harrigfeld and
 14 Ms. Grimm have never retaliated against you, why are you
 15 suing them?
 16 MR. SCHOPPE: Objection; calls for a legal
 17 contention. It's not a fair question in a deposition.
 18 THE WITNESS: I'm not going to answer that
 19 question.
 20 Q. (BY MR. COLLAER) I don't think you have a
 21 choice. Your complaint alleges Ms. Harrigfeld
 22 retaliated against you.
 23 A. My complaint is against the Department as a
 24 whole, not against --
 25 Q. Not against Ms. Harrigfeld personally.

1 Grimm personally?
 2 MR. SCHOPPE: Again, calls for a legal
 3 conclusion.
 4 Q. (BY MR. COLLAER) Do you have any
 5 understanding about that?
 6 A. Sir, I've answered your question.
 7 Q. I understand your answer.
 8 Tell me, can you describe for me any physical
 9 damage you've experienced as a result of anything you
 10 contend Sharon Harrigfeld has done to you?
 11 A. Repeat the question.
 12 Q. Can you describe for me any physical damage
 13 you have experienced as a result of anything you contend
 14 Sharon Harrigfeld has done to you?
 15 A. Any physical damage?
 16 Q. Yes.
 17 A. You mean short of a year, a little over a year
 18 of mental anguish and ongoing mental anguish that I
 19 suffer every single day because I don't have any support
 20 where I work? That you mean?
 21 Q. That's what you contend Ms. Harrigfeld caused
 22 you?
 23 MR. SCHOPPE: Calls for a legal conclusion.
 24 THE WITNESS: That is my answer.
 25 Q. (BY MR. COLLAER) Is that a "yes"?

1 A. Yes.
 2 Q. All right. Can you tell me any physical
 3 damage you claim you've experienced as a result of
 4 anything Betty Grimm has done to you?
 5 A. Sir, I have never worked with Betty Grimm.
 6 Q. So you are not contending Ms. Grimm has caused
 7 you any physical harm.
 8 A. Correct.
 9 Q. Could you describe for me any psychiatrists,
 10 psychologists, counselors you've seen in the last five
 11 years? We've talked about the one person. Any others?
 12 A. That's correct.
 13 Q. Any others?
 14 A. No, sir.
 15 Q. How about any other doctors you've been seen
 16 by or treated by in the last five years?
 17 A. I have already answered that question as well.
 18 Q. Who are they?
 19 A. Dr. Michael O'Brien, he's a neurologist, he
 20 sees me for migraines. Dr. Lynn Ge-Zerbe, she treats me
 21 for my diabetes. Those are the only two that are
 22 pertinent to this.
 23 MR. COLLAER: I have nothing further.
 24
 25

1 A. On an ordinary day I work with Don Elliott,
 2 Joan Baker, Nancy Ashcraft, Sherry French, Donna, Scott.
 3 Mostly I stay pretty much in the fiscal department. Of
 4 course, now I do payroll so I work with all of the
 5 facilities. So at any given time I could be working,
 6 talking with any of the superintendents, any of the
 7 managers, I may have to contact any employee. All
 8 employees have access to me any time they have a payroll
 9 question, or vice versa.
 10 If I have a question on their timesheets, I
 11 may call them. If their hours look a little hokey to me
 12 and there is no notes on their timesheets, I may call
 13 into question, Why are you working a 20 hour day, and
 14 there is no notes from you or your supervisor?
 15 But for the most part I pretty much stay
 16 within the realm of the fiscal department.
 17 Q. With respect to --
 18 A. And HR, people in HR.
 19 Q. You work with people in HR?
 20 A. Julie -- not so much Julie. Pat Thomson,
 21 Joyce Clark, and Shelli Rael.
 22 Q. What do you do with those people?
 23 A. The Department of Juvenile Corrections, we are
 24 one of the few agencies where we share payroll. So
 25 there is some aspects of payroll that I don't have

1 EXAMINATION
 2 QUESTIONS BY MR. SCHOPPE:
 3 Q. I have some follow-up questions for you.
 4 Ms. McCormick, if you can tell us a little bit
 5 more about your credentials. When you worked as a
 6 correctional officer, did you receive training there?
 7 A. Yes, I did. I'm POST certified.
 8 Q. And what other kind of training did you get as
 9 a correctional officer?
 10 A. As in?
 11 Q. Whatever training you have.
 12 A. Weapons, I'm proud to say I ranked third in my
 13 class with a 96.
 14 Q. Safety and security, things like that?
 15 A. Safety and security, all aspects of prison
 16 awareness. When you work in a medium security prison,
 17 you are around some pretty violent felons. So, of
 18 course, we are trained on how to react in violent
 19 situations and appropriate use of force, search and
 20 seizure movements, how to check a unit, how to clear a
 21 unit. Training is ongoing, it's never ending.
 22 Q. Switching gears. Can you tell me who your
 23 coworkers are, who you work with on a regular basis.
 24 A. Today?
 25 Q. On an ordinary day, yes.

1 access to and they don't want it. So there is things
 2 that I'll need that they have, so I have to go through
 3 them to get and vice versa.
 4 Q. What kinds of things are you talking about?
 5 A. There are reports that they have access to
 6 that I don't have access to, and most of the time I
 7 don't need them, and they are confidential so I don't
 8 even want access to them. Like any kind of disciplinary
 9 actions, stuff like that, I just don't need to know.
 10 Wages, any of that kind of information, I can access it
 11 kind of a back-alley way, but I have no interest in
 12 knowing. So my duty is just to process payroll.
 13 If I have a problem with an employee's
 14 location, a pay location, or I need to move an employee,
 15 I can't do it, I have to go through HR and say, I need
 16 you to process a POP. It's called an IPOP's action.
 17 They have to do. I can't do it.
 18 Q. You mentioned issues with timecards or pay
 19 issues that stand out to you, hokey? How do you see
 20 those sorts of things?
 21 A. When I'm going through timesheets, every
 22 payday the payroll, when the payroll is ready for
 23 submission, I get everybody's timesheets. I print them
 24 out, and I have to go through them one at a time to
 25 verify that they have the correct amount of time on

1 them, first off, which is at least 40 hours, that they
 2 are signed off by their supervisor, that they are
 3 claiming their shift differential, that they haven't
 4 broken any of the admin codes.
 5 Like, for example, if you work 40 hours,
 6 actual hours in a week, you can't have any sick leave or
 7 any other kind of leave in that week, because it
 8 generates overtime and you can't have that. So I go
 9 through just to make sure everybody is following the
 10 rules.
 11 On several occasions I'll go through
 12 a timesheet -- like a few weeks ago, or a few paydays
 13 ago, I had several timesheets come through that I had
 14 several employees have 60 hours for the week. I was
 15 like, This is odd. And one employee had 20 hours for
 16 the day, and no notes. Well, that is a red flag, that
 17 is a red flag for me, and it's a red flag when it goes
 18 over to the State controller's office.
 19 There were no notes on the timesheet, so I
 20 contacted the supervisor -- well, I tried to contact the
 21 supervisor, but the supervisor was off that day. So I
 22 contacted the supervisor's supervisor, which in this
 23 case, I believe, was Lynn Viner, who had to contact the
 24 supervisor at home, and they called me and said they
 25 were on a retreat, this person didn't have any time off,

1 signed off on it, I can't.
 2 Q. Is there anybody else who could take action to
 3 investigate it, or who does take action to investigate
 4 an allegation like that?
 5 A. I can let HR know that I've had this
 6 complaint, and they will say, Well, did you contact the
 7 supervisor? Yes. What did the supervisor say? Okay,
 8 leave it alone.
 9 Q. So no effort by them to investigate
 10 independently of what you've already confirmed?
 11 A. My assumption, no.
 12 Q. Any other employees you have heard that about?
 13 How about Dave Rohrbach?
 14 A. I've heard that, but I wasn't the CPO when
 15 that happened.
 16 Q. Who was?
 17 A. Sean Southard. I was the relief CPO at that
 18 time.
 19 Q. Do you know who was making those reports?
 20 A. I do not.
 21 Q. Do you recall who reported the Colleen Foster
 22 issue to you?
 23 A. I actually think it was Rhonda, Rhonda
 24 Ledford, transport officer.
 25 Q. Any other employees that you heard problems

1 they were -- whatever, so that's how. So I verify them,
 2 I make a comment who I talked to, when I talked to them
 3 and what time, and then I move on.
 4 Q. When you catch red flags like that, is the way
 5 the system is divided, between human resources and
 6 fiscal, make it difficult to crosscheck or confirm
 7 whether hours were actually worked?
 8 A. Sometimes.
 9 Q. You testified earlier that you receive reports
 10 from other employees about timecard fraud or timecard
 11 problems with other employees; is that right?
 12 A. Yes.
 13 Q. Do you recall who it was that reported things
 14 to you?
 15 A. On occasion I'll get a call. I've had calls
 16 from -- I had a call against Colleen Foster. I had
 17 somebody call and say, I know she's reporting more time
 18 than she's working. I notified HR, I said, Can you pull
 19 her timesheets? Yes. I pulled her timesheets. They
 20 showed that she was working.
 21 The problem with our timesheets is, you write
 22 down 8 hours, 9 hours, 10 hours, I can't say it didn't
 23 happen. But if her supervisor signs off on that
 24 timesheet, they've signed off on it. I can't disprove
 25 it or -- but as long as the supervisor himself has

1 about with respect to timecard fraud?
 2 A. No. I heard it about Glenda; somebody asked
 3 me to look at her timesheets. But, again, when you look
 4 at them, there is nothing there. They are signed off on
 5 by the supervisor. And I can go to my supervisor and
 6 say, I've had these complaints. Has the supervisor
 7 signed off on the card? Yes. Let it go. Okay.
 8 Q. Have you ever offered any criticisms of the
 9 Department supporting juveniles after they are released?
 10 A. Yes.
 11 Q. What have you said about that?
 12 A. I have even talked with Don Elliott about it,
 13 because we had a bill come in for a juvenile who is an
 14 adult now and he's been released from our custody, and I
 15 had received a bill for a housing expense. And I'm
 16 like -- first off, I didn't know who the vendor was, and
 17 so I needed a W-9. And I thought it was a new
 18 residential placement, and so I needed a contract, and
 19 Don handles all the contracts.
 20 And he says, Oh, no, we don't have a contract
 21 with this caregiver. I'm like, Well, I thought -- so I
 22 said okay, and I thought this particular juvenile had
 23 been released from our custody. He is. And I'm like,
 24 Wait a minute. And he said, We were instructed by
 25 Sharon to go ahead and pay his housing for the next

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1 couple months until he's approved for Social Security.
 2 And I was kind of dumbfounded by that, because
 3 we had already invested quite a bit into this person's
 4 care, if you will, and now we are paying -- he's not in
 5 our custody, he's been released, he's an adult by all
 6 standards of the law, and now we are paying his private
 7 housing.
 8 Q. Did you talk about that with Don? Did he
 9 offer any comments or criticisms on that?
 10 A. He just shook his head and he said, Kim, just
 11 do what you are told. That is the best I can tell you.
 12 Q. Did you get the impression that he disapproved
 13 of that?
 14 MR. COLLAER: Objection; calls for
 15 speculation.
 16 THE WITNESS: He was not happy.
 17 Q. (BY MR. SCHOPPE) Did you talk with your
 18 supervisor about why the Department was doing that or
 19 whether it was a program or something like that?
 20 A. We are told just to pay it.
 21 Q. Did you ever suggest to your supervisor that
 22 that was not something that the Department should be
 23 doing or was inappropriate or anything like that?
 24 A. I brought it up, and they said, Well, we have
 25 to make exceptions sometimes, and this is just an

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1 exception.
 2 Q. Are you aware of any policy or any guidelines,
 3 anything like that at all that says the Department
 4 should pay for juveniles that are not in its custody?
 5 A. There is no policy and there is no guidelines.
 6 Q. Is that the only time you've ever criticized
 7 or complained about that sort of thing?
 8 A. No. We had a youth who they were trying to
 9 place him in an apartment, and the provider came back
 10 and said, Well, we can't get his power turned on because
 11 his mother's power bill is past due, or has been turned
 12 off. And the power bill apparently had been in the
 13 youth's name at some point in time, and the youth was a
 14 minor and it was \$300. So we ended up paying the
 15 mother's power bill.
 16 And we went to Scott and said, Wait a minute.
 17 Legally, this woman shouldn't have even used this kid's
 18 name. Well, yeah, but we need to get him out of the
 19 facility, so let's just go ahead and pay it.
 20 Q. That is what Scott said?
 21 A. Yes. So we paid it.
 22 Q. Do you happen to recall the name of that
 23 juvenile?
 24 A. No. No.
 25 Q. How about the one you mentioned before with

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1 respect to --
 2 A. His name is -- I remember his name. It's Mr.
 3 Ruffino [ph].
 4 Q. Why are these juveniles being placed in
 5 out-of-facility apartments or things like that?
 6 A. I was told by one of the JSCs that they are
 7 too violent to be kept in the facility.
 8 Q. Who told you that?
 9 A. Well, his name is Erwin. I wish I could think
 10 of the juvenile's name.
 11 Q. If it comes to you later, you can supply it.
 12 A. I practice not knowing their names.
 13 Q. So is this Mr. Erwin who told you this or is
 14 that his first name?
 15 A. His first name.
 16 Q. Did he explain why it was that more violent
 17 juveniles are placed outside of the facility?
 18 A. They have no program available inside.
 19 Q. And then do you know what happens with respect
 20 to supervision or things like that for them while they
 21 are out of the facility?
 22 A. We hire an outside agency, a caretaking
 23 service to sit with them 24/7.
 24 Q. How much more expensive is that than
 25 maintaining them in the facility?

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1 A. So the cost per day in the facility is about
 2 \$275 a day. The cost to house them out in an apartment
 3 is about \$10,000.
 4 Q. So \$257 per day in the facility.
 5 A. Uh-huh.
 6 Q. And then 10,000 --
 7 A. Outside.
 8 Q. Per day?
 9 A. Per month. We pay \$375 a day for the daycare
 10 for the person, and upwards to \$1,000 to \$2,000 a month
 11 for the apartment, depending on if they have a roommate
 12 or not, and that includes their utilities, a membership
 13 to the gym, their cell phone.
 14 Q. The juveniles' cell phones are paid for?
 15 A. Yes.
 16 Q. Do you know why?
 17 A. Well, in case they have to get ahold of their
 18 caseworker or something.
 19 Q. Have you ever formed an opinion that that is a
 20 waste of public funds?
 21 MR. COLLAER: Object to the form of the
 22 question; vague, calls for speculation.
 23 Q. (BY MR. SCHOPPE) You know if you've had an
 24 opinion or not; right?
 25 A. Yes.

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1 Q. Have you ever formed an opinion about that?
 2 A. Yes.
 3 Q. What opinion did you form?
 4 A. Well, I work two jobs and I can't afford a
 5 membership to the gym, and I can't -- we have a youth
 6 out here who has committed a crime. He's been sentenced
 7 to go to a holding facility. He's too dangerous to be
 8 in the facility so we put him in an apartment and pay
 9 for him a gym membership because he has to have some way
 10 to work out his aggression? Excuse me. In my opinion,
 11 my taxes are paying for this. I just think it's wrong,
 12 in my opinion. That's my opinion.
 13 Q. Have you ever discussed safety concerns about
 14 that sort of placement with other employees, about
 15 violent juveniles being placed out of the facility in
 16 apartments and things like that?
 17 A. Yes. In fact, I've discussed it with Don
 18 Elliott. In fact, we had a juvenile who was out there,
 19 he was out there three weeks when he assaulted his
 20 caregiver. His caregiver ended up with 17 stitches. He
 21 ended up in the hospital with 17 stitches. The juvenile
 22 is sitting in the county jail.
 23 In that particular case we had a \$750 deposit
 24 on the apartment. We lost that deposit. We put another
 25 kid in that apartment. We paid another \$750 deposit on

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1 that same apartment. What happened to the first \$750?
 2 We never got it back.
 3 Q. Does the Department make any effort to try to
 4 recover those monies?
 5 A. Who tracks it? Nobody tracks it.
 6 Q. Is this something you have raised with your
 7 supervisors?
 8 A. Yes.
 9 Q. And how about with respect to your opinion as
 10 to the wastefulness of spending that kind of money on
 11 placing violent juveniles outside the facility; is that
 12 something you've talked about with your supervisors as
 13 well?
 14 A. That is above my pay grade. Just go do your
 15 job.
 16 Q. So that's a "yes"?
 17 A. Yes.
 18 Q. And what you just said, is that what your
 19 supervisors told you?
 20 A. Yes.
 21 Q. Prior to the time that Director Harrigfeld
 22 became the director of the Department, were these
 23 concerns that you had or reports that you made?
 24 A. We didn't have this happen.
 25 Q. You didn't see that kind of waste when it was

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1 under Director Callicutt; is that right?
 2 A. Correct.
 3 Q. With respect to safety issues, are you aware
 4 of whether there has been an increase in worker's
 5 compensation claims by employees?
 6 A. They have just recently started reporting on
 7 those in our all-staff meetings, and I don't know that
 8 there has been an increase, per se. I know in our last
 9 meeting they said there had been a decrease in the last
 10 month.
 11 Q. Do you know who maintains that kind of
 12 information?
 13 A. I believe Shelli Rael does.
 14 Q. With respect to the kinds of complaints that
 15 you've talked about, with respect to supporting
 16 juveniles after they are released from the facility,
 17 spending these amounts on them to place them in private
 18 apartments with caregivers, and failing to collect
 19 reimbursements from parents -- I'm not sure if you
 20 testified about that. There was an issue about getting
 21 reimbursements from parents I think you testified about
 22 earlier briefly. Have you had a concern about the
 23 Department not being reimbursed from parents when they
 24 ought to be?
 25 A. We try to get reimbursements from parents.

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1 Q. What kind of reimbursements?
 2 A. Well, it's called "parent reimbursement." I
 3 worked with Joan Baker briefly on that when I first
 4 started with the Department. And by Idaho statute we
 5 can ask parents for reimbursement for the care and
 6 maintenance of their children while they are in our
 7 custody.
 8 And I can't really speak to the full detail on
 9 it. I know we are allowed X amount of dollars for care
 10 and maintenance. We never ask for the full amount. I
 11 believe what we ask for is \$300 a month, and we'll work
 12 with parents who -- obviously that is a lot of money for
 13 some parents. And I know we'll go -- Joan will go as
 14 low as \$10 a month with some parents, as long as they'll
 15 make some sort of payment.
 16 And I listen to Joan because we are right next
 17 to each other. There's other parents who some of the
 18 times -- a lot of times we don't get anything, and it's
 19 not because the parents probably couldn't afford it.
 20 They just choose not to do it.
 21 Q. This is what she's telling you?
 22 A. I process the paperwork. When they send in
 23 their stipulations, they send in a form that says, I
 24 make \$4,000 a month, but I have a \$400 house payment, a
 25 boat payment, a motorcycle payment, a snowmobile

1 payment. Now, wait a minute, no wonder you don't have
 2 any money left.
 3 Q. So it's not making sense to you when you are
 4 processing these people who are genuinely unable to pay?
 5 A. Well, they should be able to pay.
 6 Q. These reimbursements, are they court ordered
 7 or are they required by law or what?
 8 A. They are not court ordered. We have one judge
 9 in the state who does court order, and his name is Judge
 10 Murray. He court orders \$1,000 a month just flat out.
 11 Nobody pays it. We don't really enforce it because
 12 nobody can really afford that.
 13 And so the money that comes in doesn't
 14 necessarily go to the kids' care. It goes to a lot of
 15 other things. But Joan works the cases, so I listen to
 16 her all day.
 17 Q. Have you ever had any concerns about the
 18 Department paying for employees' personal expenses for
 19 cell phones and it ought not to?
 20 A. Yes.
 21 Q. Tell me about that.
 22 A. Every month all employees -- not all
 23 employees. I have about 45 employees who get cell phone
 24 reimbursements every month. And depending on who they
 25 are, they get either \$35 a month or \$75 a month. If

1 Q. Is it your understanding that Ms. Day is a
 2 personal friend of Ms. Harrigfeld?
 3 A. Correct.
 4 Q. Was there also an issue in which the
 5 Department was paying for foster care to a juvenile's
 6 mother?
 7 A. We are currently. The juvenile is out of our
 8 facility. He's still in our custody, but he's living
 9 with his mom, but we are paying her foster care.
 10 Q. When you say "paying her foster care" --
 11 A. We are paying her.
 12 Q. She's being paid as though she's the foster
 13 parent of the child?
 14 A. Yes.
 15 Q. And it's her own child?
 16 A. Correct.
 17 Q. Do you know why that is happening?
 18 A. To help her get care for her kid, her child.
 19 Q. Is there any kind of a program or policy in
 20 which those payments are being made, or is this just
 21 something that is discretionary, if you know?
 22 A. I don't understand the question.
 23 Q. Who made the decision to issue that payment to
 24 this person?
 25 A. All of those types of things come directly

1 they are part of leadership, they get \$75 a month.
 2 I had one employee, her name was Deborah Day,
 3 she's no longer with the Department. But she took a
 4 leave of absence for medical reasons, and for the first
 5 30 days we went ahead and paid her cell phone
 6 reimbursement, which is \$35. And the second month I
 7 didn't think it should be paid, because nobody else,
 8 whoever took a leave of absence, got that money.
 9 So I took it to the supervisor, and I said,
 10 Deborah Day has been out for 30 days, I don't think we
 11 should pay this. And I know in the big scheme of things
 12 \$35 is nothing, but nobody else gets it. If they are
 13 out 30 days, they don't get it anymore, until they come
 14 back. And I was told, No, we are going to go ahead and
 15 pay her because we don't want to kick her when she is
 16 down.
 17 Q. Is there a policy about that?
 18 A. No. There is one going through IPPS or APPS
 19 now that says it will be the discretion of the
 20 supervisor.
 21 Q. Okay. But at that point it wasn't?
 22 A. No.
 23 Q. There was a rule that said after 30 days it's
 24 cut off?
 25 A. Correct.

1 from Sharon.
 2 Q. You are not aware of any program that allows
 3 for the payment of expenses of juveniles out of
 4 Department custody?
 5 A. He's in our custody, but he's living at home.
 6 Q. Is he supervised, as far as you know?
 7 A. By his mother.
 8 Q. Just by his mother.
 9 A. Again, this is one of those payments I got
 10 that I don't have a contract on that I had to go to Don
 11 Elliott and say, Don, can you explain this to me?
 12 Q. What did Don say?
 13 A. He just says, Kim, I just do what I'm told.
 14 And I'm like, Don, I need a contract. Well, I don't
 15 really have a contract. He's out, he's living with his
 16 mom. And he says, Don't you know we are a foster care
 17 agency now? And left it that.
 18 Q. Was he being facetious?
 19 A. Yes.
 20 Q. Have you ever talked about other issues
 21 concerning waste of the Department with Mr. Elliott?
 22 A. Yes.
 23 Q. Has he expressed significant concerns of his
 24 own about that?
 25 A. Yes.

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1 Q. What sorts of things has he talked about?
 2 A. Vehicles. He was given instructions to
 3 deliver a vehicle to District 6 for the personal use of
 4 one of the JSCs down there, and I'm like...
 5 Q. What did he say about that?
 6 A. He was just shocked.
 7 Q. Why?
 8 MR. COLLAER: Objection; calls for
 9 speculation.
 10 Q. (BY MR. SCHOPPE) Did he tell you why?
 11 A. Yes.
 12 Q. What did he say?
 13 A. Because State vehicles aren't for personal
 14 use. It's right in our care and use policy.
 15 Q. With respect to things that you and Sherry
 16 French had talked about with Mr. and then you
 17 were pulled into his office for a meeting or pulled into
 18 a meeting with him, what were those things that you
 19 discussed or reported with her?
 20 MR. COLLAER: Objection; asked and answered.
 21 THE WITNESS: Sherry had reported misuse of
 22 State P-cards. They are a Mastercard. When she started
 23 reporting the problems to our new P-card administrator,
 24 which is Nancy Ashcraft, she was told -- she started
 25 getting picked on by the two financial specialists, and

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1 so she started coming to me.
 2 Q. (BY MR. SCHOPPE) Did you look at the issue of
 3 the P-card abuse?
 4 A. Yes.
 5 Q. What did you look at?
 6 A. They were payments, like we had a teacher who
 7 had bought books that he shouldn't have, and eventually
 8 he repaid the money. But we were calling into question
 9 the financial specialist's ability to do her job
 10 initially is what we were doing, or not doing her job, I
 11 guess.
 12 Q. Did you talk about this with the supervisor?
 13 A. Yes.
 14 Q. Who did you talk about it with?
 15 A. Scott. Or no, Donna, I guess it was Donna.
 16 And when Donna addressed Nancy, because she was in
 17 training, she involved Betty, and Donna and Betty ganged
 18 up on Sherry. And I was sitting right there when it
 19 happened, and so I went to bat for Sherry. And since
 20 Scott is the one who brought Nancy in from DOC, Scott is
 21 the one who jumped down Sherry and I.
 22 Q. So the response was based on favoritism
 23 towards her?
 24 A. Correct, towards Nancy Ashcraft.
 25 Q. And during that meeting what were the -- you

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1 mentioned earlier that he had raised his voice and was
 2 yelling; is that right?
 3 A. Correct.
 4 Q. Who all was in that meeting?
 5 A. Donna McRae, Julie, myself.
 6 Q. What were the things he was telling you?
 7 A. Just what terrible people we are, and he did
 8 come up and say neither one of us were -- and how this
 9 came about was beyond me. But he told us that neither
 10 one of us were qualified to be P-card administrator and
 11 that's why he had to hire outside of the agency. That
 12 had nothing to do with anything at hand, and so both of
 13 us were taken back by it.
 14 Q. So you and Sherry report to your supervisor,
 15 Donna McRae, potential P-card abuse.
 16 A. Correct.
 17 Q. And she then gets, would you say retaliated
 18 against?
 19 MR. COLLAER: Objection; calls for
 20 speculation.
 21 THE WITNESS: Yes.
 22 Q. (BY MR. SCHOPPE) That's what you thought was
 23 happening?
 24 MR. COLLAER: Same objection.
 25 THE WITNESS: It was happening.

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1 Q. (BY MR. SCHOPPE) What did you see?
 2 A. Just they were ganging up on her.
 3 Q. How so?
 4 A. Just putting her down, badmouthing her. Not
 5 so much to her face, but like if Sherry was late for
 6 work, they would sit there and say, Oh, she's just a
 7 hypochondriac. Don't say anything in front of Sherry
 8 because she'll run to somebody in HR. She'll run to
 9 Donna. Sherry didn't run to anybody. Sherry just sits
 10 at her desk.
 11 Q. When you said you backed her, what do you mean
 12 by that?
 13 A. Well, she eventually went to Donna and I went
 14 with her. I said, Donna, this has to stop. She wanted
 15 no part of it. And so one morning I made Sherry go to
 16 Sharon, and I made her go. I said, You need to tell
 17 people what's going on. I can't support you all the
 18 time.
 19 Q. So when the time came to actually have the
 20 meeting with Mr. Ms. Cloud was there too?
 21 A. Yes.
 22 Q. And Sherry and Donna McRae?
 23 A. Yes.
 24 Q. Anybody else?
 25 A. No.

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1 Q. So the issues in that meeting are the
 2 underlying issue of the P-card abuse that you reported
 3 to Ms. McRae?
 4 A. That was not covered.
 5 Q. And then also he was talking about your
 6 ability to -- or your qualifications to work as a
 7 P-card --
 8 A. Correct.
 9 Q. And he then yells at you; is that right?
 10 A. Yes.
 11 Q. Is that something that as far as you know is
 12 consistent with the standards of conduct policy at the
 13 Department?
 14 A. No.
 15 Q. Correct me if I'm wrong, Julie Cloud is the
 16 head of HR; correct?
 17 A. Correct.
 18 Q. Did she make any effort to stop him from
 19 yelling at you?
 20 A. No.
 21 Q. Did she make any effort to tell him that he
 22 was acting inappropriately or anything like that?
 23 A. No. In fact, Sherry looked at Julie and said,
 24 Excuse me, he is yelling at me. And Julie looked at
 25 Sherry and said, He is your supervisor. And he

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1 continued.
 2 This was on a Friday. I looked at the
 3 clock -- and I work two jobs. I looked at the clock, I
 4 said, I have to leave. I stood up and I walked out of
 5 the room because I had to go to my other job. I don't
 6 know what happened after that.
 7 Q. You understood that Ms. Cloud was endorsing
 8 his conduct?
 9 A. Correct.
 10 Q. Do you know if any disciplinary action was
 11 ever taken against Mr. for that incident?
 12 A. No.
 13 Q. Did Ms. McRae say or do anything?
 14 A. No.
 15 Q. Is it fair to say that reporting the issue of
 16 the P-card abuse to your supervisor Ms. McRae is what
 17 got you into this meeting with Mr.
 18 A. Correct.
 19 Q. With respect to the other issues that you have
 20 talked about having reported, is this something that you
 21 have a formal meeting with people to talk about or is
 22 this something that as it comes up you'll mention it to
 23 a supervisor like Ms. McRae or Mr. or somebody
 24 like that?
 25 A. We have two fiscal meetings a month where

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1 everybody -- we have a round table meeting like this.
 2 We talk about what is happening. We talk about any
 3 concerns we have. We would address any problems we are
 4 having. And then when they are over, Donna, Scott, and
 5 the specialists, which excluded Sherry and I, would go
 6 have a separate meeting.
 7 Q. What did they have their meeting about?
 8 A. I don't know. We don't know. We are excluded
 9 from those. When they would come back from their
 10 meeting, usually what would happen is we were given the
 11 silent treatment anywhere from three, four, five days,
 12 just -- period.
 13 Q. What do you mean by that?
 14 A. That means nobody would talk to us, not hello,
 15 good morning, how are you today, do you have your work,
 16 can you fix this, nothing, zero. By no talking, I
 17 mean -- there are six cubicles in a row. Donna McRae
 18 would come down the cubicles and say good morning to
 19 four people, and deliberately not say anything to the
 20 other two. Sherry sits on one end of the row and I sit
 21 on the opposing other end of the row. Not a good
 22 morning, how are you, nothing.
 23 Q. Are these meetings that you have, you said
 24 they are twice monthly?
 25 A. Correct.

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1 Q. Are these where you would relay your concerns
 2 about waste or misspending to people?
 3 A. Correct.
 4 Q. Would you do this in less formal environments,
 5 like just your supervisor?
 6 A. Correct. We would take documents in and ask
 7 them, How do you want us to handle this? Because we
 8 can't make a decision without going to them and saying,
 9 We have a violation, or we found a pretty good
 10 discrepancy, how do you want it handled? Well -- and
 11 depending on who the violator is, you may not ever do
 12 anything.
 13 Q. In making these reports to your supervisors,
 14 is it fair to say that you are offering criticism or
 15 skepticism as to whether the Department should be paying
 16 for these sorts of things?
 17 A. Am I offering criticism?
 18 Q. Yes. In other words, are you just approaching
 19 it as a neutral topic, you have no opinion about?
 20 A. Yes.
 21 Q. Or is it something --
 22 A. Or it's something I need to know. Should we
 23 pay this? Are we supposed to pay this? Why are we
 24 paying this? And I try to approach it as a learning
 25 thing because it may not be something I know. We may

1 have always paid something like this, but I don't know
 2 about it.
 3 Q. With respect to the things that you talked
 4 about, placing juveniles outside the facility in private
 5 apartments, caregivers, things like that, would it be
 6 fair to say you've offered criticism about those
 7 programs, that it is not something that the Department
 8 should be spending its money on?
 9 A. That's fair.
 10 Q. That's something you've not made a secret of
 11 from your supervisor?
 12 A. No.
 13 Q. You indicated earlier that you didn't have
 14 these reports earlier because these weren't happening
 15 under Director Callicutt; is that right?
 16 A. Correct.
 17 Q. Based on your experience, have those reports
 18 correlated with the poor treatment you are getting from
 19 your supervisor and coworkers, Mr.
 20 MR. COLLAER: Objection; calls for
 21 speculation.
 22 Q. (BY MR. SCHOPPE) In your experience.
 23 MR. COLLAER: Same objection.
 24 THE WITNESS: Yes.
 25 Q. (BY MR. SCHOPPE) Do you feel relatively

1 Q. And you went to her multiple times to tell her
 2 that you had been instructed not to speak to her?
 3 A. Correct.
 4 Q. Did you tell her about the incident being
 5 yelled at by Mr.
 6 A. Yes.
 7 Q. Did you tell her what Ms. Cloud had said about
 8 him being your supervisor in that meeting?
 9 A. Donna McRae is the one that said that. I had
 10 gone to Sharon with Sherry. Sherry had gone home sick
 11 because of how she was being treated, and I sent Sharon
 12 an e-mail saying, At least I only cry, it doesn't make
 13 me physically ill.
 14 The next morning I made Sherry talk to Sharon.
 15 That same morning Donna McRae called me into her office,
 16 threatened me with my job and told me I was never to
 17 speak with Sharon again or I would lose my job.
 18 For about two weeks, three weeks, I did not
 19 speak with Sharon, not in passing, not hello, not
 20 nothing, for fear I would lose my job. Sharon finally
 21 asked me one day, Why aren't you talking to me? And I
 22 said, Because I was threatened with my job. She asked
 23 me, she says, What? And she says, Come up here and talk
 24 to me. I said, Oh, no, I'm not going in your office.
 25 And she says, What happened? I said, Do you

1 certain that if you offer criticism you will then suffer
 2 that kind of treatment again in the future?
 3 MR. COLLAER: Objection; calls for
 4 speculation.
 5 THE WITNESS: Yes.
 6 Q. (BY MR. SCHOPPE) With respect to being told
 7 to remain silent, you testified about that earlier, what
 8 kinds of things are you told about not speaking to
 9 people or staying at your desk or things like that?
 10 A. That is a common punishment, if you will. Not
 11 so much this last, probably nine months, but prior to
 12 that it was. You are not allowed to talk to Sharon.
 13 You are not allowed to talk to Jennifer. You are not
 14 allowed to talk to Joyce. It was common. So and so
 15 hates you so try to stay away from them. Well, why?
 16 Q. Were these same restrictions and instructions
 17 given to other people or just confined to you?
 18 A. Pretty much confined to me.
 19 Q. Do you know if Mr. ever yelled at
 20 anybody else other than you and Ms. French?
 21 A. No.
 22 Q. With respect to what you relayed to Director
 23 Harrigfeld, you testified that she told you she had an
 24 open door; is that right?
 25 A. Yes.

1 remember the last time I was in here and I was talking
 2 to you about Sherry? And she said, Yes. Well, Donna
 3 knew exactly what I said to you. She said, Kim, I
 4 didn't tell her. Well, somebody told her. And I said,
 5 And I was told if I came to you ever again, I would lose
 6 my job.
 7 So how that circle works, I don't know. I
 8 just know that if I go to Sharon, within 48 hours my
 9 life is completely upheaved in my department.
 10 Q. So when you go to Director Harrigfeld, you are
 11 looking for relief from this kind of mistreatment?
 12 A. Correct.
 13 Q. And her response to you verbally might be, I
 14 will help or --
 15 A. Correct.
 16 Q. Does she say things like that?
 17 A. Yes. I will take care of it.
 18 Q. And then the next thing that happens is that
 19 your supervisor is calling you in again and reprimanding
 20 you.
 21 A. Yes.
 22 Q. And these reprimands never make it into
 23 written record?
 24 A. Never. They don't even show up in evals.
 25 Q. Do the evals that you've just gone over today,

1 do those accurately reflect the actual relationship that
 2 you have with your supervisors?
 3 A. Pretty much. If you read through them, some
 4 of them are a little contradictory, which so when you
 5 are reading through them you kind of shake your head
 6 going, How can I be this if I'm that?
 7 Q. As far as I can tell, you appear to be a good
 8 employee according to your performance evaluations; is
 9 that right?
 10 A. Correct.
 11 Q. Is there anywhere documented the fact that
 12 Mr. yelled at you or screamed at you?
 13 A. No.
 14 Q. Or that Ms. McRae threatened you with your
 15 job?
 16 A. No.
 17 Q. Or that Ms. McRae warned you not to speak to
 18 the director again?
 19 A. No.
 20 Q. Is there anything in there that indicates that
 21 Director Harrigfeld did anything to try to help you?
 22 A. No.
 23 Q. You also indicated that you filed a
 24 problem-solving request; is that right?
 25 A. Correct.

1 story.
 2 So that is part of her issue with whatever was
 3 going on with her at the time, and so that is how Patty
 4 and I became friends, so --
 5 Q. Did someone tell you that you were interfering
 6 with her ability to do her job?
 7 A. Yes.
 8 Q. Who told you that?
 9 A. Donna McRae.
 10 Q. Did she say how she heard that or knew that?
 11 A. Patty's supervisor at the time, who is no
 12 longer with the Department.
 13 Q. Do you know who that was?
 14 A. I'll think of it in a minute. This person was
 15 causing problems for Patty, bad problems.
 16 Q. When you were helping Patty with her e-mail,
 17 is that work e-mail?
 18 A. Yes. She didn't know how to set it up to go
 19 on -- she was getting ready to go on vacation. She
 20 couldn't figure out how to make it go auto response, so
 21 I was helping her.
 22 So anyway, Patty and I became friends. And so
 23 Patty was a witness to a lot of things that were
 24 happening in fiscal because she sat right there. She
 25 could hear it, she witnessed it.

1 Q. Do you recall when that was?
 2 A. It would have been -- I talked with -- it had
 3 to be around November 2011, between November 2011 and
 4 February 2012.
 5 Q. You spoke with an employee you mentioned?
 6 A. Patty Hanson.
 7 Q. What did you talk about with her?
 8 A. Everything; Patty was pretty much my
 9 confidante because I was scared to talk to anybody.
 10 Q. Who do you mean, "anybody"?
 11 A. Anybody in my department. And Patty is a
 12 counselor so it's comfortable talking with her.
 13 Q. Take a minute.
 14 What did you tell her?
 15 A. Well --
 16 Q. Take a minute to breathe, if you need.
 17 A. Patty was going through the same thing I was
 18 going through on another level, which is how we became
 19 friends. And at one point I had gotten in trouble for
 20 talking to Patty, which I found odd because I hadn't --
 21 or I had gotten in trouble for helping Patty set up her
 22 e-mail auto response. And so I told her, We are going
 23 to have to limit our conversations to after work. And
 24 she said, Why? I said, Well, apparently I'm stopping
 25 you from getting your work done. So anyway, it's a long

1 Q. What sort of things did she tell you about?
 2 A. That she'd tell me about?
 3 Q. Yes.
 4 A. She didn't tell me about anything. She just,
 5 she says, I knew, I could hear stuff. And Patty is like
 6 the clamshell, she never says nothing, which is why we
 7 became friends.
 8 So she says, Kim, you can't keep doing this.
 9 You have to file a grievance. I said, Patty, we don't
 10 have a grievance system. And she said, Yeah, you do. I
 11 said, No, we don't. I didn't know, I didn't know about
 12 the problem solving. So she told me where it was, how
 13 to find it, what to do, how to do it, and the process.
 14 And I said, Right, and they'll fire me. She
 15 says, No, they won't. As soon as you file that, you are
 16 safe. So I said, Okay. So I went out and I found the
 17 stuff. She says, You need three employees to go with
 18 you. Two or three, whatever it was. I filled out all
 19 the paperwork. I found some employees that would go
 20 with me.
 21 Q. Who were they?
 22 A. Erwin Stinnett, I put Sharon Harrigfeld down
 23 because at that time I thought she was --
 24 Q. She seemed like she was trying to help you?
 25 A. Correct. And who else did I put? I think

1 maybe Shelli Rael. I think it was somebody from HR, but
2 it wasn't Julie because part of my problem was with
3 Julie.

4 Q. What was the problem solving about?

5 A. The meeting that we had where Scott yelled at
6 us and Julie okayed it.

7 Q. Was there another instance in which Mr.
8 yelled at you?

9 A. In his office.

10 Q. When did that happen?

11 A. Right after, it wasn't long after I put the
12 complaint in Julie's box.

13 Q. So the first instance occurred with you and
14 Ms. French and Julie Cloud where he yelled at you.

15 A. Yes.

16 Q. And then you prepared a problem-solving
17 complaint; is that right?

18 A. Correct. So we had the meeting, the three of
19 us. Eventually, after he got done yelling at us, I just
20 looked at him, and I said, I've got to go to work. I've
21 got to go. It was 4:00, I'm off, I'm out of here.

22 I told Sharon about it, nothing happened. I
23 was called into Scott's office with Julie and Scott
24 where he yelled at me again, and he said, You will not
25 blemish my record. And Julie sat there and didn't say a

1 and him stayed in his office, and I don't know what
2 happened after that.

3 Q. Did he explain what he meant by his "perfect
4 record"?

5 A. No.

6 Q. Did you understand this related to the
7 problem-solving complaint that you had filed?

8 A. They didn't say anything about it.

9 Q. But had anything happened in between your last
10 meeting with Mr. -- or actually since filing the
11 problem-solving complaint that --

12 A. It was never mentioned.

13 Q. -- that would have occasioned him to call you
14 into his office, any dispute or problem or anything like
15 that?

16 A. No.

17 Q. Did Ms. Cloud ever follow up with you about
18 that problem solving?

19 A. No.

20 Q. From your perspective was that how your
21 problem-solving complaint had been dealt with?

22 A. I figured it was just thrown away.

23 Q. No one from HR made any effort to actually
24 solve the problem with you?

25 A. No.

1 word.

2 Q. Hold on. This is after you filed the problem
3 solving?

4 A. Yes. I talked to Patty, and Patty told me
5 where the documents were. I filled out the documents, I
6 put them in Julie's box. A couple, I don't know --
7 Julie was gone on vacation. She came back. I never
8 heard nothing, never heard nothing.

9 About two weeks went by, not even two weeks, a
10 week, within a week of Julie coming back from vacation I
11 was called in to Scott's office. Julie was sitting in
12 there, they had pulled the drapes, and he says, Go ahead
13 and shut the door. And he was sitting there and he
14 goes, I just want you to know that you are not in any
15 trouble. And I'm like -- because I was already bawling,
16 and I'm like -- because it was just a constant thing.
17 And he says, But I want you to know I'm not going to let
18 you or anybody else ruin my perfect record on my
19 evaluation.

20 And I have no idea what he said after that
21 because I was crying so hard I just don't know what he
22 said. Then he said something about -- after I calmed
23 down, he said, I know there is a problem in fiscal. I
24 know I've blocked it out, and I want you to help me fix
25 it. And with that the meeting was over. I left. Julie

1 Q. Did that experience make you feel that you
2 can't trust the HR system?

3 A. Yes.

4 Q. Did it make you fear speaking out about issues
5 or problems concerning waste or other criticism of the
6 Department?

7 A. Oh, yes.

8 Q. You mentioned earlier, you said the hiring
9 practices were a dog and pony show; is that right?

10 A. Yes.

11 Q. What did you mean by that?

12 A. Well, I was asked if I have ever applied for
13 any other positions in the Department. There is no need
14 to. When a position posts, they already know who is
15 going into that position. You don't need to apply. The
16 person who is going to get the job already knows who is
17 going to get the job.

18 Q. What makes you think that?

19 MR. COLLAER: Objection; interpose an
20 objection to the prior answer. It's nonresponsive and
21 it's speculation.

22 Q. (BY MR. SCHOPPE) What makes you think that?

23 MR. COLLAER: Same objections; it calls for
24 speculation.

25 THE WITNESS: In the fiscal area we were told,

1 and I was told specifically that when I was hired, when
2 I started working with the Navision program and I was
3 working in grants, I was told by Donna McRae in front of
4 Sharon Harrigfeld that when my probationary time was up
5 I was going to move into the tech position in grants,
6 which was going to be good for me because I adapted so
7 well to the program that was there.

8 Well, the problem with that was nobody knew
9 how to run the program, so my training was nil, I had
10 zero training on it. So I was just trying to piecework
11 it, what I could. My training in how they did their
12 accounting was nil because I was constantly trying to
13 learn what I was learning in grants.

14 So when they extended my probation I was
15 shocked, because the grounds for my extension was I
16 didn't know how to do my job in Meridian, when that
17 hadn't been my job for five months. My job was in
18 Boise. And if it hadn't have been for Sheri Elam, I
19 wouldn't probably have come off of probation.

20 So then a new position came along and we
21 applied for it, and we were told one of you three is
22 going to get this position.

23 Q. Who is "we"?

24 A. Sean Southard, Sherry French, or me. And I
25 just laughed and I told them -- I told Sherry and I told

1 MR. COLLAER: Move to strike as nonresponsive
2 and speculation.

3 Q. (BY MR. SCHOPPE) Go on.

4 A. The day Pat had his interview, his interview
5 was at 9:00 in the morning, and at 10:30 he was
6 announced as the new position.

7 Q. If you could be as specific as you can with
8 respect to who you have heard that same belief expressed
9 by.

10 A. When Laura Roters got her promotion, same.

11 Q. Who did you hear that from?

12 A. Just about everybody; I had phone calls from
13 all kinds of people.

14 Q. Like who? Names, if you can.

15 A. I heard it from Patty Hanson, Rhonda Ledford,
16 Brenda Garrett.

17 Q. Mark Freckleton?

18 A. I heard it from Mark Freckleton.

19 Q. What did Mark Freckleton say about it?

20 MR. COLLAER: Objection; calls for
21 speculation.

22 Q. (BY MR. SCHOPPE) What did he say about it?

23 MR. COLLAER: Same objection.

24 Q. (BY MR. SCHOPPE) What were the words he spoke
25 to you?

1 Sean both, Neither one of us, none of us are going to
2 get that position, I guarantee you.

3 Q. Why did you think that?

4 MR. COLLAER: Objection; calls for
5 speculation.

6 Q. (BY MR. SCHOPPE) Did you have a reason?

7 MR. COLLAER: Same objection.

8 THE WITNESS: Yes, because it would have
9 caused too much animosity in the Department. So we all
10 three applied. The day after we applied they hired
11 Nancy Ashcraft.

12 Q. (BY MR. SCHOPPE) Who told you that the
13 position would be awarded to one of the three of you?

14 A. Donna McRae.

15 Q. Did any other employees ever express the same
16 belief, that the hiring process is the dog and pony show
17 that you described?

18 MR. COLLAER: Objection; calls for
19 speculation.

20 THE WITNESS: It's been throughout the
21 whole -- I have heard it so many times. I've watched it
22 happen when Pat Thomson got his promotion into HR. What
23 typically happens is: A posting goes out, interviews
24 are done, a week goes by, somebody moves into the
25 position.

1 MR. COLLAER: Same objection.

2 THE WITNESS: He was dumbfounded, because he
3 said, I don't even know how she got it. She's not even
4 qualified. Which kind of resonated through the whole
5 downtown office. I mean, everybody was talking about
6 it. I mean, it was a huge topic of conversation
7 throughout the entire office.

8 Q. (BY MR. SCHOPPE) Did you hear about this from
9 all your coworkers at some point?

10 A. Yes.

11 Q. Did Mark Freckleton say anything else to you?

12 A. No, not specifically.

13 Q. Do you know why he called you?

14 MR. COLLAER: Objection; calls for
15 speculation.

16 THE WITNESS: I don't remember the purpose of
17 the phone call. I believe it was regarding -- I was
18 either doing payroll that month or it had something to
19 do with a billing or a transport or something to that
20 effect. Again, that's what I do in fiscal, is I handle
21 all the billings and stuff like that. So I may have --
22 I may have initiated the phone call to Mark, and he was
23 returning my call and we just start talking about it. I
24 mean, it was just a shock for everybody. It was like,
25 Are you kidding? So, yeah.

1 Q. (BY MR. SCHOPPE) Do you recall a meeting
2 occurring between Laura Roters, Betty Grimm, and Sharon
3 Harrigfeld after Ms. Roters had become the unit manager
4 in Solutions, I think it was?

5 A. In Solutions? I don't know if she was
6 promoted to Solutions or where she had been promoted to.
7 But one morning I had needed to go -- I was trying to
8 reach Laura for something relatively important, and
9 again, I was probably processing payroll. And when you
10 are processing payroll, you are on a deadline. And I
11 called out and called out and called out, and they said,
12 She's in your office. Oh, okay, fine.

13 So I found out she was up in our conference
14 room 1. I didn't think nothing of it. I'm never
15 shocked when people from Nampa are there, never. I went
16 up to conference room 1, the door was open. I happened
17 to notice Betty Grimm, Laura, Sharon, Julie all sitting
18 in a conference room with a couple other people, I
19 didn't know who it was, didn't think nothing of it.

20 As I started towards the room, the
21 receptionist stopped me and said, Don't go in there,
22 it's a legal meeting, you can't go in. I said, Well,
23 the door is open. Well, somebody must have stepped out.
24 No big deal. When they break, would you please have
25 Laura come back to my desk, it's really important.

1 room out.

2 Q. With respect to the times when you report to
3 Ms. Harrigfeld the mistreatment that you felt you were
4 experiencing by Mr. and your supervisor, when
5 she failed to help you enough times, did you kind of
6 believe that she was part of the retaliatory process?

7 MR. COLLAER: Objection; calls for
8 speculation, it's vague and ambiguous.

9 THE WITNESS: Yes.

10 Q. (BY MR. SCHOPPE) Every time you went to go
11 see her you would just get in more trouble afterwards?

12 MR. COLLAER: Same objection.

13 THE WITNESS: Yes.

14 Q. (BY MR. SCHOPPE) With respect to all this
15 treatment, fair to say it's caused you anxiety?

16 A. Yes.

17 Q. Sleeplessness?

18 MR. COLLAER: Objection; calls for a medical
19 conclusion.

20 THE WITNESS: Yes.

21 Q. (BY MR. SCHOPPE) You know if you can't sleep,
22 right?

23 A. I do.

24 Q. Are those things that you felt at any time
25 prior to the time that Director Harrigfeld became the

1 And about five minutes, ten minutes later
2 Laura came back to my desk, resolved whatever issue it
3 was and I went on with my day, they went on with their
4 day. I never thought nothing of it, no reason to. I
5 just wouldn't have thought nothing of it.

6 Q. When you spoke with the receptionist at the
7 time, were you given the impression that that was the
8 legal meeting involving a lawyer for Ms. Roters?

9 MR. COLLAER: Objection; calls for
10 speculation.

11 THE WITNESS: She just said it was a legal
12 meeting. I assumed, since I didn't know the person, it
13 had to have been legal, you just have to assume it was
14 an attorney. I don't know who it was.

15 Q. (BY MR. SCHOPPE) Nobody you recognized from
16 the attorney general's office or anything?

17 A. No.

18 Q. Are you aware of whether or not Betty Grimm
19 and Sharon Harrigfeld have regular meetings?

20 A. Yes.

21 Q. Weekly?

22 A. Sharon has regular meetings with all the
23 superintendents.

24 Q. Are those by videoconference?

25 A. Yes. I only know that because she blocks the

1 director?

2 A. No.

3 Q. You testified that Ms. McRae, it sounds like,
4 isn't necessarily the most pleasant person to work with
5 all the time; is that fair?

6 A. Not all the time.

7 Q. Is that anything that is unusual with respect
8 to you or is that something that is kind of across the
9 board with everyone she works with?

10 A. It's pretty much across the board.

11 Q. So that had been the case since you started at
12 the Department; is that fair?

13 A. Yes.

14 Q. With respect to the treatment that you've
15 experienced, that's different from what other employees
16 are going through, being told to keep your mouth shut,
17 don't talk to people, don't talk to Sharon Harrigfeld,
18 things like that, is that something that correlates with
19 your reports of waste and mismanagement as you've
20 testified earlier?

21 A. I don't know that anybody else does it.

22 Q. But in terms of you, does that sort of extra
23 mistreatment correlate with when you make those reports?

24 A. Yes.

25 MR. COLLAER: Objection; calls for

1 speculation.
 2 Q. (BY MR. SCHOPPE) That's your experience;
 3 right?
 4 A. That is my experience.
 5 Q. You are not suing the Department or anybody
 6 else because of your personal issues between you and
 7 Ms. McRae, are you?
 8 A. No. I can say that Donna has been pretty good
 9 the last nine months.
 10 Q. Is it fair to say you are still afraid to make
 11 reports of waste or offer criticism of the Department?
 12 A. Oh, yeah.
 13 Q. As far as you know, has any disciplinary
 14 action ever been taken against Ms. McRae for complaints
 15 you made against her and the way she treats you as an
 16 employee?
 17 A. Not to my knowledge.
 18 Q. Same thing with respect to Mr.
 19 A. Not to my knowledge.
 20 Q. Was there an incident recently in which a
 21 juvenile was sent on an outing with another staff member
 22 from St. Anthony?
 23 A. Yes.
 24 Q. What was that all about?
 25 A. Well, that was a concern that we brought up

1 Q. Who?
 2 A. Sherry. I said, You need to take this to
 3 Donna or Scott because this is out of my realm. And it
 4 was approved.
 5 Q. Have you ever talked with any other employees
 6 or heard them express to you that they fear retaliation
 7 for making reports of waste or fraud, violations of law,
 8 things like that?
 9 MR. COLLAER: Objection; calls for
 10 speculation.
 11 THE WITNESS: I've had employees say they
 12 would never do what I've done.
 13 Q. (BY MR. SCHOPPE) Who said that?
 14 A. Sherry French, for one. Patty Hanson said it.
 15 Dee has told me.
 16 Q. When did you talk with Dee
 17 A. Way back when this first was announced he
 18 called me on the phone. I mean, he was one of the few
 19 people that said, Good for you for standing up for
 20 yourself. I was like, Well...
 21 Q. What was his background?
 22 A. He was the maintenance manager at one of the
 23 facilities. In fact, I think he might have been head
 24 facility manager for all the facilities. He retired
 25 shortly after I started, but he still does consultations

1 just recently. There is a juvenile who lives in what we
 2 call Empowerment. It's a community program, they live
 3 in the community already, and we pay a person at the
 4 facility, the living establishment, a fairly good sum of
 5 money to help introduce these kids back into the
 6 community just before they are released.
 7 This particular juvenile was going to go out
 8 on an outing, that's all they called it, a daily outing.
 9 So they brought up an employee from St. Anthony to spend
 10 the day with this juvenile and at the cost of the State.
 11 Which means the employee came up from St. Anthony, spent
 12 the night, and based on what his P-card expenses were,
 13 they spent the day eating, going to different
 14 restaurants, and playing video games.
 15 So I'm not sure how that helps program the
 16 child. But the cost in itself -- I mean, the kid is in
 17 a program in the community where we pay the provider to
 18 acclimate the youth back into the community. That
 19 should be the responsibility of the person we are
 20 paying, the provider.
 21 Q. Those providers are still getting paid, or
 22 that provider?
 23 A. Correct. So, I mean, this was a concern that
 24 we both brought up. And she says, How do I code this?
 25 And I'm like -- she says, Is this a legitimate expense?

1 and stuff like that for them on a rare occasion.
 2 Q. Did he say why he supported the lawsuit or
 3 what you were doing?
 4 A. Well, he was kind of unhappy that there were
 5 people that got personal use vehicles. I can't remember
 6 everything he said, but he says, There is a lot of waste
 7 in that organization, and if you ever need anything you
 8 call me. Well, Dee is old and he has medical problems,
 9 and I really like Dee, but I didn't think his health
 10 would hold up, so I just let him be.
 11 MR. SCHOPPE: I don't think I have any more
 12 questions.
 13
 14 FURTHER EXAMINATION
 15 QUESTIONS BY MR. COLLAER:
 16 Q. Ms. McCormick, after this meeting that
 17 happened between yourself, Ms. Cloud, and Mr.
 18 after you filed your problem solving, has he ever yelled
 19 at you again?
 20 A. No.
 21 Q. After Ms. McRae told you that if you ever went
 22 to Ms. Harrigfeld again it would cost you your job,
 23 you've talked to Ms. Harrigfeld again since then,
 24 haven't you?
 25 A. Yes, I have.

1 Q. Nobody has taken any action to cost you your
 2 job, have they?
 3 A. No, they have not.
 4 Q. What is your understanding of if somebody was
 5 going to recommend or seek the termination of your job?
 6 Is it your understanding it would start with your
 7 supervisor recommending it, and then how would the
 8 process work from there?
 9 A. I believe they would have to find just cause.
 10 Q. Here's my question: What is your
 11 understanding of whose decision is it if an employee
 12 such as yourself is fired? Could Donna McRae
 13 individually say Kim McCormick is fired?
 14 A. No, I don't think so.
 15 Q. Who has to make that decision?
 16 A. I don't know.
 17 Q. Would you be surprised if it was Sharon
 18 Harrigfeld only?
 19 A. I would be.
 20 Q. You have no fear that Ms. Harrigfeld is going
 21 to fire you, do you?
 22 A. Do I have that fear?
 23 MR. SCHOPPE: Objection; calls for
 24 speculation.
 25 Q. (BY MR. COLLAER) Yes.

1 speculation.
 2 THE WITNESS: By who?
 3 Q. (BY MR. COLLAER) By anybody.
 4 MR. SCHOPPE: Objection; asked and answered.
 5 THE WITNESS: I believe I have been.
 6 Q. (BY MR. COLLAER) What, what had been done?
 7 MR. SCHOPPE: Same objection; asked and
 8 answered.
 9 Q. (BY MR. COLLAER) What specifically have they
 10 done?
 11 A. I believe we've been bullied, harassed, and
 12 mentally abused.
 13 Q. You've described that. Other than that,
 14 anything else?
 15 A. I think that's plenty.
 16 Q. Well, my question is: Other than what you've
 17 described as far as this bullying and whatever, anything
 18 else you contend happened to you because you expressed
 19 your opinions about government waste?
 20 A. No.
 21 Q. Specifically Sharon Harrigfeld hasn't
 22 retaliated against you because of your opinions in that
 23 regard, has she?
 24 MR. SCHOPPE: Objection; calls for
 25 speculation.

1 A. I have no idea.
 2 Q. She's never given you any reason to think that
 3 she is going to try and fire you.
 4 A. No. In fact, she's assured me she wouldn't.
 5 Q. Sure. You were asked questions about
 6 opinions, personal opinions you have about waste of
 7 government funds, you've described those. Those deal
 8 with expenditures and stuff that comes across your desk
 9 as part of your job that you approve; correct?
 10 A. Yes.
 11 Q. The opinions that you may have expressed to
 12 coworkers or to Ms. McRae, how do you know that Ms.
 13 Harrigfeld ever knew that you expressed those opinions?
 14 A. It's their job to report them.
 15 Q. Other than it being their job to report them
 16 to Sharon, do you have any knowledge that Ms. McRae or
 17 Mr. forwarded your opinions or your criticisms
 18 to her?
 19 A. I can't prove they do.
 20 Q. You don't know, do you?
 21 A. No, I don't.
 22 Q. And the fact that you made those opinions
 23 known to Mr. or Ms. McRae, you have not been
 24 retaliated against because of it, have you?
 25 MR. SCHOPPE: Objection; calls for

1 THE WITNESS: Not directly.
 2 Q. (BY MR. COLLAER) And Betty Grimm obviously
 3 hasn't either, has she?
 4 A. No.
 5 MR. COLLAER: Nothing further.
 6 MR. SCHOPPE: We are good.
 7 (Deposition adjourned at 2:41 p.m.)
 8 (Signature requested.)
 9
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CERTIFICATE OF WITNESS

I, KIMBERLY McCORMICK, being first duly sworn, depose and say:

That I am the witness named in the foregoing deposition, consisting of pages 1 through 168; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto:

DATED this ____ day of _____, 20__.

KIMBERLY McCORMICK

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

NAME OF NOTARY PUBLIC
NOTARY PUBLIC FOR
RESIDING AT
MY COMMISSION EXPIRES

ERRATA SHEET FOR KIMBERLY McCORMICK

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WITNESS SIGNATURE

REPORTER'S CERTIFICATE

I, BEVERLY BENJAMIN CSR No. 710, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction;

That the foregoing is a true and correct record of all testimony given, to the best of my ability;

I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this 4th day of November 2013.

BEVERLY A. BENJAMIN, CSR No. 710
Notary Public
P.O. Box 2636
Boise, Idaho 83701-2636
My commission expires May 28, 2019

EXHIBIT E

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual; RAYMON)
GREGSTON, an individual; JO MCKINNEY,)
an individual; SHANE PENROD, an)
individual; KIM MCCORMICK, an)
individual; BOB ROBINSON, an)
individual; and GRACIE REYNA, an)
individual,)

Plaintiffs,)

vs.)

IDAHO DEPARTMENT OF JUVENILE)
CORRECTIONS, an executive department)
of the State of Idaho; IDJC DIRECTOR)
SHARON HARRIGFELD, in her individual)
and official capacities; IDJC)
JUVENILE CORRECTIONS CENTER - NAMPA)
SUPERINTENDENT BETTY GRIMM, in her)
individual and official capacities;)
and DOES 1-20,)

Defendants.)

Case No.

1:12-cv-00326-BLW

DEPOSITION OF GRACIELA REYNA, VOLUME I

JUNE 27, 2013

REPORTED BY:

BEVERLY A. BENJAMIN, CSR No. 710, RPR

Notary Public

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<p>1 THE DEPOSITION OF GRACIELA REYNA, VOLUME I, 2 was taken on behalf of the Defendants Idaho Department 3 of Juvenile Corrections, Sharon Harrigfeld, and Betty 4 Grimm, at the offices of Anderson, Julian & Hull, LLP, 5 C. W. Plaza, 250 South 5th Street, Suite 700, 6 Boise, Idaho, commencing at 9:08 a.m. on June 27, 2013, 7 before Beverly A. Benjamin, Certified Shorthand Reporter 8 and Notary Public within and for the State of Idaho, in 9 the above-entitled matter. 10 A P P E A R A N C E S: 11 For the Plaintiffs: 12 Law Office of Andrew T. Schoppe, PLLC 13 BY MR. ANDREW T. SCHOPPE 14 910 W. Main Street, Suite 328 15 Boise, Idaho 83702 16 For the Defendants Idaho Department of Juvenile 17 Corrections, Sharon Harrigfeld, and Betty Grimm: 18 Anderson, Julian & Hull, LLP 19 BY MR. PHILLIP J. COLLAER 20 C. W. Plaza 21 250 South 5th Street, Suite 700 22 P.O. Box 7426 23 Boise, Idaho 83707-7426 24 Also Present: Tom de Knijf, Nancy Bishop, Rhonda Ledford 25</p>	<p>1 25 - IDJC Policy/Procedure, Subject: Hours 56 2 of Work and Rest Periods, Revised 3 1/25/2010 4 26 - IDJC Policy/Procedure, Subject: Work 59 5 Schedules, Revised 12/8/09 6 27 - IDJC Written Warning Record 60 7 28 - IDJC Written Warning Record 66 8 29 - E-mail chain ending from Betty Grimm 77 9 to Laura Roters, March 20, 2007, 10 Subject: RE: Gracie Reyna 11 30 - E-mail chain ending from Laura Roters 81 12 to Gracie Reyna, July 03, 2012, 13 Subject: FW: How is this? 14 31 - E-mail from Laura Roters to Gracie 85 15 Reyna, July 19, 2012, Subject: Gym 16 assault 17 32 - E-mail from Laura Roters to Gracie 89 18 Reyna, August 10, 2012, Subject: 19 Synopsis 20 33 - IDJC Employee Performance Review, 97 21 5/17/07 22 34 - IDJC Employee Performance Review, 99 23 5/14/08 24 35 - IDJC Employee Performance Review, 100 25 5/14/08</p>
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<p>1 I N D E X 2 TESTIMONY OF GRACIELA REYNA PAGE 3 Examination by Mr. Collaer 6 4 5 E X H I B I T S 6 NO. DESCRIPTION PAGE 7 19 - Letter to Gracie Reyna from Judi 33 8 Gregory, IDJC, May 15, 2006 9 20 - IDJC State Employee Orientation 43 10 Certification of Understanding 11 21 - IDJC Policy/Procedure, Subject: 45 12 Problem Solving, Corrective Action, 13 and Due Process Procedures for 14 Department Employees, Revised 08/30/10 15 22 - IDJC Policy/Procedure, Subject: 47 16 Problem Solving, Corrective Action, 17 and Due Process Procedures for 18 Department Employees, Revised 01/30/12 19 23 - Memorandum to Graciela Reyna from 51 20 Larry Callicut, June 16, 2008, 21 Subject: FY 2009 Change in Your 22 Employee Compensation (CEC) 23 24 - IDJC Policy/Procedure, Subject: 55 24 Attendance (Absenteeism and 25 Tardiness), Revised 01/30/12</p>	<p>1 36 - IDJC Employee Performance Review, 102 2 5/15/10 3 37 - IDJC Rehabilitation Technician 103 4 Performance Review, 5/12/11 5 38 - IDJC Rehabilitation Technician 108 6 Performance Review, 04/01/2013 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 GRACIELA REYNA,
2 first duly sworn to tell the truth relating to said
3 cause, testified as follows:
4

5 MR. COLLAER: Let the record reflect this is
6 the time and place scheduled for the taking of the
7 deposition of Gracie Reyna. Did I pronounce that
8 correct?

9 THE WITNESS: Yes.

10 MR. COLLAER: The witness is present,
11 represented by counsel. Also present is Plaintiff Tom
12 de Knijf and Nancy Bishop.
13

14 EXAMINATION

15 QUESTIONS BY MR. COLLAER:

16 Q. Ms. Reyna, could you please state your full
17 name and spell the last for the record, please.

18 A. It's Graciela Reyna, R-e-y-n-a.

19 Q. Have you ever had your deposition taken
20 before?

21 A. This is the first time.

22 Q. Well, just as a background of what we're going
23 to be doing today is I'm going to be asking you a series
24 of factual questions seeking, trying to find out what
25 you know about this case and what you don't know about

1 break any time you want, the only restriction on that
2 would be if there is a pending question before you, I'm
3 going to ask that you answer the question that is
4 pending before you take the break. Otherwise, just let
5 me know and we can take a break, you can stretch your
6 legs, talk to your attorney or whatever you need to do.
7 Okay?

8 A. Okay.

9 Q. Tell me, could you tell me, have you ever
10 testified in court before?

11 A. Yes.

12 Q. Why don't you tell me about that.

13 A. I was on jury duty in Oregon, I got served --
14 not served, but I was selected as one. So that was
15 something, I guess.

16 Q. So I imagine during the jury selection process
17 the attorneys and the judge asked you questions about
18 your qualifications as a juror.

19 A. Right.

20 Q. Was that a criminal case or a civil case?

21 A. I think it was civil. It was years ago, in my
22 early 20s. I believe it was civil when I used to live
23 in Oregon.

24 Q. Did it involve a personal injury claim?

25 A. It was like a DUI situation.

1 it.

2 A. Okay.

3 Q. What I'm asking for is your personal
4 knowledge. I'm not asking you to guess or speculate
5 about facts. If I ask you a question that asks for a
6 factual response that you just don't remember, don't
7 hesitate to tell me you don't remember.

8 A. Okay.

9 Q. I don't want you to try to reconstruct things
10 or guess about facts, because as you are sitting here
11 today that makes sense to you, that is how they
12 happened. I want you to tell me what you do or do not
13 remember.

14 A. Okay.

15 Q. Through the deposition if I ask you a question
16 you don't understand, don't hesitate to let me know and
17 I'll be more than happy to rephrase it or explain my
18 question so I can make sure you do understand it.

19 A. Okay.

20 Q. But if I ask you a question that you respond
21 to, I'm going to assume that you understood it. Is that
22 fair?

23 A. Yes.

24 Q. Also, during the deposition we will likely be
25 taking some breaks throughout the day, you can take a

1 Q. Were you looking to determine whether the
2 person was actually guilty of DUI or --

3 A. Actually, it was like on the first day and I
4 got ruled out, so I didn't pursue it any longer. It was
5 like a first day deal and they asked me not to come
6 back.

7 Q. So you were excused from the panel?

8 A. Yes.

9 MR. SCHOPPE: An important thing is be sure
10 he's finished the question.

11 THE WITNESS: Okay.

12 MR. SCHOPPE: Then you can answer.

13 THE WITNESS: I'm sorry.

14 Q. (BY MR. COLLAER) In preparation for today's
15 deposition have you reviewed any documents?

16 A. I have seen a lot of it, so not today, no, I
17 don't know anything.

18 Q. Just in the past week or so have you reviewed
19 anything in anticipation that your deposition was going
20 to be taken today?

21 A. I have not reviewed anything, no. I have not
22 read anything, no. But I knew today was my deposition,
23 yes.

24 Q. Other than speaking with your attorney, have
25 you spoken with anybody to prepare for today's

1 deposition?
 2 A. No.
 3 Q. Specifically did you meet with any of the
 4 co-Plaintiffs to discuss the case prior to today's
 5 deposition, without your attorney present?
 6 A. No.
 7 Q. Where do you currently reside?
 8 A. As in my residence?
 9 Q. Yes.
 10 A. My address, physical address is 1401 South
 11 McDermott Road. That is in Nampa, Idaho 83687.
 12 Q. How long have you lived at South McDermott
 13 Road?
 14 A. About 11, 12 years.
 15 Q. Are you currently married?
 16 A. No.
 17 Q. Do you have any children?
 18 A. I do.
 19 Q. What are their ages?
 20 A. They're 22 and 13.
 21 Q. I presume the 22-year-old is living on his or
 22 her own?
 23 A. Yes.
 24 Q. The 13-year-old is still with you?
 25 A. Every other week through the divorce decree.

1 Corrections.
 2 A. Back from 1990?
 3 Q. Yes.
 4 A. Oh, my gosh.
 5 Q. To the best you can.
 6 A. Walmart, that was like right after the time,
 7 after graduation. Oh, my gosh, so many. I worked at a
 8 Mexican restaurant. I worked for a staffing service.
 9 For the staffing itself I was a receptionist. Fred
 10 Meyer, Micron, Salmon River Foods, for another staffing
 11 service, Debt Reduction Services. I don't even know if
 12 this is in order. Stewart Title loan, yeah, Stewart
 13 Title. And I worked for Harmony House/Bell Counseling.
 14 It was a drug and alcohol facility for juvenile
 15 delinquents. And then I believe that is when the State
 16 of -- no, CCA, and then the State of Idaho. That's
 17 where I've been. That's it, that I can think of.
 18 Q. State of Idaho, that is Juvenile Corrections?
 19 A. Yes.
 20 Q. CCA, that's the private prison?
 21 A. Yes.
 22 Q. How long did you work at CCA?
 23 A. I am going on nine and a half years there.
 24 Q. Was that the private prison here in Idaho or
 25 was it in Oregon?

1 Q. So you split custody with your ex-husband?
 2 A. Yes.
 3 Q. Is the 22-year-old still here in the area?
 4 A. He travels a lot, so he's on his own, so who
 5 knows where he is now.
 6 Q. The 13-year-old, is that a boy or a girl?
 7 A. A girl.
 8 Q. I presume your ex-husband lives here in the
 9 area?
 10 A. Yes.
 11 Q. What is your educational background?
 12 A. Just a diploma, high school diploma.
 13 Q. Where did you go to high school?
 14 A. Nyssa, Oregon.
 15 Q. When did you graduate from high school?
 16 A. 1990.
 17 Q. Did you attend any further education past
 18 that?
 19 A. No.
 20 Q. No part-time classes to get any college or
 21 anything of that nature?
 22 A. No.
 23 Q. After you graduated from high school in 1990,
 24 could you give me a rundown of your work history up
 25 until the time you began working for Juvenile

1 A. No, it's right here in Kuna.
 2 Q. Were you working for CCA when you applied for
 3 and were hired by Juvenile Corrections?
 4 A. Yes.
 5 Q. Where were you working prior to going to work
 6 for CCA?
 7 A. Harmony House/Bell Counseling.
 8 Q. How long did you work there?
 9 A. Four years.
 10 Q. What were you doing for Harmony House?
 11 A. I was a rehabilitation technician supervising
 12 co-ed delinquents. It was a group home.
 13 Q. Tell me, for that work did you have any kind
 14 of professional licensing or certificates of any kind?
 15 A. No.
 16 Q. Do you hold any kind of professional
 17 licensing?
 18 A. No.
 19 Q. Any certificates of any kind, whether for
 20 rehab, any kind of counseling, anything of that nature?
 21 A. POST certification through the State of Idaho.
 22 Q. But other than your POST certification none
 23 other?
 24 A. No.
 25 Q. Was there a counselor, an individual you

1 worked with at Harmony House?
 2 A. Yes.
 3 Q. Who?
 4 A. Eric Anderson.
 5 Q. What were the circumstances of your leaving
 6 Harmony House?
 7 A. No pay raise.
 8 Q. You just left for a better job?
 9 A. Yes.
 10 Q. How about at CCA, why did you leave them?
 11 A. I did not leave them; I'm still currently
 12 employed with them.
 13 Q. You're still an employee of CCA?
 14 A. Correct.
 15 Q. That's your second job that you have?
 16 A. Yes.
 17 Q. Do you still work out at the facility in Kuna?
 18 A. Yes.
 19 Q. What is your job at CCA?
 20 A. Correctional officer.
 21 Q. Do you work in the women's tier or the men's
 22 tier?
 23 A. It's a men's facility; so it's all men.
 24 Q. Is this the same institution that's referred
 25 to as ICC?

1 obtain your POST certification there?
 2 A. No.
 3 Q. Tell me, what have you heard about the Riggs
 4 litigation in connection with your job at ICC?
 5 A. I never have. I don't even -- I don't know
 6 anything about it.
 7 Q. You're not familiar with a lawsuit brought by
 8 the ACLU challenging the conditions of confinement at
 9 that institution?
 10 A. There's lots of lawsuits; I don't keep up with
 11 them. So I hear them from inmates, from staff. I don't
 12 get involved in it if it doesn't pertain to me.
 13 Q. Were you aware of any court order from the
 14 Federal Court governing the manner in which that
 15 institution is managed?
 16 A. I may have read about it, yeah, but I don't
 17 get into depth or read about it. I don't know.
 18 Q. What I'm interested in is, have any of the
 19 policies of how correctional officers do their jobs at
 20 that facility changed as a result of that court order,
 21 that you're aware of?
 22 A. Somewhat, yes.
 23 Q. Why don't you describe that for me.
 24 A. We have a door policy out there where they
 25 shut every half hour to the mark. The inmate cell

1 A. Yes.
 2 Q. It's been in the newspaper referred to as the
 3 gladiator school?
 4 A. I don't know.
 5 Q. Are you familiar with the Riggs litigation out
 6 at ICC?
 7 A. I hear about it, but don't get involved in it.
 8 Q. Did you have any knowledge or involvement in
 9 the Hanni Elabed assault, any knowledge of that?
 10 A. No.
 11 Q. Were you named as a witness in the Riggs
 12 litigation?
 13 A. No.
 14 Q. Tell me, your training at CCA, are you a POST
 15 certified correctional officer?
 16 A. No, I'm grandfathered in.
 17 Q. So correct me if I'm wrong, you've never
 18 attended the POST academy as a correctional officer?
 19 A. No.
 20 Q. Are correctional officers at ICC POST
 21 certified?
 22 A. They are now, yes.
 23 Q. But you didn't have to be?
 24 A. Correct.
 25 Q. Has anybody suggested to you that you should

1 doors, we have to shut them every half hour, and then
 2 we're given a five-minute period where they can
 3 reopen them again. It's just like that every half hour.
 4 That's fairly new.
 5 Q. You were employed there when the warden was
 6 fired, weren't you?
 7 A. Which one?
 8 Q. It would have been -- I can't remember his
 9 name.
 10 There has been a turnover of wardens there?
 11 A. Yes.
 12 Q. Tell me, what type of training have you
 13 received at ICC regarding how you are supposed to
 14 interact with inmates there?
 15 A. Every annual we have to get recertified.
 16 Every annual it's different. We have to just keep up
 17 with our training, and that's our recertification for
 18 our correctional officer entitlement.
 19 Q. Certification from whom?
 20 A. From different trainings, different people
 21 that are training us. It could be from -- we have
 22 self-defense classes, CPI. They vary.
 23 Q. But these aren't POST instructors, are they?
 24 A. No.
 25 Q. Are these people that are internal within CCA?

1 A. Yes.
 2 Q. Tell me, have you ever been the target of any
 3 kind of inmate grievance or problem solving as a
 4 correctional officer at CCA?
 5 A. No.
 6 Q. Have you ever been disciplined as a
 7 correctional officer at CCA?
 8 A. When you say "disciplined," what do you mean
 9 by "disciplined"?
 10 Q. Let me ask you this: Have you ever had a
 11 substandard job performance evaluation while employed at
 12 CCA?
 13 A. Every evaluation I've had has been excellent.
 14 I've never had a downfall or a negative on me, no.
 15 Q. Any written warnings from your supervisors
 16 while you've been at CCA?
 17 A. I got a write-up like six, seven months ago.
 18 My first one ever.
 19 Q. What was that?
 20 A. It had to do with another female officer.
 21 Q. What was the conflict, what was the subject of
 22 that write-up?
 23 A. Well, we had an argument and her saying versus
 24 mine escalated, so we both got written up for it.
 25 That's all it was.

1 A. No.
 2 Q. Is there a lieutenant that supervises you?
 3 A. I have various lieutenants, yes; not one
 4 specific, no.
 5 Q. Tell me, when you were at Stewart Title what
 6 did you do?
 7 A. I was a runner.
 8 Q. Did that just involve delivering documents?
 9 A. Yes.
 10 Q. How long did you work at Stewart Title?
 11 A. Oh, my gosh. I think maybe a year and a half,
 12 a year.
 13 Q. You left there to go to work for Harmony
 14 House?
 15 A. Yes, I believe so. It's been so long.
 16 Q. Debt Reduction Services, what did you do for
 17 them?
 18 A. I was a customer service representative.
 19 Q. What did that entail?
 20 A. Consolidating down debt.
 21 Q. Were you given debt counseling to individuals?
 22 A. Yes. The bilingual side, yes, Spanish, yeah.
 23 Q. I understand that you are bilingual. Was your
 24 involvement there, were you actually doing the debt
 25 counseling or were you working more as an interpreter,

1 Q. Any other kind of disciplinary action,
 2 anything like that at CCA?
 3 A. No.
 4 Q. What is the shift that you work at CCA?
 5 A. Well, it depends on my work schedule. Right
 6 now with my State of Idaho job every week it's
 7 different, so it changes every week. I don't have a set
 8 schedule with the Juvenile Corrections. So I have to go
 9 by whatever I have left over as far as my days off or I
 10 do work a double shift. Say, I work full time at the
 11 State of Idaho, then I work nights for CCA. It just
 12 depends. It's different every week.
 13 Q. In what portion of the ICC facility do you
 14 work at?
 15 A. I work all over, wherever needed.
 16 Q. Do they have like a maximum security tier
 17 versus a medical tier or a minimum security tier?
 18 A. Yes, we do.
 19 Q. You aren't assigned to a specific place, you
 20 go all over the institution?
 21 A. Yes.
 22 Q. Who is your direct supervisor?
 23 A. We have various captains.
 24 Q. Is there somebody that you work most closely
 25 with?

1 somebody that was bilingual who could talk to these
 2 folks?
 3 A. I was doing the debt consolidation.
 4 Q. How long did you work for Debt Reduction
 5 Services?
 6 A. I think about maybe a year. It's been so
 7 long, I don't remember.
 8 Q. What about the staffing service place that you
 9 worked at, what did you do for them?
 10 A. I actually worked for them, I was their
 11 receptionist. And I did the hiring process where I did
 12 reference checks and UA testing, I did classes for some
 13 of the companies that they required orientation classes
 14 before being placed in the job assignment.
 15 Q. How long did you work for them?
 16 A. About maybe two years.
 17 Q. You also indicated you worked for Micron?
 18 A. Yes.
 19 Q. Was that Micron out east of Boise here or --
 20 A. On Federal Way, yes.
 21 Q. What did you do at Micron?
 22 A. I was a lead out there.
 23 Q. What did that entail?
 24 A. I was a lead for my department. I worked for
 25 the Kodak department, the chips for Kodak, just making

1 sure our products were going out.
 2 Q. Were you laid off or did you quit that job?
 3 A. I quit to go to -- I believe that's when I
 4 worked for Harmony House and the prison then. Yeah.
 5 Q. Why did you quit to go to work for Harmony
 6 House?
 7 A. Because I wanted to do something challenging
 8 and work with the kids, I wanted to change my life and I
 9 know I could do better. This is where I started my
 10 correctional way, my pathway, so...
 11 Q. Tell me, your work at CCA does not involve any
 12 kind of counseling or anything like that, does it?
 13 A. No.
 14 Q. You're a guard?
 15 A. Yes.
 16 Q. Tell me, when did you first apply for
 17 employment at State of Idaho for Juvenile Corrections?
 18 A. I believe I got hired in 2006, so two years or
 19 a year before that I actually had an interview with the
 20 Juvenile Corrections, but I didn't get hired. So is
 21 that what you're asking?
 22 Q. Sure.
 23 A. And then I got hired on, I believe, 2006. I
 24 don't remember what month it was.
 25 Q. Tell me, why don't you just describe for me,

1 CCA?
 2 A. Yeah, way prior before that.
 3 Q. Approximately how much time prior?
 4 A. Maybe like a year difference maybe, I don't...
 5 Q. So approximately a year earlier?
 6 A. Yes.
 7 Q. Tell me, was the application and hiring
 8 process at IMSI any different than what you went through
 9 when you got your job with Juvenile Corrections?
 10 A. No, I think it was also Internet process, yes.
 11 Q. Did you go through an interview before you
 12 were actually hired?
 13 A. Yes.
 14 Q. When you started working at IMSI, what were
 15 you doing?
 16 A. I was a correctional officer.
 17 Q. Did they send you to the POST academy?
 18 A. We didn't have POST back in those -- it was
 19 just an academy, it wasn't POST academy, it was just
 20 academy. We didn't have to be POST certified -- wait.
 21 Maybe -- I'm not going to remember, it's been so long.
 22 Q. Sure.
 23 Would this have been prior to 2000.
 24 A. It might have been. I don't recall. I don't
 25 remember.

1 as best you can recollect, the application and hiring
 2 process that you went through.
 3 A. I believe it was Internet status, I had to
 4 complete my application on the Internet.
 5 Q. Anything else that you did other than complete
 6 the application?
 7 A. And I believe I had like a pretest along with
 8 it. I think that was it, really.
 9 Q. How did you become aware that the position was
 10 available?
 11 A. Maybe through the State of Idaho Job Service
 12 back in that time.
 13 Q. Tell me, have you ever applied for employment
 14 with the Department of Corrections as a correctional
 15 officer?
 16 A. Yes, I did work for max State of Idaho, at the
 17 prison.
 18 Q. Let's talk about that, because that was a job
 19 that we didn't talk about.
 20 A. That was a very short time though, yeah.
 21 Q. When did you work at max?
 22 A. Oh, my gosh. I'm not going to lie to you, it
 23 was only like two months because it just wasn't for me,
 24 I was scared. I don't remember. I don't remember.
 25 Q. Was it prior to the time you were working at

1 Q. Well --
 2 A. It was a very short time, like I said, I was
 3 there, because it just wasn't for me.
 4 Q. If you worked for CCA for about nine years,
 5 nine and a half years, that would have put it back in,
 6 what, somewhere around 2002, 2003 you started working
 7 for CCA?
 8 A. Perhaps, yes. I don't remember. It might
 9 have been.
 10 Q. So a year or so before that when you worked
 11 for max it would have been right around 2000.
 12 A. It might have been.
 13 Q. This is ballpark, I understand that.
 14 Is it your recollection that when you were
 15 hired as a correctional officer at max that you were not
 16 going to be required to attend POST academy?
 17 A. I don't remember, it's been so long, like I
 18 said. I was only there like maybe two months, so I
 19 don't remember.
 20 Q. Were there a number of other correctional
 21 officers that started about the same time you did?
 22 A. Yes, it was a class.
 23 Q. How many?
 24 A. Maybe like 15, 20.
 25 Q. Do you know if any of those people went off

1 someplace for training for about a month after they were
 2 hired while you were working there?
 3 A. I don't remember.
 4 Q. Tell me, you said you left after two months,
 5 did you have any evaluations or anything of that nature
 6 during the two months you were working?
 7 A. No.
 8 Q. Did you have a supervisor?
 9 A. I'm sure I did, yes. We have our captain,
 10 lieutenant.
 11 Q. Sure.
 12 Were there particular sergeants that were
 13 assigned to you?
 14 A. Depends which shift you work, yes.
 15 Q. Were you assigned a field training officer?
 16 A. I'm not understanding. Meaning?
 17 Q. A mentor?
 18 A. No.
 19 Q. Somebody to shadow or somebody to follow
 20 around to see how you're supposed to do your job?
 21 A. Are you asking if I had a mentor or if I was
 22 under a mentor?
 23 Q. Yes. If you were under a mentor while you
 24 were working at max for those two months.
 25 A. Yes.

1 CCA?
 2 A. I believe maybe a year and a half, two later
 3 maybe.
 4 Q. What made you feel that you would be
 5 comfortable working at CCA as a correctional officer as
 6 opposed to IMSI?
 7 A. I didn't. I was just like I need to do this
 8 again. I want to do it again, so I did.
 9 Q. Obviously you have felt comfortable working
 10 there?
 11 A. Yes.
 12 Q. Do you feel that comfort level is a difference
 13 in the way they do things or just a matter of maturity
 14 on your part?
 15 A. Both.
 16 Q. Could you explain that for me.
 17 A. Me being older as an age. Again, when I
 18 started doing correctional I started in max, the highest
 19 felons, I never had experience doing it, I was thrown in
 20 something that, oh, my gosh. So now that I'm older and
 21 wiser, done it, I'm more familiar, I'm more comfortable.
 22 I don't fear, I'm not scared. I do my daily routine,
 23 following policy and procedure. I really enjoy my work
 24 there.
 25 Q. Is there anything different in the way that

1 Q. Do you recall who that individual was?
 2 A. No.
 3 Q. What type of stuff did your field training
 4 officer do for you or help you with?
 5 A. Just show me the basics, daily routine, daily
 6 policy and procedures, what needed to be done and how
 7 it's done.
 8 Q. Did you have any problems with what your FTO
 9 was teaching you?
 10 A. No.
 11 Q. Do you recall any criticisms that your FTO had
 12 for you or anything you were doing?
 13 A. No.
 14 Q. Tell me, you said you left after two months.
 15 Did you quit or was it suggested to you that perhaps you
 16 should do something different?
 17 A. I quit.
 18 Q. Why did you quit?
 19 A. Like I said, it wasn't for me.
 20 Q. Why was it not for you?
 21 A. At maximum security you're dealing with the
 22 highest felons that are scary. It just wasn't for me.
 23 I couldn't do it. I was a very age, so...
 24 Q. Then after that, how long after you worked at
 25 IMSI did you then reapply or apply for employment with

1 CCA handles their inmates that is different from what
 2 you experienced when you were at max?
 3 A. I do see a lot of difference.
 4 Q. Such as?
 5 A. Well, it depends where you're assigned.
 6 Again, we're all over the board; we can be on the
 7 program side, we can be on the SO side. I can be
 8 working the max side, I can be in general population.
 9 It depends where you're at. I can be in medical,
 10 segregation. So they vary.
 11 Q. Let's say the max side, what is different
 12 between what you experienced at IMSI versus the CCA?
 13 A. Well, I feel more comfortable, the security is
 14 better. I feel safer there. I'm not just by myself,
 15 having an officer with me present all the time.
 16 Q. Why would you feel safer there as opposed to
 17 at max?
 18 A. I don't know. Maybe, again, maybe it's my
 19 age, I'm older now, I feel more comfortable, I don't
 20 fear like I did.
 21 Q. What is different as far as the programming
 22 side at IMSI as opposed to CCA?
 23 A. Well, they do it lot of different.
 24 Q. Such as?
 25 A. Just the way it's run. The counselors run it,

1 so they do it different. Every one is different, every
2 time I worked there, something is being different. So I
3 don't run it, so...

4 MR. SCHOPPE: If you need to take a minute to
5 think about what he's asking, you can do that. So if
6 you find that helpful.

7 THE WITNESS: Okay.

8 Q. (BY MR. COLLAER) So at IMSI were you involved
9 in any of the programming stuff there at all, in the two
10 months you were there?

11 A. No.

12 Q. Were you involved in handling people in
13 administrative segregation?

14 A. I was in training, so I don't really remember.

15 Q. During the two months you were at IMSI, were
16 you constantly with your FTO?

17 A. Yes.

18 Q. You weren't allowed to go off on your own at
19 all, were you?

20 A. In the beginning, no. Less than two months I
21 left, yes.

22 Q. How did that transition?

23 A. Again, I just wasn't ready.

24 Q. What I mean by "transition," how did you
25 develop from constantly being with your FTO to working

1 A. Again, going back, I worked for Harmony House,
2 so I was already working juveniles. It's something I
3 wanted to pursue. The first opening, they had an
4 opening to have an interview for I didn't get hired for,
5 but I tried again and that's when I got hired. It's
6 something I wanted to do to help kids.

7 Q. Do you recall going through an interview
8 process for the Juvenile Corrections job?

9 A. Yes.

10 Q. Why don't you describe for me, as best you can
11 recollect, the interview you went through.

12 A. Okay. I don't remember specifically who, but
13 I went like twice or three times before I was officially
14 hired. They were just asking basic questions within my
15 job status and general interview questions.

16 Q. Was there a panel of people that you were
17 interviewing with or just one individual?

18 A. No, it was just one or two individuals, I
19 believe, within the facility.

20 Q. Do you recall who those folks were?

21 A. One was Jim Smutny. That's really all I
22 remember, it's been so long.

23 Q. How soon after your interview were you advised
24 that you were going to be offered a job?

25 A. Maybe within a week. I don't remember.

1 independently a little bit? Am I describing that -- is
2 it a progression when you were IMSI?

3 A. Yes. Honestly, like I say, I just wasn't
4 ready.

5 Q. What I'm interested in is, how did that
6 progression work, as best you can recall?

7 A. The training was good, if that's what you're
8 asking me. But I myself was not ready for it.

9 Q. While you were at IMSI how old were you?

10 A. Oh, my gosh, probably, I believe maybe mid,
11 late 20s.

12 Q. Were you still married at that point?

13 A. Yes.

14 Q. When I say you were "still married," were you
15 in the process of splitting or did that happen later?

16 A. That happened much later.

17 Q. So that had nothing to do with what was going
18 on with your life or what was affecting you at work, did
19 it?

20 A. No.

21 Q. I didn't think it did. It's none of my
22 business.

23 Tell me, considering your history with working
24 at CCA and IMSI, what attracted you to the Juvenile
25 Corrections job?

1 (Exhibit 19 marked.)

2 Q. (BY MR. COLLAER) I'm handing you what I've
3 marked as Exhibit No. 19. Could you identify No. 19 for
4 me, please.

5 MR. SCHOPPE: Take a minute to look at it.

6 THE WITNESS: What am I --

7 MR. SCHOPPE: Just go ahead and take a look at
8 it.

9 THE WITNESS: Oh.

10 MR. SCHOPPE: And when you're done, go ahead
11 and answer his questions.

12 THE WITNESS: (Reviewing document.) Okay.

13 Q. (BY MR. COLLAER) What is Exhibit No. 19?

14 A. You mean what is it?

15 Q. Yes.

16 A. It's basically my welcome to Juvenile
17 Corrections, with the pay and the basics, breakdown of
18 wages.

19 Q. Is this the letter you got advising you that
20 you were being offered a job?

21 A. I guess. It's been so long, I don't remember.
22 Yeah.

23 Q. Do you recognize your signature on the second
24 page?

25 A. Yes.

1 Q. Whose handwriting appears on the dating
 2 opposite your signature?
 3 A. Judi Gregory, is that what you're asking?
 4 Q. No. I'm asking when you signed this, did you
 5 date it yourself?
 6 A. Yes, I did.
 7 Q. So the signature is your own and the
 8 handwriting on the date, the 5/15/06, is also your
 9 handwriting?
 10 A. Yes.
 11 Q. Tell me, looking back at the first page of
 12 Exhibit No. 19, there is a reference to "full-time
 13 probation appointment." Do you see that?
 14 A. Okay.
 15 Q. What was your understanding of what
 16 "probation" meant? What was your status?
 17 A. I believe it was for six months that you were
 18 given...
 19 Q. As a probationary employee, what was your
 20 understanding of what that meant?
 21 A. Pretty much to see if your requirements are
 22 being met within the policy and procedure of the
 23 facility. I guess that breaks it down into everything.
 24 Q. What was your understanding of whether you
 25 could be let go or laid off at the end of your

1 driving something; the basic ones.
 2 Q. Did you attend the POST academy?
 3 A. No.
 4 Q. Again, I know we talked about this, you never
 5 have?
 6 A. In this time period, no. But I am POST
 7 certified now, yes.
 8 Q. When did you get POST certified?
 9 A. I think when it was required back three years
 10 ago maybe, perhaps.
 11 Q. Did you go to the academy?
 12 A. It was within the facility, like many others,
 13 yeah.
 14 Q. Did you go through a testing process?
 15 A. Yes.
 16 Q. Did you have to go through a training process
 17 before you took the tests?
 18 A. I believe so, yes, within the facility, yes.
 19 Q. During the time that you were on probation did
 20 you receive performance evaluations?
 21 A. I don't remember.
 22 Q. Do you know if during your probation, do you
 23 recall receiving any kind of negative feedback about
 24 your performance?
 25 A. When you say "negative," like --

1 probation; what was your understanding in that regard?
 2 A. If you weren't meeting the expectations, that
 3 could be one. Could be various, lots of stuff.
 4 Q. Could you be laid off or let go for any
 5 reason, assuming not a discriminatory reason?
 6 A. Within the probation period?
 7 Q. Yes.
 8 A. Yes.
 9 Q. So the Department didn't have to establish you
 10 had done something wrong or engaged in some kind of
 11 misconduct, they could decide we just don't want to keep
 12 this person?
 13 A. I guess if that's the policy and procedure,
 14 yes.
 15 Q. Again, with the caveat, obviously not for
 16 discriminatory reason, but if they just decided this
 17 just isn't the person we want, they could let you go.
 18 A. Yes.
 19 Q. There is a reference that "You are scheduled
 20 to attend training sessions to help you achieve full
 21 competency in your position." Do you see that?
 22 A. Uh-huh.
 23 Q. What did that training involve?
 24 A. Back in time -- well, we used to call it CITO,
 25 CPR, first aid. I don't remember all of them, but

1 Q. Anything critical, saying: You're not doing
 2 this right, I need you to do something differently.
 3 A. No, I don't think so.
 4 Q. Exhibit No. 19 also addresses schedule. It
 5 says it's "to be determined by your supervisor." Do you
 6 see that? It's right in the middle under the "Position
 7 Title," it says "Schedule" there. Do you see it?
 8 A. Sorry, I'm still reading. (Reviewing
 9 document.) Okay.
 10 Q. The paragraph above that, it says: "To be
 11 determined by your supervisor."
 12 A. Yes.
 13 Q. Who was your supervisor at this point?
 14 A. Jim Smutny.
 15 Q. What was your understanding of his discretion
 16 as to assigning you to a specific schedule?
 17 A. Back in those times it was different, it was
 18 something that was set, it was something that was
 19 rotating.
 20 Q. My question is: Did your supervisor have the
 21 discretion to set your schedule?
 22 A. Yes.
 23 Q. Does your supervisor have the discretion to
 24 set your schedule now?
 25 A. Yes.

1 Q. When you first started what was your schedule?
 2 A. For starters?
 3 Q. Yes.
 4 A. I don't remember. I don't know if it was set
 5 or up and down. I don't remember, it's been so long.
 6 Q. But it did change over the years?
 7 A. Yes.
 8 Q. How so?
 9 A. A lot so.
 10 Q. Describe it for me.
 11 A. Every week it's different. It can be from
 12 a.m. to p.m.
 13 Q. It's a rotating schedule?
 14 A. Yes.
 15 Q. When do you know what your schedule for a
 16 given week is going to be?
 17 A. I believe it's like maybe two months or --
 18 yeah, about two months, two and a half months in
 19 advance. It's in the Internet, the computer.
 20 Q. Who sets your schedule?
 21 A. Right now?
 22 Q. Yes.
 23 A. Laura Roters.
 24 Q. She's your supervisor?
 25 A. Yes.

1 good," who --
 2 A. CCA has been, yes.
 3 Q. Is there anything in the IDJC policy that
 4 addresses having a second job?
 5 A. I don't understand. What do you mean?
 6 Q. Are there written policies at Juvenile
 7 Corrections that addresses the ability of an employee
 8 such as yourself to have a second job?
 9 A. Yes. There is some, yes.
 10 Q. What does that policy say?
 11 A. I don't remember the original one when I was
 12 hired what I had to fill out, but I had to fill
 13 something out. I don't even remember, but it's
 14 something I had to complete, yes.
 15 Q. What was your understanding of it at that
 16 point?
 17 A. I don't remember what was even on it, I'm not
 18 going to lie to you.
 19 Q. You are familiar with the policy currently?
 20 A. That's changed? Yes.
 21 Q. What is the policy now?
 22 A. Pretty much that I work for the Department,
 23 State of Idaho, that they're first. And that's pretty
 24 much it.
 25 Q. When did that policy come into effect?

1 Q. When the schedule is set on the computer, you
 2 said you know about two months ahead of time what it's
 3 going to be, is that something that you can request any
 4 kind of change to?
 5 A. So if you ask for vacation, yes, time off,
 6 yes.
 7 Q. What about if you have some other kind of
 8 conflict that you need, you need to be accommodated; is
 9 that something you can do?
 10 A. If I have like an appointment or something
 11 you're asking?
 12 Q. Sure. Anything.
 13 A. Yes. I can e-mail and ask for it.
 14 Q. What about if it kind of conflicts with your
 15 schedule with your second job?
 16 A. It doesn't. Right now it's -- right now
 17 they've been really good with me. I don't know how long
 18 it's going to last.
 19 Q. When you say "they've been really good" with
 20 you --
 21 A. The company has been really good to work with
 22 me with my schedule because it's different every week
 23 and it's different shifts every week, so it's up and
 24 down. Like I said, it's not set.
 25 Q. When you say "the company has been really

1 A. I don't know the exact date or time, but it
 2 was maybe a year. I don't remember. I don't know.
 3 Q. You would defer to the actual policies
 4 themselves, the written policies themselves, as to when
 5 they were enacted?
 6 A. I think so, yes. I don't remember, like I
 7 say, the time frame.
 8 Q. When you say that the policy says that your
 9 job with IDJC is first, what do you understand that to
 10 mean?
 11 A. Pretty much whatever is scheduled, whatever
 12 you're assigned to, becomes a priority, that's what it
 13 is. That's the way it is.
 14 Q. So as an example, your schedule with IDJC,
 15 they're not going to change it because it conflicts with
 16 a second job.
 17 A. I'm assuming that's what it's referring to, I
 18 don't know.
 19 Q. Tell me, when you finished probation did you
 20 become a classified employee at IDJC?
 21 A. I assume that's classified. I don't know how
 22 they word it.
 23 Q. When I use the term "classified employee,"
 24 does that mean anything to you?
 25 A. As a permanent employee?

1 Q. Right.
 2 A. Okay.
 3 Q. When you say you have the status of a
 4 permanent employee, how is that different, I'm asking
 5 for your understanding, as opposed to your status as a
 6 probationary employee?
 7 A. Well, again, with the probation period they're
 8 looking to see if you are meeting expectations. After
 9 you've met it, well, then -- I don't know what their
 10 expectations are, what they look at, but I did it. So I
 11 don't know.
 12 Q. What is your understanding of the Department's
 13 ability to terminate your employment once you became a
 14 permanent employee?
 15 A. Not following policy and procedure. It's not
 16 any different from being in the probation period.
 17 Q. Is it your understanding that as a permanent
 18 employee the Department can let you go for no reason as
 19 long as it's not a discriminatory one, without
 20 explaining it?
 21 A. If that's the -- I don't know what the laws
 22 are.
 23 Q. You don't have an understanding one way or
 24 another?
 25 A. I don't, no.

1 initialed all these policies, did you actually obtain
 2 copies or review those policies?
 3 A. Yes.
 4 Q. You familiarized yourself with every one of
 5 them?
 6 A. Yes.
 7 Q. Do you recall if you had any questions about
 8 any of the policies you reviewed as noted on Exhibit
 9 No. 20?
 10 A. No.
 11 Q. Any objections or any concerns of that nature
 12 about any of the policies that you reviewed?
 13 A. No. Not at that time, no.
 14 Q. Under the one that is titled 369.10, Due
 15 Process, do you see that?
 16 A. Yes.
 17 Q. Is that the problem-solving policy?
 18 A. I guess. I don't remember exactly what it
 19 was.
 20 Q. Are you familiar with the problem-solving
 21 policy?
 22 A. I am, but again, policies just change a lot,
 23 so...
 24 Q. Sure.
 25 Tell me, could you describe for me, as best

1 Q. That's fair.
 2 (Exhibit 20 marked.)
 3 Q. (BY MR. COLLAER) Handing you what I've marked
 4 as Exhibit No. 20. Ms. Reyna, do you recognize Exhibit
 5 No. 20?
 6 A. Yes.
 7 Q. What is it?
 8 A. It's a POST certification.
 9 Q. Do you recognize your signature at the bottom
 10 of Exhibit No. 20?
 11 A. Yes.
 12 Q. It appears this document is identifying a
 13 number of policies, IDJC policies --
 14 A. Um-hmm.
 15 Q. -- in the body of it.
 16 Looking at the first one under 360.10, Ethics
 17 and Values. Do you see that?
 18 A. Yes.
 19 Q. There is an initial line over to the left of
 20 it. Do you recognize those initials?
 21 A. Yes.
 22 Q. All the way down the page whose initials are
 23 those?
 24 A. Mine.
 25 Q. Tell me, when you initialed or after you

1 you can recollect, the problem-solving policy.
 2 A. Are you referring -- how are you referring to
 3 it? Do you mean "due process" like having a problem
 4 with someone?
 5 Q. Is there a policy that allows you to file a
 6 grievance or a problem-solving request about something
 7 that happened to you at the Department?
 8 A. There used to be a grievance for supervisors
 9 or something, but it's not that any more. Now it's
 10 called this due process where you talk to, I guess -- I
 11 don't know the exact policy how it works, the layout.
 12 But that's just changed like a couple years ago, yeah.
 13 But at this time, no, it wasn't considered that.
 14 (Exhibit 21 marked.)
 15 Q. (BY MR. COLLAER) Handing you Exhibit No. 21.
 16 Can you identify No. 21 for me, please.
 17 A. This is referring to the due process, yes.
 18 Q. It has a revision date up there at the top of
 19 August 30, 2010. Do you see that?
 20 A. Yes.
 21 Q. Do you know how long this version of the
 22 policy was in effect before it was changed again?
 23 A. I don't. Like I said, they change a lot.
 24 Q. But it would be at least from August 2010
 25 until the next revision, this is the policy that would

1 have been in effect; correct?
 2 MR. SCHOPPE: Objection; calls for
 3 speculation. You can answer if you know.
 4 THE WITNESS: I don't -- they change so much,
 5 I'm not going to answer, I don't know.
 6 Q. (BY MR. COLLAER) The question was: This
 7 version until it's revised again, this is what would be
 8 applicable to yourself?
 9 A. I don't know. I'm not going to lie to you, I
 10 don't know.
 11 Q. Tell me, what is your understanding of what
 12 things or types of things the policy gave you the right
 13 to seek problem solving for?
 14 A. Well, are you asking why or -- I don't know.
 15 Q. Anything, any types of things, whether it be a
 16 performance evaluation, conflicts with your supervisors,
 17 conflicts with other employees, anything, any workplace
 18 concern you may have. What I'm interested in is, what
 19 is your understanding of what Exhibit 21 allowed you to
 20 seek problem solving for?
 21 MR. SCHOPPE: Go ahead, take your time and
 22 think about your response, if you think that will help.
 23 THE WITNESS: I guess to see the differences,
 24 to talk about it, my issues versus the other party's
 25 issues, the conflicts, whatever I'm having a situation

1 THE WITNESS: It's the same.
 2 MR. SCHOPPE: Go ahead and look through, I
 3 think it's important.
 4 THE WITNESS: All the pages or just the one in
 5 front?
 6 MR. SCHOPPE: All of them.
 7 Q. (BY MR. COLLAER) Look at whatever you feel
 8 you need to.
 9 A. (Reviewing document.) Okay.
 10 Q. Could you identify No. 22 for me, please.
 11 A. The problem solving, is that what you're
 12 asking?
 13 Q. Yes. It's a version of the problem-solving
 14 policy?
 15 MR. SCHOPPE: If you know.
 16 THE WITNESS: I guess. It looks the same.
 17 Q. (BY MR. COLLAER) Tell me, the revision date
 18 on Exhibit No. 22 shows it was revised January 30, 2012.
 19 Do you see that?
 20 A. Yes.
 21 Q. As compared to Exhibit 21 that had a revision
 22 date of August 30, 2010. My question to you is: Are
 23 you aware of any other revisions between August 30, 2010
 24 and January 30, 2012?
 25 A. No.

1 and problem about.
 2 Q. (BY MR. COLLAER) Tell me, during the time you
 3 have been employed with the Department of Juvenile
 4 Corrections, have you ever utilized the problem-solving
 5 policy documented on Exhibit No. 21?
 6 A. I don't think I have.
 7 Q. That would be with respect to a performance
 8 evaluation, any written warnings, anything of that
 9 nature you have received.
 10 A. Well, I guess when I brought up some concerns
 11 of mine when I did get written up, yes.
 12 Q. My question is: Did you file a request for
 13 problem solving?
 14 A. No. I did not file, no.
 15 (Exhibit 22 marked.)
 16 Q. (BY MR. COLLAER) Handing you what I've marked
 17 as Exhibit No. 22. Could you identify No. 22 for me,
 18 please.
 19 MR. SCHOPPE: Take your time, look at it.
 20 THE WITNESS: Same thing.
 21 MR. SCHOPPE: Go ahead and take your time,
 22 look through it and answer when you are ready.
 23 THE WITNESS: Okay.
 24 MR. SCHOPPE: Did you have a chance to look
 25 through it?

1 Q. So absent any other revisions, Exhibit No. 21
 2 would have been the problem-solving policy from
 3 August 30, 2010 until January 30, 2012; correct?
 4 A. Maybe, I don't know. Maybe one along the
 5 middle. I don't know, they change a lot.
 6 Q. That's why I prefaced the question "absent any
 7 other revisions."
 8 A. Yes.
 9 Q. That would have been the controlling policy
 10 during that time frame; correct?
 11 A. Yes.
 12 Q. Tell me, when Exhibit No. 21 was revised and
 13 came out, did you review it and familiarize yourself
 14 with it?
 15 A. I may have, yes, when they come out. We get
 16 so many, I can't keep up with them.
 17 Q. Is that something as an employee of Juvenile
 18 Corrections you are expected to do?
 19 A. Yes.
 20 Q. Tell me, could you describe for me any notices
 21 of contemplated disciplinary action you've received
 22 during the time you've been employed at Juvenile
 23 Corrections.
 24 A. Yes.
 25 Q. Tell me, what are they?

1 A. The first one was work schedule.
 2 Q. Any others?
 3 A. The second was for not reporting a PREA.
 4 That's it.
 5 Q. I think I know what you're referring to, but
 6 let me ask you this. I will define what I meant by
 7 "notice of contemplated action." A notice of
 8 contemplated action is a document, be it a letter type
 9 form, where the Department says: Ms. Reyna, I think you
 10 did X, and if that is true, we are going to fire you, or
 11 we are going to suspend you without pay, take some kind
 12 of discipline against you. And they invite you to tell
 13 them they are getting bad information or they have bad
 14 facts, you can respond to these charges. That is what I
 15 mean by a notice of contemplated action.
 16 With that definition, have you ever received a
 17 notice of contemplated action?
 18 A. No.
 19 Q. I didn't think so.
 20 The instances you're talking about, the work
 21 schedule and the PREA incident, those were written
 22 warnings, were they not?
 23 A. Yes.
 24 Q. We'll talk about those.
 25 But there was no discipline, said: We're

1 raises?
 2 A. I didn't -- I haven't. This is probably my
 3 first.
 4 Q. Was this --
 5 A. Within this job?
 6 Q. Yes.
 7 A. Yes, yeah. No, this is the first one.
 8 Q. So you had worked for a number of years
 9 without any pay raises until June of 2008 and then this
 10 pay raise came out.
 11 A. I believe so, yes. It's been so long, yes.
 12 Q. It also says that 2 percent of this 3 percent
 13 would be distributed on a matrix of salary increases.
 14 Do you see that?
 15 A. Uh-huh.
 16 Q. Was that for merit raises?
 17 A. That's what it states, yes.
 18 Q. Tell me, did you receive the full 3 percent?
 19 A. I guess. I didn't do the math. I don't
 20 remember. Yeah, I guess.
 21 Q. I'm just asking for your recollection.
 22 MR. SCHOPPE: Just a "yes" or a "no" or "I
 23 don't know."
 24 THE WITNESS: Yeah, I don't know.
 25 Q. (BY MR. COLLAER) It states your new hourly

1 going to discipline you, meaning we're going to cut your
 2 pay, demote you, fire you, anything of that nature
 3 connected with those written warnings, were there?
 4 A. No.
 5 (Exhibit 23 marked.)
 6 Q. (BY MR. COLLAER) Handing you what I've marked
 7 as Exhibit No. 23. Do you recognize Exhibit No. 23?
 8 MR. SCHOPPE: Take your time.
 9 THE WITNESS: (Reviewing document.) Yes.
 10 Q. (BY MR. COLLAER) What is Exhibit No. 23?
 11 A. Basically within your performance it would be
 12 a pay raise.
 13 Q. And you recall receiving this memorandum?
 14 A. I don't remember, but I guess, yeah.
 15 Q. Do you recall in June of 2008 you received a
 16 pay raise?
 17 A. I may have that date, yes. I don't remember,
 18 but I know I got it, yeah.
 19 Q. Tell me, the first sentence there speaks to
 20 "The Idaho Legislature appropriated 3 percent funding
 21 for employees' change in employee compensation." Do you
 22 see that?
 23 A. Uh-huh.
 24 Q. Prior to this time, June of 2008, how long had
 25 it been since employees such as yourself had received

1 rate was \$14.20. Do you see that?
 2 A. Yes.
 3 Q. How much of an increase was that over your
 4 prior rate?
 5 A. I don't remember.
 6 Q. There is a scale here of, it says "DNA,"
 7 "Achieves Performance Standards." Do you see that?
 8 A. Um-hmm.
 9 Q. In the middle of that matrix.
 10 Do you know at this point, in June of 2008,
 11 where you fell within that matrix?
 12 A. I don't remember. I don't know.
 13 Q. You would defer to your performance
 14 evaluations?
 15 A. I did receive them, yes, but I don't remember
 16 the whole bracket, how it was broken down, it's been so
 17 long.
 18 Q. Sure.
 19 You don't recall if in 2008 you received an
 20 achieved performance standards versus a do not achieve a
 21 performance standards?
 22 A. I remember getting a raise, I don't remember
 23 this whole format, layout.
 24 Q. Tell me, in your annual performance
 25 evaluations, has your overall evaluation ever been below

1 achieves performance standards?
 2 A. I don't remember what my last one was, but I
 3 don't remember. I don't know.
 4 Q. Tell me, after June of 2008, could you
 5 describe for me any other merit pay raises that have
 6 been available to employees such as yourself at Juvenile
 7 Corrections?
 8 A. I don't remember. I've only gotten like --
 9 don't remember.
 10 Q. Since June of 2008 have you received any other
 11 pay raises at Juvenile Corrections?
 12 A. I've only got like two, period, the whole time
 13 I've been employed there. I don't remember what time it
 14 was, year.
 15 Q. Obviously the one that is documented on
 16 Exhibit No. 23 is one of them.
 17 A. Okay.
 18 Q. Are you telling me that you recall receiving
 19 another pay raise after that time?
 20 A. After this one?
 21 Q. Yes.
 22 A. Yes.
 23 Q. Do you recall when that occurred?
 24 A. No.
 25 Q. Do you recall how much it was?

1 different ones, so I don't know.
 2 Q. But on its face this appears to be the
 3 attendance and absenteeism policy with the IDJC;
 4 correct?
 5 A. It may be, I don't know if it is. They change
 6 a lot, like I said.
 7 Q. But do you recall reviewing a policy such as
 8 Exhibit No. 24?
 9 A. Yes.
 10 Q. When you first reviewed it, was there any
 11 portions of it that you did not understand that you
 12 asked questions about?
 13 A. No. I didn't ask questions, no.
 14 Q. Any portion of it that you disagreed with?
 15 A. No.
 16 (Exhibit 25 marked.)
 17 Q. (BY MR. COLLAER) Handing you what I've marked
 18 as Exhibit No. 25. Could you identify No. 25 for me,
 19 please.
 20 A. Yes.
 21 Q. What is Exhibit No. 25?
 22 A. Hours of Work and Rest Periods.
 23 Q. Is this one of the policies of the Idaho
 24 Department of Juvenile Corrections that has been in
 25 place during your employment?

1 A. I don't know, top of my head.
 2 Q. A ballpark figure is fine.
 3 A. Like 14.70, 75, around there roughly. In the
 4 70s.
 5 Q. So about a 50 cent increase per hour?
 6 A. Maybe, yeah.
 7 Q. Do you know if that was an across-the-board
 8 for all employees or was it directed only at you?
 9 A. I don't remember how it was even worked out.
 10 I just know that's what I got, and how, I don't
 11 remember.
 12 Q. Do you know if it was a merit pay raise?
 13 A. I don't remember.
 14 (Exhibit 24 marked.)
 15 Q. (BY MR. COLLAER) Handing you what I've marked
 16 as Exhibit No. 24. Could you identify No. 24 for me,
 17 please.
 18 MR. SCHOPPE: Again, take your time to look at
 19 it first.
 20 THE WITNESS: (Reviewing document.) Yes.
 21 Q. (BY MR. COLLAER) What is Exhibit No. 24?
 22 A. The attendance and tardiness.
 23 Q. Is this one of the policies that you
 24 familiarized yourself with during your employment?
 25 A. It may have been. Again, it's been many

1 A. It may be one, yes.
 2 Q. Is this a policy that you would have reviewed
 3 during your employment?
 4 A. Yes.
 5 Q. When you first reviewed No. 25 did you have
 6 any questions about it?
 7 MR. SCHOPPE: Object to foundation. You can
 8 answer if you know.
 9 THE WITNESS: I don't know.
 10 Q. (BY MR. COLLAER) Well, was there any part of
 11 it that you didn't understand after you read it?
 12 MR. SCHOPPE: Same objection.
 13 THE WITNESS: They change so much, I don't
 14 know what's even on this one because they're always
 15 changing.
 16 Q. (BY MR. COLLAER) My question was not whether
 17 they changed or not, it's whether when you first read
 18 this did you understand it?
 19 A. To tell the truth, I don't even know if I read
 20 this one.
 21 Q. Is this one of the policies you would have
 22 been expected to read?
 23 A. It may be one of them, yes.
 24 Q. Have you ever asked your supervisors any
 25 questions about any of the terms of the policy that is

1 Exhibit No. 25?
 2 A. I may have, yeah, like -- yeah.
 3 Q. Tell me about that.
 4 A. Maybe like where it says to be timely, like
 5 asking time off.
 6 Q. What portion of the exhibit are you
 7 referencing?
 8 A. I don't know what number that is. Discharge
 9 of accrued competency, whatever, time.
 10 Q. Under section --
 11 A. I don't know what number that is.
 12 Q. -- No. IV, Discharge of Accrued Compensatory
 13 Time?
 14 A. Yes.
 15 Q. What paragraph are you referencing?
 16 A. Is this where you want time off like vacation;
 17 is that what this is referring to? Because it's kind
 18 of...
 19 Q. Let me ask you this --
 20 A. No. 1. I don't know, it's worded all...
 21 Q. During your employment, has it always been
 22 your understanding that any overtime that you work needs
 23 to be preapproved by your supervisor?
 24 A. That is a policy and procedure, yes.
 25 Q. My question is: Has that always been your

1 Q. (BY MR. COLLAER) Do you recall ever
 2 contacting a supervisor or anybody asking questions
 3 about Exhibit No. 26?
 4 A. When I had -- yes.
 5 Q. Why don't you tell me about that.
 6 A. When I got written up for my work schedule. I
 7 let her know within the two weeks I couldn't do it, and
 8 it was still sitting there, and I told her I couldn't
 9 because I already committed to CCA, the work schedule.
 10 This was when she first came aboard to O&A. So I still
 11 got written up for it regardless, even though I told her
 12 I couldn't.
 13 Q. I understand.
 14 When you first read Exhibit No. 26, was there
 15 any portion of it that you objected to to anybody?
 16 A. No.
 17 (Exhibit 27 marked.)
 18 Q. (BY MR. COLLAER) Handing you what I've marked
 19 as Exhibit No. 27. Would you identify No. 27 for me.
 20 A. Yes, it's my written warning.
 21 Q. This deals with your shift schedule; correct?
 22 A. Yes.
 23 Q. Tell me, on the first bullet point you said
 24 that you could not work the revised hours. Do you see
 25 that?

1 understanding of the policy while you've worked for
 2 Juvenile Corrections?
 3 A. Yes.
 4 (Exhibit 26 marked.)
 5 Q. (BY MR. COLLAER) Handing you what I've marked
 6 as Exhibit No. 26.
 7 A. (Reviewing document.) Okay.
 8 Q. Could you identify No. 26 for me.
 9 A. Work Schedules.
 10 Q. Is that one of the policies of Juvenile
 11 Corrections?
 12 A. Yes. It may be one, yes.
 13 Q. Is this one of the policies that as an
 14 employee you would have reviewed?
 15 A. Yes.
 16 Q. When you first reviewed Exhibit No. 26, was
 17 there any portions of it that you didn't understand?
 18 A. Again, I don't remember reading them all,
 19 there has been so many. I'm not going to recall because
 20 they changed so much, if I even read this one.
 21 Q. Well, as you've looked at it right now is
 22 there anything there that you don't understand?
 23 MR. SCHOPPE: If you need to take a minute to
 24 look through it, you can.
 25 THE WITNESS: (Reviewing document.) No.

1 A. On the first page?
 2 MR. SCHOPPE: Object to foundation.
 3 Q. (BY MR. COLLAER) Correct.
 4 A. I don't know where it's at.
 5 Q. The first bullet point, I'll read it to you.
 6 It says: "On July 10, 2012, I advised you that a change
 7 was being made to your shift schedule beginning July 25
 8 and you told me that you would not work the revised
 9 hours." Do you see that?
 10 A. Um-hmm.
 11 Q. Did you tell your supervisor you would not
 12 work the revised hours?
 13 A. No.
 14 Q. What did you tell her?
 15 A. I told her I couldn't work the revised hours
 16 for that week, for that shift, because of my other job.
 17 Q. Your conflict with your schedule with CCA.
 18 A. That I was committed to, yes.
 19 Q. Tell me, how did she respond?
 20 A. How did she? I don't remember.
 21 Q. Did she tell you that she could change the
 22 schedule to accommodate your second job?
 23 A. No.
 24 Q. Did she change the schedule to accommodate
 25 your second job?

1 A. No.
 2 Q. Did you work the revised schedule, as you were
 3 told to do?
 4 A. You're referring to this write-up?
 5 Q. Yes.
 6 A. No, I didn't. That's why I got written up.
 7 Q. So when your schedule changed and it
 8 conflicted with your second job, you did not report to
 9 work as scheduled?
 10 A. I did not, no.
 11 Q. How many shifts did you not report to work?
 12 A. This one; one.
 13 Q. One day?
 14 A. For two hours. No, it wasn't a day, it was
 15 like maybe an hour or two late.
 16 Q. Did you make any efforts with your CCA job to
 17 leave early so you could get to your Juvenile
 18 Corrections job?
 19 A. Again, no, because I was already committed on
 20 the schedule with CCA that Laura Roters knew about two
 21 weeks in advance.
 22 Q. Well, my question is: Did you contact your
 23 supervisor at CCA and ask to get time off in order to
 24 accommodate the change in your Juvenile Corrections
 25 schedule?

1 on July 10 the schedule was changing and you were aware
 2 at that point of the conflict.
 3 A. I'm not going to recall the date. This is why
 4 I did not sign it. No, I don't know.
 5 Q. Well, assuming that it's correct, that's two
 6 weeks prior to the date that you came to work late;
 7 correct?
 8 A. If that is the date, I don't have a calendar,
 9 I don't know.
 10 Q. My question to you is: Is the time frame of
 11 approximately two weeks prior correct? Were you aware
 12 of the conflict approximately two weeks prior to the
 13 date that you came to work late?
 14 MR. SCHOPPE: Go ahead and think through the
 15 question, make sure you understand it.
 16 THE WITNESS: I let her know two weeks in
 17 advance when I was originally given the schedule I could
 18 not do it.
 19 Q. (BY MR. COLLAER) She told you she couldn't
 20 accommodate you.
 21 A. She didn't tell me anything, it just was not
 22 done.
 23 Q. So you went to work for CCA the day of the
 24 conflict, knowing you were going to be late coming to
 25 your Juvenile Corrections job; correct?

1 A. I tried to, yes, and -- that's the way it
 2 works out, no.
 3 Q. Were you told why the change was being made to
 4 your schedule?
 5 A. Did I ask her why?
 6 Q. Yes.
 7 A. I don't recall, no.
 8 Q. Do you know why the change was being made to
 9 your schedule?
 10 A. I don't know why, no.
 11 Q. Do you have anything you can tell me about why
 12 you think your schedule was being changed at that time?
 13 A. No.
 14 Q. Tell me, after you got this write-up, you
 15 didn't file a request for problem solving, did you?
 16 A. No.
 17 Q. Why not?
 18 A. Well, I believe Julie Cloud was in there. I
 19 don't know all what policy on that if she was in there.
 20 I think was maybe, I don't recall. But there was
 21 like -- no, I don't remember if was in there.
 22 But I know Julie Cloud was for sure. No, I didn't.
 23 Q. Well, my question is: Why not?
 24 A. Honestly I don't know why.
 25 Q. Tell me, as I understand this, you were told

1 A. Yes.
 2 Q. Did you tell your immediate supervisor you
 3 were going to be late?
 4 A. She was fully aware of it, yes.
 5 Q. Who was your immediate supervisor?
 6 A. Laura Roters; she was there.
 7 Q. How was she aware that was going to happen?
 8 A. She was in her office sitting there when I
 9 walked right by to my department.
 10 Q. My question is: Did you tell her like the day
 11 before that you were going to be late, that, Hey, I'm
 12 going to be late?
 13 A. I let Laura Roters know when I was originally
 14 advised and told my schedule was being changed I could
 15 not make it. She already knew about it.
 16 Q. So that was two weeks prior?
 17 A. Yes.
 18 Q. Did you and Ms. Roters talk about that any
 19 time, again, prior to the time you showed up two hours
 20 late?
 21 A. I don't remember.
 22 Q. Did you file any kind of a response to this
 23 written warning?
 24 A. No. I didn't sign it, no.
 25 Q. I know you didn't sign it. My question is:

1 Did you file any kind of written response to it of any
 2 kind?
 3 A. No.
 4 Q. Any reason why not?
 5 A. I don't know. I just didn't, no.
 6 MR. COLLAER: We've been going about an hour
 7 and a half. This is a decent time to take a break.
 8 MR. SCHOPPE: Sure.
 9 (Recess taken.)
 10 MR. COLLAER: We're back on the record.
 11 (Exhibit 28 marked.)
 12 Q. (BY MR. COLLAER) Ms. Reyna, I'm handing you
 13 what I've marked as Exhibit No. 28. Do you recognize
 14 No. 28?
 15 A. Yes.
 16 Q. What is it?
 17 A. A written warning to me.
 18 Q. Do you recall the circumstances of this
 19 written warning?
 20 A. Yes.
 21 Q. Tell me, are you familiar with the
 22 Department's PREA policy?
 23 A. Yes.
 24 Q. You received training on the PREA policy?
 25 A. Yes.

1 supposed to report it.
 2 Q. You say there is a PREA format that is used?
 3 A. Yeah.
 4 Q. Describe that for me.
 5 A. I've only done it once. Actually, I needed
 6 help on it. It was just asking the basics, just like in
 7 your report, an incident report, that's all it really
 8 is.
 9 Q. How does it differ from the regular incident
 10 report that is used for other things?
 11 A. Well, again, I've only done it once, so I
 12 don't remember exactly what questions it's wanting you
 13 to answer, but there is a couple. I don't remember, but
 14 I know I did it. I've only done it once, like I said.
 15 There's a few questions more than an incident report.
 16 Q. Tell me, with respect to the incident
 17 documented on Exhibit No. 28, did you fill out a PREA
 18 report?
 19 A. I did, yes, on this.
 20 Q. We are talking about the PREA format. Is that
 21 the one PREA report that you are referencing that you
 22 have done?
 23 A. Yes.
 24 Q. Tell me, when did you fill out that
 25 informational report in relation to when you first

1 Q. Why don't you describe for me the training you
 2 have received.
 3 A. Pretty much we hear something or see something
 4 we need to report it regarding a PREA incident.
 5 Q. Have you had multiple training sessions on
 6 PREA?
 7 A. Not add-ons, just they're like every year with
 8 annually it's required.
 9 Q. It's something that is addressed in training
 10 on an annual basis?
 11 A. Yes.
 12 Q. Tell me, what are you required to do when you
 13 receive information of possible sex abuse or an incident
 14 involving a juvenile?
 15 A. Report it.
 16 Q. What is that reporting supposed to entail in
 17 accordance with the PREA policy?
 18 A. Well, there is a PREA format; is that what
 19 you're asking?
 20 Q. Well, why don't you tell me --
 21 A. You just report it.
 22 Q. -- anything that you understand the PREA
 23 policy requires you to do when you get any kind of
 24 information about potential sexual abuse of a juvenile.
 25 A. Again, if you see it or hear it you are

1 received any information about this particular juvenile?
 2 A. I don't recall the date, but I know I did one.
 3 Q. What I'm interested in is how long after.
 4 Hours, days, weeks, when did it happen?
 5 A. Probably days.
 6 Q. Why the delay?
 7 A. Because it was already reported.
 8 Q. Was there already an existing PREA report on
 9 file?
 10 A. I'm assuming.
 11 Q. You're assuming. How do you know that?
 12 A. Because this juvenile, I don't remember his
 13 name, this juvenile did approach me and tell me about it
 14 and told me the reason why he was with his O&A was
 15 because he ran from his -- it's like a group home place,
 16 I guess, living independent place, he ran from there.
 17 And then I asked, So are you with her? He wouldn't
 18 answer me.
 19 Q. Tell me, how soon after this juvenile related
 20 this information to you did you advise your supervisor
 21 that you had come into information of this nature?
 22 A. I don't remember, maybe a couple days. I
 23 don't remember.
 24 Q. Why the delay?
 25 A. I don't know. Because it was, again, already

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1 reported. The incident was already reported, according
 2 to him. He told me about the relationship, where it
 3 happened and who she was, what department she worked in,
 4 her living situation, and why he got kind of like let go
 5 of this program in Lewiston, because of that.
 6 Q. Were you assuming that your supervisor would
 7 have already had this information?
 8 A. Well, you would think if it's been reported.
 9 Lewiston is the same as our department, Idaho Department
 10 of Corrections.
 11 Q. But it's what, nearly 300 miles away?
 12 A. Right, but our incident reports are all the
 13 same. We have access to them.
 14 Q. This juvenile was now in the Nampa facility?
 15 A. Correct, in O&A.
 16 Q. How long had he been there?
 17 A. Well, that one day he arrived. It was my
 18 Monday when he arrived. I'm assuming that's when he got
 19 there. He left the immediate day, the following day.
 20 Q. Tell me, after this juvenile reported this
 21 information to you, did you talk to anybody in the O&A
 22 unit regarding what he had told you?
 23 A. In the O&A unit, no.
 24 Q. None of the other rehab counselors or --
 25 A. Counselors, no.

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1 Q. Obviously you didn't talk to your supervisor
 2 about it.
 3 A. No.
 4 MR. SCHOPPE: Object to the form.
 5 Q. (BY MR. COLLAER) Did you talk to any of your
 6 co-employees about what the juvenile had told you?
 7 A. Yes.
 8 Q. Who?
 9 A. Rhonda Ledford.
 10 Q. Rhonda Ledford is a transport officer;
 11 correct?
 12 A. Yes.
 13 Q. Why were you telling her?
 14 A. It just came out. I just told her. Again, it
 15 was a report, I don't know what the big thing was. I
 16 mean, we've got all kinds of incidents there.
 17 Q. My question is: How did the conversation
 18 regarding this juvenile reporting possible sex abuse
 19 arise in conversation between yourself and Ms. Ledford?
 20 A. I don't remember how it even started, to tell
 21 you the truth.
 22 Q. Did you institute that, did you reveal it to
 23 her first or did she --
 24 A. I might have, yes, I did.
 25 Q. You don't recall the circumstances of why you

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1 did it?
 2 A. No.
 3 Q. Do you recall if you told her this during a
 4 time the two of you were on a break?
 5 A. I don't recall. I don't remember.
 6 Q. What would be the circumstances of why you and
 7 Ms. Ledford would be speaking to one another during the
 8 job, during the workday?
 9 MR. SCHOPPE: Object to the form; assumes
 10 facts not in evidence.
 11 THE WITNESS: I don't recall.
 12 Q. (BY MR. COLLAER) In Exhibit No. 28 it
 13 indicates that you passed this information, confidential
 14 information, to another staff. It's in the end of the
 15 first paragraph. Do you see that?
 16 A. (Reviewing document.)
 17 Q. I'll read it to you.
 18 A. Yes, I see it now.
 19 Q. That other staff, is that Ms. Ledford?
 20 A. I'm referring to, yeah.
 21 Q. You didn't reveal it to anybody else other
 22 than Ms. Ledford?
 23 A. No. Right, just her, I just told her.
 24 Q. Tell me, you indicated that this incident, you
 25 assumed it was already reported. In the days after you

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1 got this information from the juvenile did you go into
 2 the system to look for that report?
 3 A. No.
 4 Q. Why not?
 5 A. It's not my job to. I didn't put them there.
 6 Q. So you assumed it had been reported and for
 7 that reason you didn't report it.
 8 A. It's what the juvenile told me, so...
 9 Q. Granted, I understand what the juvenile told
 10 you. But as I understand, the reason why you didn't
 11 fill out the PREA report immediately is because you
 12 assumed it had already been reported.
 13 A. I recall, yeah. I guess, yeah.
 14 Q. Yet you did not go into the system and check
 15 to see if it had, in fact, been reported, did you?
 16 A. No, I did not.
 17 Q. When you were confronted about this by
 18 Ms. Roters, did you tell her that you had not been
 19 trained on how to complete the PREA form?
 20 A. It's fairly new, I don't think no one was
 21 trained on it. In fact, I believe she was the one that
 22 helped me with it, Laura Roters, with the PREA format.
 23 Q. That wasn't my question. My question is: Did
 24 you tell her that you had not been trained on how to
 25 complete that form?

1 A. I did not tell her that, no.
 2 Q. Because, in fact, you had received training on
 3 how to complete that form; correct?
 4 A. Again, it was a new format. So the answer
 5 would be no, not that format, that was new that I had to
 6 complete.
 7 Q. Had you been trained on completing a PREA form
 8 in a different format?
 9 A. Yes.
 10 Q. What was the difference between the format
 11 that you had been trained on and the format that would
 12 have been applicable at this time?
 13 A. I don't know, because I never done one. In
 14 fact, she told me it was fairly new. Again, Laura
 15 Roters helped me with it. And PREA wasn't a big thing
 16 back then anyway. All of a sudden it's a big issue now,
 17 we have to complete everything for it.
 18 Q. Let me see if I understand what you are
 19 telling me. Back at this time, you are telling me the
 20 Prison Rape Elimination Act was not a big thing or
 21 concern in Corrections?
 22 A. Correct. In the Juvenile Corrections, yes.
 23 Q. Tell me, if it's not a big thing, why are you
 24 receiving training for it?
 25 A. I don't know.

1 Q. So as you are sitting here today, you actually
 2 do not know if a prior PREA report had been filled out
 3 in Lewiston prior to the time this juvenile disclosed it
 4 to you?
 5 A. I don't know. We don't get a lot of stuff
 6 from other facilities in O&A Nampa. There's so many
 7 institutions, we don't get to see a lot of stuff from
 8 other facilities.
 9 Q. You didn't file a problem-solving request when
 10 you received this written warning, did you?
 11 A. No.
 12 Q. When did Laura Roters become your supervisor?
 13 A. Maybe a year ago from now. I don't know the
 14 exact date.
 15 Q. So it would have been in 2011?
 16 A. I don't remember.
 17 Q. What was her job before she became your
 18 supervisor?
 19 A. I worked with her as a rehab tech in Choices.
 20 Q. So you were peers, correct; you did the same
 21 job?
 22 A. Right, as a rehabilitation technician, yes.
 23 Q. Did you have conflicts with Ms. Roters while
 24 the two of you were doing the same job?
 25 A. We've had our ups and downs, but no, we got

1 Q. You were --
 2 A. They're the ones giving it to us, I don't
 3 know. We were told to follow policy and procedure.
 4 Q. PREA is a policy and procedure you were
 5 expected to follow at this time; correct?
 6 A. Yes, it is.
 7 Q. You understood that?
 8 A. Yes.
 9 Q. Tell me, did you refuse to sign this written
 10 warning?
 11 A. Yes.
 12 Q. Why?
 13 A. Again, because it was already reported. And I
 14 have to probably read it all over again. There was some
 15 stuff I disagreed on, and it didn't matter what I told
 16 her, it was her way and that's it. So I'll have to read
 17 it again why I disagreed on it, but it was already
 18 reported, again, what the juvenile told me and his
 19 reasons being there in O&A.
 20 Q. Have you since seen the actual prior written
 21 PREA report?
 22 A. No.
 23 Q. Does it, in fact, even exist?
 24 A. I don't know, I've never attempted to look. I
 25 don't even know.

1 along, we worked together as a team. She was just
 2 another staff, like any other. So no.
 3 (Exhibit 29 marked.)
 4 Q. (BY MR. COLLAER) I've handed you what I've
 5 marked as Exhibit No. 29. Have you ever seen Exhibit
 6 No. 29 before?
 7 A. No.
 8 Q. The date on this is March of 2007. Do you see
 9 that?
 10 A. Um-hmm.
 11 Q. Is this the time when you and Ms. Roters were
 12 both doing the same job?
 13 A. Yes.
 14 Q. Do you recall Ms. Roters approaching you and
 15 asking you if you were willing to meet with and talk to
 16 her about your feelings towards her?
 17 A. No.
 18 Q. Did you ever indicate to her or anyone else
 19 that you did not want to work directly with Ms. Roters
 20 during this time frame?
 21 A. No.
 22 Q. Were you ever asked if you were willing to do
 23 a mediation to work out any differences the two of you
 24 have?
 25 A. I think so, but I don't recall a situation.

1 Q. What do you recall about this request for
 2 mediation?
 3 A. I don't remember, it was years ago when we
 4 were rehab techs in Choices.
 5 Q. Did the mediation occur?
 6 A. No.
 7 Q. Do you recall why?
 8 A. Probably because I didn't want -- I don't
 9 remember, to tell you the truth. Yeah, I don't
 10 remember.
 11 Q. Do you recall if you wanted to do the
 12 mediation or not?
 13 A. I don't remember even, no, it's been so long.
 14 Q. Tell me, at the time that you worked at
 15 Choices as a rehab tech, were there other people you
 16 were working with that you considered personal friends?
 17 A. No, I didn't hang around with anybody I didn't
 18 know.
 19 Q. You didn't socialize with your coworkers?
 20 A. No.
 21 Q. How about now, do you socialize with your
 22 coworkers?
 23 A. No.
 24 Q. Tell me, when Ms. Roters applied for the
 25 supervisor position for O&A, were you aware she had done

1 objections-wise, yes, because of the background work
 2 status.
 3 Q. Why don't you tell me about that.
 4 A. Again, I believe she was a rehab tech and then
 5 she became some kind of trainer with policy and
 6 procedures for about a year and then she just advances
 7 to manager that fast?
 8 Q. Other than that, anything else you objected
 9 to?
 10 A. No.
 11 Q. Did you feel she was unqualified to be the
 12 supervisor?
 13 A. Yes.
 14 Q. Why?
 15 A. Again, the background status, it wasn't there,
 16 it wasn't met. In fact --
 17 Q. What background status are you referring to?
 18 A. I don't have it in front of me, but the
 19 qualifications on the original announcement that came
 20 out that she applied for she didn't get hired, an
 21 announcement was made out that she did not get it
 22 because her background did not meet the policies and
 23 procedures that were -- and then it was revised again, I
 24 heard again that she was given an opportunity to go to
 25 some classes with the State paying for it, and again the

1 that?
 2 A. That she applied?
 3 Q. Yes.
 4 A. I heard about it, yeah.
 5 Q. How did you hear about it?
 6 A. Just people in general talking.
 7 Q. Were you supportive of her being appointed the
 8 supervisor?
 9 A. Supportive?
 10 Q. Yes.
 11 A. No.
 12 Q. Why?
 13 A. The background, I don't know how she got it.
 14 Q. My question is: Did you have --
 15 A. No.
 16 Q. -- any objections to her being the supervisor
 17 based upon your work experience with her or your
 18 interactions with her?
 19 A. I don't think it was fair the way it was,
 20 but...
 21 Q. That's not my question. My question is: Were
 22 your objections to her being the supervisor based upon
 23 your experience working with her or any problems you had
 24 with her?
 25 A. I never had any big problems with her. And

1 announcement was made out again and she got the
 2 position.
 3 Q. Tell me, did you apply for that supervisor
 4 spot?
 5 A. No.
 6 Q. Have you ever applied for a different position
 7 that you were turned down on?
 8 A. No. Not within the Department, no.
 9 Q. You have never been demoted, have you?
 10 A. No.
 11 (Exhibit 30 marked.)
 12 Q. (BY MR. COLLAER) Handing you what I've marked
 13 as Exhibit No. 30. Could you identify No. 30 for me,
 14 please.
 15 A. (Reviewing document.) Yes, I remember it.
 16 Q. Why don't you tell me about Exhibit No. 30.
 17 A. [REDACTED] I believe he was a deaf kid, and it
 18 was reported he did some sexual gesture to me. And that
 19 was basically it, it never went any further, I don't
 20 believe, than that.
 21 Q. Well, if you'll look at the original e-mail
 22 string, the second-to-the-last-page, it's an e-mail from
 23 Ms. Roters to yourself dated June 14, 2012. Do you see
 24 that?
 25 A. Um-hmm.

1 Q. This documents this interaction you had with
 2 this juvenile, correct, or a conversation you and
 3 Ms. Roters had about it?
 4 A. Yes.
 5 Q. You are asked to respond to the e-mail with
 6 anything that you think is inaccurate or anything that
 7 needs to be added; correct?
 8 A. Yes. I was asked to, yes.
 9 Q. Your response is then dated July 2, 2012;
 10 correct?
 11 A. I'm trying to find my response.
 12 Q. Second page in.
 13 A. Yes.
 14 Q. My question is: Why did you wait two weeks?
 15 A. I don't know. Maybe because I was working, I
 16 didn't have the time to. I don't know.
 17 Q. When you responded were you at your job at
 18 Juvenile Corrections when you wrote this e-mail
 19 responding?
 20 A. Yes.
 21 Q. Are you telling me that in that two weeks
 22 while you were working at Juvenile Corrections you could
 23 not have taken the time to write this e-mail?
 24 A. It could happen, yes, if we don't have the
 25 staff, yes.

1 do?
 2 Q. The statement here is that she expects you to
 3 show tolerance and respect towards the youth when
 4 confronting a youth for inappropriate behaviors, which
 5 would include the juvenile that you were involved with;
 6 correct?
 7 A. Um-hmm. Yes.
 8 Q. Do you agree with her direction that she
 9 expects you to show tolerance and respect to that youth
 10 when you confront him?
 11 A. Well, it's her expectation, so...
 12 Q. Is that something you agree with?
 13 A. I agree, yes, for any staff, yes.
 14 Q. Can tell me with respect to this child, who
 15 evidently he responded to you with a vulgarity, told you
 16 to "FO," something like that, of that nature, without
 17 repeating it. What did you say in response to that when
 18 the kid said that?
 19 A. Nothing. What can you do? I reported it, I
 20 let her know what he did.
 21 Q. Did you tell the kid, That's not appropriate?
 22 What did you say to the kid?
 23 A. First of all, he's deaf, so no. I don't have
 24 the proper training to speak to a deaf child. I don't
 25 think no one did there.

1 Q. Are you telling me that that is why you didn't
 2 respond?
 3 A. I don't know if that was the reason why, but
 4 there is a reason why. I don't know at this point why
 5 it took me so long.
 6 Q. Tell me, do you believe that failing to
 7 respond could be considered by your supervisor as being
 8 insubordinate?
 9 MR. SCHOPPE: Objection; calls for
 10 speculation. You can answer if you know.
 11 THE WITNESS: I don't --
 12 Q. (BY MR. COLLAER) Did you not respond because
 13 you didn't want to?
 14 A. No, that's not my answer.
 15 Q. Do you know how much time it took you to
 16 actually write this response?
 17 A. I don't know.
 18 Q. On the first page there is a paragraph that
 19 says: "Gracie, my expectation for you and all staff is
 20 to show tolerance and respect when confronting a youth."
 21 Do you see that?
 22 A. Yes.
 23 Q. Is that a direction or approach that you agree
 24 with?
 25 A. I believe mine were met, yes. I mean, what I

1 Q. He's deaf but he can speak?
 2 A. No, he can't speak. Sign language, I believe.
 3 Which none of us are trained as well.
 4 Q. Well, your e-mail response says ██████ said:
 5 FU.
 6 A. Well, he flipped me off probably.
 7 Q. When he made that gesture to you, what did you
 8 do, how did you react?
 9 A. What can you do? I get it every day, it's
 10 part of your job. You know what I mean? There's
 11 discipline, but in his case no one can communicate with
 12 him. I don't know if anything was given to him. I
 13 didn't do anything, no.
 14 Q. Okay.
 15 (Exhibit 31 marked.)
 16 Q. (BY MR. COLLAER) I'm going to hand you what
 17 I've marked as Exhibit No. 31. Do you recognize Exhibit
 18 No. 31?
 19 A. Yes.
 20 Q. What is it?
 21 A. There was an assault that happened in the gym
 22 during their PE time, the juveniles' PE time.
 23 Q. Were you present when that assault happened?
 24 A. Yes.
 25 Q. Do you recall meeting with Ms. Roters in her

1 office to review the video?
 2 A. Yes.
 3 Q. Did you feel that was an appropriate thing,
 4 interaction between yourself and your supervisor, to go
 5 over an incident like that and discuss how it was
 6 handled or maybe how things could be done better?
 7 A. No.
 8 Q. Why not?
 9 A. Because she was showing me how it happened,
 10 how it occurred, which I have never done before with a
 11 supervisor, so it kind of helped me with my job.
 12 Then her way of saying now she expected one of
 13 the staff to be on the other side of the gym and the
 14 other staff to be on the other side of the gym, just two
 15 staff, which is new. Don't know if it's policy, but
 16 that was her thing to do now as of today. That's pretty
 17 much what it was. I did not -- that was pretty much
 18 what she showed me, how she wanted staff to be standing
 19 in the gym for rec time.
 20 Q. Did you comply with that?
 21 A. I've been doing it, yes.
 22 Q. My question was: The fact she went over this
 23 incident with you on the video, you could see where
 24 everything was at, and she explained to you, This is
 25 what I want you to do in the future, was that a helpful

1 new people for O&A?
 2 A. For O&A, no.
 3 Q. Tell me, focusing in 2010, could you describe
 4 for me any incidents where you criticized the management
 5 of the Juvenile Corrections.
 6 A. 2010?
 7 Q. Yes.
 8 A. I have no clue where I was even at in 2010,
 9 because I was in O&A and in Choices. I don't remember.
 10 MR. SCHOPPE: Take a minute and think about
 11 it.
 12 THE WITNESS: I don't recall. I don't know.
 13 Q. (BY MR. COLLAER) Could you tell me any time
 14 that you have ever made any criticism of management at
 15 Juvenile Corrections.
 16 A. No. I don't recall, no.
 17 Q. Any statements criticizing management to
 18 anybody?
 19 A. To anybody?
 20 Q. Yes.
 21 A. Maybe playing around, but...
 22 Q. Other than that context, any others that you
 23 can think of?
 24 A. Not that I remember, no.
 25 Q. Can you tell me anything that Sharon

1 process?
 2 A. Somewhat. It depends if we have the staff for
 3 it. We don't always have the staff to do that.
 4 Q. So do you agree with her direction in that
 5 regard?
 6 A. Sometimes, not all the time.
 7 Q. What are the times you don't agree with it?
 8 MR. SCHOPPE: Objection; vague and ambiguous,
 9 overbroad. Answer if you know.
 10 THE WITNESS: I don't.
 11 (Rhonda Ledford entered the proceedings.)
 12 THE WITNESS: That's the way it is, I mean, if
 13 we have the staff. That's all I can say.
 14 Q. (BY MR. COLLAER) So if you don't have staff
 15 you don't agree with that approach?
 16 A. Not that. I'm saying if we don't have the
 17 staff. It doesn't always happen. We don't always have
 18 the staff scheduled.
 19 Q. In O&A, do you have open spots or vacancies?
 20 A. It depends on what situation is going on that
 21 week.
 22 Q. Have you had people leave the Department whose
 23 positions have not been filled?
 24 A. At this time, no.
 25 Q. Do you know if the Department is recruiting

1 Harrigfeld has personally done to you that you don't
 2 agree with?
 3 A. To me?
 4 Q. Yes.
 5 MR. SCHOPPE: Object to the form of the
 6 question.
 7 THE WITNESS: I don't know.
 8 Q. (BY MR. COLLAER) Could you describe anything
 9 that Sharon Harrigfeld has done to prohibit you from
 10 speaking out on anything about your job that you want
 11 to?
 12 A. I don't know.
 13 Q. What about Betty Grimm, what has Betty Grimm
 14 personally done to you that you disagree with?
 15 A. Not that I know of. I don't know.
 16 Q. Can you describe anything that Betty Grimm has
 17 ever done that has prohibited you from speaking out on
 18 anything about your job that you would want to?
 19 A. If there is any, I don't remember at this
 20 time.
 21 (Exhibit 32 marked.)
 22 Q. (BY MR. COLLAER) Handing you what I've marked
 23 as Exhibit No. 32.
 24 A. Yeah, I remember.
 25 Q. Do you recognize No. 32?

1 A. Yes.
 2 Q. Do you recall what the circumstances were of
 3 this incident between yourself and Ms. Roters where she
 4 wanted to talk to you that is documented on Exhibit
 5 No. 32?
 6 A. I believe this was, yeah, about the grievance.
 7 I received a grievance on a juvenile there.
 8 Q. A youth had filed a grievance that involved
 9 yourself?
 10 A. Yes. He wrote on me, yes.
 11 Q. Do you know what the substance of that
 12 grievance was?
 13 A. I don't know the exact wording. I remember he
 14 was in his room and he claimed that I said something to
 15 him. What I said, I don't remember. But the juvenile
 16 said I said something negative to him while he was in
 17 his room.
 18 Q. What you can recall is there was a grievance
 19 filed by a juvenile that was complaining that while he
 20 was in his room you said something negative to him that
 21 he didn't like and that was the grievance?
 22 A. Yes.
 23 Q. Anything other than this alleged comment the
 24 juvenile says that you made to him, that you can recall?
 25 MR. SCHOPPE: It's probably a good idea to

1 A. Yes.
 2 Q. The question is: Did you have any problem, do
 3 you think it's inappropriate for your supervisor when
 4 they get a grievance from a juvenile about an employee,
 5 to approach the employee to talk to them about what is
 6 going on with this kid?
 7 A. Yes.
 8 Q. What is your criticism there?
 9 A. There's no criticism. I'm sorry. It's her --
 10 I didn't mean it that way. I meant to say like she
 11 didn't want to talk to me about it. I've never, ever
 12 been in a situation before. All of sudden there's all
 13 this stuff is coming about. This is one, so I don't
 14 know.
 15 Q. Let me ask you this: Do you think it's
 16 appropriate for your supervisor when they get a
 17 grievance from a juvenile about an employee, saying,
 18 This employee did whatever, to approach the employee and
 19 ask them what happened?
 20 A. Yes. Laura Roters, yes. But again -- yes.
 21 Q. So the answer is --
 22 A. Yes.
 23 Q. -- you think that's an appropriate thing to
 24 do?
 25 A. Yes.

1 read through it, let us know when you're done.
 2 THE WITNESS: (Reviewing document.) That's
 3 what this deal was about was about him, yeah.
 4 Q. (BY MR. COLLAER) Tell me, are you critical of
 5 the fact that Ms. Roters as your supervisor wanted to
 6 speak with you about the grievance this juvenile had
 7 filed?
 8 A. Well, first of all, I don't know what Julie
 9 Cloud was doing in there with the grievance. I don't
 10 even know if that's policy for a grievance, for a
 11 juvenile grievance. That was one thing I can answer.
 12 And again, there was some other stuff left out
 13 on this that it's not even in here. I was told if I
 14 didn't talk to her, that I had to go home, I couldn't
 15 work. Now, she didn't refer it as not coming back that
 16 day or at all. She said if I didn't go into her office
 17 I couldn't work.
 18 Q. That wasn't my question. My question is: Are
 19 you critical that Ms. Roters as your supervisor wanted
 20 to talk to you about the grievance that this juvenile
 21 had filed, about the substance of that grievance?
 22 A. When she first approached me, I did not know
 23 until I went to her office, then I knew what it was
 24 about.
 25 Q. Do you --

1 Q. You would expect your supervisor to do that?
 2 A. If that's policy and procedure. Again, it
 3 always changes. I assume so. I don't know. Again,
 4 they always change.
 5 Q. Tell me, what would you expect when a
 6 grievance is filed by a juvenile that is going to be
 7 investigated?
 8 A. Again, I've never had a situation with any of
 9 my supervisors in the past. This is all new to me.
 10 Q. That's not my question. My question is: If a
 11 juvenile makes a grievance or a complaint about an
 12 employee, whether it be yourself or whomever it might
 13 be, would you expect that part of the process would be
 14 that those allegations are investigated?
 15 A. Yes.
 16 Q. Would you expect that part of that
 17 investigation would be to speak to the employee who is
 18 the target of the grievance to ask them for their
 19 version of the event of what happened?
 20 A. Yes.
 21 Q. That is what Ms. Roters was trying to do here,
 22 wasn't it?
 23 MR. SCHOPPE: Objection; calls for
 24 speculation. If you know.
 25 THE WITNESS: I assume so.

1 Q. (BY MR. COLLAER) You told her you didn't want
 2 to talk to her without Rhonda Ledford present; correct?
 3 A. Correct.
 4 Q. What part of written policy made you think
 5 that you had the right to have Ms. Ledford there to talk
 6 with your supervisor about a juvenile grievance?
 7 MR. SCHOPPE: Object to the form of the
 8 question; assumes facts not in evidence.
 9 THE WITNESS: It was just what I wanted at the
 10 time.
 11 Q. (BY MR. COLLAER) Are you aware of any written
 12 policy that would allow you to have Ms. Ledford present
 13 when you were speaking to your supervisor about a
 14 juvenile grievance?
 15 A. I don't know which policy you're referring to.
 16 There's lots of them. Like I say, too many. I don't
 17 know. I don't know.
 18 Q. You're not aware of one as you're sitting
 19 here?
 20 A. No. Not off the top of my head, no.
 21 Q. Was Ms. Ledford working that day?
 22 A. Yes, she was.
 23 Q. If she was going to attend this meeting, she
 24 would have to leave her workstation to attend?
 25 MR. SCHOPPE: Object to the form; calls for

1 to me you couldn't work.
 2 Q. Were you sent home?
 3 A. No, I went to her office to talk.
 4 Q. Other than the juvenile grievance, is there
 5 anything else the two of you talked about?
 6 A. This situation in her office, no, that's what
 7 it was about.
 8 Q. Did you receive any kind of reprimand or
 9 warning or criticism regarding this juvenile grievance?
 10 A. I felt the way it was approached to me, yes,
 11 it was unprofessional, I felt I was being a target.
 12 Q. That's not my question. After you spoke with
 13 Ms. Roters, did you receive a written warning dealing
 14 with the allegations in that juvenile grievance,
 15 whatever the juvenile accused you of doing?
 16 A. No, just this, what you have in front of you.
 17 Q. Other than your supervisor speaking with you,
 18 are you aware of any other investigation that was done
 19 with respect to that grievance filed by the juvenile?
 20 A. I don't know. I don't know what they do.
 21 Q. Do you know if the grievance was sustained or
 22 found to be without merit?
 23 A. I don't know.
 24 Q. Do you know if you were cleared of any
 25 wrongdoing based upon the allegations in the grievance?

1 speculation.
 2 THE WITNESS: I don't know.
 3 Q. (BY MR. COLLAER) Well, her workstation isn't
 4 in your supervisor's office, is it?
 5 A. No.
 6 Q. So she would have to come to your supervisor's
 7 office to participate in this conversation?
 8 A. At that immediate time maybe not, maybe it
 9 could be a later schedule. I don't know.
 10 Q. Tell me, why specifically did you want Rhonda
 11 Ledford there?
 12 A. Why not?
 13 Q. What was she going to bring?
 14 A. I just wanted some support in there. Why was
 15 Julie Cloud in there?
 16 Q. Did Ms. Ledford have any knowledge of this
 17 juvenile grievance?
 18 A. No.
 19 Q. When you said you wouldn't speak with
 20 Ms. Roters unless Ms. Ledford was there, were you told
 21 that you were going to be sent home?
 22 A. Yes. In fact, she said if I didn't talk to
 23 her, yes. If I didn't go to her office, I was to be
 24 sent home. Again, not referring to if it was that day
 25 or back to work period, I don't know. It was just said

1 A. I don't know.
 2 Q. But you received no disciplinary action of any
 3 kind dealing with that grievance?
 4 A. No, I did not. What you have in front of you
 5 and what I have is what I have, that's it. It didn't go
 6 any further.
 7 Q. All right.
 8 (Exhibit 33 marked.)
 9 Q. (BY MR. COLLAER) Handing you what I've marked
 10 as Exhibit No. 33. Could you identify No. 33 for me,
 11 please.
 12 A. Yes; my evaluation.
 13 Q. For what year?
 14 A. 2007 -- 2006 to 2007.
 15 Q. Was that the first year of your employment?
 16 A. I think so.
 17 Q. The rating you received was achieves
 18 performance standards. Do you see that?
 19 A. Um-hmm.
 20 Q. Is that a negative rating or what? As an
 21 employee how do you view it?
 22 A. I believe that was after my probationary
 23 period, so I guess good. I don't have to read it all,
 24 to tell you the truth.
 25 Q. My question was: When you get a rating of

1 achieves performance standards, as an employee do you
 2 view that as something negative or not?
 3 A. It depends what the notes have reflecting to
 4 it, the downfalls. I don't know, I'd have to read it.
 5 Q. Is the overall rating of achieves performance
 6 standards a substandard or a neutral or a positive
 7 evaluation?
 8 A. I don't know.
 9 Q. Could you turn to page 4. Under the
 10 Adaptability/Flexibility rating, the second sentence
 11 says: "At times I have observed and your coworkers have
 12 reported you have a tendency to be somewhat inflexible
 13 with the juveniles during behavior problems." Do you
 14 see that?
 15 A. Yes.
 16 Q. Do you recall any discussions with your
 17 supervisor or the person that did your evaluation about
 18 that observation in your evaluation?
 19 A. No.
 20 Q. Do you agree with that statement at all?
 21 A. I don't remember what the situation was. I'm
 22 not going to agree or disagree, I don't remember. I
 23 don't know.
 24 Q. Did you file any kind of a written response to
 25 this evaluation responding to that part of your

1 evaluation. Is there any reason you didn't sign this?
 2 A. I don't know. Oh, it's down here maybe
 3 because I misprinted it. I should have put it up here
 4 and I put it down here. I don't know why.
 5 Q. Your signature is where?
 6 A. In the middle.
 7 Q. Under "Administrator"?
 8 A. Yeah.
 9 Q. You obviously weren't the administrator?
 10 A. No.
 11 Q. When you got this evaluation, did you meet
 12 with the person that did the evaluation to discuss it?
 13 A. I'm sure I did, yes. Really simple, yeah.
 14 Q. Do you recall any disagreements or comments
 15 you had?
 16 A. No.
 17 (Exhibit 35 marked.)
 18 Q. (BY MR. COLLAER) Can you identify No. 35 for
 19 me.
 20 A. It's also my employee performance review.
 21 Q. For what year?
 22 A. 2008 to 2009.
 23 Q. Do you see your signature on Exhibit No. 35?
 24 A. Yes.
 25 Q. That is under the "Employee Signature" line?

1 evaluation?
 2 A. I don't know, it's been so long.
 3 Q. You don't recall one way or the other?
 4 A. I don't recall, no.
 5 Q. I know the answer to this. You didn't file
 6 any kind of a problem-solving request when you got your
 7 evaluation, Exhibit No. 33?
 8 A. No. In fact, that didn't even exist. It was
 9 staff grievances, so no.
 10 Q. Have you ever filed a problem-solving request
 11 for any of the performance evaluations you received
 12 while you've been employed for Juvenile Corrections?
 13 A. I don't recall, no.
 14 (Exhibit 34 marked.)
 15 Q. (BY MR. COLLAER) Handing you what I've marked
 16 as Exhibit No. 34.
 17 A. Yes, I recall this.
 18 Q. Would you identify No. 34 for me, please.
 19 A. My employee performance review.
 20 Q. For what year?
 21 A. 2007 to 2008.
 22 Q. Your signature doesn't appear on this
 23 evaluation. Is there any reason for that?
 24 A. I'm sorry?
 25 Q. Your signature does not appear on this

1 A. Yes.
 2 Q. Again, do you recall meeting with the
 3 individual that did your evaluation when it was
 4 completed before you signed it?
 5 A. I might have, yeah. It's been so long. I'm
 6 assuming yes, if I signed it.
 7 Q. Is that the normal process, you meet with the
 8 person that fills out the evaluation and discuss the
 9 evaluation before you sign?
 10 A. I don't recall every single one, so I don't
 11 know what the policy is, but...
 12 Q. I'm asking --
 13 A. I don't recall. I don't remember.
 14 Q. How about last year, did you meet with and
 15 discuss your evaluation with the evaluator when you got
 16 your evaluation?
 17 A. I don't know if I got one last year. I think
 18 it was kind of late this year. I don't remember.
 19 Q. Well, on your last one, do you remember
 20 meeting with --
 21 A. My very last one, yes, I did meet with
 22 somebody. Yes.
 23 Q. Who did you meet with?
 24 A. Laura Roters.
 25 Q. The two of you talked about what she put in

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1 your evaluation?
 2 A. Yeah. The 18-page one, yes.
 3 Q. We'll get to that in a moment.
 4 But is that a similar type process you recall
 5 in prior years with other evaluators?
 6 A. I don't remember, to tell you the truth, I've
 7 had so many. I don't know.
 8 Q. Is it possible that process, although maybe
 9 not as long, occurred each year?
 10 A. I've never had one so long.
 11 Q. No, I'm talking about the meeting with the
 12 evaluator to discuss the evaluation.
 13 A. I don't recall. Again, I don't remember if I
 14 had them all.
 15 Q. Do you recall making any kind of a written
 16 response to Exhibit No. 35?
 17 A. I don't remember.
 18 Q. Do you recall filing a notice of request for
 19 problem solving?
 20 A. No.
 21 (Exhibit 36 marked.)
 22 Q. (BY MR. COLLAER) Handing you what I've marked
 23 as Exhibit No. 36. Could you identify No. 36 for me,
 24 please.
 25 A. It is my employee performance review.

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1 Q. For what year?
 2 A. 2009-2010.
 3 Q. This is a solid sustained performance?
 4 A. Um-hmm.
 5 Q. It's a favorable evaluation, is it not?
 6 A. I guess, I don't know. I don't know how they
 7 picture this.
 8 Q. Again, when you were given this evaluation,
 9 you remember meeting with Mr. Knoff to go over it?
 10 A. I don't know.
 11 Q. You did sign it, did you not?
 12 A. I did sign it.
 13 Q. Do you recall if you objected to any portion
 14 of the evaluation?
 15 A. No. I don't believe so, no.
 16 (Exhibit 37 marked.)
 17 Q. (BY MR. COLLAER) Handing you what I've marked
 18 as Exhibit No. 37. Could you identify No. 37 for me.
 19 A. Yes, it's my performance review.
 20 Q. For what year?
 21 A. 2010-2011.
 22 Q. Turn to the back two pages, the last two
 23 pages.
 24 A. (Complies.)
 25 Q. Whose handwriting appears on this?

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1 A. Mine.
 2 Q. What is this Self-Evaluation; what was your
 3 understanding of what it was doing?
 4 A. I'd have to read it.
 5 MR. SCHOPPE: Take a moment and read the whole
 6 thing, then let us know. No rush.
 7 THE WITNESS: (Complies.) Okay.
 8 Q. (BY MR. COLLAER) Do you know why you filled
 9 this out?
 10 A. I don't know why.
 11 Q. Were you asked to do it by your supervisor?
 12 A. I don't know. I don't know. I don't
 13 remember.
 14 Q. Looking down at paragraph 12, could you read
 15 your handwriting, what you put on this form in response
 16 to that paragraph?
 17 A. Can I read it?
 18 Q. You sure can.
 19 A. Or are you asking?
 20 Q. Just read it. Just read what you wrote into
 21 the record.
 22 A. Okay. Do you want me to read it out loud?
 23 I'm sorry, I thought you were just asking me to read it.
 24 Q. Yes.
 25 A. I think in fairness it's needed as in rotating

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1 holidays, days off, especially like mine that have to
 2 work every weekend.
 3 Q. Does that go over into the next page?
 4 A. No, that would be 14.
 5 Q. Okay.
 6 A. You asked me 12.
 7 Q. There is an arrow that is there at the end of
 8 the "weekend." That is the reason I asked that
 9 question.
 10 A. Oh, okay, I'm sorry, I didn't see that.
 11 I don't know.
 12 Q. Looking at paragraph 14, could you read that
 13 into the record, please.
 14 A. "I would like to advance my job with
 15 Corrections. I don't want to be a tech for 15 years.
 16 At this time there is no advancements in title. But
 17 always looking for one. Gangs is what I find interest"
 18 in "and I haven't had much. I like learning more
 19 warnings out there," and then it cuts off. I don't know
 20 what I was trying to say.
 21 Q. Could you read what is written on the page
 22 after that.
 23 A. "Staff need to just do their job and stop
 24 complaining. Everyone has personal problems in life."
 25 Don't like it being at work or talk it out with staff.

1 "It reflects communications and like mine schedule
 2 change. I'm a single mom and it makes it hard. Fine
 3 with here and there to help in need, but not when a
 4 passdown" is not issued. "I give one and e-mail every
 5 day." I don't even know...
 6 Q. Do you know what you are referencing there?
 7 A. I don't know what I was even talking about, I
 8 don't.
 9 Q. Okay.
 10 A. I don't even know what that's for.
 11 Q. Again, looking at page 2 of Exhibit 37 under
 12 Review of Objectives, it says: "Attend Adolescent
 13 development training." Do you see that?
 14 A. Um-hmm.
 15 Q. You weren't able to do that last year because
 16 of budget cuts?
 17 A. Last year?
 18 Q. No, as reflected in this report, in this
 19 evaluation.
 20 A. I'd have to read it all over, I don't know.
 21 Q. Right underneath it it says: "Due to
 22 budgetary issues Gracie was not able to attend an
 23 off-campus Adolescent development training."
 24 A. If that's the reason, then yes, I don't
 25 remember.

1 (Exhibit 38 marked.)
 2 Q. (BY MR. COLLAER) I'm handing you what I've
 3 marked as Exhibit No. 38. Could you identify No. 38 for
 4 me, please.
 5 A. Yes, it's a rehab technician performance
 6 review.
 7 Q. For what year?
 8 A. 2011 to 2013.
 9 Q. Do you see your signature on Exhibit No. 38?
 10 A. Yes.
 11 Q. Is that down at the bottom under "Employee
 12 Signature"?
 13 A. Yes.
 14 Q. The person that did your evaluation this year
 15 was Ms. Roters?
 16 A. Yes.
 17 Q. At the time this evaluation happened in April
 18 of 2013, how long had she been your supervisor at that
 19 point?
 20 A. I don't know.
 21 Q. Had it been less than a year?
 22 A. Maybe, yes.
 23 Q. Well, your prior evaluation was done by
 24 Mr. Knoff, wasn't it?
 25 A. Yes.

1 Q. You do not recall why you didn't?
 2 A. No.
 3 Q. Did you attend an adult development training
 4 in 2011?
 5 A. I went to a couple seminars, I don't know if
 6 it was training. It's been so long, I don't remember.
 7 Q. Did those seminars deal with adolescent
 8 development training?
 9 A. I believe so, yes.
 10 Q. Who paid for those?
 11 A. I guess the State of Idaho.
 12 Q. You didn't.
 13 A. No.
 14 Q. Also one of the objectives is: "Attend POST
 15 instructor development training." Do you see that?
 16 A. Yes.
 17 Q. Did you do that?
 18 A. No.
 19 Q. Do you know why not?
 20 A. I don't know why.
 21 Q. Was it offered to you?
 22 A. It may have been. We had a few that were
 23 doing gang training. There was only so much budget and
 24 so many people can go a year. So I don't know at that
 25 time what it was.

1 Q. So sometime in that year your supervisor
 2 changed over?
 3 A. Yes.
 4 Q. If you would turn to page 2.
 5 A. (Complies.)
 6 Q. One of the Review of Objectives said that you
 7 were going to attend POST instructor development
 8 training on gang information instructor. Do you see
 9 that?
 10 A. Yes.
 11 Q. Is there any reason why you did not meet that
 12 goal?
 13 A. Are you referring to this back one, why?
 14 Because I wasn't able to go to that one on the last
 15 eval.
 16 Q. I'm talking about the evaluation which is
 17 Exhibit No. 38, in that year, is there a reason why you
 18 weren't able to attend the POST development training?
 19 A. I just wasn't interested any more.
 20 Q. Why not?
 21 A. Why not? I just wasn't interested.
 22 Q. The next objective is: "To promote safety and
 23 to demonstrate consistent support for the Department's
 24 restorative justice mission and values." Do you see
 25 that?

1 A. Are you on page 2 as well?
 2 Q. Yes.
 3 A. Yes.
 4 Q. Are these objectives that you were going to
 5 work on in the past year or that you were going to work
 6 on for the coming year?
 7 A. Well, this is stuff she got from the last
 8 eval. The date here is 5/12/11 to 1/15/13, she wasn't
 9 my supervisor all that time. So I don't know how she
 10 reflected this.
 11 Q. My question is: What did you do during the
 12 year of this evaluation to meet the objective to promote
 13 safety and demonstrate support of the Department's
 14 restorative justice mission; what did you do during that
 15 year?
 16 MR. SCHOPPE: Objection; vague and ambiguous,
 17 overbroad.
 18 THE WITNESS: I just did what policy and
 19 procedures asked me to do, is work. I don't know what
 20 else they want.
 21 Q. (BY MR. COLLAER) Under the item Customer
 22 Service on page 3, you received a DNA rating on that;
 23 correct?
 24 A. Yes.
 25 Q. That DNA means did not achieve standards?

1 read it.
 2 Q. (BY MR. COLLAER) Is that the same? Are the
 3 instances described in the evaluation Exhibit No. 38 the
 4 same instances that were the subject documented in your
 5 written warnings and the e-mails you and I have
 6 discussed previously?
 7 A. Somewhat, yes.
 8 Q. Are there any differences?
 9 A. There is some stuff left out, yes.
 10 Q. What?
 11 A. For example, where I was told to talk to her
 12 in the hallway and Julie Cloud was there present, if I
 13 didn't talk to her that I had to be sent home. That's
 14 not in there, of course.
 15 Q. But that is in the written warning, isn't it?
 16 A. I don't recall. I'd have to read it again.
 17 Q. Excuse me, the e-mail, it's in the e-mail.
 18 A. I don't remember. I don't know. But it
 19 should be here as part of my eval, I think. It's a big
 20 concern.
 21 Q. Anything else?
 22 A. I'd have to look to see.
 23 And I guess we discussed about the incident
 24 report on the -- I don't know if that matters. Again,
 25 it was already reported, so I don't know. A lot of this

1 A. I assume so, that's what it's abbreviated. So
 2 I don't know.
 3 Q. This documents the various written warnings
 4 you received during the year, doesn't it?
 5 A. I'll have to read it.
 6 Q. Why don't you take a quick look.
 7 MR. SCHOPPE: Take as much time as you need.
 8 THE WITNESS: (Reviewing document.)
 9 MR. SCHOPPE: Read the whole thing.
 10 THE WITNESS: Am I reading this or all of it
 11 in the back?
 12 MR. SCHOPPE: If I understand your question, I
 13 think it's about this first DNA, because I think that
 14 goes to page 6. So take the time you need.
 15 THE WITNESS: (Reviewing document.)
 16 Q. (BY MR. COLLAER) My question, Ms. Reyna, is:
 17 Are the incidents documented in this performance
 18 evaluation the same instances we talked about earlier
 19 dealing with your written warnings and the e-mails that
 20 were exchanged between yourself and Ms. Roters?
 21 A. This is her perception in some way, yes.
 22 MR. SCHOPPE: Be sure to read the whole thing
 23 though. I want to make sure we are talking about the
 24 same thing and you're not rushed.
 25 THE WITNESS: (Reviewing document.) Okay, I

1 stuff was repetitive that I discussed with Laura. I
 2 don't know, just things that she wrote over and over
 3 again on the whole format.
 4 Q. Tell me, when you got this performance
 5 evaluation, my understanding is you and Ms. Roters met
 6 to discuss the evaluation she was giving you?
 7 A. Herself and Ashley Jorgensen was present.
 8 Q. Who is Ashley?
 9 A. I guess it's her supervisor. I don't know
 10 now.
 11 Q. Where did that meeting take place?
 12 A. In Laura Roters' office.
 13 Q. How long did it last?
 14 A. I don't know, maybe 30 minutes. I don't know,
 15 I didn't keep track.
 16 Q. Did you ask her any questions or tell her
 17 anything that you disagreed with in the evaluation?
 18 A. Yes. A lot of it was, again, what I reflected
 19 earlier about stuff being left out in the eval.
 20 Q. What I'd like you to tell me is, just as best
 21 you can recollect during that meeting, what did you tell
 22 her was left out or you wanted put in.
 23 A. Again, when I was told that if I didn't talk
 24 to her and Julie Cloud that day that I had to go home.
 25 I asked why it was not in there, and it's still not in

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1 there, I think it's a big -- that's the only reason why
 2 I was in there. I feel like she was trying to find
 3 something to engage with me with or start something with
 4 me. I don't know. It was left out. I asked about
 5 that.
 6 Q. Anything else?
 7 A. I don't have other notes. I don't remember,
 8 I'd have to read it. I have my notes on all this stuff
 9 at home that I did discuss with her.
 10 Q. Were those notes that you made contemporaneous
 11 to when this meeting happened?
 12 A. Yes. She gave me a copy of the eval and I
 13 just made notes for myself and would ask her -- I have
 14 to read it all over.
 15 Q. But, Ms. Reyna, my question is: The notes you
 16 are referring to that you have at home, are those notes
 17 that you made while you were meeting with Ms. Roters in
 18 her office to discuss the evaluation?
 19 A. Yes.
 20 Q. So as you are sitting there you were making
 21 notes on this document?
 22 A. Yes. And asking her, yes.
 23 Q. You have copies of that at home?
 24 A. I hope so, yes, somewhere.
 25 MR. COLLAER: Counsel, I think that's within

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1 our discovery and we don't have it.
 2 MR. SCHOPPE: Okay.
 3 You think you have that?
 4 THE WITNESS: I'll look.
 5 Q. (BY MR. COLLAER) Tell me, after you finished
 6 meeting with Ms. Roters, at that point, is that when you
 7 signed the evaluation?
 8 A. You mean her and that same day?
 9 Q. Yes.
 10 A. I don't remember, to tell you the truth. I'd
 11 have to look.
 12 Q. It's on the front page. Your signature is on
 13 the front page.
 14 A. Yeah, I guess. The date and my name is there,
 15 yes.
 16 Q. Is the date opposite your signature your
 17 handwriting?
 18 A. Yes.
 19 Q. Tell me, after you signed your evaluation you
 20 were given a copy of it. Did you make a written
 21 response or ask anything be added to or appended to your
 22 evaluation?
 23 A. Removed actually. There was something
 24 removed. Again, I have that at home, if I still do.
 25 There was something I disagreed on and she did remove

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1 it. I, again, have everything at home. It's so huge
 2 that I couldn't tell you right now what it was.
 3 Q. Did you make a written response to the
 4 evaluation that you asked to be appended to the
 5 evaluation?
 6 A. I believe so, yes.
 7 Q. Was that done in writing?
 8 A. It was not done in writing; it was done in the
 9 computer. So, yeah.
 10 Q. Was that in an e-mail?
 11 A. I don't remember, but I know there was some
 12 kind of format either by e-mail or I handwrote something
 13 to her. But there was something, that's how...
 14 Q. Did you keep a copy of that?
 15 A. I think so, I don't remember. It's somewhere.
 16 Q. Did you submit it to management so that it
 17 could be part of your evaluation, your personnel file?
 18 A. "Management" as referring to who, Laura?
 19 Q. Laura or the superintendent.
 20 A. I believe it's to Laura Roters, yes.
 21 Q. You kept a copy of that?
 22 A. I think so.
 23 MR. COLLAER: Again, Counsel, we don't have
 24 that either.
 25 MR. SCHOPPE: All right.

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1 If you can find that.
 2 Q. (BY MR. COLLAER) Did you request a problem
 3 solving when you got this evaluation?
 4 A. No.
 5 Q. Any reason why not?
 6 A. It wouldn't do any good. Stuff is still in
 7 here that never got removed.
 8 Q. If you don't file a problem-solving request,
 9 how can it do no good?
 10 A. It wouldn't do very good. I sat there in her
 11 office telling her my disagreement and why. I don't
 12 know why we need to go any further. That's what it's
 13 for, isn't it, to discuss your eval?
 14 Q. My question was: Why didn't you file a
 15 request for problem solving?
 16 A. Because it wouldn't go anywhere.
 17 Q. What makes you think that?
 18 A. Just that's what I know would happen, it
 19 wouldn't go anywhere.
 20 Q. Why?
 21 A. I don't know why.
 22 Q. Are you just guessing?
 23 A. No, I just know. I just know it wouldn't.
 24 Q. Tell me, could you describe for me any
 25 financial losses you've experienced as a result of

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1 anything you contend that Sharon Harrigfeld has done to
 2 you in this case?
 3 A. To me?
 4 Q. Yes.
 5 A. Not that I'm aware of.
 6 Q. Same question with respect to Betty Grimm.
 7 A. I don't know. We work in a whole different
 8 department -- maybe other people I know of in my area.
 9 I don't recall that.
 10 Q. But I'm talking about you personally, you
 11 can't think of anything, any financial losses you've
 12 experienced as a result of anything you contend Betty
 13 Grimm has done to you?
 14 A. Not off the top of my head, no.
 15 Q. What about the Department of Juvenile
 16 Corrections, what financial losses have you experienced
 17 as a result of anything you feel the Department has done
 18 to you that you've alleged in this case?
 19 A. You are referring to staff or anything in
 20 general?
 21 Q. No, I'm talking you personally.
 22 A. I don't know of any, no.
 23 Q. Okay.
 24 A. There has been times I've been called off work
 25 because I'm so stressed out. Are you referring to

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1 something like that? I don't know what you're asking.
 2 Q. I'm talking about any financial loss you
 3 contend you have suffered.
 4 A. I think so. When I call off work because I'm
 5 so stressed out, it's my time, my money I have to give
 6 to get paid for, so yes.
 7 Q. What is the dollar figure on that; how much?
 8 A. I don't know off the top of my head. I get
 9 14-something an hour times 8. I don't know.
 10 Q. Did you take sick leave?
 11 A. Yes.
 12 Q. So you were paid for it.
 13 A. Right, but it's still my time.
 14 MR. SCHOPPE: There is no question there.
 15 Q. (BY MR. COLLAER) So there has been no salary
 16 or pay lost, because any time you took off you had
 17 benefits to cover it from either sick leave or vacation
 18 time; correct?
 19 MR. SCHOPPE: Object to the form of the
 20 question.
 21 THE WITNESS: I know I've called off.
 22 Q. (BY MR. COLLAER) But all those times you've
 23 called off you have received your pay for the day you
 24 took off.
 25 A. When you say "all," I don't call off all the

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1 times I'm stressed out. There has been a lot of times
 2 I've called off because I'm stressed, and not all of
 3 them have been stress related.
 4 Q. I'm talking about days you didn't come to work
 5 because you were too stressed to come to work, those are
 6 days that you received pay through sick leave; correct?
 7 A. Yes.
 8 Q. Tell me, describe any personal injuries you
 9 are claiming in this case.
 10 A. Not in this case. Injuries like -- well, I've
 11 been stressed out.
 12 Q. I'm talking about any way -- personal injuries
 13 would involve anything that affects any bodily function
 14 you have, whether it's the way your hair grows
 15 or anything.
 16 A. It's draining me physically. I've lost a lot
 17 of weight, just stressed out; emotionally, mentally, you
 18 name it. Yeah, it's really stressing me out.
 19 Q. Have you received any medical care?
 20 A. Sometimes I have, to see my doctor, but...
 21 Q. Who is the doctor?
 22 A. For this it would probably be Dr. Bruce
 23 Williams.
 24 Q. What is he, is he a general practitioner?
 25 A. No, he's my medical doctor.

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1 Q. So he's a family practice physician?
 2 A. Yes.
 3 Q. What condition has Dr. Bruce treated you for?
 4 A. Well, I've had surgery because I cough a lot.
 5 That is a lot of stress related. I still cough a lot.
 6 I lost a lot of weight. I really can't eat. I'm still
 7 vomiting food out. It's disturbing. I'm stressed out.
 8 MR. COLLAER: Counsel, again, those are
 9 records that are requested and have not been produced.
 10 MR. SCHOPPE: I've offered to have everyone
 11 execute a records authorization and haven't heard
 12 anything back.
 13 MR. COLLAER: I don't think we have to ask to
 14 get the releases. We've asked in discovery and you have
 15 to produce it.
 16 MR. SCHOPPE: If you want to meet and confer
 17 on it, everyone can certainly do that.
 18 MR. COLLAER: Let's take a break. I think I'm
 19 about done.
 20 (Recess taken.)
 21 MR. COLLAER: I have no further questions.
 22 MR. SCHOPPE: I will have follow-up questions
 23 for Ms. Reyna, but Mr. Collaer and I have decided to go
 24 ahead and conclude the deposition now and we'll leave it
 25 open to come back another time with my follow-up. He

1 has reserved the right to ask further questions himself
 2 and we'll coordinate that for a mutually agreeable date.
 3 MR. COLLAER: That's fine.
 4 MR. SCHOPPE: Thank you.
 5 (Deposition adjourned at 12:29 p.m.)
 6 (Signature requested.)
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1 CHANGE SHEET FOR GRACIELA REYNA
 2 Page ____ Line ____ Reason for Change_____
 3 Reads _____
 4 Should Read _____
 5 Page ____ Line ____ Reason for Change_____
 6 Reads _____
 7 Should Read _____
 8 Page ____ Line ____ Reason for Change_____
 9 Reads _____
 10 Should Read _____
 11 Page ____ Line ____ Reason for Change_____
 12 Reads _____
 13 Should Read _____
 14 Page ____ Line ____ Reason for Change_____
 15 Reads _____
 16 Should Read _____
 17 Page ____ Line ____ Reason for Change_____
 18 Reads _____
 19 Should Read _____
 20 Page ____ Line ____ Reason for Change_____
 21 Reads _____
 22 Should Read _____
 23 Page ____ Line ____ Reason for Change_____
 24 Please use separate sheet if you need more room.
 25 SIGNATURE _____

1 CERTIFICATE OF GRACIELA REYNA
 2 I, GRACIELA REYNA, being first duly sworn,
 3 depose and say:
 4 That I am the witness named in the foregoing
 5 deposition, that I have read said deposition and know
 6 the contents thereof; that the questions contained
 7 therein were propounded to me; and that the answers
 8 contained therein are true and correct, except for any
 9 changes that I may have listed on the change sheet
 10 attached hereto.
 11
 12 DATED this ____ day of _____, ____
 13
 14 CHANGES ON ERRATA SHEET YES ___ NO ___
 15
 16 _____
 17 WITNESS
 18
 19 SUBSCRIBED AND SWORN to before me this ____
 20 day of _____, ____.
 21
 22 _____
 23 NAME OF NOTARY PUBLIC
 24 NOTARY PUBLIC FOR _____
 25 RESIDING AT _____
 MY COMMISSION EXPIRES _____

1 REPORTER'S CERTIFICATE
 2 I, BEVERLY A. BENJAMIN, CSR No. 710, Certified
 3 Shorthand Reporter, certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place therein set forth, at
 6 which time the witness was put under oath by me;
 7 That the testimony and all objections made were
 8 recorded stenographically by me and transcribed by me or
 9 under my direction;
 10 That the foregoing is a true and correct record
 11 of all testimony given, to the best of my ability;
 12 I further certify that I am not a relative or
 13 employee of any attorney or party, nor am I financially
 14 interested in the action.
 15 IN WITNESS WHEREOF, I set my hand and seal this
 16 8th day of July, 2013.
 17
 18
 19
 20
 21 _____
 22 BEVERLY A. BENJAMIN, CSR, RPR
 23 Notary Public
 24 P.O. Box 2636
 25 Boise, Idaho 83701-2636
 My commission expires May 28, 2019.

EXHIBIT F

EXHIBIT F

Page 2

1 IDJC DIRECTOR SHARON HARRIGFELD,)
 2 in her individual and official)
 3 capacities; IDJC JUVENILE)
 4 CORRECTIONS CENTER - NAMPA)
 5 SUPERINTENDENT BETTY GRIMM, in)
 6 her individual and official)
 7 capacities; and DOES 1-20,)
 8 Defendants.)
 9 _____)
 10
 11
 12 THE DEPOSITION OF LISA LITTLEFIELD was taken
 13 on behalf of the Defendants at the offices of
 14 Anderson, Julian & Hull, LLP, 250 South Fifth Street,
 15 Suite 700, Boise, Idaho, commencing at 11:00 a.m. on
 16 September 10, 2013, before Diana L. Durland,
 17 Certified Shorthand Reporter and Notary Public within
 18 and for the State of Idaho, in the above-entitled
 19 matter.
 20
 21
 22
 23
 24
 25

Page 3

1 A P P E A R A N C E S
 2 For the Plaintiffs:
 3 Law Office of Andrew T. Schoppe
 4 By: ANDREW T. SCHOPPE
 5 910 West Main Street, Suite 328
 6 Boise, Idaho, 83702
 7
 8
 9 For the Defendants:
 10 Anderson, Julian & Hull, LLP
 11 By: ANDREA J. FONTAINE
 12 250 South Fifth Street, Suite 700
 13 Post Office Box 7426
 14 Boise, Idaho, 83707-7426
 15
 16 Also Present: Nancy Bishop
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 I N D E X
 2 TESTIMONY OF LISA LITTLEFIELD PAGE
 3 Examination by Ms. Fontaine 8
 4 144
 5
 6 Examination by Mr. Schoppe 80
 7 153
 8 E X H I B I T S
 9 (** denotes exhibit not used.)
 10 MARKED
 11 111. Memorandum to Lisa Littlefield from 8
 12 Gerald Riley, dated 03/05/01, Subject:
 13 Offer of Employment Confirmation
 14 112. Policy and Procedure Certification of 8
 15 Understanding, Signed by Lisa Littlefield
 16 113. Memorandum to Lisa Littlefield from Laura 8
 17 Rotors, dated 05/12/13, Subject:
 18 Performance Bonus
 19 114. ** Email to Julie Cloud from Lisa 8
 20 Littlefield, dated 12/07/11, Subject:
 21 Wage Compensation, and Related
 22 Responses
 23 115. Email to Lisa Littlefield from Laura 8
 24 Rotors, dated 06/20/12, Subject: Schedule,
 25 and Related Attachment

Page 5

1 E X H I B I T S (Continued)
 2 MARKED
 3 116. Email to Lisa Littlefield from Laura 8
 4 Rotors, dated 06/26/12, Subject: Gym
 5 Time, and Related Responses
 6 117. Email to Lisa Littlefield from Laura 8
 7 Rotors, dated 07/23/12, Subject: Gym
 8 Assault
 9 118. Email to Laura Rotors from Lisa 8
 10 Littlefield, dated 12/04/12, Subject:
 11 Documentation
 12 119. Email to Headquarters All Staff from 8
 13 Joyce Clark, dated 10/10/12, Subject:
 14 Job Opportunity, and Related Response
 15 120. ** Email to Laura Rotors from Lisa 8
 16 Littlefield, dated 12/04/12, Subject:
 17 Documentation
 18 121. Idaho Department of Juvenile Corrections 8
 19 Performance Evaluation Report, Lisa
 20 Littlefield, March 2001 - September 2001
 21 122. Idaho Department of Juvenile Corrections 8
 22 Performance Evaluation Report, Lisa
 23 Littlefield, 04/01/01 - 03/17/02
 24
 25

Page 6

1 EXHIBITS (Continued)
 2 MARKED
 3 123. Idaho Department of Juvenile Corrections 8
 4 Performance Evaluation Report, Lisa
 5 Littlefield, 03/05/02 - 03/05/03
 6 124. Idaho Department of Juvenile Corrections 8
 7 Performance Evaluation Report, Lisa
 8 Littlefield, 03/01/03 - 03/01/04
 9 125. Idaho Department of Juvenile Corrections 8
 10 Performance Evaluation Report, Lisa
 11 Littlefield, 03/01/04 - 03/01/05
 12 126. Idaho Department of Juvenile Corrections 8
 13 Performance Evaluation Report, Lisa
 14 Littlefield, 03/01/05 - 03/01/06
 15 127. Idaho Department of Juvenile Corrections 8
 16 Performance Evaluation Report, Lisa
 17 Littlefield, 03/01/06 - 03/01/07
 18 128. Idaho Department of Juvenile Corrections 8
 19 Performance Evaluation Report, Lisa
 20 Littlefield, 03/01/07 - 03/01/08
 21 129. Idaho Department of Juvenile Corrections 8
 22 Performance Evaluation Report, Lisa
 23 Littlefield, 03/01/08 - 03/01/09
 24
 25

Page 7

1 EXHIBITS (Continued)
 2 MARKED
 3 130. Idaho Department of Juvenile Corrections 8
 4 Performance Evaluation Report, Lisa
 5 Littlefield, 03/05/09 - 03/05/10
 6 131. Idaho Department of Juvenile Corrections 8
 7 Performance Evaluation Report, Lisa
 8 Littlefield, 03/05/10 - 03/05/11
 9 132. Idaho Department of Juvenile Corrections 8
 10 Performance Evaluation Report, Lisa
 11 Littlefield, 03/05/11 - 03/05/12
 12 133. Idaho Department of Juvenile Corrections 8
 13 Performance Evaluation Report, Lisa
 14 Littlefield, 03/05/12 - 03/05/13
 15 134. Response to 05/03/13 Performance Review, 8
 16 Lisa Littlefield, dated 05/14/13
 17 135. Idaho Department of Juvenile Corrections 143
 18 Institutional Policy Procedure No. 608
 19
 20
 21
 22
 23
 24
 25

Page 8

1 (Exhibits 111 - 134 marked.)
 2 LISA LITTLEFIELD,
 3 having been first duly sworn to tell the truth
 4 relating to said cause, testified as follows:
 5 EXAMINATION
 6 BY MS. FONTAINE:
 7 Q. This is the time and date set for the
 8 deposition of Lisa Littlefield. Present at this
 9 deposition are myself, Andrea Fontaine. Nancy Bishop
 10 from the Idaho Department of Juvenile Corrections,
 11 Lisa Littlefield, Andrew Schoppe --
 12 MS. LEDFORD: Rhonda Ledford.
 13 MR. PENROD: Shane Penrod.
 14 Q. (BY MS. FONTAINE) Ms. Littlefield, could
 15 you please state your full name and spell your last
 16 name for the record?
 17 A. Lisa Adaire Littlefield,
 18 L-i-t-t-l-e-f-i-e-l-d.
 19 Q. Can you please give us your date of birth?
 20 A. 10/04/64.
 21 Q. And your current address?
 22 A. 381 West White Way, Kuna, Idaho.
 23 Q. Have you ever had your deposition taken
 24 before?
 25 A. No.

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1 Q. Just to lay a few ground rules, we do need a
 2 verbal response each time. If you say uh-huh, the
 3 court reporter isn't going to know what that is, as I
 4 just did.
 5 We need you to speak one at a time so we're
 6 not talking over each other. When you're answering
 7 questions, I don't want you to speculate. So just
 8 answer the question if you know it. I don't know is
 9 also an answer.
 10 Is there anything that would keep you from
 11 being able to testify here today such as medications?
 12 A. No.
 13 Q. I'll start with your background information.
 14 Where did you go to high school?
 15 A. I went to high school in Los Banos,
 16 California.
 17 Q. And did you go to college?
 18 A. Yes, I did. I went to college at Merced
 19 College in California and on to Cal State Stanislaus
 20 in Turlock, California.
 21 Q. What was the degree or degrees that you
 22 received?
 23 A. I received an AA in psychology and a BA in
 24 sociology.
 25 Q. Did you receive any kind of professional

1 licensure with those degrees?
 2 A. No.
 3 Q. What was your employment after you went to
 4 college?
 5 A. After I went to college, I worked in Modesto
 6 for the Center for Human Services as a student
 7 assistant specialist.
 8 From there I moved to Boise, and I worked
 9 for the City of Boise as a juvenile program
 10 coordinator.
 11 After that I moved to the Idaho Department
 12 of Juvenile Corrections in Nampa where I am now.
 13 Q. Let's talk about that. When did you hear
 14 about the posting for the position at the Department
 15 of Juvenile Corrections?
 16 A. I believe I started in March of -- it's been
 17 so long. March of 2001.
 18 Q. And how did you hear about the position?
 19 A. I heard about that through Job Service.
 20 Q. Was there an application process for that?
 21 A. Yes. At the time we still used the paper.
 22 I don't believe there was the online applying. So I
 23 turned in a packet for that.
 24 Q. Were you interviewed?
 25 A. Yes, I was.

1 Are you familiar with that document?
 2 A. Yes.
 3 Q. What is it?
 4 A. It is a letter of welcome to the Department
 5 of Juvenile Corrections naming my title, my
 6 appointment date, salary rate, pay range. And it is
 7 signed by myself.
 8 MR. SCHOPPE: Do you have a copy for me?
 9 MS. FONTAINE: Absolutely. These are all
 10 yours right here.
 11 MR. SCHOPPE: Thank you.
 12 Q. (BY MS. FONTAINE) And what is the
 13 employment status noted on this?
 14 A. Six-month probation.
 15 Q. What did you understand that to mean?
 16 A. I understood that to be that I would be
 17 critiqued over six months, and then I would receive
 18 an evaluation showing what I have done and if I'm
 19 suitable for the job. I understand the six-month
 20 probation to be you could either be held over or let
 21 go.
 22 Q. And how did probation go for you during
 23 those next six months?
 24 A. Very well.
 25 Q. Were you then offered a different position?

1 Q. What was the interview process like?
 2 A. I was interviewed for the job of resource --
 3 I'm sorry, for rehab technician with the O & A
 4 department. I did not get that job.
 5 I was then again interviewed for the program
 6 that was called Fast Track at the time. I did get
 7 that position.
 8 Q. Would that be as a rehab technician for --
 9 A. Yes.
 10 MR. SCHOPPE: One other thing. Wait until
 11 she is all the way done asking the question.
 12 WITNESS: Okay.
 13 Q. (BY MS. FONTAINE) Can you briefly describe
 14 what that position was, rehab technician at Fast
 15 Track?
 16 A. Fast Track was a program that has now
 17 developed into the Choices program. Basically the
 18 name was changed.
 19 My duties there included pretty much the
 20 same as I do now in observation and assessment.
 21 Juvenile supervision, teaching of classes, mentoring.
 22 Basically I would say the main duty is juvenile
 23 supervision.
 24 Q. I'm offering you a document that has been
 25 marked as Exhibit 111. Could you please review that?

1 Or not position, but a different employment
 2 classification upon completion of the probationary
 3 period?
 4 A. No, I was not.
 5 Q. When you started as a rehab tech for Fast
 6 Track, who was your immediate supervisor?
 7 A. Jim Smutney.
 8 Q. Do you recall how long he was your
 9 supervisor for?
 10 A. He was my supervisor for as long as I worked
 11 in the Fast Track/Choices program. I then
 12 transferred over to the O & A program. I believe it
 13 was around two years.
 14 Q. Were you trained in this position when you
 15 began?
 16 A. I was trained not really formally but hands
 17 on by my coworkers.
 18 Q. And what was your schedule?
 19 A. I believe my schedule was mostly 2:00 to
 20 10:00, some weekends. I was new. Usually on the
 21 weekends I worked day shifts.
 22 Q. I'm going to be handing you a document
 23 that's been marked as Exhibit 112. Are you familiar
 24 with that document?
 25 A. Yes.

1 Q. And what is that?
 2 A. This is a document that explains that as an
 3 employee I need to be familiar with different
 4 policies.
 5 Q. Were you familiar with the different
 6 policies?
 7 A. I read the policies.
 8 Q. I would like to talk about one policy in
 9 particular. Are you familiar with the problem
 10 solving, corrective action and due process procedure
 11 for department employees?
 12 A. Yes.
 13 Q. What is your understanding of that policy?
 14 A. My understanding of the problem solving
 15 policy is that an employee may choose to go to their
 16 immediate supervisor and discuss issues and/or fill
 17 out problem solving and ask for a meeting with the
 18 parties that are involved in the problem solving.
 19 Q. Do you consider speaking with the immediate
 20 supervisor part of the problem solving process?
 21 A. I would consider that my first course of
 22 action if I had an issue. I said "and/or" meaning
 23 that -- I don't necessarily have to do that, but that
 24 is an option for me.
 25 Q. Now the problem solving, you said you fill

1 I've had situations where I've talked to
 2 Pat Thomson and Julie Cloud where they both told me
 3 they'd get back to me and have not.
 4 Q. So the issue was not resolved, but you chose
 5 not to use problem solving?
 6 A. Correct.
 7 Q. I understand you've been with the Department
 8 of Juvenile Corrections for a while. Rather than go
 9 through each and every year, can you tell me if you
 10 received merit payment increases?
 11 A. Yes, I have.
 12 Q. Is there a year you did not receive a merit
 13 payment increase?
 14 A. The years that I have not have received a
 15 merit increase have been freeze years. There was
 16 also one time right after I moved to O & A that I did
 17 not receive a bonus when others did.
 18 Q. Is a bonus different than merit payment
 19 increase?
 20 A. It is different, but it's based on the same
 21 concept. It goes by merit. And I did not receive
 22 one one year.
 23 Q. Do you feel that you should have received
 24 it?
 25 A. Yes, I do.

1 that out. Is that a document?
 2 A. Yes. There's a form that you fill out. And
 3 you -- what you're doing is requesting a meeting.
 4 You fill out that form, and you put who you would
 5 like at that meeting for the problem solving.
 6 Q. Who would generally be at that meeting? Is
 7 it somebody who is a supervisor or a coworker?
 8 A. I believe it could be either.
 9 Q. Have you ever used this problem solving
 10 document?
 11 A. No, I have not.
 12 Q. What are some of the other ways that you
 13 know of to address concerns that you have?
 14 A. I think the first line of problem solving
 15 would be to go to the person that you have the issue
 16 with. After that, I would say a supervisor. And
 17 then after that I believe the next line would
 18 probably be to go to HR.
 19 Q. Is there a reason that you never used a
 20 problem solving document before?
 21 A. Yes. I've had a couple of situations in the
 22 recent past where I've gone to a supervisor, HR, and
 23 I didn't feel that my needs were being met. And I
 24 felt that there would be no reason for me to go any
 25 further.

1 Q. And we'll go into that in more detail. Do
 2 you recall roughly what year that was?
 3 A. It was probably around 2003, because it was
 4 right when I transferred over to observation and
 5 assessment.
 6 Q. Did you receive any promotions during the
 7 time that you worked with the Idaho Department of
 8 Juvenile Corrections?
 9 A. No, I have not.
 10 Q. And we'll go into specifics later on. But
 11 are there any times you feel you should have been
 12 promoted and were not?
 13 A. Yes.
 14 Q. Do you recall roughly when that is?
 15 A. I wouldn't call it a promotion, but there
 16 was a time when there was an opening for a lead rehab
 17 tech in O & A. Myself and two others applied for it.
 18 It was given to a coworker of mine that was less
 19 experienced.
 20 Q. And the year of that?
 21 A. I would say it was around 2006.
 22 Q. I've got a stack of documents here.
 23 Exhibits 121, 122, 123, 124, 125, 126, 127, 128, 129,
 24 130, 131, 132, 133. I'm going to have you look
 25 through those briefly to identify what they are.

1 MR. SCHOPPE: Did you say those were 121 --
 2 I thought we were on Exhibit 111 before now.
 3 MS. FONTAINE: We did skip some.
 4 Q. (BY MS. FONTAINE) Have you had a chance to
 5 identify what those are?
 6 A. Yes.
 7 Q. What are those?
 8 A. These are my evaluations.
 9 Q. And what years do you have evaluations for?
 10 A. '01, '02, '04 -- there's two for '04. '05,
 11 '06, '07, '08, '09, '10, '11, '12 and '13.
 12 Q. So is it for all of the years that you've
 13 been employed?
 14 A. Yes.
 15 Q. I'd like to start with the evaluation for
 16 the 2002/2003 year. Could you please pull that and
 17 identify the exhibit number on that?
 18 A. For 2002?
 19 Q. Yes.
 20 A. That would be 122.
 21 Q. Does that go through the year 2003?
 22 A. No, ma'am.
 23 Q. Could you pull the one that goes through the
 24 year 2003?
 25 A. That would be Exhibit 123.

1 was not met with anyone that wanted to help me with
 2 the situation.
 3 Q. You were being harassed by a coworker?
 4 A. Yes.
 5 Q. Who was that coworker?
 6 A. His name is Dorico.
 7 Q. Is he still employed there?
 8 A. No.
 9 Q. When was he terminated?
 10 A. He was terminated in a restraint gone bad
 11 when he stepped on a juvenile's head.
 12 Q. When was that?
 13 A. Probably around 2006.
 14 Q. Who did you complain about this coworker to?
 15 A. I first went to my supervisor, Jim Smutney,
 16 who became upset and told me there would have to be
 17 an investigation if I went forward with this. I
 18 requested that. Once I requested that, I was working
 19 in a hostile work environment with my coworkers. I
 20 requested to be transferred to observation and
 21 assessment.
 22 Q. You use the term "hostile work environment."
 23 Can you describe what that means?
 24 A. Yes. An example of that would be walking in
 25 to work and having the gentleman that was harassing

1 Q. You had mentioned that in 2003 you -- this
 2 was the year you transferred to O & A is that
 3 correct?
 4 A. Yes.
 5 Q. Is that the evaluation that would reflect
 6 the year that you transferred?
 7 A. Yes.
 8 Q. And who gave you the evaluation?
 9 A. Jim Smutney.
 10 Q. What date is that evaluation, the date you
 11 signed it?
 12 A. The date I signed it looks like 1/12/04.
 13 Q. Do you understand the evaluation to be a
 14 positive or negative evaluation?
 15 A. I would say positive.
 16 Q. You said that you felt that you should have
 17 received a bonus in addition to merit payment
 18 increase for this year; is that correct?
 19 A. Yes.
 20 Q. Do you have an understanding of why you did
 21 not?
 22 A. Yes, I do. It was during this time -- and
 23 it was the reason that I transferred to the
 24 observation and assessment unit, because I was being
 25 harassed by a coworker. And when I brought it out, I

1 me and other coworkers saying don't talk to us.
 2 Calling on the radio and having people not respond to
 3 you. That would be hostile.
 4 Q. So not wanting to talk and not responding?
 5 A. Yes.
 6 Q. Was there an investigation that ensued?
 7 A. A couple of my coworkers told me that they
 8 were questioned by Jim Smutney and at the time
 9 Steve Emerson. They told them that they felt that I
 10 was being harassed. It didn't appear to be a very
 11 long investigation. I was just moved to O & A.
 12 Q. About how long after your complaint were you
 13 moved to O & A?
 14 A. Probably, I would say, about a month.
 15 Q. Did being moved to O & A resolve the issue
 16 with your coworker?
 17 A. With that coworker, yes.
 18 Q. You never felt the need to file a problem
 19 solving document or go through that process?
 20 A. It's not that I didn't feel the need, I
 21 don't have a lot of faith in that process.
 22 Q. Was that a satisfactory resolution to the
 23 issue with your coworker?
 24 A. I was not satisfied, but I needed the job.
 25 And so I did what was best for me by moving.

1 Q. Now I started this line of questioning
2 asking why you felt you should have the performance
3 bonus in addition to the merit increase. Can you
4 explain why you didn't receive that performance bonus
5 and you felt you should?

6 A. The day the bonuses were given out, I was
7 already working in observation and assessment. I
8 went in -- and I was fairly new in observation and
9 assessment. And I went in to my supervisor at the
10 time, Tom Knoff. I asked him why I didn't receive a
11 bonus, and he said, because you haven't been here
12 that long.

13 I said, so would I go back to Jim Smutney?
14 And he said yes.

15 I went down the hall to Jim Smutney, and he
16 said you don't work here any more. So basically I
17 fell through the cracks on that bonus.

18 Q. I would like to move on to the performance
19 evaluation for the year 2007 to 2008. I'm sorry,
20 before we move on to that, I would like to ask with
21 respect to the transfer to O & A, was Betty Grimm
22 involved in that decision in any way?

23 A. No. Betty Grimm was the head of nursing at
24 that time.

25 Q. And Sharon Harrigfeld?

1 I needed to work hard to get along with the new
2 person in that position. I refused to sign it.

3 I went to Betty Grimm. I asked her if
4 Tom Knoff, who wrote this, was privy to all the
5 information on Jim Stucker. Betty said, well, you
6 don't need to sign this.

7 Q. Where does it say that you were told that
8 you needed to get along with the new person?

9 A. I will look and find that.

10 Q. Is it possible it's not in this evaluation?

11 A. If it's not, it was removed.

12 Q. Under interpersonal skills, you received a
13 rating of two. Is that one of the reasons that you
14 refused to sign?

15 A. The reason I refused to sign was not
16 directly because of the ratings. The reason I
17 refused to sign was because of the comment about
18 getting along -- here it is. "Lisa is going to work
19 with a new safety security supervisor soon. It will
20 be very important to work cooperatively with this new
21 person."

22 Q. Where are you reading from?

23 A. Under Interpersonal Skills under comments.

24 Q. Okay.

25 A. And it was the safety security supervisor

1 A. She was not the director at that time.
2 Larry Callicutt was our superintendent at that time.

3 Q. And were they involved in any way in that?

4 A. When I was moved to O & A, I questioned why
5 my scheduling had been changed. I was given days off
6 of Tuesday and Wednesday. When while in O & A I had
7 better days off. And I questioned that, and
8 Jim Smutney went to Larry Callicutt and
9 Larry Callicutt said these will be your days off.

10 Q. Now going to that evaluation I asked you to
11 pull up, could you please give the exhibit number on
12 that?

13 A. That would be 128.

14 Q. And again for the record, what is that
15 document?

16 A. This is a performance evaluation.

17 Q. What is the date that you signed that?

18 A. I did not sign this.

19 Q. Why did you not sign that?

20 A. I did not sign this because -- I'm sorry,
21 I'm trying to find a situation. The reason I didn't
22 sign this, basically there was a coworker that had
23 just been terminated for sexual harassment. That
24 coworker had grabbed my breast and my back side.

25 When I read this evaluation, it stated that

1 that grabbed my breast and my buttocks that was
2 terminated that I did not get along with. I had
3 given him no reason to believe that I wouldn't work
4 with the new person. That's why I refused to sign
5 this.

6 Q. The paragraph before that indicates that on
7 some occasions it was noted that you became defensive
8 when given feedback. Is it possible that those
9 comments related to getting along with coworkers is
10 related to that comment about being defensive?

11 MR. SCHOPPE: Objection. Calls for
12 speculation. You can answer if you know.

13 WITNESS: I believe that -- I'm sorry, could
14 you repeat the question?

15 Q. (BY MS. FONTAINE) The comment about getting
16 along with others, is that related to the comment of
17 not being defensive?

18 A. I believe that directly has to do with the
19 safety security supervisor who was terminated. I
20 find it hard to get along with someone who takes it
21 upon himself to grab your person.

22 Q. And did you complain about this person?

23 A. No, I did not.

24 Q. And why did you not?

25 A. Because I knew in the past that when I did

1 bring things up, nothing was done about it, and I was
2 made to be the bad person.

3 Q. You never submitted a problem solving?

4 A. No, ma'am.

5 Q. You received a solid sustained performance
6 for this evaluation. Do you consider that to be a
7 positive or a negative evaluation?

8 A. I consider that rating to be positive. I
9 don't consider some of the content to be true.

10 Q. Do you feel that this situation was
11 adequately resolved in terms of not signing the
12 performance evaluation?

13 A. No, I do not.

14 Q. What would you have liked to have been done?

15 A. I would have liked the evaluation to be
16 changed.

17 Q. And would that be the comments about getting
18 along?

19 A. Getting along with the new safety security
20 supervisor.

21 Q. And those are, you believe, negative
22 comments?

23 A. Yes.

24 Q. Moving ahead for the years 2009, 2010. Did
25 you receive a positive or a negative evaluation?

1 A. No, I did not. It was a rehab technician on
2 special duties. Same as the lead tech position.

3 Q. So it's the same as a lead tech position,
4 but it's not a promotion?

5 A. It's special duties. You're still
6 classified as a rehab tech. You're still on the same
7 pay grade, but you're on special duties.

8 Q. Going to the evaluation for 2010 and 2011,
9 could you please identify that evaluation by the
10 exhibit number?

11 A. 131.

12 Q. Turning on page four of that evaluation
13 under interpersonal skills, though you received a
14 rating of SS, solid sustained performance, there was
15 a comment that you got frustrated and reacted in a
16 less than professional manner. Do you see where I'm
17 talking about?

18 A. What page are you on?

19 Q. Page four under comments.

20 A. Yes, I do see that.

21 Q. Did you consider that to be a negative
22 evaluation or negative comment?

23 A. Yes, a negative comment.

24 Q. Did you discuss that comment with the person
25 giving you the evaluation?

1 A. For Exhibit 130?

2 Q. Is that 2009, 2010?

3 A. Yes.

4 Q. Yes, please. First of all, let's start with
5 your overall rating.

6 A. Solid sustained.

7 Q. And do you consider that to be a positive or
8 negative rating?

9 A. Positive.

10 Q. Do you agree with this evaluation?

11 MR. SCHOPPE: Objection. Vague and
12 ambiguous, overbroad.

13 WITNESS: Yes.

14 Q. (BY MS. FONTAINE) Is there any portion of
15 this evaluation that you consider to be negative?

16 A. I don't see it as negative. I do -- at this
17 point I was working as the transport coordinator, and
18 a lot of comments have to do with being a rehab
19 technician with juvenile supervision. I didn't see
20 that as negative, but probably there could have been
21 more about the actual duties I was doing daily.

22 Q. When were you also given the duty of
23 transport coordinator?

24 A. That would be in 2007.

25 Q. Did you consider that a promotion?

1 A. I'm unsure.

2 Q. Who was the person giving you this
3 evaluation?

4 A. Tom Knoff.

5 Q. And just to clarify, he became your
6 supervisor when you transferred to O & A?

7 A. Yes.

8 Q. Turn to page seven of that same document.
9 There's an indication that Lisa strives for a good
10 working relationship and has accepted help from
11 others and mentions Mr. Penrod. Can you explain
12 that, if you recall?

13 A. Are you at the top of the page?

14 Q. I'm under Summary.

15 A. At that time I was the transport
16 coordinator. Shane Penrod was a transport driver.
17 We had some differences. We were able to sit down
18 and talk them out. Once we did sit down, we found
19 out that it wasn't really our problem, it was a third
20 person that was kind of going back and forth between
21 him and I and causing strife in that situation.

22 Q. Who was that person?

23 A. That would be Roberto Coronado.

24 Q. Did you ever file report that to a
25 supervisor?

1 A. I don't believe so.
 2 Q. But this performance review overall, would
 3 you say this is a positive or a negative evaluation?
 4 A. The rating again is positive.
 5 Q. I'm sorry. The rating is overall -- just to
 6 clarify --
 7 A. The rating of solid sustained performance is
 8 positive. Again, I felt that a lot of the content
 9 was about a regular rehab tech and not my duties as
 10 transport coordinator.
 11 Q. Did you raise those concerns with Tom Knoff?
 12 A. No, I did not.
 13 Q. Did you otherwise address that concern with
 14 a supervisor or management?
 15 A. No, I did not.
 16 Q. Turning to 2012, the evaluation for 2011
 17 through 2012. Turn to page eight of that document.
 18 Could you identify the exhibit number?
 19 A. 132.
 20 Q. Looking at page eight of Exhibit 132, under
 21 employee comments, could you review that?
 22 A. Yes. It says, "I am working on employee
 23 comments but was asked to turn in as soon as
 24 possible."
 25 Q. Did you ever turn in employee comments?

1 had just been removed from my duties as transport
 2 coordinator where I flourished. And I didn't feel it
 3 would do any good.
 4 Q. Were you told why you would not be doing
 5 transport duties any more?
 6 A. I was told -- actually, I was not told. An
 7 email was sent out saying that Betty Grimm decided to
 8 move the position back to safety and security.
 9 Q. Who sent the email?
 10 A. Betty Grimm.
 11 Q. So the position was being transferred to a
 12 different department?
 13 A. That was what she wrote in the email.
 14 Q. Did you respond to the email?
 15 A. No, I did not.
 16 Q. Did you respond to Betty Grimm about that?
 17 A. Yes, I did.
 18 Q. When did that occur?
 19 A. That occurred out in the sally port probably
 20 a week after I was taken out of that position. That
 21 would be probably October of '11. It wasn't a formal
 22 meeting.
 23 Q. What occurred during that informal meeting?
 24 A. She came up to me and she said, I wish you
 25 would quit being so mad at me. And I said, I am not

1 A. I'm unsure of that. I know I was typing
 2 them. For this particular evaluation, it was given
 3 to me and it was wanted back right away. And I was
 4 told by Tom Knoff, well, in order to get a raise, you
 5 need to get this right back to me. I felt rushed,
 6 and I don't recall if I ever got that response in.
 7 Q. Do you recall why you wanted to respond?
 8 A. Yes. I wanted to respond because 75 percent
 9 of this eval should have been regarding my transport
 10 coordinator duties, and it was not. There's nothing
 11 on this eval pertaining to my transport coordination
 12 duties. This was also right after the time I was
 13 removed from being the transport coordinator.
 14 Q. Did you ever speak with the person who wrote
 15 this evaluation about that issue?
 16 A. Yes, I did.
 17 Q. And what was their response?
 18 A. That you are now a rehab tech working in
 19 O & A with juvenile supervision.
 20 Q. Did you ever raise the issue of this
 21 evaluation not pertaining to transport with another
 22 supervisor person in management?
 23 A. No, I did not.
 24 Q. Why did you not?
 25 A. At this point, my morale was very low. I

1 mad at you, I am hurt.
 2 Q. Did you explain why you were hurt?
 3 A. She knew why I was hurt.
 4 Q. How did she know that?
 5 A. Because she knew how well I did at that job.
 6 She knew she never had to oversee me in that
 7 position. That all of my work got done and that I
 8 did a very good job. She knew that the stakeholders
 9 that we worked with were very happy with my work and
 10 had even questioned her as to why she removed me from
 11 that position.
 12 Q. Did you ever have a direct conversation
 13 where you expressed your concern about being taken
 14 off transport?
 15 A. I had one with Tom Knoff.
 16 Q. Is that the one you previously mentioned, or
 17 is this another discussion with Tom Knoff?
 18 A. This is another discussion. This is the day
 19 he called me to let me know I was being taken out of
 20 that position.
 21 Q. Can you describe what happened during that
 22 meeting?
 23 A. Yes. I went into his office. My coworker,
 24 Dianne Carnell, was just leaving the office, which I
 25 later found out he had just told her that I was being

1 removed.
 2 I went in. He told me that starting the
 3 next pay period I would be returned to O & A as a
 4 regular rehab tech doing juvenile supervision. I
 5 asked him why. He said, I don't know, this is what
 6 Betty wants.
 7 Q. Did your transfer involve any kind of
 8 decrease in payment?
 9 A. No. It did not. It did however change my
 10 hours and my schedule.
 11 Q. We'll revisit that as soon as we get through
 12 the evaluations. The last one that I have is for
 13 2012 to 2013. Could you please identify the exhibit
 14 number?
 15 A. 133.
 16 Q. And what is the overall rating that you
 17 received?
 18 A. Solid sustained performance.
 19 Q. Do you see the exhibit following that?
 20 A. Yes.
 21 Q. What is that?
 22 A. That is 134. And that is my response to
 23 this 5/3/13 performance review.
 24 Q. You've raised a number of issues --
 25 A. Yes, I have.

1 teachers aides. It left me with not enough drivers
 2 to do the transport.
 3 I went to Betty and Tom quite a few times
 4 letting them know that I did not have enough people
 5 to do the transports.
 6 Q. When you say you went to them, were those
 7 verbal communications?
 8 A. Most of them were verbal. Some of them were
 9 emails.
 10 Q. Did you ever submit any kind of formal
 11 grievance or concern?
 12 A. No.
 13 Q. Why did you not?
 14 A. Because I don't believe in that process.
 15 Q. You never tried it?
 16 A. Again, my course of action would be to talk
 17 to somebody first. If that didn't work, to talk to a
 18 supervisor. If that didn't work, to go to HR. And
 19 again, like I told you before, I've had two
 20 instances -- actually more than two -- where I've
 21 tried to talk to HR. And they've either not gotten
 22 back to me or not helped me.
 23 Q. You didn't go to HR with respect to the
 24 driving issue?
 25 A. No, I did not.

1 Q. -- in that. What I'd like you to do is go
 2 back to 2011 and talk more specifically about your
 3 concerns.
 4 In 2011, can you give me the instances when
 5 you raised concerns to management about your
 6 employment?
 7 A. Can you be more specific, please?
 8 Q. Can you recall any specific times in 2011
 9 where you went to somebody in management to raise
 10 concerns about your employment such as we've
 11 addressed in your evaluation?
 12 A. About losing my employment?
 13 Q. Issues just in your employment in general.
 14 For example, transfers, issues with coworkers?
 15 A. Well, there was the time when I was pulled
 16 from my position that I went to Tom Knoff. Before
 17 that, when I was still transport coordinator, I
 18 continually went to Betty Grimm and Tom Knoff
 19 regarding having enough transporters to get all the
 20 transports done.
 21 Q. Why was that a concern for you?
 22 A. It was a concern because at the time
 23 Dave Rohrbach had restructured the employment. They
 24 took three SSOs from the morning shift, turned them
 25 into teachers aides, turned the positions into

1 Q. What was your concern with not having enough
 2 drivers?
 3 A. Not getting all the juveniles where they
 4 needed to be.
 5 Q. Did that happen?
 6 A. Yes, it did.
 7 Q. And was there any action taken to correct
 8 that?
 9 A. No, there was not. Betty asked me to get in
 10 touch with Dave Rohrbach to ask him if he had extra
 11 staff that could do the transports. I sent him
 12 countless emails and never received any response from
 13 him.
 14 Q. After raising these issues verbally or
 15 informally, what was their reaction to you?
 16 A. Their reaction was, go back and do the best
 17 you can.
 18 Q. Okay. Were you ever suspended?
 19 A. No, I was not.
 20 Q. Did any other adverse employment action
 21 occur?
 22 A. Taking me out of my position.
 23 Q. And did you receive a pay decrease?
 24 A. No, I did not.
 25 Q. And you said your hours changed?

1 A. Yes.
 2 Q. How did your hours change?
 3 A. While I was the transport coordinator, I
 4 worked Monday through Friday. Most days 7:00 to
 5 3:00. I did go in early on Wednesday. Wednesday was
 6 the day I worked on my population report. I flexed a
 7 little bit of that time there and usually left early
 8 on Fridays.
 9 When I went back to O & A, at first I was
 10 given 6:00 to 2:00, Tuesday through Saturday. And
 11 then that -- I'm sorry, I was given 6:00 to 4:00. I
 12 think I had Friday, Saturday, Sunday off.
 13 Then our ten-hour shifts were taken away. I
 14 worked 6:00 to 2:00 Tuesday through Saturday. That
 15 changed to a rotating schedule where now work
 16 evenings, mornings. I work all different days off.
 17 I'm sorry, I work all different days and have all
 18 different days off.
 19 Q. Is this something that happened throughout
 20 your unit or only your schedule changed?
 21 A. No. It did happen through the unit. There
 22 have been some exceptions for certain people.
 23 Usually people with small children that have daycare
 24 issues. Some of those people have gotten schedules
 25 that do not rotate.

1 that something had to be done. And it was a week
 2 later that I was taken out of my position.
 3 Q. Is the transport coordinator still in the
 4 other division?
 5 A. Yes.
 6 Q. What other unit is that?
 7 A. Safety and security.
 8 Q. What was the reason that she gave for moving
 9 transport to safety and security?
 10 A. The reason she gave was because she wanted
 11 it all in one unit.
 12 Q. For how long a period would you say you
 13 raised these issues of not having enough drivers?
 14 A. I would say probably about four to five
 15 months.
 16 Q. Are you aware of whether they have enough
 17 drivers in this other unit?
 18 A. They do now. They've added more since
 19 Dave Rohrbach left.
 20 Q. The situation has been rectified?
 21 A. Yes.
 22 Q. Are there any other instances from 2011
 23 where you raised issues regarding the conditions of
 24 your employment with either Betty or another
 25 supervisor?

1 I had a concern with a family member of mine
 2 that I needed to be home with, and I was told, no,
 3 your family member does not require daycare. So I
 4 cannot accommodate you.
 5 Q. I'm handing you a document that has been
 6 marked as Exhibit 115. Could you take a look at
 7 that? Can you identify that document?
 8 A. Yes. This is an email sent out by my
 9 supervisor Laura Roters regarding the schedule.
 10 Q. What is the date of that email?
 11 A. The date is June 20, 2012.
 12 Q. This schedule change is different than the
 13 schedule change you're describing in October of 2011;
 14 is that correct?
 15 A. It is a different -- it was a different
 16 time.
 17 Q. I wanted to clarify. We'll come back to
 18 that one later. Just to sum up on the transfer to
 19 O & A, not having transport, that occurred in October
 20 of 2011. How soon after you raised concerns about
 21 not having enough drivers were you taken off
 22 transport?
 23 A. Please bear in mind that I had brought that
 24 up over and over and over again. The last time when
 25 I went to Betty Grimm, I was not happy. I told her

1 A. I'm sure there were. Being the transport
 2 coordinator, you have your hand in so many pots. I'm
 3 sure there were concerns. It's one of those jobs
 4 where you network with a lot of different people and
 5 you have to have -- everyone has to be on the same
 6 page to make it work.
 7 Q. In 2011, was Sharon Harrigfeld at the Idaho
 8 Department of Juvenile Corrections?
 9 A. Yes, she was.
 10 Q. What was her position?
 11 A. She was the director.
 12 Q. Do you know if your concerns regarding the
 13 drivers was ever presented to Ms. Harrigfeld?
 14 A. I do not know that.
 15 Q. Moving on to 2012, can you recall instances
 16 where you raised condition-of-employment issues with
 17 a supervisor or manager?
 18 A. I know I was not happy with my schedule. I
 19 have worked there over 12 years, and being put on a
 20 rotation with people that had just started there was
 21 not fair to me.
 22 Q. Did you express those concerns to anybody?
 23 A. Yes, I did.
 24 Q. Who did you express those to?
 25 A. Laura Roters.

1 Q. What was her position?
 2 A. Ms. Roters stated that it would not be fair
 3 that other people would have to work different days.
 4 That she was going on a rotating schedule.
 5 Q. Can I interrupt you? Are you reading from a
 6 document?
 7 A. No, I'm not.
 8 Q. Okay.
 9 A. I'm thinking in my head. She said it would
 10 not be fair. The only way a schedule would be fair
 11 is to go to a rotation. I explained to her that I
 12 had worked there over 12 years and spent the first
 13 few years of working there working up my seniority
 14 having to work weekends, having to work evenings.
 15 She said she would not take that into
 16 consideration. Nor would she take my nephew into
 17 consideration that I was raising.
 18 Q. So these are concerns regarding scheduling?
 19 A. Yes.
 20 Q. And how they would affect your personal
 21 life?
 22 A. Yes.
 23 Q. How did you express these concerns, verbally
 24 or by written method?
 25 A. Mostly verbally. She came to each employee

1 on. When morale is low, when employees aren't
 2 feeling good about their jobs, that transfers to the
 3 juveniles. And it's not a very productive
 4 environment.
 5 Q. When you raised your concern about the shift
 6 to Ms. Roters, did you receive any decrease in pay?
 7 A. No, I did not.
 8 Q. Did you receive any type of transfer or
 9 other job assignment?
 10 A. No.
 11 Q. Did you receive any disciplinary action?
 12 A. I had a verbal warning for an instance. And
 13 it was not because of this, but it was something that
 14 she had also witnessed two other staff doing. But I
 15 was the only one that got the verbal warning.
 16 Q. Not linked directly to --
 17 A. Not directly.
 18 Q. Was there any other adverse employment
 19 action or any adverse employment action due to you
 20 raising concerns about the shift schedule?
 21 A. Yes. I was denied holidays. This happened
 22 before the holidays in 2012. I was denied. I was
 23 scheduled to work all the holidays.
 24 There was one point in the schedule where we
 25 were rotating, and I was just getting back to my

1 and talked to them about the schedule.
 2 Q. When you say "she," you're talking about --
 3 A. Ms. Roters.
 4 Q. Did you ever talk to anybody besides
 5 Ms. Roters about this?
 6 A. Yes. I talked to coworkers.
 7 Q. Did you talk to anybody in management?
 8 A. No, I did not. You know, I'm sorry, let me
 9 back up a minute. There was a point where
 10 Julie Cloud had asked to speak to me. We had some
 11 emails going back and forth about bereavement leave
 12 that I was needing to take.
 13 She asked to speak to me in person. She
 14 came in. And I did share with her that I felt that
 15 the course of action taken in O & A was not a
 16 positive thing for the staff. And that the morale
 17 was very low. It was very stressful. And that we
 18 were are losing a lot of our good staff.
 19 I did bring that up with her. That was one
 20 of the points where she told me that she would talk
 21 to Laura and get back to me, and she did not.
 22 Q. So your concern about the staff overall was
 23 low morale?
 24 A. Low morale. Obviously when we work with
 25 juveniles and we go in, any little thing they pick up

1 mornings on the rotation, and she moved me back up to
 2 the top of evenings. So I had to continue. I think
 3 I worked 15 or 16 weeks straight of evenings.
 4 Q. How do you know that was in response to you
 5 raising the concern?
 6 A. Well, she didn't tell me, if that's what
 7 you're asking.
 8 Q. Did she provide any explanation when she
 9 changed your holiday schedule?
 10 A. Yes. She said because I had gotten a
 11 holiday off the year before I would not be getting
 12 it. I told her I was in a different capacity. The
 13 transfer coordinator does not work weekends and
 14 holidays, so it should not be taken into
 15 consideration.
 16 Q. You disagreed with her reasoning --
 17 A. Yes.
 18 Q. I want to finish that. That you disagreed
 19 with her reasoning for not having the same holiday as
 20 the year before?
 21 A. Yes.
 22 Q. And did she give you an explanation as to
 23 why she moved your shift to the early evening or
 24 evening?
 25 A. When I questioned her about it, she laughed

1 and said, oh, I didn't know that happened.
 2 Q. So she was unaware?
 3 A. She is the one that does the schedule. I'm
 4 not sure how she could be unaware of that.
 5 Q. Was Betty Grimm involved in any of this?
 6 A. Yes, she was. Betty Grimm came to our first
 7 meeting with Laura Roters as our new supervisor and
 8 told us that we needed to back Laura in the things
 9 she was doing. If we didn't want to, we could find
 10 another job.
 11 Q. Was this specifically in response to you
 12 raising the shift issues?
 13 A. Shifts were discussed in that meeting. I
 14 don't know if that was on Betty Grimm's mind when she
 15 said it. But it was in the same meeting that we were
 16 discussing our schedule that she told us that.
 17 Q. And Director Harrigfeld, do you have any
 18 knowledge of her involvement in this, if any?
 19 A. The only knowledge I have of
 20 Director Harrigfeld and the schedule would be
 21 meetings that we had before Laura Roters took over.
 22 We were asked to sign up for meetings. There was
 23 like three or four different dates. We went to these
 24 meetings, and we were sharing our concerns.
 25 One of my concerns was that we were having

1 along with different coworkers from all different
 2 programs.
 3 Q. And this was verbally reported?
 4 A. Yes.
 5 Q. What was their response?
 6 A. Betty's response was -- Betty appeared to me
 7 that she felt like -- it was kind of throw your hands
 8 up in the air. This is not my fault. I didn't do
 9 this.
 10 Q. Did she say those words?
 11 A. I don't recall if she said those. But she
 12 looked kind of panicked.
 13 Q. She looked concerned?
 14 A. No. She looked panicked like she didn't
 15 want to deal with that situation because it was not
 16 her situation of moving these people. She looked
 17 like she didn't want to deal with it. She looked
 18 like she wanted me to be quiet.
 19 Q. That was your impression?
 20 A. Yes.
 21 Q. What about Director Harrigfeld?
 22 A. Director Harrigfeld said, so this is a staff
 23 pattern issue. I said, no, it is not a staff pattern
 24 issue. It is a pulling our staff issue to do someone
 25 else's duties. Because their staff has been pushed

1 to cover the control booth, and we didn't have enough
 2 staff in the morning. It was after that meeting that
 3 our ten-hour shifts were taken away.
 4 Q. Can you give us a timeframe?
 5 A. Let's see. I would say November -- I would
 6 say it was November of 2011.
 7 Q. So you raised an issue concerning the
 8 control booth?
 9 A. Yes.
 10 Q. And what specifically is the concern?
 11 A. The concern was that the O & A staff for
 12 morning had two to three staff on for 24 kids, a
 13 maximum of 24 kids. One of us would be pulled to
 14 work in the control booth because of Dave Rohrbach's
 15 restructuring of staff. This would leave us short.
 16 This would leave O & A to where we would have one to
 17 two staff on in the morning.
 18 I brought that concern up. It was a safety
 19 concern for me, for the juveniles and the staff, to
 20 only have one or two staff on the floor.
 21 Q. How specifically did you raise that concern?
 22 A. Very specifically.
 23 Q. How did you raise it? To whom?
 24 A. We were in this meeting. Betty was there;
 25 Sharon was there. I believe Pat Thomson was there

1 to education.
 2 Q. Was this situation resolved?
 3 A. No, it was not. Our ten-hour shifts were
 4 taken away. Eventually it was. We have more SSOs
 5 now in the morning. We no longer have to fill in in
 6 the booth. But at that time, it was not. We were
 7 told, no, you will continue to work in the booth.
 8 Q. Was there any indication that they would not
 9 address the issue?
 10 A. They didn't say they would not address it.
 11 Q. The issue has now been addressed?
 12 A. Months later, it has.
 13 Q. How many months?
 14 A. I'll say a year later it was. We worked for
 15 quite a while with a skeleton staff in the morning
 16 because we had to man the control booth.
 17 Q. And was the specific concern about manning
 18 the control booth and --
 19 A. My concern was not manning the control
 20 booth. I didn't mind doing that. My concern was
 21 either myself or my coworkers were left by themselves
 22 or with one other person with 24 kids.
 23 On a smooth day, it's okay. If you have a
 24 juvenile that is upset, if you have one that is
 25 suicidal, you're not able to give them the attention

1 that they need. If you have a juvenile that is
2 violent, you're not there to protect the other kids.
3 That was the main concern of that. Leaving juveniles
4 and other coworkers in that situation or being in
5 that situation yourself.

6 Q. Did you have any situations occur because of
7 the staffing issue?

8 A. We had situations occur all the time. We're
9 a juvenile correctional facility.

10 Q. Do you have those same situations occurring
11 even though you have more?

12 A. Yes.

13 Q. There are situations occurring all the time?

14 A. Right. In a perfect world, you will have
15 enough staff when one of those situations occurs.
16 That was not the case in that situation at that
17 timeframe.

18 Q. Even with staff, you still are going to have
19 certain situations because it is a juvenile
20 correctional facility?

21 A. Yes, ma'am. I would rather be there with
22 four of my coworkers than by myself in one of those
23 situations.

24 Q. Did you ever report this issue to HR?

25 A. No, I did not.

1 and Laura Roters was brought down as unit manager, we
2 had a lot of changes in a very short time. We had --

3 Q. May I interrupt and ask: What time are we
4 talking about now?

5 A. I'm probably about in June of -- maybe May
6 or June of 2012.

7 Q. You're saying that the events in May or June
8 of 2012 are a result of you raising the staffing
9 issues in November of 2011?

10 A. I believe so.

11 Q. Go ahead. What occurred in May of 2012?

12 A. After the O & A supervisor, Tom Knoff, was
13 terminated, Laura Roters was brought in as unit
14 manager. Many of us saw Laura Roters as not
15 qualified to be a supervisor when she obtained the
16 position of unit manager. She did not have any
17 supervision experience.

18 After that, she was sent to POST to get
19 supervision experience. And then she was put in the
20 position. She was moved down to O & A.

21 I was told by Darla Crespin, who stated that
22 Betty Grimm told her, that Laura was sent to clean
23 house and to get rid of us.

24 Since then, nine of my coworkers have either
25 left or transferred back to other units in the

1 Q. The change of the removing ten-hour shifts,
2 what was the reason proffered for that change?

3 A. We were told we lost our ten-hour shifts
4 because it would make more coverage in the schedule.
5 More employee coverage. We did not see that. I know
6 my supervisor at the time, Tom Knoff, had written up
7 some things and took them into HR.

8 Q. So they were trying to resolve the issue of
9 not having enough staff?

10 A. I don't know if they were trying to resolve
11 that issue. Mr. Knoff was terminated shortly after
12 he took that paperwork into HR.

13 Q. What did the paperwork include?

14 A. I believe it included staffing patterns and
15 how us moving back to eight-hour shifts is not going
16 to make a difference.

17 Q. There was a disagreement with what staffing
18 pattern would provide the most coverage?

19 A. Yes.

20 Q. And other than not having the ten-hour
21 shift, was there any other change in your employment
22 after you raised the issue of staffing?

23 A. Yes.

24 Q. What is that?

25 A. After my supervisor Tom Knoff was terminated

1 department.

2 Q. The position that Laura Roters was able to
3 obtain, is that a position that you also wanted?

4 A. I would say that, yes, I wanted it. Did I
5 apply for it? No. Because my feeling is they took
6 me out of my position where I flourished. They were
7 definitely not going to give me a position that they
8 weren't sure if I would flourish in or not.

9 Q. So you did --

10 A. I did not apply.

11 Q. When did the posting come up for that, do
12 you recall?

13 A. I don't. It was so long -- because they
14 offered it to her, and then they took it back. And
15 then they sent her to training, and they offered it
16 to her again. I can't tell you what year it was. I
17 would say somewhere around 2010.

18 Q. Did you ever apply for any other positions
19 while you were there, while you've been with Idaho
20 Department of Juvenile Corrections?

21 A. Yes. I've applied for positions in the
22 past. Way back in the early days.

23 Q. Let's say from 2011 to 2012, have you
24 applied for --

25 A. No, I have not.

1 Q. The reason for that --

2 A. I think I just told you. In my position as
3 transport coordinator, I did a very good job. I was
4 taken out of that. I felt like my skills -- I felt
5 my skills weren't appreciated in that job, and I
6 didn't think anyone in administration wouldn't put me
7 in another job where I hadn't proved myself yet.

8 Q. We were talking about reactions to the
9 staffing complaints in November of 2011. What were
10 some of the other reactions that you witnessed to
11 your staffing complaints?

12 A. In that meeting, there was a lot of staff
13 that were upset about their schedule changing.

14 Q. I'll stop you there. Not the November
15 meeting, but you were talking about in May and June
16 of 2012?

17 A. Oh, okay. Other issues when Ms. Roters took
18 over, there was a lot of micromanaging to the point
19 of being followed around. It was very uncomfortable,
20 especially for someone like myself who has worked
21 there over 12 years and knows my job duties inside
22 and out.

23 Q. Who was following you?

24 A. Laura Roters. My supervisor.

25 Q. Did she indicate why?

1 Q. Right. I'll specify. I'm asking: What was
2 the adverse employment that occurred based on you
3 raising staffing concerns in November of 2011?

4 A. It was the fact that we were understaffed
5 because we were having to work in the control booth.

6 Q. All right. I'm going to be handing you
7 what's been marked as Exhibit 117. Could you please
8 look at that and identify that?

9 A. Yes. This is an email that Laura Roters
10 wrote me after there was an assault in the gym. This
11 was a verbal warning.

12 Q. Could you describe briefly what was the
13 impetus for this email?

14 A. Do you have my response? No, you don't.
15 This was a situation where Gracie Reyna, a coworker
16 of mine, and I were in the gym. We were supervising
17 the children. While they were having PE, a fight
18 broke out.

19 As soon as the fight broke out, I ran over,
20 broke up the fight. And before the fight broke out,
21 I had a ShopKo flyer in my hand. At one point a
22 juvenile came up and asked me what was in my hand. I
23 opened it. We were looking at the tennis shoes in
24 the flyer.

25 Laura Roters accused me of reading a

1 A. She was micromanaging all the staff that
2 were left. There came out a policy about taking
3 breaks outside, and she would call the control booth
4 to make sure I called in my break to go outside.

5 Q. You didn't like the way that she managed
6 things?

7 A. It wasn't that I didn't like it, I just
8 didn't think it was productive.

9 Q. How did it make you less productive?

10 A. In the kind of environment that we work in,
11 we have to be sharp and be ready for any situation.
12 I don't think any coworker, once they're trained and
13 know their job, I don't think myself or any coworker
14 needs the added stress to have somebody follow them
15 and watch them all the time.

16 We knew what we were doing. If there was
17 someone who didn't know what they were doing or
18 wasn't fulfilling their job duties, maybe she could
19 work with them.

20 Q. How was her micromanaging or managing
21 style -- how was that in response to you raising
22 staffing concerns in 2011?

23 A. I don't know if it's connected. You asked
24 me how things had changed, and I was trying to tell
25 you.

1 magazine, which I find different than looking at a
2 flyer. She saw it as the same.

3 After the situation, I felt that possibly
4 was being a distraction because he knew that
5 maybe the other juvenile was going to assault the
6 other juvenile, which happens quite a bit where we
7 work.

8 Q. So you had a difference of opinion on how
9 the situation really occurred?

10 A. Yes, we did.

11 Q. And as a result of that, you received a
12 verbal warning?

13 A. Yes, I did.

14 Q. How did the verbal warning come about?

15 A. I was in my pod. I was in east pod
16 conducting a class that we do every afternoon at
17 3:00. Laura Roters came in with two SSOs,
18 Roberto Coronado and Mr. Blackburn. I forget his
19 first name. She brought them in.

20 Right away the tone was set, because that is
21 usually what you do when you're coming to escort
22 somebody out of the building. You come in with a
23 couple SSOs, right away the tone was negative for
24 your meeting.

25 She took me to her office. She showed me

1 the video, and I did tell her that, yes, there were
 2 things that I could improve on. I always look for
 3 ways to improve myself at my job.
 4 Q. So you had a discussion, and she asked you
 5 to work on improving an area?
 6 A. Yes.
 7 Q. Did this verbal warning result in any other
 8 disciplinary action?
 9 A. No.
 10 Q. Do you think the incident wherein you got
 11 the verbal warning was in reaction to anything that
 12 you had said?
 13 A. Yes, I did. When Ms. Roters came on, she
 14 had ideas of how she wanted us to supervise the
 15 juveniles. She wanted us right in the middle of
 16 them.
 17 I was always taught that you should not have
 18 anyone behind you. That you should be back from the
 19 group.
 20 Q. So you had a disagreement in positioning?
 21 A. Yes. And I had brought that up to her
 22 before this incident happened.
 23 Q. When did you bring up the positioning issue?
 24 A. It was in an email that she had sent out
 25 when she first started. I would say it was probably

1 A. It was before.
 2 Q. And was it before then, the incident where
 3 you had the ShopKo flyer?
 4 A. Yes.
 5 MR. SCHOPPE: Would you mind if we take a
 6 break? If you want to go a few more, that would be
 7 fine.
 8 MS. FONTAINE: I think now is as good a time
 9 to stop as any. We can stop for lunch.
 10 (Lunch recess taken.)
 11 Q. (BY MS. FONTAINE) We are back on the record
 12 in the case of Ledford v. Idaho Department of
 13 Juvenile Corrections, the deposition of
 14 Lisa Littlefield.
 15 Lisa, when we left off we were talking about
 16 an incident that happened during gym time in June of
 17 2012. Could you please look at the email dated June
 18 26, 2012. The dates stamp at the bottom is
 19 LEDFORD1028, the page I'm referring to.
 20 A. I don't think I have that. I'm sorry, I was
 21 looking at the exhibit number.
 22 Q. It's going to be on the third page.
 23 A. Got it.
 24 Q. You indicated that Laura Roters had
 25 expressed her position on how you should be placed

1 in June of `11. Wait, I'm sorry. June of `12.
 2 Q. And you responded to her opinion on what was
 3 the best positioning?
 4 A. Yes, I did.
 5 Q. How did you respond?
 6 A. I responded that I had always been taught in
 7 juvenile supervision that you should not put yourself
 8 in a compromising position. You should be back to
 9 where you can watch the juveniles.
 10 Q. You expressed your position. But how did
 11 you express it? Was it verbal or email?
 12 A. I believe it was in an email.
 13 Q. And the email that is in the document before
 14 you, what is the date?
 15 A. July 23.
 16 Q. I'm handing you an exhibit marked 116. Can
 17 you review that?
 18 A. Yes. I recognize this.
 19 Q. Now you said that she initiated a statement
 20 about positioning in June of 2012. Did that occur
 21 before or after your verbal warning?
 22 A. Could you repeat that, please?
 23 Q. When she sent out the email regarding
 24 positioning, was that before or after your verbal
 25 warning?

1 during gym time. Is this the incident where you're
 2 saying she described her expectations?
 3 A. This one is to me personally. She also had
 4 written one to the group.
 5 Q. Did that occur in early June, the group one?
 6 A. Yes, I believe so.
 7 Q. And you responded to the group one?
 8 A. Yes.
 9 Q. And when did the interaction happen with the
 10 ShopKo flyer in juvenile?
 11 A. That would be in July of 2012.
 12 Q. And when did you receive the verbal warning?
 13 A. The verbal warning was on July 19, 2012.
 14 Q. And was the verbal warning in response to
 15 the ShopKo flyer incident?
 16 A. Yes.
 17 Q. I apologize. I'm going to jump back to the
 18 November 2011 meeting. Was that a staff meeting or a
 19 mandatory meeting, if you recall?
 20 A. The meeting where the management had set up
 21 the different meetings for us? That one?
 22 Q. The meeting where you expressed your
 23 concerns?
 24 A. We were asked to pick a time that would fit
 25 our schedule. There was two or three or four

1 different meetings. I don't know if it was
 2 mandatory, but most of us did pick a time to go.
 3 Q. And when your shifts then changed and the
 4 four ten-hour shifts were eliminated, did that occur
 5 for everybody who had four ten-hour shifts?
 6 A. No.
 7 Q. Who did it occur for and who did it not?
 8 A. It occurred in O & A. It did not occur for
 9 some SSOs. I believe they still had a few ten-hour
 10 shifts in Solutions and Choices.
 11 Q. But for O & A, it happened for everybody in
 12 O & A?
 13 A. Everybody, yes.
 14 Q. Other than expressing your concerns about
 15 the positioning, is there any other time that you
 16 expressed criticisms about the way the department was
 17 run in 2012?
 18 A. I'm sure I did. There were definitely
 19 plenty of situations. I know I discussed safety and
 20 security of the juveniles and staff regarding
 21 incidents where juveniles were violent and were let
 22 out of their rooms shortly after.
 23 Q. And can you recall where you made these
 24 statements?
 25 A. I made statements like that -- I've made

1 practice. A lot of these situations were in
 2 meetings. And minutes are taken for our meetings,
 3 but usually the minutes are very general.
 4 Q. I know the answer, you never filed any kind
 5 of problem solving?
 6 A. No.
 7 Q. What was the response when you expressed
 8 your concerns about juveniles being let out after
 9 violent episodes?
 10 A. Usually the response would be that we have
 11 to watch the time that we keep juveniles in their
 12 room. That we have to be -- we have PBS standards
 13 that we have to meet. And my concerns were usually
 14 individual. Because situations that would happen
 15 would be a juvenile might attack another juvenile
 16 because he was a sex offender. And the juvenile who
 17 did the attacking would be out an hour later.
 18 I felt it victimized the sex offender twice,
 19 because he was first attacked and now he has to be in
 20 the same unit with someone that just attacked him.
 21 Q. And the offender would be let out at some
 22 point?
 23 A. Usually very soon.
 24 Q. And in every instance, whether he was let
 25 out one hour, two hours, three hours later, they

1 statements like that to Tom Knoff. I made statements
 2 to Laura Roters. I made statements to Betty Grimm.
 3 Q. So when you made them to Tom Knoff, it would
 4 have been prior to 2012?
 5 A. Yes.
 6 Q. About how many of these statements would you
 7 say you've made?
 8 A. That would be really hard. I would say I've
 9 discussed statements regarding safety and security of
 10 juveniles and staff over 20 times.
 11 Q. That is to supervisors or to coworkers?
 12 A. I would say that's to supervisors.
 13 Q. You had expressed, with respect to
 14 Laura Roters and Betty Grimm, 20 times your concerns?
 15 A. Not just those two, but also to Tom Knoff.
 16 If you want to just speak on Betty and Laura, I would
 17 say probably around five or six different times.
 18 Q. Okay. Did you ever -- were these verbal
 19 communications?
 20 A. Yes.
 21 Q. Did you ever follow this up with any kind of
 22 written concern?
 23 A. I know I responded to this email about the
 24 way she wanted us in the gym. I didn't feel that
 25 being in the center of all the juveniles was safe

1 would be back in the same population together?
 2 A. Yes. Most of the time. We did have a
 3 couple of situations where -- I don't recall names,
 4 but I remember there was one juvenile that was
 5 attacked because he is a sexual offender, and he was
 6 moved to stage at County Canyon detention.
 7 Q. Your concern wasn't necessarily that they
 8 were going to be put back in the same population, you
 9 thought it was too soon?
 10 A. No, ma'am. My concern is for the safety of
 11 the a juvenile. I don't think a juvenile that was
 12 just attacked should have to fear being attacked
 13 again.
 14 Q. Would he have that same fear irrespective of
 15 how long it takes for the other juvenile to be out of
 16 his room?
 17 A. I don't know. That would be an individual
 18 situation. It's not very popular to be a sex
 19 offender in juvenile corrections or any corrections.
 20 Sometimes the other kids find out
 21 unfortunately. It's our job to make sure that every
 22 juvenile, no matter what his crime is, is to be kept
 23 safe and feel safe.
 24 Q. What are PBS standards?
 25 A. PBS standards for -- we call it PBS.

1 Something based standards.
 2 Q. That's fine. You don't have to guess.
 3 A. We've called it PBS for so long. I don't
 4 know what the P stands for.
 5 Q. Are there certain standards that you follow
 6 which prohibit you from keeping a juvenile in a room
 7 for a certain amount of time?
 8 A. I believe that it's a constant worry of
 9 administration that we're going to exceed having kids
 10 in their rooms too long because of these PBS
 11 standards. The PBS standards are not -- they're
 12 like -- it's not law like PREA or CRIPA. It's just a
 13 standard that you would like to go by. It's not law.
 14 Q. Is there also a concern, apart from the
 15 standards of keeping juveniles locked in a room too
 16 long, as being detrimental to that particular
 17 juvenile?
 18 A. That is definitely something that we talk
 19 about too. I am not in the position of wanting to
 20 keep any juvenile locked down for any long length of
 21 time. That is not the work that we do.
 22 My worry -- and what I try to do is make
 23 sure that the kids in my care are safe. And
 24 sometimes that includes locking them down when
 25 they're violent.

1 juveniles being let out too soon, did you have any
 2 other type of action taken against you in terms of
 3 out shifting of your hours, pay, or change in duties?
 4 A. Well, the shifting of the hours has been
 5 continual. Not pay and not duties.
 6 Q. Have your hours ever been changed right
 7 after you have expressed some of your concerns?
 8 A. Yes.
 9 Q. When did that occur?
 10 A. When I was taken off the transport
 11 coordinator. I was put back in O & A. My hours were
 12 changed. That was right -- that was a continual
 13 thing telling Betty Grimm I was not getting the help
 14 I needed to do my job duties.
 15 Q. If we contain this to 2012 and the
 16 complaints about juveniles being released, is there a
 17 time your hours were directly affected?
 18 A. Yes. I was not honored any holidays that
 19 year. I had brought up to my supervisor,
 20 Laura Roters, that I needed to work certain shifts to
 21 support my nephew who lived with me. I was told
 22 because he was not daycare age, that no consideration
 23 would be made.
 24 Q. How old is your nephew?
 25 A. Now he is 18.

1 Q. When you expressed your concerns about
 2 releasing a juvenile too soon after an incident, did
 3 you have any kind of disciplinary action imposed on
 4 you?
 5 A. Not -- I wasn't written up or anything like
 6 that. You can tell when you bring things up at
 7 meetings -- you can get a look or eye roll from
 8 somebody that lets you know your comment was not
 9 appreciated. That's happened quite a few times when
 10 I've brought things up like that.
 11 Q. Would you say that the reaction to you
 12 speaking your concerns is your comments aren't
 13 appreciated?
 14 A. I would say that the majority of the time
 15 they are not by certain administration. Basically,
 16 especially in the situation where I was told you can
 17 find another job if you don't like it, that's pretty
 18 clear to me.
 19 Q. Who told you that?
 20 A. Betty Grimm told me that. She told the
 21 group that in a meeting.
 22 Q. It was not to you individually; it was to a
 23 group?
 24 A. It was to the group of us.
 25 Q. And after you expressed your concerns about

1 Q. At the time he was --
 2 A. 17. Maybe 16 and a half. He is also an
 3 at-risk juvenile.
 4 Q. Your concern was you weren't getting the
 5 same consideration as people with small children?
 6 A. My concern was that I had a nephew at home
 7 that needed me there in the evening, and I was not
 8 there to be able to be there for him.
 9 Q. You felt that others with small children
 10 were given --
 11 A. That was the only consideration she made.
 12 And I believe it's in one of these emails that people
 13 who have small children and needed -- had daycare
 14 issues, was her concern.
 15 Q. I believe we already addressed all of the
 16 holiday issues?
 17 A. Right.
 18 Q. Okay. Is there any other disciplinary
 19 action that you had that we have not addressed here
 20 or any disciplinary action at all?
 21 MR. SCHOPPE: Object to the form of the
 22 question. You can answer if you understand it.
 23 WITNESS: Disciplinary action not in the
 24 form of a writeup or a suspension or cut in pay or
 25 anything like that. There's been a lot of things

1 with, again, the schedule, the micromanagement. The
2 checking up on me taking breaks. Things like that
3 that are not necessarily documented.

4 Q. (BY MS. FONTAINE) I'm handing you what's
5 been marked as Exhibit No. 118. Would you please
6 review that and identify it for us?

7 A. Yes. This is an email that I sent my
8 supervisor, Laura Roters. She had approached me one
9 day. I was in the laundry room folding some laundry
10 for the juveniles, and she approached me in the
11 laundry room and she said that she had heard from
12 another staff that I was spreading rumors about her.

13 I asked her, what rumor would that be? And
14 she said that I had said that she had gotten
15 suspended. And I said, no, I did not say that.

16 What I said was, the other staff I was
17 talking to -- actually there were two of them,
18 Alanna Kimmel and Mr. Gunion, I asked them if anyone
19 had heard that. She was due back on a Wednesday, it
20 was Friday, and she wasn't back yet.

21 I had heard this rumor from somebody else,
22 and that's what I told Laura. She said she was
23 coming to me as a coworker, not a supervisor. But
24 yet she talked to Lynn Viner who told her she could
25 write me up for starting a rumor.

1 A. A bonus.

2 Q. You received a bonus?

3 A. Yes.

4 Q. What was the amount of that bonus?

5 A. I believe it was \$800.

6 Q. Were you satisfied with that bonus?

7 A. Yes, I was.

8 Q. In your response to the performance review,
9 you indicate that your amount of stress reduced in
10 response to objective number one.

11 A. I'm seeing --

12 Q. The first sentence -- turn to the final page
13 in your response to objective number one.

14 A. I see.

15 Q. Is it true that your stress did reduce?

16 A. I think I got used to the changing of the
17 schedule. It's been very difficult. I think I got
18 used to it. I'm not sure so much if it decreased,
19 but I got used to having the switched schedules every
20 week.

21 Q. Okay. Have you had any financial loss as a
22 result of anything that Betty Grimm has done?

23 A. Yes, I have.

24 Q. What is that?

25 A. When I was the transport coordinator, I

1 Q. I want to make sure we know the date of that
2 email.

3 A. The date of this email is December 4, 2012.

4 Q. And what was the result of this concern
5 about the rumor spreading?

6 A. It showed up in my evaluation.

7 Q. And was -- did you express a concern about
8 it being in your evaluation?

9 A. Yes, I did. If you look on the response to
10 the 5/03 performance review --

11 Q. Which document are you referring to?

12 A. 134.

13 Q. Thank you. Well, in the interest of time,
14 if you see it let me know. Otherwise we'll keep
15 moving along.

16 Is there any other way that you may have
17 expressed your concern about the rumor spreading
18 issue?

19 A. I'm sorry. Can you repeat that, please?

20 Q. Did you express your concern about this
21 rumor-spreading issue to anyone other than
22 Laura Roters?

23 A. No, I did not.

24 Q. Did you receive a merit increase payment
25 for -- in 2013 for the 2012/2013 year?

1 asked her for a raise, as Jeff Underhill got when he
2 was put on special assignment as the lead technician.
3 She sent me an email that said I went back and asked
4 for more money for you, and there is no money.

5 That was at the time that Solutions was
6 getting under way. And she and I had had a
7 conversation in my office, and she said we're buying
8 so much stuff for Solutions, but I'll ask. She sent
9 me an email that said there is no money.

10 Q. You contend that being denied a raise is a
11 financial loss?

12 A. Oh, yes, it is.

13 Q. Can you describe any financial loss that you
14 suffered as a result of anything that
15 Sharon Harrigfeld did?

16 A. The change of the schedule caused a lot of
17 stress. I've gone to see my doctor quiet more than I
18 usually have.

19 Q. I'll follow up with that in a minute. The
20 change of the schedule, you contend Sharon Harrigfeld
21 was responsible for changing the schedule?

22 A. From the meeting that I attended that day
23 when we were discussing the staffing patterns, she
24 said, so this is a schedule issue. And then the
25 schedule was changed not too long after that.

1 Q. You don't have any direct knowledge of --
 2 A. She did not tell me, Lisa, I'm changing your
 3 schedule.
 4 Q. And you don't have any direct knowledge of
 5 her being the one that changed schedules for
 6 everybody?
 7 A. Just what she said at the meeting.
 8 Q. You mentioned that you went to see a doctor.
 9 Can you please say when you went and why?
 10 A. I've probably gone -- I know I went in
 11 August of last year. I know I went in this last
 12 spring. And I discussed with her the stress, the
 13 added depression that I've had.
 14 Q. We'll get to those specifics. In August of
 15 2012, which doctor did you see?
 16 A. Molly Armijo.
 17 Q. What kind of doctor is she?
 18 A. She's a family practice doctor.
 19 Q. And where is she located?
 20 A. She is located in Kuna.
 21 Q. The reason for the visit?
 22 A. The reason for the visit was stress,
 23 increased depression.
 24 Q. You said increased depression?
 25 A. I've had a history of depression in my

1 and tried to raise them when I needed to. She did
 2 try to use the one prescription to help with the
 3 anxiety, and, like I said, I couldn't take it
 4 anywhere but home. Yes, she did try to work with me
 5 on that.
 6 Q. And who did you see in the spring of 2013?
 7 A. Which doctor?
 8 Q. Yes.
 9 A. The same doctor. Dr. Armijo.
 10 Q. Why did you visit her in the spring of 2013?
 11 A. For a med check.
 12 Q. Did you describe any new symptoms at that
 13 time?
 14 A. Nothing new. Just the ongoing of the
 15 anxiety, the fatigue.
 16 Q. Other than fatigue, any other bodily
 17 condition?
 18 A. I mentioned headaches. I think my sleeping
 19 patterns, because of having to work mornings, then
 20 evenings, my sleeping patterns are off. They're
 21 still off.
 22 Q. So you mentioned working mornings affects
 23 your sleeping. How else does your employment affect
 24 your current medical condition?
 25 A. I think it's basically the stress. The

1 background.
 2 Q. Does that extend prior to Idaho Department
 3 of Juvenile Corrections?
 4 A. Yes.
 5 Q. What was the result of your meeting with
 6 Dr. Armijo in August of 2012?
 7 A. She tried to put me on a medication that
 8 would relax me. I tried the medication a couple of
 9 times at home before I tried it at work, and it just
 10 knocked me out too bad. I wasn't able to use it at
 11 work when I'd become upset.
 12 Q. Any physical symptoms?
 13 A. Depression can be a very physical thing.
 14 Very tired. A lot of fatigue. Headaches.
 15 Q. And what is the current status of your
 16 symptoms?
 17 A. I still feel a lot of stress. I have a hard
 18 time having to work different hours every week. I
 19 still have a lot of headaches. The depression, it's
 20 still there.
 21 Q. Did Dr. Armijo not treat the symptoms that
 22 you went in for?
 23 A. I wouldn't say she didn't treat them. It's
 24 hard to treat fatigue. What can you do for it? The
 25 depression, she has worked with me on my medications

1 worry. You know, that all comes down, and it's a
 2 very physical thing. The headaches. Anxiety.
 3 Q. What is the source -- what is the main
 4 source of your stress?
 5 A. The main source of my stress is all the
 6 changes that were brought about.
 7 Q. When you say "changes," are you referring to
 8 the shifts primarily?
 9 A. The shifts. But not just the shifts, the
 10 change of management, the change of management style.
 11 The feeling of being watched all the time. The
 12 feeling of watching my coworkers leave one by one.
 13 Being told that if you don't like it, you can leave.
 14 A lot of those things. It's very stressful. You
 15 spend 40 hours a week at work.
 16 Q. Have you raised -- the concern of all of the
 17 stress and its impact on your health, have you raised
 18 that concern with your supervisors?
 19 A. Yes, I have. I raised that with
 20 Laura Roters on a couple of occasions. She told me
 21 that the schedule was going to stay the same. And
 22 that there was nothing that she was going to do about
 23 that. She told me that I was welcome to go work in
 24 Choices or Solutions. Or become a safety security
 25 officer, which would have been a cut in pay.

1 Q. Being transferred to another unit would not
2 be a cut in pay?

3 A. Not as a rehab tech. But they seem to be
4 following suit with the whole scheduling patterns
5 that she has brought in. It wouldn't really help me
6 in my situation.

7 Q. Have you ever been told not to raise
8 concerns by either Betty Grimm or Sharon Harrigfeld?

9 A. Again, they have not told me not to raise
10 them. It's just that look you get or the roll of the
11 eyes that when you bring something up, it is not
12 welcomed.

13 Q. Anybody else who you felt has told you not
14 to raise a concern in whatever way?

15 A. Just the situation -- there was one with
16 Pat Thomson where I asked him about something, and he
17 stated he would find out and get back to me. And he
18 never did.

19 Also that happened with Julie Cloud where I
20 discussed issues in O & A with Julie Cloud, and she
21 never got back to me either.

22 Q. Did you pursue that when they did not get
23 back to you?

24 A. No, I did not.

25 Q. I'm handing you what's been marked as

1 youth in our care. Laura Roters."

2 MS. FONTAINE: At this time, I have no
3 further questions.

4 MR. SCHOPPE: Can we take a break?

5 (Recess taken.)

6 EXAMINATION

7 BY MR. SCHOPPE:

8 Q. Back on the record. Lisa, I have some
9 follow-up questions for you. Back to the meeting
10 that you had with the group and Betty Grimm and
11 Laura Roters in 2012. Do you remember about when
12 that was?

13 A. It was right after Laura took over. I would
14 say it was early June.

15 Q. Of 2012?

16 A. Yes.

17 Q. Do you recall who was present?

18 A. It was our -- I'm sorry, it was our team
19 meeting. I know Laura Roters was there, Betty Grimm
20 was there. I believe Ebe Amaechi was there.
21 Dave Clason was there. I was there. And I'm not
22 really sure, Steve Sanders could have been there.
23 Gracie Reyna could have been there.

24 Q. When you say "team meeting," you mean O & A
25 staff?

1 Exhibit 113. Can you tell me what that is?

2 A. This is the performance bonus that we just
3 spoke of.

4 Q. And I'm sorry, that's 113?

5 A. Yes.

6 Q. What was the amount that you received as a
7 performance bonus?

8 A. \$800.

9 Q. Who made the decision to issue that
10 performance bonus?

11 A. I believe that HR made a schedule, and it
12 went in accordance with what you got on your eval. I
13 believe we got an email and it says if you got solid
14 sustained, you get \$800. If you get meet
15 expectations, you get \$700. Something like that.

16 Q. Did you receive the highest?

17 A. No, I did not. There's an exceeds
18 expectations.

19 Q. You did not receive the most amount of bonus
20 that you could have received?

21 A. No, it's according to your eval.

22 Q. Is there a personal note on that?

23 A. Yes.

24 Q. Could you --

25 A. "Thank you for the work you do with the

1 A. Yes.

2 Q. Rehab techs for the most part?

3 A. Yes.

4 Q. You'd mentioned earlier Betty had said
5 something about supporting Laura Roters. Can you
6 recall with any specificity what it was she said?

7 A. Yes. She said if we're not going to back
8 Laura Roters and the changes that she's made, then we
9 can find work elsewhere.

10 Q. Why was that an issue about backing Roters?
11 Why was there any question?

12 A. Because a lot of the staff were very unhappy
13 because she came in and changed a lot of things in a
14 very short amount of time.

15 Q. And --

16 A. She --

17 Q. Go ahead.

18 A. It was also stressful because we were -- I
19 was told by Darla Crespin that Laura was sent there
20 to clean house.

21 Q. Darla Crespin is a nurse?

22 A. Yes.

23 Q. Did Darla offer anything as to how she knew
24 that?

25 A. She stated that that's what Betty Grimm had

1 told her.
 2 Q. Did she say when Betty might have said that?
 3 A. She did not.
 4 Q. Did she say anything else about what Betty
 5 might have had to say on that subject?
 6 MS. FONTAINE: Object to the form.
 7 Q. (BY MR. SCHOPPE) If you recall. If you
 8 don't --
 9 A. I don't recall.
 10 Q. Several of the witnesses have testified
 11 about controversy that arose around Laura Roters and
 12 Julie McCormick in late 2011 concerning hiring
 13 practices. Were you aware that there's question
 14 about that with respect to them?
 15 A. Yes.
 16 Q. What was it that you were aware of?
 17 A. I was aware that both were hired without
 18 supervision experience.
 19 Q. And fair to say they were hired in
 20 supervisory positions?
 21 A. Yes, definitely.
 22 Q. As far as you knew, neither of them had the
 23 supervisory position that qualified them for those
 24 positions?
 25 A. No, they did not.

1 didn't have the supervision experience. That's when
 2 they sent her to POST for supervision class. They
 3 paid for that. The state paid for that. And then
 4 they opened it up again and gave it to her.
 5 Q. How do you know that?
 6 A. It's common knowledge. There were emails
 7 that came out that said she was the unit manager.
 8 Q. Do you know who sent those emails?
 9 A. I believe it was Dave Rohrbach. He was the
 10 program manager at the time.
 11 Q. With respect to the promotion to the unit
 12 manager position in Solutions in 2010, did you speak
 13 to anybody who applied for that position
 14 specifically?
 15 A. That's what we were -- yeah. When she was
 16 brought over as unit manager in O & A, it was not
 17 open to anybody. She was just placed in that
 18 position. We weren't offered to apply for that
 19 position.
 20 Q. What timeframe are we talking about now?
 21 A. That would be June of '11.
 22 Q. So in June of 2011, is that before or
 23 after --
 24 A. '12, I'm sorry.
 25 Q. Okay. So is that before or after

1 Q. What was the position that Laura Roters was
 2 hired for?
 3 A. Laura Roters was hired as the unit manager
 4 over Solutions.
 5 Q. And do you know when that happened?
 6 A. That happened in 2010, I believe.
 7 Q. Okay.
 8 A. 2011.
 9 Q. Did you know if anybody else had applied for
 10 that position?
 11 A. Yes. I believe that Bill Morris applied.
 12 Eric Cotton had applied. I know there was more. I
 13 think maybe Mr. Storey, Matthew Storey.
 14 Q. Did you speak to anybody who applied?
 15 A. Yes. I spoke with Bill Morris.
 16 Q. Did you speak with him about that process?
 17 A. Yes.
 18 Q. Was that before or after he applied?
 19 A. It was after.
 20 Q. Was it after Laura Roters had been given the
 21 position?
 22 A. The first time.
 23 Q. What do you mean?
 24 A. Laura was given the position the first time.
 25 Then there was some complaints brought up that she

1 Tom Knoff --
 2 A. That was right after.
 3 Q. After he had been terminated?
 4 A. Yes.
 5 Q. And what was Tom Knoff's position at the
 6 time he was --
 7 A. Tom Knoff was rehabilitation supervisor. He
 8 was a unit manager. And then we had freezes, and
 9 they demoted him to rehab supervisor. And then when
 10 Laura was brought over, she was brought over as unit
 11 manager.
 12 Q. So at the time he was terminated, did the
 13 unit manager position exist?
 14 A. No. Not in O & A.
 15 Q. So then Laura was hired and becomes unit
 16 manager. And that's the first time since Tom Knoff
 17 held that position that it existed?
 18 A. Yes. In O & A.
 19 Q. And that position was not posted or
 20 advertised as open or anything like that?
 21 A. No.
 22 Q. As far as you know, is it policy to do so --
 23 A. No.
 24 Q. -- for those kinds of positions? Is it
 25 policy to post available positions?

1 A. It's usually policy and best practice to
2 open them to every employee that qualifies. The only
3 time I've seen this done is in this case and in the
4 past was with Dave Rohrbach where he was just
5 appointed the program manager and appointed the unit
6 manager. He never went through any kind of applying
7 or interview process.

8 Q. Did anybody offer any reason as to why
9 Ms. Roters was given that position?

10 A. I sent Betty Grimm an email and asked her
11 why this occurred. I let her know my displeasure
12 because there was those of us in O & A that would
13 have liked to apply for that job.

14 She stated that Laura was the person that
15 she wanted in that position. And that if I wanted to
16 apply for a job, I could have applied for a promotion
17 in program, in either Solutions or Choices.

18 Q. If that unit manager position had been
19 advertised or posted, would you have applied for it?

20 A. I probably would have. Because I do work in
21 O & A.

22 Q. As far as you know, does that position pay
23 more than --

24 A. It does. It pays quite a bit more.

25 Q. Did anyone say why Roters in particular was

1 A. Yes.

2 Q. Who said what?

3 A. I don't believe anyone was very happy. I
4 know I was not. Laura Roters is known as, I've said
5 it before, a micromanager. She has made comments
6 such as she gets her way at work and at home. We had
7 a very, very relaxed -- Tom Knoff had a very relaxed
8 supervision style. And Laura's is probably the other
9 end of the spectrum, because most of us have worked
10 there for so long. We know what to do and know our
11 jobs very well.

12 It was hard having someone come in that
13 didn't know the routine at O & A, changing things and
14 telling us how it was going to be done, when we felt
15 like we were already doing a very good job in the
16 unit with the juveniles.

17 Q. Have her changes and management style
18 impacted the security of the facility?

19 A. I believe it has. I don't think it's as
20 safe as it used to be with the juveniles. I don't
21 think that situations are handled right when the
22 juveniles act out physically. I think it puts people
23 at risk.

24 I know for a long time we were so short
25 staffed. And when we have situations where we call a

1 appointed to that position? Was there any particular
2 qualification or set of skills or anything like that
3 that she had?

4 A. I don't believe so. Because before she got
5 the position, the only supervision experience she had
6 was that one-week class that she took at POST.

7 Q. What had she been doing up to that point
8 when she was given the unit manager position?

9 A. She was the chairman coordinator.

10 Q. Did she supervise anyone there?

11 A. No.

12 Q. Has anybody else ever told you they would
13 have applied for the unit manager position had it
14 been posted?

15 A. Yes. Dianne Carnell, Philip Gregston,
16 Steve Sanders, Dave Clason.

17 Q. Anybody else?

18 A. Not that I recall. We -- our O & A staff
19 had been there quite a long time before Laura Roters
20 came down. There was another of us that had worked
21 there for years, and I think any number of them would
22 have been interested in that job. Because we had all
23 worked together for so long.

24 Q. Did anyone comment negatively or positively
25 on Roters' appointment to that position?

1 code, it usually takes people a while to get there.
2 If our unit only had two or three people on it, it
3 takes a while for her staff to get there to back us
4 up when we call a code. A lot of that was when
5 Laura Roters came over.

6 Q. Have you feared for your safety?

7 A. Yes.

8 Q. And we talked about the sort of ordinary
9 level hazards that exist in a juvenile facility. Is
10 it fair to say there's more risk and exposure to
11 hazard and danger than there needs to be?

12 A. Oh, yes. The one thing that I see a lot of
13 is that there is not much deterrent for juveniles who
14 act out. If I can punch somebody and be out of my
15 room in an hour, then that's not much of a deterrent
16 for other juveniles.

17 Q. How long have you worked in juvenile
18 corrections again?

19 A. Over 12 years.

20 Q. How about prior to Idaho?

21 A. Prior to that I worked in the setting. I
22 worked with juveniles. Not in a lock-down facility.
23 That's the first time I worked in a lock-down
24 facility.

25 Q. In your experience, is that kind of a

1 deterrent important to maintaining a security
 2 facility?
 3 A. It's very important. I always think about
 4 driving on the highway. If I know I'm going to get a
 5 ticket, I'm not going to drive 70 miles an hour down
 6 the freeway. That's how life is. There's
 7 consequences.
 8 Q. Is it just you expressing this view, or is
 9 there anybody else?
 10 A. Most of our staff expresses this view.
 11 Staff get frustrated on a daily basis by how some of
 12 the situations with the juveniles are handled. I
 13 think the worst thing -- it's not that we're not able
 14 to give them consequences, but the worst thing is
 15 that we're not teaching them anything. We're not
 16 teaching them anything for when they get out in the
 17 community. And to me that's the worst thing.
 18 Q. Is it fair to say that public safety is an
 19 important component of the correction process?
 20 A. Yes.
 21 Q. And you're specifically in rehabilitation?
 22 A. Yes.
 23 Q. Is that an important element to the
 24 rehabilitation process?
 25 A. Yes, it is.

1 Q. Is it fair to say almost all of that
 2 happened after November of 2011?
 3 A. Yes.
 4 Q. And in November of 2011, did you attend the
 5 all-staff meeting that was held?
 6 A. I did not.
 7 Q. Concerning hiring practices and all of that?
 8 A. I did not.
 9 Q. Were you off that day?
 10 A. I was off that day, yes.
 11 Q. Did you talk with anybody about it?
 12 A. Yes, I did.
 13 Q. Who did you talk to?
 14 A. Dianne Carnell.
 15 Q. And what did she have to say?
 16 MS. FONTAINE: Object to the form.
 17 WITNESS: She was very upset. And she was
 18 very boisterous in the meeting. She was discussing
 19 issues of the juveniles being let out of their rooms
 20 right after being violent. I don't think she felt
 21 like she was being heard in the meeting.
 22 Even after the meeting I know Betty Grimm
 23 sent an email to Tom saying that she wanted to talk
 24 to her. So the things that she did say at the
 25 meeting, Betty wanted to talk to her after because

1 Q. Would you say your concerns over increased
 2 risks, physical risks and things like that, have
 3 negatively impacted your own stress levels?
 4 A. Yes.
 5 Q. Has anybody else indicated to you that they
 6 share that concern, the stress?
 7 A. Yes.
 8 Q. Who has said that?
 9 A. Coworkers. Philip Gregston. And just to go
 10 back, there's nine staff that I worked with that are
 11 gone now. And we haven't had that kind of
 12 turnover -- I've never seen that kind of turnover.
 13 Q. What do you attribute that to?
 14 A. I attribute that to not having any say in
 15 how we run our unit. I attribute that to safety
 16 issues. I attribute that to how the juveniles are
 17 being put through the program. There's a lot of
 18 things.
 19 I attribute putting someone in our unit as
 20 supervisor that doesn't have any background in
 21 running an O & A or any other kind of program or
 22 facility.
 23 Q. Did that change -- 9 out of 12 staff; is
 24 that right?
 25 A. 9 out of 14, I believe.

1 she was not happy with the things that she said at
 2 the meeting.
 3 Q. Dianne Carnell?
 4 A. Yes.
 5 Q. What happened to Dianne Carnell?
 6 A. She had to meet with Betty. Is that what
 7 you mean?
 8 Q. Sure. Did you find out from her what they
 9 spoke about, or Betty perhaps? Does Dianne Carnell
 10 still work there?
 11 A. No.
 12 Q. Do you know why?
 13 A. Because she couldn't -- she didn't enjoy it
 14 any more. She didn't feel safe there. She didn't --
 15 Q. She told you those things?
 16 A. Oh, yes.
 17 Q. With respect to safety and security issues
 18 in the facility generally, who else did you speak
 19 with? Let's pick 2011. Did you speak with coworkers
 20 about this?
 21 A. Yes.
 22 Q. Would it be fair to say this was an ongoing
 23 concern? Not necessarily formal meetings about it,
 24 but it was an ongoing concern?
 25 A. Yes.

1 Q. You spoke with your supervisors about it?
 2 A. Yes.
 3 Q. That included Tom Knoff?
 4 A. Yes.
 5 Q. You testified earlier you spoke with
 6 Betty Grimm. Fair to say most of those meetings were
 7 not really formal sit-down meetings but more of an
 8 on-your-feet running discussion?
 9 A. Yes.
 10 Q. Fair to say that safety and security
 11 problems are an issue on a regular basis?
 12 A. Yes.
 13 Q. At any point in time during 2011 when safety
 14 and security issues and problems were not of concern
 15 to you?
 16 A. I don't think so. I think there's always
 17 that concern.
 18 Q. Any concern about -- heightened concern
 19 about contraband or weapons things like that?
 20 A. Yes.
 21 Q. What concerns have you had?
 22 A. My main concern is there's way too many
 23 things that the juveniles can get their hands on. We
 24 got an email not long ago that there was a box cutter
 25 missing that was never found.

1 Q. Are they inconsistently applied? Fair to
 2 say?
 3 A. I know for us that night it was pretty
 4 clear-cut what we needed to do. I'm not sure why a
 5 box cutter didn't -- they didn't feel that was
 6 important enough to search for. That's definitely
 7 more dangerous than a chess piece.
 8 Q. Were you aware of an incident in which a
 9 master key of some sort was found in the exercise
 10 yard?
 11 A. No, I was not.
 12 Q. That may be somebody else. Any other things
 13 concerning contraband or weapons coming up that is a
 14 special concern to you?
 15 A. Yeah. The staff that took the juvenile to
 16 court and the juvenile had a pair of scissors and was
 17 able to cut through his grips and attempted to attack
 18 the staff.
 19 Q. Is this the one that took place in July of
 20 2013?
 21 A. Yes.
 22 Q. That was Mark Freckleton?
 23 A. Yes.
 24 Q. Are you aware of whether any investigation
 25 was conducted concerning that assault?

1 I went to the safety and security
 2 supervisor. I asked him if the box cutter had been
 3 found, and he said, no, they believe it got thrown
 4 out with the boxes but weren't sure about that.
 5 Q. Who was that?
 6 A. Mark Freckleton.
 7 Q. What is policy when something like that goes
 8 missing?
 9 A. Policy is to start searching for it to find
 10 it. To keep everybody as safe as you can.
 11 Q. Is there any particular means by which that
 12 is accomplished? Mattress flipping, cell tossing
 13 kind of thing?
 14 A. Yeah.
 15 Q. Is that actually followed, the policy?
 16 A. It wasn't when the box cutter was missing.
 17 I know the other night we had a couple of chess
 18 pieces missing, and we followed those procedures. We
 19 brought the kids back from dinner. We shut off the
 20 water so they couldn't flush the toilets. And one by
 21 one we searched their rooms to find these chess
 22 pieces.
 23 That's what we do when there's a pen missing
 24 or whatever it is that is missing. Those are the
 25 procedures that we follow.

1 A. The one thing I did hear was that the other
 2 juveniles knew about it and were telling him where he
 3 could go once he got loose. I was not aware of any
 4 internal investigation.
 5 Q. But the impression you got is that
 6 Mr. Freckleton knew more about this. That juveniles
 7 know how to get their hands on things?
 8 A. Yes.
 9 Q. Have you known of that before?
 10 A. I've seen that.
 11 Q. How so?
 12 A. I've seen things lying around that I've
 13 picked up myself. I don't allow the juveniles to use
 14 scissors in my pod. I don't allow them to use the
 15 long hard colored pencils. There's certain things
 16 that to me are common sense.
 17 But it's very scary when you're not sure
 18 what other people are allowing them to do or what is
 19 being allowed in the living units.
 20 Q. Who makes decisions as to what gets allowed
 21 into those units?
 22 A. I believe it's management supervision.
 23 Q. Who is responsible for security of the
 24 facility itself?
 25 A. That would be -- well, we're all responsible

1 firsthand. The head of safety and security is
2 Mark Freckleton. He speaks to the superintendent.

3 Q. Generally speaking, what is your opinion as
4 to whether the facility is secure or not? Is the
5 security facility -- have you read the Juvenile
6 Corrections Act?

7 A. It's supposed to be, but I don't believe it
8 is.

9 Q. Has anybody else indicated to you they share
10 that belief?

11 A. Yes.

12 Q. Can you tell me who?

13 A. Again, Philip Gregston, Gracie Reyna.
14 Dianne Carnell when she worked there. Steve Sanders.
15 Dave Clason. Rhonda Ledford. A lot of people do not
16 feel safe working there.

17 Q. As far as you know, these are all people who
18 are expecting there's going to be a certain level of
19 danger already?

20 A. When you work in this field, there is. You
21 understand that. But we don't need any added extra
22 things to pop up like scissors and box cutters.

23 Q. Okay. There's a policy here. I don't know
24 if you've seen it before.

25 A. Yes, I have.

1 Q. How about with respect to instances where
2 juveniles are sort of acting out or enraged? Maybe I
3 got my terminology wrong. What is the policy for
4 dealing with those juveniles?

5 A. The policies changes so much. It's so hard.
6 The last one I think we got out is if a juvenile got
7 upset in class and walked out, we're not supposed to
8 call a code or run after them. We're supposed to
9 call for staff assistance and then follow them and
10 let the booth track them on the camera. That just
11 came out not too long ago.

12 They have been changing a lot in, like,
13 every few months. It's kind of difficult to follow
14 them. But, yeah, it's pretty much letting the
15 juvenile go out and go wherever they want. You're
16 not supposed to restrain them.

17 It used to be that was an attempted escape.
18 And the juvenile could be, not always -- obviously
19 the first thing we're going to try to do is
20 deescalate the juvenile before we restrain them.

21 An attempted escape used to -- at some point
22 you needed to be able to restrain. And we cannot do
23 that. We have to follow them and not run to catch up
24 but just walk and follow them.

25 Q. Based on your experience, is it your opinion

1 Q. We'll mark this in a few minutes. Can you
2 tell me what policy this is?

3 A. The policy is for juvenile supervision.

4 Q. Policy No. 608; right?

5 A. Uh-huh.

6 Q. Is that a policy that you're familiar with?

7 A. Yes.

8 Q. I'm going to read here and there from it or
9 ask you questions based on it.

10 Under section one, operating procedure 1B
11 says, "To ensure the safety and security of all
12 facility staff, visitors, and juveniles, strict
13 levels of supervision are provided to juveniles at
14 all times."

15 Is that a policy that is actually followed
16 in the facility? In other words, are strict levels
17 of supervision provided to juveniles at all times?

18 A. Not always.

19 Q. Would that include walkabouts? Can you tell
20 me about walkabouts?

21 A. Walkabouts? With the juveniles?

22 Q. Yes.

23 A. Sometimes when a juvenile gets distraught or
24 upset, a staff will take them on a walkabout to try
25 to calm them down.

1 that that exposes your staff members to risk and
2 danger?

3 A. Yes.

4 Q. Same thing for other juveniles in the
5 facility?

6 A. Yes.

7 Q. Are these juveniles who are being issued
8 instructions by staff who are just not following
9 them?

10 A. Yes.

11 Q. Under section 1H -- I'm sorry it's F, not H.
12 "Juveniles and juvenile groups will be under direct
13 'eyes-on' staff supervision except as noted in local
14 operating procedures."

15 Is that a policy that is actually followed
16 inside the facility?

17 A. Not at all times.

18 Q. How about with respect to suicide watches?
19 Are you familiar with policy regarding those?

20 A. Yes.

21 Q. How are those structured?

22 A. Suicide levels are broken into three parts.
23 There's suicide level one, which is the least. That
24 would be up to 15 minute checks.

25 There's level two, which is up to ten. And

1 I say "up to," meaning ten would be the last. You
 2 really don't want to wait that long, but that's the
 3 last -- ten minutes is the longest you can wait.
 4 Then there's level three which is eyes-on.
 5 That's supposed to be juvenile right in front of your
 6 face, and you're not taking your eyes off of them.
 7 Q. Some other witnesses testified that there's
 8 a mismatch between how the policy is supposed to work
 9 and how it's actually working. And also how the
 10 suicide levels are recorded in incident reports and
 11 things like that. Do you know anything about that?
 12 A. I do know there's times when we don't have
 13 enough staff to have eyes on a juvenile. Especially
 14 in the overnight hours. A lot of times they don't
 15 have enough staff to cover that. And so that goes --
 16 that puts the juvenile at risk who is not being
 17 watched the way he is supposed to.
 18 Q. Who makes the determination as to how a
 19 juvenile is to be supervised?
 20 A. The clinician. Anyone can put a juvenile on
 21 suicide watch. I could put a juvenile on suicide
 22 watch. But if I felt it was more than, say, a level
 23 one -- and I do it all the time for my own good. If
 24 it's in the evening, we call the suicide evaluator,
 25 and they make the decision whether they're going to

1 eyes-on requirement that was actually recorded as
 2 something less?
 3 A. You mean recorded in an IR?
 4 Q. In an IR or wherever that would be recorded.
 5 I'm not you sure if there's a log.
 6 A. We use a guard tour. When you're doing eyes
 7 on, you're supposed to be right there with them. But
 8 you're still logging with that guard tour. I don't
 9 know of -- I would hope not.
 10 I do know there are situations where they
 11 haven't had enough staff. And I think in those
 12 situations someone probably hasn't been checked like
 13 they should have.
 14 Q. Is there a particular instance that you have
 15 in mind?
 16 A. No.
 17 Q. Was there an incident where an attempted
 18 suicide by a juvenile involved a jump rope?
 19 A. Yes.
 20 Q. What do you know about that?
 21 A. The juvenile was -- he had three different
 22 attempts. Let me think for a minute. His first
 23 attempt was a belt in his room like a robe belt. The
 24 second one, when he was on suicide watch, he had
 25 taken a belt from PE -- I'm sorry, a rope from PE and

1 come in or not.
 2 If it's a level one, they usually don't come
 3 in. The other night I had a girl that wrote a pretty
 4 explicit letter saying she had a plan. They came in
 5 on that night. The clinician is the one who sets the
 6 level.
 7 Now if it's a situation where they don't
 8 have a plan, then we can put someone on just to be
 9 sure they're being watched. But usually it's that
 10 clinician who would raise that level. Or if it's a
 11 higher level like a two or three, they would come in
 12 and make decisions like I want them in a suicide
 13 smock. I want their bedding taken away. Stuff like
 14 that.
 15 Q. Who are the clinicians that make those
 16 calls?
 17 A. The clinicians are Valerie Zuniga -- they go
 18 in a rotation for who is the suicide evaluator. Don
 19 Borengo. Payton -- Dallas Payton. And -- my gosh, I
 20 can't believe I'm forgetting. Rita Fell. There's
 21 also two clinicians in Solutions. Mr. O'Neal Rich.
 22 And then the new one. I don't know her name. She is
 23 brand-new.
 24 Q. Are you aware of any situations in which a
 25 level-three suicide watch -- where there's an actual

1 he had gone into the bathroom. Another juvenile went
 2 into the bathroom and saw him, and he had the rope
 3 tied around his neck. I was there that night. My
 4 coworkers went up to the code. I stayed back to do
 5 wellness checks on our juveniles. I wasn't present.
 6 Q. Is a rope something he should have had in
 7 the bathroom?
 8 A. No.
 9 Q. Was he under suicide watch at the time?
 10 A. Yes.
 11 Q. Do you know what level he was on?
 12 A. I believe he was on level three, because he
 13 had made the attempt with the belt not too long
 14 before, and I was there that night too.
 15 Q. How many employees were supervising the
 16 juveniles in that pod or area that night?
 17 A. There's three pods down there. I think
 18 there was one staff in that pod.
 19 Q. With the juvenile that was on suicide?
 20 A. Yes.
 21 Q. How many other juveniles?
 22 A. 11. Sometimes somebody was on home pass.
 23 There's usually 12 juveniles in a pod.
 24 Q. Is it possible, in your experience, for a
 25 staff member to keep eyes on supervision for suicide

1 while supervising other juveniles?
 2 A. No.
 3 Q. Correct me if I'm wrong. It's common for
 4 not having enough staff with respect to the number of
 5 juveniles?
 6 A. Yes.
 7 Q. Are you aware of any particular legal
 8 requirements like in the PREA, or anything like that,
 9 that required particular staff-to-juvenile ratios?
 10 A. According to PREA?
 11 Q. PREA or anything else.
 12 A. Our staff ratios are down in O & A. And I
 13 believe they're the same in Choices of eight to one.
 14 But that does not include anyone on suicide watch.
 15 Q. Let's go back to Ms. Roters and the changes
 16 that she brought about. Generally speaking, is it
 17 fair to say you regard those changes as jeopardizing
 18 the security of the facility?
 19 A. Yes.
 20 Q. And that those concerns are shared by your
 21 coworkers?
 22 A. Yes.
 23 Q. Going through the nine employees at O & A
 24 who left or were terminated or whatever, can you tell
 25 me what happened with them and why?

1 Ebe Amaechi.
 2 Q. You testified all of those people had
 3 expressed safety concerns. Have you ever heard
 4 Gracie Reyna report concerns about safety and
 5 security or violations of law?
 6 A. Yes.
 7 Q. Do you know who she made those reports to?
 8 A. Laura Roters.
 9 Q. And what the has been the outcome of that as
 10 far as you know?
 11 A. There was one point where a juvenile was
 12 making sexually harassing comments and suggestions to
 13 Gracie Reyna. She reported it to Laura Roters and
 14 Laura Roters told her to just stay away from him.
 15 Which is difficult, because we're supervising the
 16 juveniles, we can't stay away from them.
 17 Q. What is wrong with letting a juvenile do
 18 that?
 19 A. For one thing, it's not proper role
 20 modeling. I think it's a violation of your rights.
 21 Q. How about with the shift changes? As far as
 22 you know, has Ms. Reyna gone through the same
 23 experiences that you have?
 24 A. Yes, she has.
 25 Q. What do you mean by that?

1 A. A lot of them left right when Tom Knoff was
 2 terminated. Todd Edmond, he was on a medical leave
 3 and chose not to return. I have such a hard time
 4 with names. Dianne Carnell, she left for another
 5 job. Ron Edwards went back to Solutions. Mario Pile
 6 went back to Choices. Robin Smythe was on a family
 7 leave and chose not to return. Dave Attell took
 8 another position and resigned. Steve Sanders took
 9 another position and resigned. How many do I have?
 10 Q. Seven.
 11 A. There's two more.
 12 Q. If they pop into your head --
 13 A. Okay.
 14 Q. Did any of those people tell you that they
 15 were concerned that the changes that Roters was
 16 making had a negative impact on the security of the
 17 facility?
 18 A. Yeah.
 19 MS. FONTAINE: Object to the form.
 20 Q. (BY MR. SCHOPPE) Any one of them not say
 21 that?
 22 A. No.
 23 Q. Out of those who remain, I'm aware of
 24 Gracie Reyna.
 25 A. Philip Gregston, Dave Clason and

1 A. Ms. Reyna has had a second job for quite a
 2 while. When we had the schedule changed, she was
 3 told that this would be her first priority. And the
 4 second job would be -- you know, she could do that on
 5 her own time. We understand that this is our first
 6 priority. This is our primary job.
 7 But I have seen other staff such as
 8 Alanna Kimmel get her shift moved around so she can
 9 work her other job. I've always seen Dave Clason's
 10 shift get moved around so he can attend his Wednesday
 11 evening church or his Sunday morning church
 12 service.
 13 Q. Is it fair to say it's been common practice
 14 to accommodate personal needs of employees depending
 15 on the person?
 16 A. Depending on the person, yes.
 17 Q. Specifically with respect to shift
 18 assignments?
 19 A. Yes.
 20 Q. And as you've testified, you expressed that
 21 you had some personal needs or aspirations so you can
 22 spend time with your nephew; is that right?
 23 A. Yes.
 24 Q. And the response to that has been what?
 25 A. That -- because I don't need child care or

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1 because my nephew is not that she can't
 2 accommodate that.
 3 Q. Are you aware of any particular policy that
 4 says accommodations are made on that basis
 5 exclusively?
 6 A. No.
 7 Q. Any policy that says that those
 8 accommodations should be on the basis of religion or
 9 religious requirements?
 10 A. No.
 11 Q. How about Addison Fordham? Are you aware as
 12 to whether he has had similar problems?
 13 A. Yes, he has. Addison shared with me that
 14 the eval that he received this year is the lowest he
 15 ever received. I think he just barely met
 16 expectations. He's never received an evaluation that
 17 low before.
 18 Q. And with respect to people you've just
 19 listed as having left, Edmond, Cornell, Edwards,
 20 Pile, Smythe, Attell, and -- I forget who the last
 21 guy was there.
 22 A. Sanders.
 23 Q. And the treatment that you've experienced
 24 and Mr. Reyna has experienced and Mr. Fordham has
 25 experienced, is that consistent with your

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1 understanding of Ms. Roters' mission to clean house?
 2 A. Yes.
 3 Q. That's presumably something we can ask
 4 Ms. Grimm about more.
 5 When you say clean house, or when
 6 Ms. Crespin said clean house, what did you understand
 7 her to mean?
 8 A. I took that to mean that they would like us
 9 to quit or somehow leave.
 10 Q. When you had the meeting -- when we first
 11 started talking about this, you had a meeting with
 12 Ms. Grimm and Roters and other staff at O & A,
 13 Ms. Grimm indicated you should support Laura Roters
 14 or --
 15 A. Find another job.
 16 Q. -- find another job. Is that according to
 17 your understanding of how dispute resolution or the
 18 disciplinary process at the facility -- is that
 19 consistent with how that is supposed to work?
 20 A. Not how it's supposed to work.
 21 Q. Did you take that as a threat?
 22 A. Yes.
 23 Q. The threat was that if you criticize
 24 Laura Roters, you would be expected to leave?
 25 A. Yes.

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1 Q. And did that cause you to fear criticizing
 2 Laura Roters?
 3 A. Yes.
 4 Q. And did that have an impact on your
 5 confidence in the problem-solving procedures?
 6 A. Yes.
 7 Q. How so?
 8 A. Basically if you have your superintendent
 9 sitting there telling you put up or shut up, there's
 10 really no room for any kind of working problems out.
 11 It's my way or the highway. That's how I took that
 12 from Betty Grimm that day.
 13 Q. Has anybody else indicated they felt the
 14 same way?
 15 A. Yes.
 16 Q. Who else has said that?
 17 A. I sat in with Shane Penrod on a problem
 18 solving. I was his witness. And when he was put on
 19 the midnight shift and it was told to him that this
 20 is what you're going to get, you're going to work
 21 this.
 22 Q. Who was there?
 23 A. Pat Thomson was there at the meeting. And
 24 he said that this is the schedule that they're giving
 25 you. This is what you're going to work. There was

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1 really no room for conversation.
 2 Like I said, it's really hard to problem
 3 solve because it's kind of -- it's a one-way thing.
 4 It's like it's you and it's the people making the
 5 decisions.
 6 Q. What was the -- did Mr. Thomson offer a
 7 reason for which Mr. Penrod was to be reassigned?
 8 A. Yes, he said it was because they wanted to
 9 rotate all of the safety security officers to let
 10 them all have an experience transporting.
 11 But Mr. Blackburn, who was put in his
 12 position, had already had that experience. I let
 13 Mr. Thomson know that, and he said he would talk to
 14 Betty about it and get back to me. And he never
 15 did.
 16 Q. Do you know if that rotation process has
 17 been applied to --
 18 A. No, it has not.
 19 Q. You know that?
 20 A. I know that.
 21 Q. How do you know that?
 22 A. Because I see Mr. Blackburn every day doing
 23 transports.
 24 Q. Did you ever hear anything about a six-month
 25 mandatory cross-training program in that context?

1 A. Yes.
 2 Q. That is what Mr. Thomson referred to?
 3 A. Yes. It never came to light.
 4 Q. As far as you know, does that program even
 5 exist?
 6 A. No, it does not.
 7 Q. Did you see Betty Grimm give a juvenile
 8 money?
 9 A. Yes.
 10 Q. What was that?
 11 A. Can I use the juvenile's first name and last
 12 initial?
 13 Q. You can. We've got a protective order in
 14 place. What happened then?
 15 A. It was in the morning, and L. had been
 16 going to a day program in Boise. And a transport
 17 system was picking him up every day after breakfast.
 18 Betty Grimm went in and handed him a \$20 bill.
 19 Mr. Edwards and I, Ron Edwards, we were both
 20 there. And I saw her hand the money to him. And we
 21 went in to breakfast and L. was showing
 22 everybody, look, Ms. Grimm gave me \$20.
 23 So I went up front, and as I was going up
 24 front, Betty was heading to the salad bar. I said,
 25 Betty, I saw you give L. \$20 and he is telling

1 where he would be more in the community.
 2 Q. What qualified him for that?
 3 A. Nothing really. Because he was very -- he
 4 was a hostile, violent juvenile that probably
 5 shouldn't have been in the community.
 6 Q. Who was trying to get him into the
 7 community?
 8 A. I would say his juvenile service
 9 coordinator.
 10 Q. Is that the person who would be responsible
 11 for making that kind of determination?
 12 A. Yes. That person. And the county also has
 13 a say in it. I believe they network together when
 14 they decide to put juveniles back out in the
 15 community.
 16 Q. Are you aware of any criteria by which that
 17 kind of determination is made?
 18 A. Yes. There's a scale that the juveniles are
 19 tested on. I believe they have to -- it's a scale
 20 from one to five. I believe they have to be a one to
 21 get back out in the community. Maybe a one or a two.
 22 Q. Who would know about that sort of thing?
 23 A. Our clinicians. They're the ones that test
 24 them.
 25 Q. Is that the same list of people you spoke

1 everybody that you gave him \$20, I know that this
 2 isn't right. We're not supposed to give or receive
 3 to or from the juveniles.
 4 Betty Grimm told me he needed the money. He
 5 needs it for his program, and we're trying to get an
 6 account set up for him. In the meantime, he needs
 7 the money. She appeared to be flustered. And I went
 8 back in to my group.
 9 Q. When you say we're not supposed to do that,
 10 what do you mean? Is it a policy?
 11 A. There's a policy that says we can't accept
 12 gifts from juveniles or their families. Nor can we
 13 give gifts. I would consider \$20 a gift.
 14 Q. Have you ever seen that happen before?
 15 A. No.
 16 Q. Do you know what the money was for?
 17 A. I believe on that day L. was going on
 18 a fieldtrip, and he needed the money. I think it
 19 might have been the fair. They were going to the
 20 fair or something, and he needed money to go to the
 21 fair.
 22 Q. What is L. incarcerated for?
 23 A. L. was a lewd and lascivious. He's
 24 been with us forever. He was going to a day program.
 25 And we are trying to get him to a step-down program

1 about earlier?
 2 A. Yes. Ms. Fell would know. Mr. Payton.
 3 Mr. Borengo. Ms. Zuniga.
 4 Q. Mr. Tinker?
 5 A. No. I will tell you, Mr. Tinker he has the
 6 degree to be a clinician, but he is a group leader.
 7 Q. How about Patty Hanson?
 8 A. Patty Hanson is probably at the bachelor's
 9 level. She is a JSC, and she could probably tell you
 10 how they come to those numbers of who is eligible to
 11 go back out into the community.
 12 Q. As far as you know, is the goal typically to
 13 get nonviolent offenders into the community?
 14 A. Yes.
 15 Q. In your experience with L., he is a
 16 violent offender?
 17 A. Yes.
 18 Q. Has he committed assaults while in the
 19 facility?
 20 A. Yes.
 21 Q. Can you tell me about those?
 22 A. If doesn't get his way -- was
 23 really attached to this Nintendo DS that we have.
 24 It's like a Game Boy. We would try to contract with
 25 If you have a good morning, you can have so

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1 many hours with this DS. It got to the point that
 2 even when didn't have a good morning, when he
 3 stayed in bed all day, he still wanted to have that
 4 DS time.
 5 A lot of times if we would say no, you
 6 didn't earn this, would get upset and get
 7 violent and start banging on his door.
 8 Q. Did he assault staff or juveniles as far as
 9 you know?
 10 A. He has assaulted staff.
 11 Q. Has he been taken to GameStop store as far
 12 as you know?
 13 A. I think he was given money to buy games.
 14 Q. Is that the same money you were talking
 15 about?
 16 A. Yeah. Because he was given money. And a
 17 lot of times he would keep that money and go buy
 18 games with it.
 19 Q. Were there other times he was given money?
 20 A. I believe that, as Betty told me, we need to
 21 set up an account for him. I believe in his program
 22 he needed to have money. Like if you would send your
 23 child to school and you would give them money to
 24 spend on food, I believe that's kind of how it
 25 worked.

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1 But I remember would sometimes pocket
 2 that money or save it so he could go buy games with
 3 it.
 4 Q. Okay. Is that typical of how juveniles are
 5 dealt with in the financial context?
 6 A. That was an odd situation. Because very
 7 rarely do we have juveniles go to day programs where
 8 they're not spending the night at their program. So
 9 that was kind of a different situation.
 10 Q. Where was the day program?
 11 A. It was in Boise. I don't remember what it
 12 was called. But they would pick him up in the
 13 morning and bring him back.
 14 was a very difficult juvenile, and I
 15 believe he was probably -- we probably tried him out
 16 in every program.
 17 Q. Have you ever heard it said by a juvenile or
 18 staff that juveniles are aware if they want to change
 19 a program, that all they to have do is hit a staff
 20 member?
 21 A. Yes.
 22 Q. Where have you heard that?
 23 A. M. was a big one for that. He was a
 24 very good manipulator. If he didn't like where he
 25 was, he would start acting out. He assaulted quite a

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1 few juveniles. He was moved to quite a few different
 2 programs.
 3 Q. Any staff?
 4 A. I don't know if ever attacked a
 5 staff or not. Sometimes it's -- a lot of times it's
 6 in the process of restraining somebody.
 7 Q. What is he incarcerated for, if you know?
 8 A. I'm trying to think if he was only committed
 9 once. He was a sex offender in the beginning, but I
 10 think -- No, I'm sorry, he was not. He was -- his
 11 crimes are more of a behavioral -- he was offended
 12 on. But he wasn't committed as a sex offender.
 13 Q. Is he still there now?
 14 A. I believe he is still in our custody. I
 15 believe they're staging him at a jail because he is
 16 over 18 now. But I don't believe he is in any
 17 program. But he is still in our custody.
 18 Q. With respect to staffing issues that you
 19 talked about earlier with some O & A staff being
 20 assigned control booth duties, as far as you were
 21 concerned, was that a security problem for the
 22 facility?
 23 A. Yes.
 24 Q. How so?
 25 A. As I explained earlier, if O & A had two or

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1 three staff on for 24 kids, if one staff had to go
 2 into the control booth and run it, that would leave
 3 only one or two staff in O & A with 24 kids. It's
 4 very difficult if there's a fight or -- even on a
 5 calm day, that's difficult. We're running PE trying
 6 to monitor showers.
 7 There's always one or two kids that want to
 8 come talk to us about something. You get stretched
 9 thin. On a day where there's a fight, it's dangerous
 10 for everybody. The other juveniles, the staff.
 11 Everything.
 12 Q. What is policy about leaving the control
 13 booth?
 14 A. You are not to leave the control booth
 15 unless you're relieved by another person.
 16 Q. No matter what?
 17 A. No matter what.
 18 Q. Have there been instances where that
 19 happened?
 20 A. Yes.
 21 Q. What happened there?
 22 A. There was a time when Diane Miles stated
 23 that no one would give her a bathroom break. So she
 24 would prop the door open and go take a bathroom
 25 break.

1 Any time anyone has ever asked me to give
2 them a break in the booth, I would do it. I don't
3 know -- sometimes it's in a minute, maybe not right
4 this minute I can do it, but I've never known of the
5 booth person having a hard time to get somebody to
6 relieve them.

7 Q. What is the risk for leaving the door open
8 to the control booth?

9 A. When you walk in, the front doors are never
10 locked to the lobby. The next set of doors is the
11 sally port. You go into the sally port, and then you
12 go into the control booth. And they're both locked
13 doors.

14 But if you're propping both of those doors
15 open to use the bathroom, anyone can come in from the
16 outside and start pushing buttons and letting kids
17 out of locked areas.

18 Q. Fair to say that's a security risk?

19 A. That's a very big security risk.

20 Q. Is it your opinion that reducing the amount
21 of staff on the floor and putting one in the control
22 booth poses a risk to security?

23 A. Yes.

24 Q. Going back to the \$20 or the money that was
25 given by Betty Grimm to L. Are you aware of

1 A. She would move around Y., A.
2 Right off the top of my head, I can't remember the
3 names of any other ones.

4 Q. Are those movements logged anywhere?

5 A. Not if they're not called in. If they're
6 called in, they're supposed to be logged in the
7 control booth. There's an activity log on the
8 computer.

9 The one practice that we've always had,
10 especially female with male juveniles or male with
11 female juveniles, is to never take a juvenile into an
12 area with no camera. And so like right now, we don't
13 have a camera in our laundry room. I wouldn't take a
14 male juvenile into the laundry room by myself.

15 Q. Why is that?

16 A. Because they could say that you did
17 something inappropriate to them. And you just don't
18 want to put yourself in those kinds of situations.

19 Q. In instances where an SSO would move around
20 a juvenile and call it in, what is the proper
21 procedure for them to follow?

22 A. The proper procedure would be to say -- if I
23 was a safety security officer or me moving a
24 juvenile: Control, Littlefield. They would answer.
25 Go ahead, Littlefield. I'm moving Y. from the

1 any action or result from that, any disciplinary
2 action or anything like that?

3 A. No.

4 Q. Are you aware of any other instances where
5 other employees have given juveniles anything or
6 interacted with them personally in a way that is
7 prohibited by that policy?

8 A. Yes.

9 Q. How so?

10 A. Inappropriate contact. Do you want me to
11 start most recently?

12 Q. Sure.

13 A. Most recently would be Julie McCormick. I
14 would see her in a lot of situations that didn't seem
15 right. I know one day I was working up in the booth
16 and a man named who was a juvenile in
17 Solutions, was going on a home pass. She came out
18 and interacted with him with his mother like I would
19 interact with my own family. Very low key. It sent
20 up a red flag for me.

21 She also would move juveniles around the
22 facility. As a safety and security supervisor, your
23 job really doesn't call for you to do those kinds of
24 things.

25 Q. Who was she moving around the facility?

1 Solutions Unit to the clinic. Go ahead.

2 And you're basically asking permission to
3 move that juvenile.

4 Q. That's standard?

5 A. That's standard.

6 Q. Is that how it works most of the time in
7 practice?

8 A. Yes.

9 Q. Those movements then are supposed to be
10 logged by the control booth operator?

11 A. Yes.

12 Q. Are those maintained electronically then?

13 A. Yes.

14 Q. Do you know if anybody has the ability to
15 change those once they're entered?

16 A. Yes.

17 Q. Who can do that?

18 A. I believe any user can change them. I know
19 sometimes there's mistakes made. And I never knew
20 how to do it. I would just go write a general note
21 that I messed up and redo it. I believe that most of
22 the SSOs that frequently work the booth, and the SSO
23 supervisor, would know how to delete entries off the
24 activity log.

25 Q. Fair to say that according to procedure,

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1 Julie McCormick's movement around the facility with
 2 Y. or other male juveniles would have been
 3 logged?
 4 A. They should have been logged. I don't know
 5 if they were. Any time you move a juvenile, you're
 6 supposed to transfer it on the radio to the control
 7 booth.
 8 Q. So if we were to take a look at those logs,
 9 we should see those movements?
 10 A. Yes.
 11 Q. With respect to Ms. Roters' directive to you
 12 to -- say to interact with the juveniles in the
 13 middle of them --
 14 A. It's not in policy.
 15 Q. It's what she is telling you to do?
 16 A. Yes.
 17 Q. Now, I think you testified earlier it's not
 18 that you don't like that, but it's a safety problem?
 19 A. Yes.
 20 Q. Why is that a safety problem?
 21 A. It goes against everything I've been taught
 22 since I worked at the lock-down facility. You always
 23 want your back -- you don't want anybody behind your
 24 back. You want to see all the juveniles that you're
 25 supervising. You don't want to be in the middle of

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1 them.
 2 It doesn't mean that you're not interacting
 3 with them. Because you still can interact with them.
 4 But you don't want to be in the middle where someone
 5 can come up behind you and knock you over the head or
 6 take your keys. And I did explain to her that that
 7 made me very uncomfortable.
 8 Q. Looking back at Policy 608 regarding
 9 juvenile supervision, 1F, "Juveniles and juvenile
 10 groups will be under direct 'eyes-on' staff
 11 supervision except as noted in local operating
 12 procedures."
 13 Is it fair that that practice of hers
 14 doesn't permit you to have direct eyes-on juveniles
 15 all the time?
 16 A. Yes.
 17 Q. Is it fair to say that that makes an unsafe
 18 environment?
 19 A. Yes.
 20 Q. As far as you know, is Laura Roters aware
 21 that you had expressed concerns or concerns about her
 22 qualifications for her position?
 23 A. I don't believe I ever confronted her with
 24 that.
 25 Q. You'd asked Betty Grimm and human resources

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1 those questions?
 2 A. Yes. And I sent Betty an email.
 3 Q. Betty Grimm is aware that you questioned
 4 Roters' qualifications?
 5 A. Yes.
 6 Q. With respect to her micromanagement that you
 7 talked about earlier, tell me again what that
 8 consists of as far as you're concerned?
 9 A. What that consists of is being watched. I
 10 understand the basic supervision and supervising a
 11 group. I have been a supervisor before. But being
 12 micromanaged is basically someone following you
 13 around listening to who you're talking to, listening
 14 to all of your interactions with the kids.
 15 Again, when I take a break, she called the
 16 booth and asked them if I called in my break so I
 17 could go outside. Just a lot of kind of what you do
 18 with a child that you were trying to watch to make
 19 sure that you can keep your thumb on them.
 20 Q. Is that something that happens with other
 21 employees?
 22 A. No.
 23 Q. Have you ever asked her about it?
 24 A. Yes, I have.
 25 Q. What did she say?

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1 A. She told me she wasn't doing it. With
 2 respect to the breaks, both Alanna Kimmel and I go
 3 outside for our breaks. I asked her if she called in
 4 to the booth to see if Ms. Kimmel was calling in her
 5 breaks. She denied that she was doing it for either
 6 of us.
 7 I was told by Mr. Blackburn that she had
 8 called twice in one day to see if I had called in my
 9 breaks.
 10 Q. That is something that is policy for you, to
 11 call in a break?
 12 A. It's kind of a new thing. I don't really
 13 understand it. What they say they're doing is they
 14 want to keep track of who is in the building and who
 15 is out of the building.
 16 Actually, it's only the people that will
 17 smoke tobacco outside that to have call them in. If
 18 you take a group outside, you don't need to call in
 19 how many staff are with you. I questioned it. But I
 20 still do it. I don't agree with it, but I follow the
 21 directive. It's not really policy. It's a
 22 directive.
 23 Q. So as far as you can tell, is it fair to say
 24 that you're being subjected to an unusual amount of
 25 scrutiny by Ms. Roters?

1 A. Yes.
 2 Q. With respect to room time or the performance
 3 based standards that we talked about earlier, how has
 4 the policy changed with respect to juveniles being
 5 put -- what is it called, room time or lockup?
 6 A. We call it lockdown.
 7 Q. Okay. So what is policy after a juvenile
 8 commits a violent act now?
 9 A. Basically, here again, this policy has been
 10 changed quite a few times. So I don't know if I will
 11 get this right. But the procedure for it is if I
 12 have a juvenile that got locked down for fighting,
 13 then my first course of action is to try to
 14 deescalate him until I feel he is ready to come out.
 15 We always have -- we call it a reentry
 16 contract for him to reenter the community. I say
 17 "he," but it could be he or her. We give them a list
 18 of things to do that they usually can get done in an
 19 hour. And we give them that to work on.
 20 Once that is done, they're free to come out
 21 of their room as long as they're not showing any
 22 signs of hostility. It never gets this far, but
 23 after 24 hours, the juvenile would have -- I forget
 24 what it's called, but it's when you check in with
 25 them. You tell them why they're in there.

1 There's no deterrent.
 2 I'm not one for wanting kids locked down. I
 3 want them out where we can teach them, role model,
 4 rehabilitate them, but there are times when we do
 5 need to use this.
 6 I don't believe they're learning anything.
 7 It's just like I told you on the highway. If I know
 8 I'm going to get a ticket, I'm not going to speed. I
 9 don't think there's any deterrent. I think it's
 10 become a joke with the kids.
 11 Q. Why is room time a concern?
 12 A. Room time is also -- you mean --
 13 Q. In the context of performance-based
 14 standards?
 15 A. Because I think that the hours -- I don't
 16 get this whole thing. But I think the hours -- they
 17 don't want the hours to go above a certain level,
 18 because I think it makes us look bad like we're
 19 locking all these kids down. In reality that's not
 20 what we're doing. Our kids are not locked down very
 21 much at all.
 22 Q. Except when necessary?
 23 A. Except when necessary. I think that's where
 24 the problem is. Because we keep our kids out. Our
 25 kids are out from the time they get up until the time

1 Q. Debriefing or something?
 2 A. It's like a debriefing, but we have a term
 3 for it. I'll tell you if it comes to me. It's their
 4 way of not being left without knowing what is going
 5 on or -- but juveniles, I have not seen a juvenile in
 6 lockdown for over three hours in so long.
 7 Q. Is that a policy that came along when
 8 Director Harrigfeld was appointed?
 9 A. Yes.
 10 Q. What was the policy before that time?
 11 A. We used to have minimum -- this could come
 12 right down for the staff working. We didn't have to
 13 ask anybody. We could put juveniles down for up to
 14 72 hours for being violent.
 15 Q. You mean lockdown?
 16 A. Lock down, yeah.
 17 Q. In your experience, you worked there for 12
 18 years, has there been a negative impact on the
 19 security facility in reducing the amount of time that
 20 the juvenile may be put on lockdown?
 21 A. Yes.
 22 Q. What is your opinion on that?
 23 A. There's no deterrent. I've heard kids say,
 24 if I can clock that kid over there and do a couple of
 25 booklets and be out by lunch, I'm going to do it.

1 they go to bed. Unless they choose to go to lockdown
 2 or unless they do something to where they need to be
 3 locked down, which is usually something violent.
 4 Q. When you say we look bad, who do we look bad
 5 to?
 6 A. Performance-based standards. Because those
 7 are always kind of the hours that are shoved at us.
 8 Like, our hours are too much. We had this many kids
 9 in their room.
 10 I don't look at it that way. Every
 11 situation is separate with each juvenile. I know
 12 myself, I would not just go lock down a bunch of
 13 kids. I know I'm ethical in my job. And because
 14 it's easier, I'm not going to lock down a bunch of
 15 kids. And I'm not going to allow my coworkers to do
 16 that either.
 17 Q. When you say performance-based standards in
 18 that context, is it your understanding that there's a
 19 group that monitors these things?
 20 A. There's a group that comes in. I don't
 21 think it's law binding. But it's a group that
 22 watches over to make sure you're doing the right
 23 thing. If the hours start to get up, then they start
 24 talking about our PBS numbers. It's going to look
 25 bad.

1 It's very hard to do my job that way,
 2 because every situation is individual.
 3 Q. Is that the Council for Juvenile Corrections
 4 Administrators? The group you're talking about that
 5 administers PBS?
 6 A. Yes.
 7 Q. Is it your understanding that
 8 Director Harrigfeld is an officer of that group?
 9 A. Yes, I've heard that.
 10 Q. Is it your belief that in reducing the
 11 amount of time that violent juveniles are put on
 12 lockdown, that jeopardizes the security of the
 13 facility?
 14 A. It does.
 15 Q. And safety of the staff?
 16 A. Yes.
 17 Q. And the juveniles?
 18 A. Yes.
 19 Q. Is that a good trade for looking better to
 20 the CJCA?
 21 A. No. It's also not a good trade for a
 22 juvenile that is trying to change their behaviors and
 23 their life.
 24 Q. Are you aware of any instances in which
 25 violent assaults have not been recorded properly in

1 She just got married. Sabrina Payne.
 2 Q. What do you understand happened to her?
 3 A. I understand she was in a restraint with a
 4 juvenile and got kicked in the head.
 5 Q. What did you read in her report?
 6 A. Not that she got kicked in the head. Just
 7 that the juvenile was being restrained.
 8 Q. Who would we ask about that for more detail
 9 apart from Ms. Payne herself? Who would know what
 10 happened or --
 11 A. What really happened? Or what was in the
 12 report?
 13 Q. Sure.
 14 A. I would say the first place would be to look
 15 at the report and who wrote the report. That first
 16 person on the report is supposed to be the first
 17 staff on a situation.
 18 Q. First responder?
 19 A. First responder or the staff that is there
 20 when the situation occurred.
 21 Q. Since Ms. Grimm left or retired last fall,
 22 do you still fear criticizing Ms. Roters?
 23 A. Yes.
 24 Q. Same question for criticizing the department
 25 in general?

1 incident reports?
 2 A. I would say that sometimes things disappear.
 3 Q. What do you mean?
 4 A. Reports either disappear or are changed. I
 5 know we had one juvenile that was sent to county that
 6 ended up committing suicide. And his reports were
 7 missing.
 8 Q. Is that Eric?
 9 A. Yes. With an A, yeah. There was another
 10 very serious situation where a teacher was kicked in
 11 the head, and that report was not -- it didn't
 12 narrate what really happened.
 13 Q. Have you read the report?
 14 A. Yes.
 15 Q. And are you aware of what happened?
 16 A. Yes.
 17 Q. How so?
 18 A. Well, I was not at the situation, and I was
 19 told what happened by a coworker. But I've always
 20 seen the effects that the teacher had when they came
 21 back.
 22 Q. What were those?
 23 A. She talked like a child.
 24 Q. Who was the coworker?
 25 A. Her name is Ms. -- I'm so bad with names.

1 A. Yes.
 2 Q. With respect to the rumors about Ms. Roters
 3 being suspended, can you tell me more about what
 4 happened there?
 5 A. Sure. As I said earlier, she was due back
 6 on a Wednesday, and it was Friday and she still
 7 wasn't back yet. I had heard -- and I don't know who
 8 said it. I heard that she had been suspended for
 9 something.
 10 And that evening in the booth
 11 Ms. Alanna Kimmel and Bob Gunion were in the booth.
 12 And I said, did anyone hear that Ms. Roters got
 13 suspended? Because she was supposed to be back
 14 Wednesday and it's Friday and she is not back. And
 15 they were both like, I haven't heard anything. I let
 16 it go.
 17 Then she approached me and said one of your
 18 coworkers sent me an email and said that you were
 19 spreading rumors that I was suspended. She said, it
 20 really hurt my feelings. I said, for one thing I do
 21 not want to hurt your feelings. That's not something
 22 I enjoy doing. I said, you weren't there and I had
 23 heard it.
 24 And she goes, well, you were spreading a
 25 rumor. And I said, no, I wasn't. That was not my

1 intent. We went back and forth.
 2 I sent her an email and asked her to
 3 respond. We went back and forth, and I don't
 4 think -- I think we agreed to disagree, because she
 5 felt like I was spreading the rumor. I felt like I
 6 was fact finding.
 7 The one thing that did bother me is it
 8 showed up in my evaluation. And she had she said she
 9 was coming to me as a coworker, which would be like
 10 myself going to one of my equals and saying, hey this
 11 bothered me when you did this. I'm obviously not
 12 going to write them up for that or talk to the
 13 superintendent about that. That's a coworker
 14 situation.
 15 Q. Kind of off-the-record situation?
 16 A. Yeah. But yet it came up in my eval, and I
 17 thought that was wrong. And I explained to her it's
 18 not my intention to hurt your feelings.
 19 Q. When was it that you raised that question to
 20 your coworkers, when you asked them if they heard
 21 anything? Was it before or after Betty Grimm left?
 22 A. It was after. Because Lynn was already
 23 there.
 24 Q. Okay. And is it fair to say at that point
 25 you still were concerned about the negative effects

1 I said, I have them. That's my confidential
 2 information and I was really surprised to see it
 3 laying out here on the desk where staff and kids
 4 could see it.
 5 She said, well, I need it. I gave it to her
 6 and again told her how unhappy I was that it was
 7 sitting out where juveniles and other staff could see
 8 it. I asked her why she even had it, and she said
 9 that she keeps track of everybody like that.
 10 Q. Was this before or after the lawsuit was
 11 filed?
 12 A. After. This was a couple of weeks ago. Two
 13 or three weeks ago.
 14 Q. Are you aware of an issue with Dr. Pines,
 15 Richard Pines, in the facility?
 16 A. Yes.
 17 Q. What do you know about that?
 18 A. We had a man named Clinton M. He, as
 19 well, has been in a few different programs. When he
 20 was in O & A, he had Dr. Pines on his contact list.
 21 And a staff in O & A went to Betty and said, this guy
 22 is being investigated right now for lewd and
 23 lascivious acts. We probably shouldn't let him in.
 24 Q. Do you know who that staff was?
 25 A. I did not. I want to say Dianne Carnell.

1 of criticizing Laura Roters?
 2 A. Yes.
 3 Q. Did Laura Roters leave confidential
 4 information about you in juvenile spots?
 5 A. Yes, she did.
 6 Q. What happened there?
 7 A. I came in to work on a Friday, and this
 8 actually was two or three weeks ago. And when we get
 9 there, we decide what pod we're going to take. I
 10 decided I'd take south pod. And I went into the pod.
 11 And the first thing I usually do is straighten my
 12 working area, because I like to be really organized.
 13 I picked up these papers, and I saw my name
 14 on them. They were calendars graphing when I had
 15 called in sick. And when I saw them I was like, what
 16 are these doing in here?
 17 I carry a bag with my stuff in it for --
 18 with my kind of plans and stuff, anything I want to
 19 do with the kids. I put it on top of that bag. And
 20 about an hour later Laura came in and started looking
 21 around the desk. I didn't say anything. And she
 22 said, did you see some papers laying here? And I go,
 23 what were they? She said, they were papers. I said,
 24 did they have my name on them? And she laughed and
 25 said yes.

1 It was back when Tom was still there, but I'm not
 2 really sure. And Betty went ahead and let Dr. Pines
 3 come in and visit
 4 Q. This was prior to May or June of 2012?
 5 A. Yes.
 6 Q. That's when Betty was advised of this?
 7 A. Yes. More recently, I read some minutes
 8 from Solutions, and they had approved to let --
 9 is now in the Solutions unit. They approved
 10 to let him have a picture of Dr. Pines.
 11 Q. Who is Dr. Pines?
 12 A. He was a foster father to him.
 13 Q. Okay.
 14 A. Until he got his fostering parent license
 15 revoked.
 16 Q. And do you know when the last time Dr. Pines
 17 was allowed in the facility to visit
 18 A. I do not.
 19 Q. But it was after Betty Grimm was made aware
 20 that --
 21 A. Yes. Betty Grimm gave the go ahead for
 22 Dr. Pines to come in and visit.
 23 Q. After she was made aware of the allegations
 24 and the investigation?
 25 A. Right.

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1 Q. Are juveniles allowed to wear gang colors in
 2 the facility?
 3 A. Yes.
 4 Q. Is that a security problem?
 5 A. Yes.
 6 Q. How so?
 7 A. Obviously we want the juveniles to change.
 8 That doesn't include gang activity. We want the
 9 juveniles to change their core values. Again, that
 10 doesn't include gang activity.
 11 Some of the juveniles -- we know they're
 12 questioned when they come in if they have any gang
 13 ties. And all of that is in their files. So we know
 14 what gang they were attached to when they came in.
 15 A lot of them are not willing to give up
 16 those values and ties. And I have seen quite a few
 17 of them allowed to wear mostly red and navy blue T
 18 shirts, shorts, shoes, hats.
 19 Q. With respect to timecard padding or forgery,
 20 are you aware of any incidents in which employees are
 21 being paid for time they're not working?
 22 A. Back when I was a transport coordinator, a
 23 lot of times when we would need help with transports,
 24 Betty would ask me to talk to Dave Rohrbach or send
 25 him an email. And there were a lot of times that

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1 Dave Rohrbach said he was working from home. I would
 2 send him an email, and he wouldn't respond to me.
 3 There's a lot of rumors that Debbie Siegel
 4 spent a lot of time working from home. It's become a
 5 facility joke that you're going to be working from
 6 home. Because a lot of times when people are working
 7 from home, you try to get ahold of them, and you
 8 can't. I don't think there's any level of
 9 supervision there. And I think a lot of people were
 10 able to pad hours with that.
 11 (Discussion held off the record.)
 12 (Recess taken.)
 13 (Exhibit 35 marked.)
 14 Q. (BY MR. SCHOPPE) Back on the record. So
 15 you've testified that you feel you were retaliated
 16 against for speaking out against the facility and
 17 management. Is that fair to say?
 18 A. Yes.
 19 Q. Has anyone else ever told you that they
 20 thought you were retaliated against?
 21 A. Yes.
 22 Q. Who said that?
 23 A. Darla Crespin, Dianne Carnell,
 24 Rhonda Ledford, Shane Penrod, Gracie Reyna.
 25 Q. Scott Horn?

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1 A. Scott Horn.
 2 Q. What does he do?
 3 A. He is no longer with the department. He
 4 used to be the transport coordinator for St. Anthony
 5 when I was the transport coordinator for Nampa.
 6 MR. SCHOPPE: I think I'm all done for now.
 7 If you have any other questions, go ahead.
 8 MS. FONTAINE: I'll try to be quick.
 9 FURTHER EXAMINATION
 10 BY MS. FONTAINE:
 11 Q. I have one more exhibit I wanted to make
 12 sure we address. This is Exhibit 119. Could you
 13 please review the first page of that and identify it?
 14 Is that an email?
 15 A. Yes.
 16 Q. What is the date on the top of that?
 17 A. The date is October 11, 2012.
 18 Q. And does that email include Betty Grimm's
 19 response regarding the opening of the unit management
 20 position in O & A, or lack of opening?
 21 A. Yes.
 22 Q. That's all I wanted to ask about it. Thank
 23 you.
 24 With respect to contraband in the facility,
 25 did you raise concerns with anyone regarding

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1 contraband and specifically the box cutter?
 2 A. Yes, I did with Mark Freckleton, who is the
 3 safety security supervisor.
 4 Q. Did you do that verbally?
 5 A. Yes.
 6 Q. And did you have any adverse employment
 7 action taken against you after you reported your
 8 concerns?
 9 A. No.
 10 Q. And did he take any action to remedy the
 11 issue that you raised?
 12 A. I'm unsure.
 13 Q. With respect to policy changes and the
 14 changes in the implementation of Policy 608, did you
 15 express concerns about those changes?
 16 A. Policy 608, is that juvenile supervision?
 17 Q. Yes.
 18 MR. SCHOPPE: We marked that for the record
 19 as Exhibit 135.
 20 WITNESS: No.
 21 Q. (BY MS. FONTAINE) With respect to suicide
 22 watch, have you expressed concerns to a supervisor or
 23 manager regarding the way suicide watches are run?
 24 A. The way they're run?
 25 Q. The way that you perform a suicide watch,

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1 your concerns about them?
 2 A. I've brought forward my concerns of not
 3 having enough staff to do the checks.
 4 Q. And to whom did you --
 5 A. Laura Roters. In the past Tom Knoff.
 6 Q. Not specifically with regard to suicide,
 7 more related to staffing encompassing suicide?
 8 A. No. I believe I've discussed with them the
 9 actual monitoring of juveniles under suicide watch.
 10 Q. Was any adverse employment taken against you
 11 after you expressed that concern?
 12 A. I wasn't written up or fired or anything
 13 like that.
 14 Q. Do you know if there's been any remedial
 15 action on suicide watch practices?
 16 A. You mean has any employee been reprimanded?
 17 Q. No. Have there been any changes in the way
 18 that you perform the suicide watches since you've
 19 raised these concerns?
 20 A. No.
 21 Q. You indicated that -- I believe it was
 22 Darla Crespin indicated that Roters was there to
 23 clean house. Is Crespin the only source of your
 24 knowledge of that phrase?
 25 A. No. I've heard it a few times. I can't be

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1 certain. It was a pretty big phrase that went around
 2 when Laura Roters was brought down to O & A. But I
 3 do specifically remember Darla Crespin.
 4 Q. Sort of a rumor that was circulating?
 5 A. Yes.
 6 Q. Do you know that "clean house" related
 7 specifically to terminations, or could it have
 8 applied to a change in managerial style?
 9 A. It was meant as getting rid of employees
 10 that they did not want there any longer.
 11 Q. You indicated that Betty Grimm's statement
 12 deterred you from formally grieving your issues or
 13 submitting any problem solving?
 14 A. It was one of the reasons. I think I've
 15 said before that I don't have any faith in the
 16 problem solving because of past experiences. Even
 17 before Laura Roters came up. But when the
 18 superintendent gives you an ultimatum that you either
 19 follow this or find a new job, there's not much room
 20 for you to have any sort of conversation.
 21 Q. Do you consider the problem solving would
 22 have been a conversation?
 23 A. Problem solving usually starts with
 24 conversation.
 25 Q. Prior to you hearing this statement about

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1 supporting Ms. Roters or finding a new job, you had
 2 not used a problem solving procedure prior to that
 3 statement as well?
 4 A. No.
 5 Q. With respect to Ms. Grimm, you seeing
 6 Ms. Grimm give an inmate or a juvenile \$20, did you
 7 ever report that or communicate that to anyone?
 8 A. I believe I told my supervisor at the time,
 9 Tom Knoff.
 10 Q. And did he take any adverse employment
 11 action against you after you reported that?
 12 A. No.
 13 Q. Do you know if he took any action upon --
 14 A. I do not know.
 15 Q. You had mentioned M.
 16 A. Uh-huh.
 17 Q. Is he the one that you were showing the
 18 flyer to in July of 2012?
 19 A. Yes.
 20 Q. Would you consider -- was the flyer a
 21 multi-page --
 22 A. Uh-huh.
 23 Q. -- advertisement?
 24 A. Yeah.
 25 Q. Would you consider that to be breach of the

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1 eyes-on policies that have been implemented?
 2 A. I could see that that would be. My concern
 3 with that was that two of my coworkers had stated
 4 that Laura Roters saw them reading a book and a
 5 magazine and did nothing. So that's why I felt
 6 targeted.
 7 Because she brought me in and gave me a
 8 verbal warning. When she just -- with the other two
 9 that were -- actually, I think reading a book is more
 10 intense than looking at an advertisement. But she
 11 didn't do anything to those two. That's why I felt
 12 targeted.
 13 Q. You know for certain she never spoke to
 14 them?
 15 A. Both of them have told me that she didn't
 16 speak to them about it.
 17 Q. Do you consider a verbal warning an adverse
 18 employment action?
 19 A. Yes, I do.
 20 Q. So with respect to the control booth, did
 21 you ever communicate your concerns regarding the
 22 control booth to any supervisor or manager?
 23 A. Yes, I did.
 24 Q. Who did you report that to?
 25 A. Tom Knoff.

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1 Q. Was there any adverse employment action
 2 taken against you as a result of reporting that?
 3 A. No.
 4 Q. Do you know if there were any changes made
 5 after you reported that?
 6 A. Not right away.
 7 Q. With respect to lockdown and the deterrent
 8 effect, do you keep up-to-date on research based
 9 publications on the deterrent effect for juveniles?
 10 A. Yes.
 11 Q. And what information do you review?
 12 A. We're usually sent information from our
 13 clinicians on new strategies. I believe at the time
 14 Ms. Rhonda Smythe had gathered a bunch of information
 15 on other states and other facilities and how they
 16 handle things.
 17 Q. All related to --
 18 A. To --
 19 Q. To deterring juveniles in a violent state of
 20 mind?
 21 A. Yes.
 22 Q. Regarding Dr. Pines, did you ever
 23 communicate your concern of his visitation with the
 24 juvenile to any manager or supervisor?
 25 A. It was discussed in one of our team meetings

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1 with Tom Knoff.
 2 Q. Was any adverse employment action taken as a
 3 result of that discussion?
 4 A. No.
 5 Q. Same question with time padding and forgery.
 6 Have you ever reported that to a supervisor or
 7 manager?
 8 A. I remember telling Tom Knoff, who was my
 9 supervisor at the time, that I couldn't get ahold of
 10 Dave Rohrbach, and he was supposed to be working from
 11 home. And that I was trying to get ahold of him and
 12 I could not. I remember doing that a few times.
 13 Q. And was any adverse employment action taken
 14 against you for speaking to Mr. Knoff about trying to
 15 get ahold of Mr. Rohrbach?
 16 A. I'm not sure if -- I don't think Mr. Knoff
 17 had any adverse -- but I think the situation of
 18 trying to get those transport drivers roles filled
 19 had a definite effect.
 20 Q. Going back to Ms. Grimm's statement about
 21 supporting Laura Roters. She is no longer at the
 22 Idaho Department of Juvenile Corrections; is that
 23 correct? Yet you still feel you cannot express
 24 concerns?
 25 A. Laura Roters was in the meeting.

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1 Laura Roters was my supervisor. And Laura Roters has
 2 made statements such as, I always get my way at work
 3 and at home. So my answer would be, yes, I still
 4 feel that speaking out is probably not the best -- in
 5 my best interest.
 6 Q. Was the terminology used during that meeting
 7 to support Laura Roters, anybody who does not support
 8 Laura Roters? Was that the terminology used?
 9 A. Yes.
 10 Q. One final question. I apologize for the
 11 obviousness of this. You've never used the problem
 12 solving grievance procedure indicated in the policies
 13 of the handbook. That being the case, how do you
 14 know they wouldn't have worked?
 15 A. Again, since I work for the department, I've
 16 gone through two situations of harassment. Both
 17 times I've been turned on by HR. I've talked to two
 18 HR people who have not gotten back to me on things I
 19 brought to them. Would you believe that anyone was
 20 really trying to help you in those situations?
 21 MS. FONTAINE: Strike that as nonresponsive.
 22 You have to answer it as --
 23 WITNESS: I understand that. But I think I
 24 made it very clear that I have a very big lack of
 25 trust with the administration and human resource

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1 department of Idaho Department of Juvenile
 2 Corrections. I don't think that a problem solving --
 3 I think it's a waste of time. I will not do it.
 4 MS. FONTAINE: Thank you. That's all I
 5 have.
 6 MR. SCHOPPE: I have a couple.
 7 FURTHER EXAMINATION
 8 BY MR. SCHOPPE:
 9 Q. You started to provide a further answer
 10 about adverse employment action in the context of a
 11 verbal warning. Do you remember what you were
 12 about to say -- it was a few minutes ago when you
 13 were asked about whether you considered a verbal
 14 warning to be an adverse employment action?
 15 A. Yes, I do. Because it's documented. When
 16 she gave me a verbal warning, she sent me a synopsis
 17 of what happened. It also showed up in my
 18 evaluation.
 19 Q. With respect to problem solving or grievance
 20 procedures, has anyone else expressed to you that
 21 they too believe the problem solving process and
 22 grievance procedure is futile?
 23 A. Yes.
 24 Q. Who said that?
 25 A. Futile, meaning -- like it doesn't work?

1 Q. Yes. Ineffective.
 2 A. Yes. Sorry.
 3 Q. Who said that?
 4 A. Quite a few people. I've sat in on
 5 Shane Penrod's. I saw it not work. Rhonda Ledford
 6 has tried it. I've seen hers not work. It all goes
 7 back to this is the way it's done, and you better not
 8 cause any waves. And you better not have an opinion
 9 that is different than ours.
 10 Q. And with respect to your concerns about
 11 criticizing the administration in the department or
 12 Laura Roters specifically, is it your belief that
 13 Laura Roters has the same kind of support from
 14 Director Harrigfeld as she did from
 15 Superintendent Grimm?
 16 A. Yes.
 17 Q. And why do you believe that?
 18 A. Because I believe that she was put in that
 19 position and I'm not -- Betty Grimm was the one
 20 saying you will do what Laura says. But I do believe
 21 it was the director that wanted Laura in that
 22 position and wanted Laura to clean house.
 23 Q. That's your impression?
 24 A. That's my impression.
 25 MR. SCHOPPE: That's all I have.

1 CERTIFICATE OF WITNESS
 2 I, Lisa Littlefield, being first duly sworn,
 3 depose and say:
 4 That I am the witness named in the foregoing
 5 deposition; that I have read said deposition and know
 6 the contents thereof; that the questions contained
 7 therein were propounded to me; and that the answers
 8 contained therein are true and correct except for any
 9 changes that I may have listed on the Errata Sheet
 10 attached hereto.
 11 DATED this ____ day of _____, _____.
 12
 13 CHANGES ON ERRATA SHEET YES ___ NO ___
 14
 15 _____
 16 Lisa Littlefield
 17
 18 SUBSCRIBED AND SWORN to before me this ____ day of
 19 _____, 20____.
 20
 21 _____
 22 NAME OF NOTARY PUBLIC
 23 NOTARY PUBLIC FOR _____
 24 RESIDING AT _____
 25 MY COMMISSION EXPIRES _____

1 MS. FONTAINE: Nothing further.
 2 (The deposition concluded at 4:22 p.m.)
 3 (Signature requested.)
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1 Errata Sheet For Lisa Littlefield
 2
 3 PAGE ___ LINE ___ REASON FOR CHANGE _____
 4 READS _____
 5 SHOULD READ _____
 6
 7 PAGE ___ LINE ___ REASON FOR CHANGE _____
 8 READS _____
 9 SHOULD READ _____
 10
 11 PAGE ___ LINE ___ REASON FOR CHANGE _____
 12 READS _____
 13 SHOULD READ _____
 14
 15 PAGE ___ LINE ___ REASON FOR CHANGE _____
 16 READS _____
 17 SHOULD READ _____
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 19 PAGE ___ LINE ___ REASON FOR CHANGE _____
 20 READS _____
 21 SHOULD READ _____
 22
 23 PAGE ___ LINE ___ REASON FOR CHANGE _____
 24 READS _____
 25 SHOULD READ _____
 26
 27 WITNESS SIGNATURE: _____

1 REPORTER'S CERTIFICATE

2 I, DIANA L. DURLAND, CSR No. 637, Certified
3 Shorthand Reporter, certify:

4 That the foregoing proceedings were taken
5 before me at the time and place therein set forth, at
6 which time the witness was put under oath by me;

7 That the testimony and all objections made
8 were recorded stenographically by me and were
9 thereafter transcribed by me or under my direction;

10 That the foregoing is a true and correct
11 transcript of all testimony given, to the best of my
12 ability;

13 I further certify that I am not a relative
14 or employee of any attorney or of any of the parties,
15 nor financially interested in the action.

16 IN WITNESS WHEREOF, I set my hand and seal
17 this 19th day of September, 2013.

18
19
20
21 _____
22 DIANA L. DURLAND, CSR No. 637
23 Notary Public
24 Boise, Idaho

25 My Commission Expires 12-16-16

EXHIBIT G

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual;.)	
RAYMON GREGSTON, an individual; JO)	
MCKINNEY, an individual; SHANE)	
PENROD, an individual; KIM MCCORMICK,)	Case No. 1:12-cv-00326-BLW
an individual; BOB ROBINSON, an)	
individual; and GRACIE REYNA, an)	
individual,)	
Plaintiffs,)	
vs.)	
IDAHO DEPARTMENT OF JUVENILE)	
CORRECTIONS, an executive department)	
of the State of Idaho; IDJC DIRECTOR)	
SHARON HARRIGFELD, in her individual)	

Caption Continued...

DEPOSITION OF ADDISON FORDHAM

OCTOBER 15, 2013

REPORTED BY:

MONICA M. ARCHULETA, CSR NO. 471

NOTARY PUBLIC

Page 2

1 and official capacities; IDJC)
 2 JUVENILE CORRECTIONS CENTER - NAMPA)
 3 SUPERINTENDENT BETTY GRIMM, in her)
 4 individual and official capacities;)
 5 and DOES 1-20,)
 6 Defendants.)
 7 _____)
 8)
 9
 10
 11 THE DEPOSITION OF ADDISON FORDHAM was taken on
 12 behalf of the Defendants at the offices of Anderson
 13 Julian & Hull, 250 South Fifth Street, Suite 700, Boise,
 14 Idaho, commencing at 10:00 a.m. on October 15, 2013,
 15 before Monica M. Archuleta, Certified Shorthand Reporter
 16 and Notary Public within and for the State of Idaho, in
 17 the above-entitled matter.
 18
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 22
 23
 24
 25

Page 3

1 APPEARANCES:
 2 For the Plaintiffs:
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 8 For the Defendants:
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 11 C.W. Plaza
 12 250 South Fifth Street, Suite 700
 13 P.O. Box 7426
 14 Boise, Idaho 83707-7426
 15
 16 ALSO PRESENT: Nancy Bishop
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1 ADDISON FORDHAM,
2 first duly sworn to tell the truth relating to said
3 cause, testified as follows:

4
5 EXAMINATION
6 QUESTIONS BY MR. COLLAER:

7 Q. Let the record reflect this is the time and
8 place scheduled for the taking of the deposition of
9 Addison Fordham. The witness is present represented by
10 counsel.

11 Mr. Fordham, can you please state your full
12 name and spell the last for the record, please?

13 A. Addison Wayne Fordham, F-o-r-d-h-a-m.

14 Q. And, Mr. Fordham, have you ever had your
15 deposition taken before?

16 A. No.

17 Q. I presume that you have spoken with your
18 attorney about this in preparation for today. But just
19 as a background, what we are going to be doing is I'm
20 going to be asking you a series of factual questions
21 about the allegations in the complaint and what you may
22 or may not know about the events alleged in the
23 complaint. What I'm seeking is your personal knowledge
24 of events. I'm not asking you to guess or assume
25 anything. So if I ask you a question that you just

1 Q. But if I ask you a question and you answer it
2 I'm going to assume that you understood it. Is that
3 fair?

4 A. Fair.

5 Q. Mr. Fordham, could you give me just a
6 background of your formal education from high school
7 forward?

8 A. I graduated from North Salinas High School in
9 California in 1991. I don't recall the year, but I
10 think it was '96 to '97 I went to Hartnell Community
11 College there in California, as well. And I guess you
12 could say I took a break until 2001, where I started
13 back up again at the University of Montana in Missoula.
14 And I was there for a year and transferred from there to
15 BSU and finished up and got my bachelor of science in
16 criminal justice administration with an emphasis in
17 juvenile justice in 2006.

18 Q. All right. Any further education you have
19 done since you got your B.S. degree in 2006?

20 A. Schoolwork?

21 Q. No. What I'm interested in is anything
22 towards a master's or any other type of advanced degree.

23 A. Nothing like that.

24 Q. Any specialized training you have done in
25 connection with your job?

1 don't -- a factual question you don't know the answer to
2 don't hesitate to tell me you don't know or you just
3 don't recall. But I don't want you to guess about
4 facts. Okay?

5 A. Okay.

6 Q. Tell me what you actually remember.

7 A. Right.

8 Q. During the deposition if you need to take a
9 break for any reason just let me know. This isn't
10 intended to be a marathon. We will try to make it as
11 pleasant as possible, but I know there is things people
12 would rather be doing than sitting here answering
13 questions from lawyers. The only caveat I would put on
14 that is if you -- if there is a pending question I'm
15 going to ask that you answer the question that is
16 pending before you take the break. But outside that
17 just let me know and we can take breaks as often as you
18 need.

19 A. That's fine.

20 Q. Also, during the deposition, if I ask you a
21 question that you don't understand or you feel you need
22 some explanation please let me know that. And I'll be
23 happy to rephrase the question or explain my question so
24 that we can understand each other. Okay?

25 A. Okay.

1 A. All the regular training classes that are
2 required to keep us certified and employed. The POST
3 certification classes and things like that.

4 Q. When did you become POST certified?

5 A. I don't recall the exact date. It was right
6 when the department was having the push to get -- make
7 sure everybody was certified. 2008, maybe. 2009.

8 Q. Okay.

9 A. I believe.

10 Q. So somewhere in 2008, 2009? In that time
11 frame?

12 A. Correct.

13 Q. And when you became POST certified did you
14 attend a class at the academy where you were there for a
15 number of days? Or a week or two? Or were you just
16 there on an intermittent basis?

17 A. I had already been working with the
18 department. So we were allowed to challenge POST.
19 There were a few classes that we had to take that -- I
20 don't know if "new" is the correct word, but that hadn't
21 been offered before in order to complete the POST
22 certification. And I believe all of those were taken at
23 the facility.

24 Q. You say "at the facility." At Nampa?

25 A. Nampa facility; yes. And then there was a

1 test that was proctored by I believe Marcy Chadwell.
 2 The POST liaison person.
 3 Q. And what have you had to do to maintain your
 4 POST certification since you first achieved it?
 5 A. I believe it is just keeping up with the
 6 training as they are required to be retaken. Refreshed.
 7 Q. And specifically what were you POST certified
 8 in?
 9 A. As far as I know it was Idaho Juvenile
 10 Corrections POST Academy.
 11 Q. And currently you are employed by the
 12 Department of Juvenile Corrections?
 13 A. Correct.
 14 Q. And how long have you worked for the
 15 department?
 16 A. Since December of 2006.
 17 Q. And what position were you hired to?
 18 A. I was initially hired as a safety and security
 19 officer. An SSO.
 20 Q. And how has your job changed since you were
 21 first hired in 2006?
 22 A. I applied for and was promoted to a
 23 rehabilitation technician I believe in August of 2007.
 24 I started out in the Choices program. And I was there
 25 for about three months, I believe. And then I

1 Four tens.
 2 Q. And was that the only unit in the facility
 3 that had the ten-hour shifts?
 4 A. Yes.
 5 Q. Tell me, since you have been at O&A are you
 6 still a rehab tech?
 7 A. Yes.
 8 Q. Has your job been promoted or has it changed
 9 in any respects since you moved over to that unit?
 10 MR. SCHOPPE: Objection. Vague and ambiguous.
 11 You can answer.
 12 Q. (BY MR. COLLAER) Go ahead.
 13 A. My title hasn't changed; no.
 14 Q. Has your specific job duties changed?
 15 A. In regards to the fact that we are there to
 16 observe and assess and report on the juveniles, no.
 17 Q. When you first came to the department what was
 18 your rate of pay?
 19 A. I believe somewhere in the \$11.00 range.
 20 Actually, it may have even been less than that. I want
 21 to say \$10.67 an hour.
 22 Q. Approximately?
 23 A. Approximately, yeah.
 24 Q. I assume you got -- you achieved a pay raise
 25 when you were promoted to rehab tech?

1 transferred down to O&A, observation and assessment, and
 2 I have been there since.
 3 Q. When you say you transferred to O&A what did
 4 that process entail?
 5 A. I spoke with Mr. Tom Knoff and that was about
 6 it for my part.
 7 Q. It wasn't an open position you applied for and
 8 competed for and interviewed for with everybody else?
 9 A. No.
 10 Q. At the time was there an open position at O&A?
 11 A. Yes.
 12 Q. When you transferred did you need the approval
 13 of your supervisor at Choices?
 14 A. I would assume so; yes.
 15 Q. And at the time who was your supervisor at
 16 Choices?
 17 A. There were two. There was Jim Smutny. And
 18 there was Dave Rohrbach.
 19 Q. And do you recall if there was any
 20 disagreement or blockage to your desire to move to O&A?
 21 A. None that I was aware of.
 22 Q. And why did you want to move to O&A?
 23 A. They had a much better schedule.
 24 Q. And what was that schedule?
 25 A. They had a fixed schedule. Nonrotating.

1 A. Correct.
 2 Q. Did you have any pay raises from the time you
 3 first became an SSO until you became a rehab tech?
 4 A. While I was still an SSO?
 5 Q. Yes.
 6 A. I had one when I completed my six-month
 7 probation.
 8 Q. How much of a bump was that?
 9 A. Approximately 50 cents an hour, I think.
 10 Somewhere around there.
 11 Q. To your knowledge, is that consistent with
 12 what other SSO's who had completed their probation
 13 experienced?
 14 A. I have no idea.
 15 Q. You don't know if you were treated any
 16 differently?
 17 A. No.
 18 Q. Do you have any reason to think you were
 19 treated any differently?
 20 A. No. Not at that time.
 21 Q. When you were promoted to the rehab tech
 22 position in 2007 how did your rate of pay change?
 23 A. It was a different classification of jobs. So
 24 I went in at the minimum for that class. I think it
 25 was -- I think that was the \$11 and something cents an

1 hour.
 2 Q. Was it a significant pay raise from when you
 3 were an SSO?
 4 A. Yeah, I guess I would say it was relatively
 5 significant.
 6 Q. Do you recall how much that translated as far
 7 as an increase on a monthly basis to you?
 8 A. I don't recall.
 9 Q. Since you have been a rehab tech have you
 10 experienced pay raises since then?
 11 A. I believe we had another reclassification
 12 where they determined that -- it was my understanding
 13 that the entire state was reclassifying positions. And
 14 so we had what I considered at the time a -- I would
 15 call it a cost of living increase across the board. And
 16 I believe I have also had another raise.
 17 Q. Was the additional raise that you received a
 18 merit raise? Or something that was across the board?
 19 A. It was based on my evaluation. So I would
 20 think that was considered a merit raise.
 21 Q. Has your pay ever been decreased since the
 22 time you have been a rehab tech?
 23 A. As in my hourly rate? No, that has never been
 24 decreased.
 25 Q. Have your benefits been decreased in any

1 guess. An online exam concerning my qualifications.
 2 And then I received an invitation to an interview. And
 3 then I had a second interview shortly after that. And
 4 then I received a call with a job offer and everything
 5 that goes with that.
 6 Q. Your first interview, do you recall the folks
 7 that you interviewed with?
 8 A. I don't recall. It was a panel.
 9 Q. Do you recall how many people were on the
 10 panel?
 11 A. Three or four, possibly.
 12 Q. And where did that interview take place?
 13 A. At the Nampa facility.
 14 Q. After you completed your interview on that day
 15 were you given a tour?
 16 A. Not that day. On my second interview I was
 17 given a tour.
 18 Q. Were you there with a number of candidates who
 19 were interviewing for the same job? And we are focusing
 20 on the first interview now.
 21 A. There might have been another person waiting
 22 in the lobby when I left.
 23 Q. Do you have any idea how many people
 24 interviewed on that first round of interviews?
 25 A. I don't.

1 respect?
 2 A. No.
 3 Q. Have your benefits been expanded? When I'm
 4 talking about benefits I mean your sick leave, vacation,
 5 medical, those types of things.
 6 A. Only what is normal. Once I reached my
 7 five-year time period everybody is bumped up at five
 8 years.
 9 Q. So correct me if I'm mistaken my assumption is
 10 as far as benefits and pay -- except for your merit pay.
 11 Your benefits, as far as you know, you have been treated
 12 the same as other similarly-situated employees?
 13 A. As far as I know.
 14 Q. Are you aware of any raises that you have been
 15 passed over for?
 16 A. No.
 17 Q. Do you recall when you first applied for
 18 employment at IDJC?
 19 A. I was hired in December of 2006. And it
 20 probably wasn't too much before that that I actually
 21 applied. Maybe two weeks.
 22 Q. Can you describe for me as best you can recall
 23 the application process?
 24 A. I had the application process online. I had
 25 to fill out my qualifications and complete a quiz, I

1 Q. Was it your understanding you were not the
 2 only interviewee?
 3 A. Correct.
 4 Q. All right. The second interview. Was that
 5 with a panel, also?
 6 A. No. That was with Larry Callicutt.
 7 Q. And do you know how many people were given
 8 second interviews?
 9 A. I do not.
 10 Q. Was it your understanding there were more
 11 people than yourself?
 12 A. I would assume so.
 13 Q. You don't know for certain?
 14 A. I don't know for certain.
 15 Q. That's fine. How long did you and Mr.
 16 Callicutt speak during this second interview?
 17 A. Twenty, 30 minutes, maybe.
 18 Q. And what do you recall the two of you talking
 19 about?
 20 A. I just recall basic interview questions. What
 21 was my background. Schooling. Things like that.
 22 Q. When you finished your interview with
 23 Mr. Callicutt did he give you any indication of whether
 24 he was going to offer you a job?
 25 A. Not that I recall.

1 Q. How soon after the second interview were you
 2 contacted and offered a position?
 3 A. Within the week, possibly.
 4 Q. Do you recall who contacted you and offered
 5 you the job?
 6 A. It was my soon-to-be supervisor, Aaron Thomas.
 7 Q. And the position you understood you were going
 8 to be working at was a safety and security officer?
 9 A. Correct.
 10 Q. And what did you understand your job duties in
 11 that position were going to be?
 12 A. The graveyard shift from 10:00 p.m. to 6:00
 13 a.m. Making sure that the facility remained secure.
 14 And that the juveniles were safe and secure. And doing
 15 well-being checks and things like that.
 16 Q. Other than working at the Nampa Juvenile
 17 Corrections have you had any other experience or
 18 background in any form of corrections?
 19 A. No.
 20 Q. Whether it be county, local jails or in the
 21 state system?
 22 A. Nothing.
 23 Q. No internship or anything of that nature while
 24 you were in college?
 25 A. I did an internship with U.S. Probation and

1 Q. When you were hired did the job description
 2 that you saw online consistent with what you actually
 3 ended up doing as an SSO?
 4 A. The job description I would say was a little
 5 more broad than what I actually wound up doing. I think
 6 they were allowing for other possibilities.
 7 Q. Sure. But the duties -- the tasks that you
 8 were doing once you started work were within the scope
 9 of the duties that were in the online job description?
 10 A. Correct.
 11 Q. When you became a rehab tech did you also see
 12 a job description that had been created by the
 13 department for the rehab tech position?
 14 A. Yes.
 15 Q. Prior to transferring?
 16 A. Yes.
 17 Q. And did that job description ever change?
 18 A. Not to my knowledge.
 19 Q. Did that job description also describe the
 20 type of shifts and that type of thing that a rehab tech
 21 such as yourself may expect to work?
 22 A. Yeah, I believe so.
 23 Q. What do you recall it saying?
 24 A. I believe it said may be required to work
 25 varying shifts, weekends, holidays.

1 Parole. Excuse me. Pretrial Services.
 2 Q. In that internship were you actually at the
 3 jail and working with inmates?
 4 A. Once at the Canyon County jail. A lot of time
 5 in court. But only the once at jail.
 6 Q. When you were at the jail the one time what
 7 were you doing?
 8 A. I was with a probation officer while he was
 9 conducting an interview with an inmate.
 10 Q. Was that an inmate who was eligible or
 11 applying for probation or parole?
 12 A. I believe so. I don't recall.
 13 Q. But it was an inmate -- was that a sentenced
 14 inmate?
 15 A. Yes.
 16 Q. Or somebody awaiting trial?
 17 A. I believe he was doing a pretrial screening.
 18 Q. Have you ever been out at the state
 19 correctional facility for adults? ISCI, IMSI. Any of
 20 those facilities?
 21 A. No.
 22 Q. When you first looked online and found that
 23 the SSO job was available did you see a job description?
 24 Was that posted online?
 25 A. Yes.

1 Q. When you first became employed as an SSO were
 2 you on probation for a period of time?
 3 A. Yes.
 4 Q. What was your understanding of how long that
 5 probation would last and what did that involve?
 6 A. 1,040 hours. Six months probation. And it
 7 was time to learn the job. Take the classes that were
 8 required, the training that was required, to be
 9 compliant with the position, I guess.
 10 Q. What was your understanding of the
 11 department's ability to let you go or to terminate your
 12 employment during that probation?
 13 A. For any reason.
 14 Q. Excluding some discriminatory things.
 15 A. Correct.
 16 Q. If it was for or religion or something
 17 like that they can't do that. But for any other reason
 18 they can let you go, correct?
 19 A. Correct.
 20 Q. That was your understanding?
 21 A. Yes.
 22 Q. And you could leave also without any penalty?
 23 A. Sure.
 24 Q. After probation ended what was your
 25 understanding of what your status would be at that

1 point?
 2 A. That I was full-time safety and security
 3 officer.
 4 Q. Have you ever heard the term a classified
 5 employee?
 6 A. Yes.
 7 Q. What does that mean to you?
 8 A. I guess it would mean somebody that has
 9 completed their initial probation. Or the six-month
 10 probation time.
 11 Q. After you completed probation did you consider
 12 yourself a classified employee?
 13 A. I don't think I ever thought about it that
 14 way.
 15 Q. Maybe a better way to ask it is, it is your
 16 understanding that you then became a classified
 17 employee?
 18 A. Correct.
 19 Q. And after you became a classified employee
 20 what was your understanding of the department's ability
 21 to terminate your employment? Is it the same as -- I'm
 22 asking for your understanding. If it was the same as if
 23 you were in probation? Or did it change?
 24 A. I believe it then became that there would have
 25 to be cause shown.

1 A. I believe so.
 2 Q. Okay. And was there any interaction with the
 3 person running the orientation? Were they available so
 4 you could ask some questions about the policies?
 5 A. Probably.
 6 Q. Do you remember if you had any questions about
 7 any of the policies you reviewed and read?
 8 A. I don't believe so.
 9 Q. Who was your supervisor during your probation?
 10 A. Aaron Thomas.
 11 Q. And did Mr. Thomas continue as your supervisor
 12 after you finished your probation?
 13 A. I don't recall when, but he went back to being
 14 a rehabilitation technician.
 15 Q. During your probation did somebody work with
 16 you as somewhat of a mentor for you to follow around and
 17 learn your job for a period of time?
 18 A. Not that I recall.
 19 Q. When you first started how did you go about --
 20 or how were you trained on how to do your job?
 21 A. I was trained -- well, I had the classes. The
 22 certification and training classes. And I was trained
 23 by my coworkers.
 24 Q. Did you receive performance evaluations during
 25 your probation?

1 Q. So their discretion would be restricted?
 2 A. Correct.
 3 Q. And how did you become aware of that change or
 4 familiar with it?
 5 A. Which change?
 6 Q. The difference between a classified versus a
 7 probationary employee? How did you become aware of the
 8 distinction between those two status?
 9 A. I think through conversations with colleagues.
 10 Q. When you were first hired did you go through
 11 any kind of an orientation that addressed the various
 12 policies and procedures of the department?
 13 A. Yes.
 14 Q. And why don't you tell me about that?
 15 A. Let's see, it was at headquarters. I believe
 16 it was with Judy Griffith. It was a lot of reading
 17 policies. And I think there was some computer -- the
 18 policies may have been on the computer. I don't recall
 19 if they were paper or on the computer. It seemed like
 20 there was quizzes -- or a quiz at the end of a group of
 21 policies or something like that.
 22 Q. So correct me if I characterize this wrong.
 23 Part of the orientation you went through you read
 24 policies and you took some online -- some computer-type
 25 quizzes about the policies you had just read?

1 A. Not during.
 2 Q. You received no written or verbal feedback
 3 about how you were doing?
 4 A. Not that I recall.
 5 Q. And specifically did you meet with your
 6 supervisor at all during your probation? Sit down and
 7 talk about how you are doing on your job or anything you
 8 might change?
 9 A. Not specifically for those reasons; no.
 10 Q. Did you receive a performance evaluation at
 11 the end of your probation?
 12 A. Yes.
 13 Q. And was that a written evaluation?
 14 A. Yes.
 15 Q. And was it a positive or negative one?
 16 A. Positive.
 17 Q. Do you recall what the overall rating was?
 18 A. I don't.
 19 Q. But it was a positive evaluation?
 20 A. Correct.
 21 Q. What was your understanding of your ability to
 22 move past probation if you had received a negative
 23 performance evaluation at that point?
 24 A. I believe at that time I knew it could either
 25 be extended or I would just be invited to leave.

1 Q. So you understood that if you got a negative
2 performance evaluation you knew either your job was
3 going to end or your probation was going to continue for
4 a period of time?
5 A. Yes.
6 Q. You would not move to a permanent employee?
7 A. Correct.
8 (Exhibit 160 marked.)
9 Q. (BY MR. COLLAER) Handing you what I have
10 marked as Exhibit 160. Would you identify Exhibit
11 No. 160 for me, please?
12 A. This would be the employment offer letter.
13 The letter offering employment. My employment.
14 Q. The starting rate of pay is documented there.
15 \$11.65. Is that consistent with your recollection?
16 A. Yeah. It looks correct.
17 Q. The signature on the back page with the date,
18 is that your signature?
19 A. Yes.
20 Q. Is that your handwriting with the date, also?
21 A. Yes.
22 Q. Were you handed Exhibit No. 160? Or was it
23 mailed to you?
24 A. I don't recall.
25 Q. Did you keep a copy of this for yourself? Or

1 Q. In the middle there is a policy, the number is
2 369.10. Do you see that? Entitled "Due Process."
3 A. Yes.
4 Q. Do you recall reading that policy?
5 A. At that time I don't recall.
6 Q. But you are certain it is one that you would
7 have read?
8 A. More than likely; yes.
9 Q. And you could have asked the orientation
10 person any questions about that policy if you would have
11 had them; correct?
12 A. Correct.
13 Q. Do you know what the due process policy deals
14 with as you are sitting here today?
15 A. Not off the top of my head.
16 Q. Does the words "problem solving" mean anything
17 to you?
18 A. Yes.
19 Q. Is problem solving part of the due process
20 policy, if you know?
21 A. I don't recall.
22 Q. Why don't you take a look at Exhibits 21 and
23 22 in the binder before you. Do you have Exhibit 21 in
24 front of you?
25 A. Yes.

1 do you remember?
2 A. I don't recall.
3 (Exhibit 161 marked.)
4 Q. (BY MR. COLLAER) Handing you what I have
5 marked as Exhibit 161.
6 MR. SCHOPPE: You can take your time in
7 looking through the document.
8 Q. (BY MR. COLLAER) Could you identify Exhibit
9 161 for me, please?
10 A. It's a checklist for the initial policies that
11 I would have needed to have read during probation.
12 Q. Is this the list of policies that -- I
13 remember you indicated earlier that you would read and
14 then take quizzes about. Are these the policies that
15 you would have read during your orientation?
16 A. I don't recall.
17 Q. Are the initials on the side of each of these
18 policies your handwriting?
19 A. Correct.
20 Q. Do you believe you would have -- the fact that
21 you initialed each of these -- indicated you would have
22 read those before you initialed them?
23 A. Yes.
24 Q. Is that your signature at the bottom?
25 A. Yes.

1 Q. The number on Exhibit 21 is 369.10; correct?
2 A. Correct.
3 Q. That's the same number as on Exhibit 161 as
4 identified as the due process policy; correct?
5 A. Correct.
6 Q. Just quickly can you take a look at Exhibit
7 22, also? Does that have the same number? 369.10?
8 A. Yes.
9 Q. But it has a different effective date. Do you
10 see that?
11 A. Yes.
12 Q. Focusing on Exhibit 21. Have you read Exhibit
13 21 before?
14 A. I don't recall.
15 Q. Is it your testimony you have never read
16 Exhibit No. 21?
17 A. That is not my testimony.
18 Q. I want to be certain. Is it likely that you
19 have sometime during your employment?
20 A. I would not have signed the checklist saying
21 that I had read 369.10 without having read it.
22 Q. Okay. Tell me, the problem solving procedure,
23 as you are sitting here what is your understanding of
24 the types of things as an employee of the department
25 that you can seek problem solving for?

1 A. I guess according to this it would be for
 2 compensation. For termination during the entrance
 3 probationary period. For dismissals, demotions, and
 4 suspensions according to Idaho Code. And for
 5 involuntary transfer.
 6 Q. Have you ever sought problem solving for any
 7 issue?
 8 A. No.
 9 Q. Has anything ever happened to you at the
 10 department that you felt would have fallen within the
 11 rights to seek problem solving?
 12 A. I have never been not compensated, or
 13 terminated, or dismissed, or demoted, or suspended, or
 14 involuntarily transferred.
 15 Q. Have you ever received a negative performance
 16 evaluation during your employment?
 17 A. I guess that would depend on what is
 18 considered a negative.
 19 Q. An overall rating. Have you ever received an
 20 overall rating that you felt was a negative performance
 21 evaluation?
 22 A. That I felt was a negative?
 23 Q. Yes.
 24 A. Yes.
 25 Q. Which one?

1 A. Yes.
 2 Q. But your evaluation had an overall rating of
 3 meets standards?
 4 A. According to the department; yes.
 5 Q. Well, that is what the document says; isn't
 6 it?
 7 A. Yes.
 8 Q. You were given an achieves performance
 9 standards rating overall?
 10 A. Yes.
 11 Q. Did you grieve any portion of that? Or seek
 12 problem solving on any of that evaluation?
 13 A. We don't have a grievance procedure. So I
 14 didn't grieve anything.
 15 Q. Did you seek a problem solving for any portion
 16 of that evaluation?
 17 A. It doesn't fall under the four categories, as
 18 far as I understand.
 19 Q. Is it your understanding that under the
 20 Personnel Commission Act you are not allowed to seek
 21 problem solving for an evaluation?
 22 A. Under which one?
 23 Q. The Personnel Commission Act.
 24 A. I'm not aware.
 25 Q. I think you may have already answered this.

1 A. The most recent one in -- I don't recall when.
 2 August, maybe.
 3 Q. August of this year?
 4 A. Of this year.
 5 Q. Do you know what the overall rating of that
 6 evaluation was?
 7 A. It was the minimum rating without being what
 8 the department would consider a negative.
 9 Q. Did you receive an overall rating of achieves
 10 performance standards?
 11 A. I believe that is what it was.
 12 Q. And you received a similar overall rating in
 13 other evaluations, also?
 14 A. I believe so; yes.
 15 Q. What was it about the 2013 evaluation you felt
 16 was negative?
 17 A. There were a few parts that I felt were
 18 negative concerning some write-ups that were -- that I
 19 did not feel were justified.
 20 Q. So you had received some written warnings
 21 during the year that were incorporated into your
 22 performance evaluation?
 23 A. Correct.
 24 Q. And that is what you are referring to as a
 25 negative aspect of your evaluation?

1 Have you ever received any notices of contemplated
 2 disciplinary action during your employment?
 3 A. No.
 4 Q. And those would have been on a letter type of
 5 form where it would say you have done this and because
 6 of this we are going to suspend you without pay, fire
 7 you, those types of things?
 8 A. Nothing.
 9 Q. Have there been any other form of discipline
 10 ever imposed against yourself during your employment?
 11 A. No.
 12 (Exhibit 162 marked.)
 13 Q. (BY MR. COLLAER) Mr. Fordham, I'm handing you
 14 what I have marked as Exhibit 162. Would you identify
 15 Exhibit No. 162 for me, please?
 16 A. This would be a written warning for me from
 17 August of this year. Excuse me. Last year.
 18 Q. Is this one of the warnings that you mentioned
 19 that found its way into your most recent performance
 20 evaluation?
 21 A. Yes.
 22 Q. And who was your supervisor that gave you this
 23 warning?
 24 A. Laura Roters.
 25 Q. And looking at paragraphs two and three on

1 the first page there is a factual description of what
2 Ms. Roters felt happened and what you did or didn't do.
3 Do you see those?

4 A. Yes.

5 Q. Is there anything in those two paragraphs as
6 you are sitting here today that you contend is not
7 accurate?

8 MR. SCHOPPE: Take as much time as you need to
9 review the document.

10 THE WITNESS: I would say the second paragraph
11 is inaccurate.

12 Q. (BY MR. COLLAER) What about the second
13 paragraph is not accurate?

14 A. She is making an assumption of a dynamic
15 situation that she was not involved in.

16 Q. Well, she is saying that the female juvenile
17 ran to the south end of the pod towards the male
18 juvenile, who was still seated in front of your desk,
19 and again physically assaulted the male juvenile.
20 Anything in that sentence that is not accurate?

21 A. No.

22 Q. The second sentence says while this was
23 occurring you walked rather than ran back to the south
24 end of the pod to intervene. Is anything about that
25 inaccurate?

1 Q. So the only difference you had with the way
2 that paragraph two is written is the reference to you
3 walking rather than walking at a brisk pace towards the
4 incident?

5 A. No. That is not the only one.

6 Q. What else is there?

7 A. She is assuming that if I was not seated
8 behind the desk I may have responded quicker to prevent
9 the assault.

10 Q. Okay. On the back page you refused to sign
11 this. Do you see that?

12 A. Correct.

13 Q. Why?

14 A. Because I didn't agree with the subjectivity
15 of the write-up.

16 Q. That we just spoke about?

17 A. Correct.

18 Q. Did you understand that this was going to be
19 in your personnel file?

20 A. Yes.

21 Q. Did you write any kind of response to the
22 factual stuff that was in the warning?

23 A. No.

24 Q. Any reason why not?

25 A. It wouldn't have done any good.

1 A. I wouldn't call it that I walked.

2 Q. How would you describe what you did?

3 A. I didn't run, but I didn't walk. It was
4 faster than a walk.

5 Q. A brisk pace?

6 A. Correct.

7 Q. Other than walking towards the incident what
8 else were you doing?

9 A. I was attempting to have other staff come to
10 the pod to remove the assaultive juvenile.

11 Q. Had you called a code?

12 A. I had.

13 Q. Did you do that by radio or by some other
14 system?

15 A. By radio.

16 Q. And what code had you called?

17 A. Code yellow.

18 Q. And what is a code yellow?

19 A. Staff assistance required.

20 Q. All right. The last sentence says you then
21 separated the female juvenile from the male juvenile and
22 used appropriate use of force on the female juvenile to
23 end the assault. Is there anything in that sentence is
24 not accurate?

25 A. No.

1 Q. Were you aware that you had the right to do
2 that if you chose to?

3 A. Yes.

4 Q. Did you seek problem solving?

5 A. No.

6 Q. You understood that you could have if you
7 wanted to?

8 A. Correct.

9 Q. On the second-to-last page under the point
10 heading -- it starts with policy 360.1. Department
11 Standards. Do you see that?

12 A. Yes.

13 Q. The first full paragraph that starts, "I
14 addressed your primary roles and responsibilities on two
15 separate occasions." Do you see that paragraph?

16 A. Yes.

17 Q. Could you read that real quick and then I've
18 got a couple questions about it.

19 A. Just the first paragraph?

20 Q. Sure.

21 A. Okay.

22 Q. Tell me, is there anything in that paragraph
23 there that you disagree with?

24 A. It is subjective.

25 Q. But my question is, do you recall receiving

1 her e-mail that she is referencing about -- that she is
 2 quoting there? Do you recall receiving that?
 3 A. Yes.
 4 Q. And did you agree with the approach and the
 5 expectation that was expressed in that e-mail of how you
 6 were to interact with the youth?
 7 A. I do disagree with the part where she asks
 8 that we sit at the table with the youth.
 9 Q. Why?
 10 A. Because if I'm sitting at the table with the
 11 youth I'm not necessarily watching the entire pod.
 12 Q. When you are in this position -- well, where
 13 do you normally position yourself so you can watch the
 14 pod?
 15 A. It depends on how the juveniles are situated
 16 within the room.
 17 Q. Do you try to interact one-on-one with the
 18 juveniles while you are working the pod?
 19 A. It is not exactly a question I can answer. It
 20 depends.
 21 Q. Well, try to explain it as best you can.
 22 A. If I'm solely focused on one juvenile I have
 23 got seven other juveniles that I'm not paying attention
 24 to. That doesn't mean that I don't speak with them
 25 one-on-one or have some sort of interaction with them

1 with the juveniles, absent she is telling you to commit
 2 some crime, what is your ability to tell her "I'm not
 3 going to do that"?
 4 A. If it violates safety and security of the
 5 facility I would tell her that.
 6 Q. I understand if you are going to say, "I think
 7 that is a bad idea for this reason." And then she says,
 8 "Okay, I understand your concern. But I want you to do
 9 this right now, anyway." Can you then tell her, "No,
 10 I'm not going to"?
 11 A. No.
 12 Q. And you understand in that type of a
 13 situation, if you were to tell her, "No, I'm not going
 14 to do it," you could be subject to discipline?
 15 A. Correct.
 16 Q. As you have been working for Ms. Roters with
 17 her as your supervisor has there been an instance where
 18 you have encountered with her where she has told you to
 19 do something and you have told her, "I'm not going to do
 20 that"?
 21 A. No.
 22 (Exhibit 163 marked.)
 23 Q. (BY MR. COLLAER) I'm handing you what I have
 24 marked as Exhibit 163. Could you please identify
 25 Exhibit 163 for me?

1 one-on-one. But at the same time I have to be paying
 2 attention to the rest of them that are in the pod, as
 3 well.
 4 Q. Was it your understanding that Ms. Roters
 5 expected rehab technicians such as yourself to interact
 6 more one-on-one with the juveniles?
 7 A. It kind of goes back to the answer to the
 8 last question. She was making it sound like she wanted
 9 us -- on a limited basis, on a basis where we can watch
 10 everybody else, as well, yes, one-on-one interaction.
 11 Q. She was your supervisor; correct?
 12 A. Correct.
 13 Q. And you understand that as her being your
 14 supervisor, and she gives directives, you have to follow
 15 them; correct?
 16 A. As long as they are a correct directive; yes.
 17 Q. Under what circumstances can you say, "I don't
 18 agree with you and I'm not going to do it"?
 19 A. If she tells me to do something that is not
 20 legal or against policy.
 21 Q. Understood. If she told you to go down to the
 22 7-Eleven and rob the store and bring the money back to
 23 her you don't have to do that.
 24 A. Correct.
 25 Q. But such as with this, the day-to-day stuff

1 A. This would be the second written warning that
 2 I received in September of last year. 2012.
 3 Q. Is this also a written warning that was noted
 4 in your most recent performance evaluation?
 5 A. Correct.
 6 Q. Other than Exhibits 162 and Exhibit 163 have
 7 you received any other written warnings during your
 8 employment with the department?
 9 A. I don't believe so.
 10 Q. Any other form of negative performance,
 11 notation in your file, other than these two documents,
 12 as noted in your performance evaluation?
 13 A. I don't believe so.
 14 Q. Looking at Exhibit 163, the first box under
 15 the entry, "Job Title: Rehabilitation Technician" and
 16 the date of the occurrence. Do you see that? It starts
 17 with, "What is the behavior/action which occurred?"
 18 A. Yes.
 19 Q. Could you take a look at that description or
 20 those two short paragraphs and tell me if there is
 21 anything that is factually inaccurate?
 22 A. Again, I would not consider what I was doing
 23 walking at a leisurely pace to the Choices unit.
 24 Q. You were walking?
 25 A. I would, as you stated earlier, call it a

1 brisk walk.
 2 Q. Was it a pace that was faster than your normal
 3 walk?
 4 A. Yes.
 5 Q. It references here a code red had been called.
 6 Is that true?
 7 A. Yes.
 8 Q. What is a code red?
 9 A. All staff come. There is something going on.
 10 Q. What is the difference between a code red and
 11 a code yellow?
 12 A. A code red means we lock down the juveniles in
 13 the O&A unit. One person would stay back to do checks.
 14 And everybody else would respond as needed.
 15 Q. As an employee there that has worked there
 16 for a number of years would you consider a code red to
 17 carry a greater sense of urgency for staff members than
 18 a yellow?
 19 A. Correct.
 20 Q. And could you explain why so?
 21 A. It usually means that there is actually
 22 hands-on at the time. Either a juvenile has assaulted
 23 another juvenile or staff is restraining a juvenile.
 24 Something like that.
 25 Q. Does policy require -- address the type of

1 A. For the same reasons. For subjectivity.
 2 Q. And, again, you didn't file a problem solving
 3 when you received this warning?
 4 A. No.
 5 (Exhibit 164 marked.)
 6 Q. (BY MR. COLLAER) Handing you what I have
 7 marked as Exhibit 164. Could you identify Exhibit 164
 8 for me, please?
 9 A. I think this is my most recent performance
 10 evaluation.
 11 Q. Is that your signature that appears on the
 12 front page under employee's signature?
 13 A. Yes.
 14 Q. And it has an overall rating of achieves
 15 performance standards?
 16 A. Yes.
 17 Q. And that is, you consider, a favorable or
 18 unfavorable evaluation overall?
 19 A. Since I have received better in the past I
 20 would consider it unfavorable.
 21 Q. Have you received the same overall rating in
 22 the past?
 23 A. I believe so.
 24 Q. The review period looks like it was a two-year
 25 period. Do you see that?

1 response that is required of staff in the situation of a
 2 code red being called?
 3 A. I believe that it says something along the
 4 lines of using best judgment.
 5 Q. Was there a reason why you were not -- you
 6 didn't jog or move at a faster pace than you did when
 7 you responded to this particular code red?
 8 A. I had had a knee injury a few years before and
 9 it was -- I was having a painful day, I guess.
 10 Q. Would you turn to the second page. There is a
 11 paragraph there in the middle that starts with the
 12 entry, "On September 10, 2012 I approached you as you
 13 were coming on shift." Do you see that?
 14 A. Yes.
 15 Q. Could you read that paragraph and then tell me
 16 if there is anything factually inaccurate in that?
 17 A. Okay.
 18 Q. Is there anything that you see that is not
 19 factually accurate in that paragraph?
 20 A. Again, the so-called casual pace. I don't
 21 recall peers running past me.
 22 Q. Outside of that anything else?
 23 A. I don't think so.
 24 Q. You also refused to sign this warning if you
 25 look at the back page. Why did you refuse to sign?

1 A. Yes.
 2 Q. Why the two-year cycle?
 3 A. I would have to speculate. I don't know.
 4 Q. Before Ms. Roters who was your supervisor?
 5 A. Tom Knoff.
 6 Q. When you received this evaluation from
 7 Ms. Roters did the two of you meet face-to-face to
 8 discuss the evaluation?
 9 A. Yes.
 10 Q. Did that occur before you actually got the
 11 evaluation? Or after she had it completed?
 12 A. She had it completed.
 13 Q. Did you have a chance to review the evaluation
 14 before your meeting with her?
 15 A. No.
 16 Q. Why don't you describe for me as best you can
 17 recollect what happened during your meeting with
 18 Ms. Roters to discuss Exhibit 164?
 19 A. She handed me the performance review and had
 20 me look through it. And then asked me if I had any
 21 questions or objections to anything that was in there.
 22 And I believe she gave me a couple of days to I guess
 23 think it over. Think about it before I had to sign it.
 24 Q. Other than what you have just described is
 25 there anything else you can recall the two of you

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1 speaking about during that first meeting?
 2 A. No.
 3 Q. Did you discuss any section of the -- any
 4 particular sections of the evaluation?
 5 A. I don't recall.
 6 Q. At the back of the evaluation there is a list
 7 of performance and/or developmental objectives on page
 8 15. Do you see those?
 9 A. Yes.
 10 Q. Did you and Ms. Roters discuss those
 11 objectives during your meeting?
 12 A. Probably.
 13 Q. Did you have any input on future objectives?
 14 A. No.
 15 Q. She told you this is what she expected or
 16 wanted you to work on for the next year without any
 17 input from yourself?
 18 A. I don't believe so.
 19 Q. When you read these did you agree that these
 20 are the types of objectives that were appropriate for
 21 yourself?
 22 A. Other than I felt they were unnecessary. The
 23 first two, anyway. According to what she thought was
 24 necessary, sure.
 25 Q. On page two there is a section dealing with

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1 review of objectives. Do you see that?
 2 A. Yes.
 3 Q. These are the objectives that had been set for
 4 you in your prior performance evaluation; correct?
 5 A. According to Ms. Roters.
 6 Q. Well, we can look at the other performance
 7 evaluations in a moment. But generally isn't that what
 8 a normal process this evaluation takes is you look at
 9 the prior objectives, see if you have met those, and set
 10 future objectives?
 11 A. Normally, yes.
 12 Q. In your experience that is one of the
 13 processes that happens in the performance evaluation
 14 process?
 15 A. Correct.
 16 Q. So at this time, at the time of this
 17 evaluation, it looks like she is looking for any
 18 documentation of whether you had completed these
 19 objectives and couldn't find any. Had you completed
 20 those objectives?
 21 A. I don't recall these objectives being set.
 22 Q. Assuming that they were set, because we can
 23 look at the prior evaluation, had you met these
 24 objectives? Maybe a better way I can ask that is,
 25 assuming they were in your prior performance evaluation

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1 that had occurred two years prior, is Ms. Roters
 2 statement that there is nothing indicating that you had
 3 met these objectives accurate?
 4 MR. SCHOPPE: Object. Assumes facts not in
 5 evidence. Vague and ambiguous.
 6 THE WITNESS: Correct.
 7 Q. (BY MR. COLLAER) So it is accurate?
 8 A. Yes.
 9 Q. Okay. Tell me, if you were the supervisor
 10 doing an evaluation of a subordinate, and you review the
 11 objectives from the prior evaluation, and it appears the
 12 employee has not met them or done very little to meet
 13 them, how would that factor into your overall rating of
 14 that individual?
 15 MR. SCHOPPE: Objection. Calls for
 16 speculation. Incomplete hypothetical. You can answer,
 17 if you can.
 18 THE WITNESS: It would depend on too many
 19 items.
 20 Q. (BY MR. COLLAER) Would it be something you
 21 would be asking? Why haven't you gotten this done?
 22 A. Yes.
 23 Q. Is it something that you would consider a
 24 negative?
 25 A. Depending on the explanation; yes.

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1 Q. Sure. Granted. If they had a medical problem
 2 or disability or something like that. Or something
 3 happened beyond their control and they just couldn't do
 4 it that would be a different issue.
 5 A. Correct.
 6 Q. But absent some mitigating factor like that
 7 would that be a negative for you in evaluating that
 8 employee?
 9 A. Correct.
 10 MR. COLLAER: We should probably break for my
 11 court hearing here in the next couple minutes.
 12 MR. SCHOPPE: Okay.
 13 (Recess.)
 14 Q. (BY MR. COLLAER) Before the break,
 15 Mr. Fordham, we were looking at Exhibit 164. Your most
 16 recent performance evaluation. Do you still have that
 17 in front of you?
 18 A. Yes.
 19 Q. Could you take a look at page eleven. The
 20 rating here is DNA. Do you see that on the work
 21 environment safety section?
 22 A. Yes.
 23 Q. As I read this this is the section that
 24 referenced the two write-ups that you've had. Am I
 25 accurate about that?

1 A. Yes.
 2 Q. Outside of that one section that had a DNA
 3 rating, was there any other sections that you received a
 4 DNA rating on?
 5 A. Ever? Or in this --
 6 Q. In this evaluation.
 7 A. No.
 8 (Exhibit 165 marked.)
 9 Q. (BY MR. COLLAER) Handing you what I have
 10 marked as exit 165. Could you identify Exhibit 165 for
 11 me, please?
 12 A. This would be an e-mail that I received about
 13 objectives for my next review.
 14 Q. Were these objectives the ones that Ms. Roters
 15 set for you in your 2013 evaluation? Or was she
 16 referencing the ones from your earlier evaluation?
 17 A. I don't recall.
 18 Q. The last sentence says, "I will work to meet
 19 with you in the near future to answer any questions you
 20 may have pertaining to the goals that have been set for
 21 you." Do you see that?
 22 A. Yes.
 23 Q. Did that occur?
 24 A. I don't remember her ever meeting with me.
 25 Q. Is it your testimony that the meeting never

1 Q. The ones at the end. The ones that
 2 Ms. Roters set for you.
 3 A. No, I didn't.
 4 (Exhibit 166 marked.)
 5 Q. (BY MR. COLLAER) Mr. Fordham, you don't need
 6 the binder in front of you if it is in your way. I'm
 7 handing you what I have marked as Exhibit 166. Could
 8 you identify Exhibit No. 166 for me, please?
 9 A. It looks like the performance review for
 10 August 2010 to August 2011.
 11 Q. And is that your signature on the first page?
 12 A. Yes.
 13 Q. And the individual that completed this
 14 evaluation was Tom Knoff?
 15 A. Correct.
 16 Q. And how long was Mr. Knoff your supervisor?
 17 A. Without remembering exactly when he was
 18 terminated, he was my supervisor from -- well, from the
 19 beginning when I went to O&A. So August of 2007 or so,
 20 I believe, until he was terminated.
 21 Q. I see that Betty Grimm signed Exhibit 166 as
 22 the administrator. Do you see that?
 23 A. Yes.
 24 Q. Can you tell me what if any involvement you
 25 understand Ms. Grimm had in your evaluation?

1 did occur? The two of you never spoke about the goals
 2 that were set for you?
 3 A. Aside from the meeting on the performance
 4 evaluation? I don't ever remember meeting with her
 5 about this.
 6 Q. Do you recall ever asking her to meet with you
 7 about any performance goals that had been set for you?
 8 A. No.
 9 Q. Did you feel that you needed to meet with her
 10 to discuss any of the performance goals?
 11 A. According to the e-mail she said she would set
 12 that up.
 13 Q. I'm asking for you personally. Did you feel
 14 that you needed the clarification or any feedback from
 15 her about the goals she had set for you?
 16 A. I don't recall what the goals were.
 17 Q. Well, focusing on the goals that were in
 18 Exhibit 164 did you need any more clarification or
 19 feedback with respect to those goals?
 20 A. Which set?
 21 Q. The ones that she set for you in your
 22 performance evaluation. Your most recent performance
 23 evaluation.
 24 A. At the end? Or the ones supposedly Frank
 25 Riley set for me?

1 A. I was unaware of involvement in my evaluation.
 2 Q. Same question for Exhibit 164. Well, did
 3 Ms. Grimm have any involvement in your performance
 4 evaluation, which is Exhibit 164? Your most recent one?
 5 A. I have no idea.
 6 Q. Do you know if Ms. Harrigfeld had anything to
 7 do with any portion of your evaluation, Exhibit 164?
 8 Your most recent evaluation?
 9 A. I have no idea.
 10 Q. Do you know if Ms. Harrigfeld had anything to
 11 do with your 2011 evaluation, Exhibit 166?
 12 A. No idea.
 13 Q. Could you turn to page seven on Exhibit 166.
 14 A. Okay.
 15 Q. The performance and/or developmental
 16 objectives for the next review period. Do you see that?
 17 A. Yes.
 18 Q. There are two objectives or things they want
 19 you to work on; correct?
 20 A. Correct.
 21 Q. And what were those?
 22 A. Become a JCC COOP representative and seek out
 23 formal and informal juvenile counseling training
 24 opportunities.
 25 Q. Are these the same objectives that were noted

1 in your most recent evaluation? That Ms. Roters could
2 not find any documentation indicating what you had done
3 to accomplish those?

4 MR. SCHOPPE: Objection. Calls for
5 speculation.

6 Q. (BY MR. COLLAER) If you will look at Exhibit
7 164, second page.

8 A. Yes.

9 Q. And then turning to Exhibit 166. Do you
10 recall any discussion or interaction between yourself
11 and Mr. Knoff when these two objectives were set for you
12 in your evaluation?

13 A. I don't recall.

14 Q. Did you feel these were objectives that were
15 beneficial or something you should work on?

16 A. I don't recall.

17 Q. Did you have any objection to those objectives
18 being in your evaluation?

19 A. I don't recall.

20 Q. What did you do to accomplish either of those
21 evaluations over the two years up until your most
22 current evaluation?

23 A. Nothing.

24 Q. Why not?

25 A. I have no idea.

1 Q. Did you feel that Exhibit 167 was a negative
2 or positive performance evaluation?

3 A. At this time I don't recall how I felt at that
4 time.

5 Q. Were there any sections in Exhibit 167 that
6 rated you as does not achieve?

7 A. No.

8 Q. Do you recall any conversations with Mr. Knoff
9 regarding why he rated you at the APS level as opposed
10 to any other?

11 A. I don't recall.

12 Q. Did you disagree with the rating that he had
13 given you?

14 A. I don't remember.

15 Q. Did you file a -- did you seek any kind of
16 problem solving?

17 A. No.

18 Q. Any reason why not?

19 A. I don't remember.

20 Q. Did you provide any kind of response or a
21 written response to any of the ratings or comments in
22 this evaluation?

23 A. No.

24 Q. Was it your understanding you could do that if
25 you wanted?

1 (Exhibit 167 marked.)

2 Q. (BY MR. COLLAER) Handing you what I have
3 marked as Exhibit 167. Could you identify Exhibit 167
4 for me, please?

5 A. Performance evaluation for August 2009 to
6 August 2010.

7 Q. And do you recognize your signature on the
8 front page?

9 A. Yes.

10 Q. And what is the overall rating?

11 A. Achieves performance standards.

12 Q. That is the same rating as your most recent
13 evaluation; is it not?

14 A. Correct.

15 Q. Who was the evaluator?

16 A. Mr. Knoff.

17 Q. Was Ms. Roters in any way involved in the
18 creation of your evaluation for 2010, Exhibit 167?

19 A. I have no idea.

20 Q. Was Ms. Grimm involved in any portion of this
21 evaluation?

22 A. I have no idea.

23 Q. Was Ms. Harrigfeld in any way involved in
24 creating Exhibit 167?

25 A. No idea.

1 A. I don't remember what I knew at that time.

2 Q. Is it your understanding as you sit here today
3 as an employee if you want to make an employee comment
4 to a performance evaluation you can do that if you want?

5 A. Yes.

6 Q. And you have always had that ability; haven't
7 you?

8 A. I don't know when I -- I don't remember when I
9 learned about that ability.

10 Q. Is it your suggestion that at any time during
11 your employment you were restricted or prohibited from
12 doing that if you wanted to?

13 A. I don't think it ever came up.

14 Q. Focusing on Exhibit 167, page six, the
15 objectives for the next review period. Do you see
16 those?

17 A. Yes.

18 Q. Whose handwriting appears on objective number
19 two?

20 A. I don't know.

21 Q. It is not yours?

22 A. No.

23 Q. Could you describe any discussions you recall
24 with the individual who did the review, Mr. Knoff, about
25 the objectives for the next review period that were

1 being established for you?
 2 A. I don't recall.
 3 Q. Do you recall if you objected to any of these
 4 objectives that were being set for you?
 5 A. I don't recall.
 6 Q. What did you do in the next year to accomplish
 7 those goals?
 8 A. I started working on becoming a POST
 9 instructor. I don't recall what I did for number one.
 10 Q. Do you recall if you did anything?
 11 A. I know I came up with some curriculum for
 12 classes in O&A.
 13 Q. Did you become a POST-certified instructor?
 14 A. Yes and no. I was an instructor for POST on a
 15 certified class. But I was not a POST-certified
 16 instructor.
 17 Q. Have you ever become a POST-certified
 18 instructor?
 19 A. No.
 20 Q. Is there any reason why not?
 21 A. Just running into problems along the way of
 22 completing the process.
 23 Q. Available time?
 24 A. No, not available time.
 25 Q. What had been the things that prevented you

1 most recent evaluation; correct?
 2 A. Correct.
 3 Q. On the first page there under the section
 4 "Employee Comments" do you see the handwriting there?
 5 A. Yes.
 6 Q. Whose handwriting is that?
 7 A. It's mine.
 8 Q. And why did you add that to your evaluation?
 9 A. I was asked to.
 10 Q. By whom?
 11 A. Mr. Knoff, I believe.
 12 Q. There is a reference to interacting with
 13 juveniles more. Why don't you tell me as much as you
 14 can recollect your discussions with Mr. Knoff about your
 15 accomplishing that?
 16 A. I don't recall.
 17 Q. Do you recall him encouraging you to interact
 18 with the juveniles more?
 19 A. Just from what I read here.
 20 Q. During the time that is subject to this
 21 evaluation period, the '09 year -- well, it was '08.
 22 August of '08 until August of 09. On a normal day how
 23 much of your shift during the week would you spend in
 24 the control booth?
 25 A. I don't recall.

1 from doing that?
 2 A. Basically three letters of recommendation are
 3 required for the application. And I have asked several
 4 people who said they were willing to do it, but then it
 5 never occurred.
 6 (Exhibit 168 marked.)
 7 Q. (BY MR. COLLAER) Handing you what I have
 8 marked as Exhibit 168. Would you identify Exhibit 168
 9 for me, please?
 10 A. Performance review for August 2008 to August
 11 2009.
 12 Q. Do you recognize your signature on the first
 13 page?
 14 A. Yes.
 15 Q. Under the employee signature line?
 16 A. Yes.
 17 Q. And who is your supervisor that did this
 18 review?
 19 A. Tom Knoff.
 20 Q. And what was the overall rating?
 21 A. Achieves performance standards.
 22 Q. That is the same rating as you had the
 23 following year; isn't it?
 24 A. Correct.
 25 Q. And it is the same rating that was on your

1 Q. On a percentage basis how much of the shift
 2 would you normally be in there as opposed to being out
 3 on the pod?
 4 A. I have no idea.
 5 Q. Was that an issue that Mr. Knoff wanted you to
 6 spend less time in the control booth and more time in
 7 the pod working with the juveniles?
 8 A. According to what I read here that would be
 9 true; yes.
 10 Q. And what did you do to accomplish that in the
 11 following year?
 12 A. I was out of the control booth more often and
 13 in the pod more often.
 14 Q. Could you turn to page three. In the middle
 15 of the comment section under "Customer Service." Do you
 16 see that?
 17 A. Yes.
 18 Q. There is a full paragraph there. And I'll
 19 read the portion I'm interested in. Second sentence,
 20 "Staff indicated that at times your radio communications
 21 was disrespectful." Do you see that?
 22 A. Yes.
 23 Q. What do you recall about your discussion about
 24 that criticism?
 25 A. I don't recall.

1 Q. Do you recall any criticism from other
 2 employees that your radio communications with them
 3 during that time frame had been a problem?
 4 A. No. I don't recall.
 5 Q. Nobody ever mentioned anything to you?
 6 A. Not to me; no. That I remember.
 7 Q. Any verbal counseling or anything of that
 8 nature by your supervisor?
 9 A. Other than this, no.
 10 Q. Turn to page four. Under the section
 11 "Productivity" your rating there was a zero. Do you
 12 see that?
 13 A. Yes.
 14 Q. That is a negative rating; isn't it?
 15 A. I believe so.
 16 Q. In fact in the comment section Mr. Knoff tells
 17 you in the first paragraph you are not currently meeting
 18 expectations in that area. Do you see that?
 19 A. Yes.
 20 Q. That first paragraph there as he writes it is
 21 there anything inaccurate about that?
 22 A. I don't recall.
 23 Q. You don't have any -- as you are sitting here
 24 today do you have any disagreement with any factual
 25 statements that are in that aspect of your performance

1 your routine reporting on the computer done during the
 2 day?
 3 A. Well, I suppose if it was a relatively slow
 4 day 30 minutes would suffice. It would probably be
 5 cutting it close. But 45 minutes to an hour might be
 6 more accurate on an average.
 7 Q. So 45 minutes to an hour, from your
 8 perspective at this time, would be a normal day?
 9 A. I would think so.
 10 Q. For the time you needed to be on the computer
 11 to do your routine reporting?
 12 A. I would think so; yeah.
 13 Q. And would that be on an eight-hour shift?
 14 A. At this time I think we were still on the
 15 tens.
 16 Q. So the other nine hours of your shift what are
 17 you doing?
 18 A. Generally with the juveniles.
 19 Q. You are not supposed to be in the control
 20 booth during those remaining hours; are you?
 21 A. Aside from breaks and things like that; no.
 22 Q. Is there any reason for you to be in the
 23 control booth other than to do your computer
 24 documentation?
 25 A. Well, the majority of our supplies that are

1 evaluation?
 2 A. Since I don't recall, no.
 3 Q. Other than the comment that you put on the
 4 front page, any other comments that you included in your
 5 personnel file responding to any of the factual
 6 statements in this evaluation?
 7 A. There don't appear to be any.
 8 Q. Also, on page five, the fourth paragraph of
 9 that section, there is an indication that Mr. Knoff
 10 tells you, "I want you to limit your time on the O&A
 11 computers to 30 minutes per day unless excessive
 12 incident or behavior documentation requires more than
 13 that." Do you see that?
 14 A. Yes.
 15 Q. What did you do to meet that expectation?
 16 A. I would assume that I spent less time on the
 17 computer.
 18 Q. Considering his expectation that you be
 19 limited to 30 minutes a day, with the exception of
 20 excessive incidents such that would require more
 21 documentation, would that give you enough time during a
 22 normal day to do the reporting and stuff that you are
 23 required to do?
 24 A. No.
 25 Q. How much time did you personally need to get

1 not available in the pod are in there. The bathrooms
 2 are in there.
 3 Q. Sure. But outside of that?
 4 A. Correct.
 5 Q. And when you are out in the pod what are you
 6 doing with the juveniles? What are you doing?
 7 A. Interacting with the juveniles. Observing
 8 them. That type of thing.
 9 Q. Are you talking to them about their problems
 10 or anything of that nature?
 11 A. If the occasion or the need arises; yes.
 12 Q. Do you try to engage them in that manner?
 13 A. Yes.
 14 Q. Because your job is a rehab technician;
 15 correct?
 16 A. Correct.
 17 Q. You are not a guard?
 18 A. Right.
 19 Q. Would you turn to page eight of Exhibit 168.
 20 Under the objectives for the next review period do you
 21 see those?
 22 A. Yes.
 23 Q. Were you involved in creating these objectives
 24 for yourself?
 25 A. I don't remember.

1 Q. Did you get the training that is referenced on
 2 objective number one?
 3 A. I believe so.
 4 Q. Did you start doing these interviews?
 5 Pre-intake interviews?
 6 A. I think I did one.
 7 Q. Have you ever done any others since then?
 8 A. No. It was discontinued.
 9 Q. There is a reference to assisting
 10 Mr. Underhill with updates for the new employee training
 11 manual. Do you see that?
 12 A. Yes.
 13 Q. Did you do that?
 14 A. I don't recall.
 15 Q. Developmental objective number one, under
 16 Employee Development Plan, do you see that?
 17 A. Yes.
 18 Q. Did you become a POST-certified First Aid/CPR
 19 instructor?
 20 A. No.
 21 Q. Why not?
 22 A. I don't recall.
 23 Q. Objective number two, "Seek opportunities to
 24 cross train with Colleen Foster and take training
 25 courses to expand your LEAPS program knowledge and

1 Q. Specifically, can you describe any involvement
 2 you believe or contend that Ms. Grimm or Sharon
 3 Harrigfeld had in that process?
 4 A. None that I know of.
 5 Q. Do you consider your evaluation on Exhibit 169
 6 to be a positive or a negative evaluation?
 7 A. Now? Or then?
 8 Q. Then.
 9 A. I don't recall.
 10 Q. Now?
 11 A. Now I'm sure I could have done better.
 12 Q. But would you consider it a negative
 13 evaluation or neutral evaluation?
 14 A. Neutral, I guess.
 15 Q. You said you could have done better. How so?
 16 A. Better than achieves performance standards, I
 17 believe.
 18 Q. You felt you deserved a higher evaluation than
 19 you were given?
 20 A. At the time I don't recall.
 21 Q. But as you are sitting here now you believe
 22 you deserved a higher evaluation than what you received?
 23 A. I don't know what I deserved. I know I could
 24 have done better.
 25 Q. Are you referencing I could have done a better

1 counseling skills." Do you see that?
 2 A. Yes.
 3 Q. Did you do that?
 4 A. Yes.
 5 (Exhibit 169 marked.)
 6 Q. (BY MR. COLLAER) Handing you what I have
 7 marked as Exhibit 169. Could you identify Exhibit 169
 8 for me, please?
 9 A. Performance review from February of '08 to
 10 August of '08.
 11 Q. And do you see your signature on the front
 12 page?
 13 A. Yes.
 14 Q. And what is the overall rating that you
 15 received?
 16 A. Achieves performance standards.
 17 Q. Again, that is the same rating that you had on
 18 your other evaluations?
 19 A. Yes.
 20 Q. And your evaluator was Tom Knoff?
 21 A. Yes.
 22 Q. Other than Mr. Knoff are you aware of anybody
 23 else who had any involvement or input in creating or
 24 rating your performance as depicted on Exhibit 169?
 25 A. I'm not aware.

1 job? Or I think the reviewer got it wrong?
 2 A. Assuming that the reviewer got it right I
 3 could have done a better job.
 4 (Exhibit 170 marked.)
 5 Q. (BY MR. COLLAER) Handing you what I have
 6 marked as Exhibit 170. Could you identify Exhibit No.
 7 170 for me, please?
 8 A. Employee performance review from August of '07
 9 to February of '08.
 10 Q. And, again, do you recognize your signature on
 11 the first page under the employee signature line?
 12 A. Yes.
 13 Q. And who was the individual that did your
 14 evaluation?
 15 A. Mr. Knoff.
 16 Q. And what was the overall rating?
 17 A. Achieves performance standards.
 18 Q. Again, that was the same rating he had given
 19 you previously?
 20 A. Correct.
 21 Q. On the second page under the Review of
 22 Objectives it is not filled out. Objective number one
 23 says not applicable. Do you know why that was done that
 24 way?
 25 A. I would have to guess.

1 Q. Tell me anything you know about it.
 2 A. It is after my initial probationary period
 3 starting as a rehab tech.
 4 Q. Do you recall anything about your discussions
 5 with Mr. Knoff when he gave you this evaluation?
 6 A. I don't recall.
 7 Q. Do you recall the two of you did meet and
 8 speak about it?
 9 A. I don't recall.
 10 Q. What was the normal process when Mr. Knoff
 11 went through an evaluation?
 12 A. I don't know that there was a normal process.
 13 Q. Well, did the two of you meet and he gave you
 14 the written evaluation? Or did he put it in your box or
 15 on your desk? How did it work?
 16 A. I'm sure it was handed to me personally.
 17 Q. And that was a face-to-face meeting?
 18 A. Yes.
 19 Q. Where would those meetings normally occur?
 20 A. I would assume in his office.
 21 Q. Would there be people other than yourself and
 22 Mr. Knoff there?
 23 A. That would depend.
 24 Q. Do you recall anytime where you and Mr. Knoff
 25 met to discuss or him to give you your performance

1 Q. Yes.
 2 A. Yes.
 3 MR. SCHOPPE: Would it be all right within
 4 the next ten minutes or so we break for a short lunch?
 5 MR. COLLAER: That will be fine. Let me get
 6 through the exhibit and it may be a good time.
 7 Q. (BY MR. COLLAER) Tell me, Mr. Fordham, when
 8 you received Exhibit 170, and its achieves performance
 9 standards rating, at the time did you consider that a
 10 positive or negative evaluation?
 11 A. I don't recall.
 12 Q. Did you make any employee comments or add
 13 anything to it?
 14 A. No.
 15 Q. Any reason why not?
 16 A. Don't recall.
 17 Q. Did you seek any problem solving?
 18 A. No.
 19 Q. Is there any portion, as you are sitting here
 20 today, any portion of this evaluation that you feel was
 21 not accurate?
 22 A. I would have to read it.
 23 Q. Tell me, if at the time you felt that your
 24 evaluation was unfair or inaccurate would that have
 25 prompted you to either respond to it with an employee

1 review where somebody else was present?
 2 A. I believe there were a couple of times that
 3 there was somebody. But I don't recall who.
 4 Q. Do you know why the third person was there?
 5 A. I don't.
 6 Q. Tell me, when you would meet with Mr. Knoff he
 7 would give you -- provide you your written performance
 8 review. Would the two of you discuss its contents at
 9 all?
 10 A. Sometimes.
 11 Q. Were you given the opportunity to discuss it
 12 with him?
 13 A. I don't recall.
 14 Q. Do you recall -- well, I'll ask you a specific
 15 question. Do you recall anytime when Mr. Knoff was
 16 doing your performance evaluation that he simply would
 17 not allow you to visit with him about the review he had
 18 done?
 19 A. No, I don't think so. I don't recall.
 20 Q. As you are sitting here today is it your -- am
 21 I correct that throughout the time Mr. Knoff was your
 22 supervisor, and he was doing your evaluations, if you
 23 wanted to meet with him and discuss the evaluation he
 24 had performed he was amenable and available to do that?
 25 A. As I am sitting here now?

1 comment? Or seek problem solving?
 2 A. Probably not.
 3 Q. Why not?
 4 A. I don't recall.
 5 MR. COLLAER: Why don't we break.
 6 (Noon recess.)
 7 Q. (BY MR. COLLAER) We are back on the record.
 8 Mr. Fordham, during the lunch break did you review any
 9 documents or do anything to prepare for the rest of the
 10 deposition?
 11 A. No.
 12 Q. Did you speak with anybody outside of --
 13 excluding your attorney?
 14 A. No.
 15 (Exhibit 171 marked.)
 16 Q. (BY MR. COLLAER) I am handing you what I have
 17 marked as Exhibit 171. Would you identify Exhibit No.
 18 171 for me, please?
 19 A. Employee performance review for -- I don't
 20 know when.
 21 Q. The end date -- well, it is dated June of '07;
 22 is it not?
 23 A. Yes.
 24 Q. And under "Type of Review" it talks about your
 25 entrance probation. Do you see that?

1 A. Correct.
 2 Q. Was this the evaluation at the end of your
 3 probationary period?
 4 A. As a safety and security officer; yes.
 5 Q. And who was the evaluator?
 6 A. That would be Tom Knoff.
 7 Q. Did Mr. Knoff actually supervise you as an
 8 SSO?
 9 A. I believe this was during the transition when
 10 Mr. Thomas was going back to being a rehab tech. Or at
 11 some point in time near here. So he may have for a
 12 little while. Mr. Knoff may have supervised me for a
 13 little while.
 14 Q. Was he your supervisor at the time this
 15 evaluation was done?
 16 A. I believe so; yes.
 17 Q. And the overall rating of this evaluation?
 18 A. Achieves performance standards.
 19 Q. Again, that is the same rating that you have
 20 received on all of the other evaluations we have looked
 21 at; isn't it?
 22 A. Correct.
 23 Q. In fact, have you received any evaluation --
 24 overall rating other than achieves performance
 25 standards?

1 transfer to that spot?
 2 A. At that time; correct.
 3 Q. But you intended to in the future if it was
 4 available?
 5 A. Yes.
 6 Q. Tell me, other than the evaluations we have
 7 gone through thus far are there any other written
 8 performance evaluations that you are aware of that
 9 evaluated your performance during the time you have been
 10 working at the Nampa facility?
 11 A. Not that I'm aware of.
 12 (Exhibit 172 marked.)
 13 Q. (BY MR. COLLAER) Handing you what I have
 14 marked as Exhibit 172. Could you identify Exhibit 172
 15 for me, please?
 16 A. This would be a change in employee
 17 compensation (CEC) memo.
 18 Q. Does this relate to yourself?
 19 A. Yes.
 20 Q. Do you recall receiving this raise in 2008?
 21 A. Yes, I do.
 22 Q. Was part of this also merit based?
 23 A. It appears to be; yes.
 24 Q. And that is driven on your performance
 25 evaluation; correct?

1 A. I believe so.
 2 Q. Which one? If I can draw your attention to
 3 Exhibit 166. The 2011 evaluation. That is a solid
 4 sustained.
 5 A. Yes.
 6 Q. So that is one step above?
 7 A. Yes.
 8 Q. And your current evaluation was achieves
 9 performance standards?
 10 A. Correct.
 11 Q. But other than the one evaluation every
 12 evaluation you have had during your employment has been
 13 achieves performance standards?
 14 A. Correct.
 15 Q. Would you look at page seven. Under
 16 developmental objective two there is a reference to
 17 learn as much about the rehab tech position so that you
 18 can apply for it in the future. Do you see that?
 19 A. Yes.
 20 Q. At this time you had not applied for that
 21 spot?
 22 A. I think I had. But I was still in the
 23 probationary period. So I wasn't eligible.
 24 Q. So if I'm understanding what you are telling
 25 me. Because you were on probation you could not

1 A. Correct.
 2 Q. Would you agree if you had not received the
 3 rating that you did you would not be eligible for the
 4 merit pay raise?
 5 A. Correct.
 6 Q. Tell me, were you treated any differently with
 7 this pay raise that happened in 2008 as opposed to any
 8 other similarly situated employee?
 9 A. As far as I am aware, no.
 10 Q. So your new hourly rate was \$14.08. How much
 11 of a raise did that represent?
 12 A. I think prior to this I was at \$13.33, maybe.
 13 Q. Okay.
 14 A. So whatever that equals out to.
 15 (Exhibit 173 marked.)
 16 Q. (BY MR. COLLAER) Handing you what I have
 17 marked as Exhibit 173. Would you identify Exhibit 173
 18 for me?
 19 A. It is a change in employee compensation dated
 20 May 13, 2012.
 21 Q. Is this the same type of a pay raise that was
 22 documented on Exhibit 172? Meaning, there is an
 23 across-the-board increase, plus a merit pay component to
 24 it?
 25 A. It looks a little different.

1 Q. When you received this pay raise was it your
 2 understanding that a component of the raise was merit
 3 based?
 4 A. I believe the bonus was merit based. That was
 5 about it.
 6 Q. How much of the bonus did you receive?
 7 A. A one time \$400 bonus.
 8 Q. But the bump in your rate was not merit based?
 9 I'm asking for your understanding.
 10 A. I don't think it was.
 11 Q. And so were you treated the same as all other
 12 similarly situated employees with respect to this raise?
 13 A. As far as I am aware.
 14 Q. Would you have been eligible for the raise if
 15 your performance had been evaluated as being
 16 substandard?
 17 A. I wouldn't have been eligible for the bonus.
 18 I don't know about the percentage or not.
 19 Q. But you could be wrong about that?
 20 A. I could be.
 21 (Exhibit 174 marked.)
 22 Q. (BY MR. COLLAER) Handing you Exhibit No. 174.
 23 Could you please identify Exhibit 174 for me, please?
 24 A. A memorandum on a performance bonus for May of
 25 2013.

1 A. I can only remember the one after I completed
 2 my probationary -- my entrance probationary period as a
 3 safety and security officer. One other one.
 4 Q. Right. One other one. Are there any raises
 5 that you were eligible for but didn't receive?
 6 A. Not that I'm aware of.
 7 Q. And your pay has never been suspended or cut
 8 in any fashion; has it?
 9 A. No.
 10 Q. Tell me, are you familiar with the term "pass
 11 down"?
 12 A. Yes.
 13 Q. What is it?
 14 A. It is basically a written e-mail to coworkers
 15 of what has occurred on my shift in my pod with the
 16 juveniles that I had been supervising during that time.
 17 Q. Is that something that is done at the end of
 18 every shift?
 19 A. Correct.
 20 Q. At what point during the shift do you create
 21 the pass down e-mail?
 22 A. Sometimes it can be created as the shift goes
 23 along. I would say the bulk of it is done at the end of
 24 the shift.
 25 Q. How long does it take you to prepare that,

1 Q. Do you recall receiving this memo?
 2 A. I do.
 3 Q. And it is from your supervisor, Ms. Roters;
 4 correct?
 5 A. Correct.
 6 Q. And there is a reference there to a
 7 performance bonus of \$700. Do you see that?
 8 A. Correct.
 9 Q. Was that based upon merit? What was your
 10 understanding of what that bonus was based on?
 11 A. According to my evaluation of achieves
 12 performance standards.
 13 Q. Was it your understanding that you would be
 14 eligible for this bonus if your performance had been
 15 rated overall as being substandard?
 16 A. I would not have been eligible.
 17 Q. Do you recognize the handwriting at the bottom
 18 of Exhibit 174?
 19 A. From the signature.
 20 Q. And whose handwriting is that?
 21 A. It says Laura Roters.
 22 Q. Tell me, other than the pay increases, and the
 23 bonuses documented in Exhibits 172 through 174, are you
 24 aware -- are there any other raises or bonuses you have
 25 received during your employment?

1 generally?
 2 A. Generally anywhere from half an hour to an
 3 hour.
 4 Q. And I understand there is days where there
 5 could be a lot going on.
 6 A. Correct.
 7 Q. And it could take longer than that?
 8 A. Yes.
 9 Q. If you are having a heavy day -- is this a
 10 document that is kind of a work-in-progress throughout
 11 the shift?
 12 A. It can be; yeah.
 13 Q. What I'm envisioning is you might have an
 14 entry for each of the kids. And as things are happening
 15 during the shift you make an entry or add a sentence or
 16 so.
 17 A. Correct. That is usually how it works is we
 18 report in however many sentences, a paragraph, whatever,
 19 on each individual juvenile under our supervision.
 20 Q. On a typical day is that how you do it? You
 21 create the beginning of the pass down document sometime
 22 during the shift and then you build on it as you go?
 23 A. Correct.
 24 Q. I suspect that is done simply as a way to
 25 manage your time and to be accurate? Because you are

1 adding stuff into the pass down document as it is
 2 occurring?
 3 A. I particularly will do it as it is occurring
 4 if it is something that is specifically pertinent to the
 5 day. I want to make sure I got the details accurate.
 6 Q. Understood.
 7 (Exhibit 175 marked.)
 8 Q. (BY MR. COLLAER) Handing you what has been
 9 marked as Exhibit 175. Would you identify Exhibit 175
 10 for me, please?
 11 A. Let's see, it is an e-mail I received from
 12 Laura Roters.
 13 Q. The e-mail that is just below Ms. Roters
 14 e-mail, is that the typical pass down type of document
 15 that you were just describing?
 16 A. Yes.
 17 Q. And the pass down for this particular shift,
 18 does it end on the third page under the Bates No. 24690?
 19 A. Under the what part?
 20 Q. Bates No. 24690. You had it a minute ago.
 21 There is a line below a paragraph at the top. And then
 22 it starts, "PM O&A South Pod Pass Down." What I'm
 23 interested in is the first pass down document that
 24 starts on the front page which is the end of that pass
 25 down document on this third page.

1 Q. You hadn't seen anything in your performance
 2 evaluations from Mr. Knoff asking you to spend more time
 3 away from the computer and out on the floor with the
 4 kids?
 5 A. At this time there was no computer in the pod.
 6 I was only with the juveniles.
 7 Q. If you are not at the table with the youth or
 8 on the floor -- well, if you are at the desk, where is
 9 that desk at?
 10 A. The desk is at the opposite end. It is a long
 11 room with rooms on either side. The door is at one end
 12 and the desk is at the opposite end.
 13 Q. That desk doesn't have a computer on it?
 14 A. It does now. But I believe at this time it
 15 did not.
 16 Q. When you are sitting at that desk what are you
 17 doing?
 18 A. It could be any number of things. Having the
 19 juveniles make phone calls. Getting ready for a class.
 20 Putting things away from a class. Handing out pens.
 21 Getting pens back. Paper.
 22 Q. But Ms. Roters wanted you away from the desk
 23 more and more with the kids; correct?
 24 A. Correct.
 25 (Exhibit 176 marked.)

1 A. That portion, yes.
 2 Q. And then the next start is a different pass
 3 down e-mail?
 4 A. From another --
 5 Q. From somebody else?
 6 A. Yeah. From a coworker.
 7 Q. Sure. Was that dealing with the different
 8 unit? Or a different group of kids?
 9 A. Still O&A. Just a different pod.
 10 Q. And it appears this was created by Todd Inman.
 11 A. Correct.
 12 Q. And so these are the kids that he was working
 13 with that particular shift and his observations of what
 14 those kids were doing?
 15 A. Yes.
 16 Q. Referring to the front page. The second-to-
 17 last sentence from Ms. Roters e-mail. I'll read it to
 18 you. It says, "If you did not, I would ask that you sit
 19 at the table with youth or be on the floor rather than
 20 at the desk when our youth are out of the rooms." Do
 21 you see that?
 22 A. Yes.
 23 Q. So that is the same type of comment you had
 24 received from your prior supervisor, Mr. Knoff?
 25 A. No.

1 Q. (BY MR. COLLAER) Handing you what I have
 2 marked as Exhibit 176. Would you identify Exhibit 176
 3 for me, please?
 4 A. It looks like an e-mail from Laura Roters to
 5 me about the change in schedule that she was going to
 6 implement.
 7 Q. There is a reference that she had met with you
 8 one-on-one to discuss the schedule changes. Do you
 9 recall that meeting happening?
 10 A. I do.
 11 Q. And can you just recollect for me as best you
 12 can recall the substance of that meeting you had with
 13 Ms. Roters?
 14 A. She told me, if I remember correctly, that she
 15 was going to be changing the schedule. And if I had any
 16 conflicts that I would like to let her know about. And
 17 I told her that I taught a class at church on Sundays.
 18 And I believe she told me that since it was a voluntary
 19 thing, not a paid position, that it did not qualify.
 20 Q. Did not qualify for what?
 21 A. For -- I can't even think of the word.
 22 Consideration, basically.
 23 Q. It says here that all other shifts -- that
 24 shifts are going to rotate. What was your understanding
 25 of what she was doing with the shift in that regard?

1 A. At that time I wasn't -- I don't think I knew
2 specifics. I just assumed days off would rotate. And
3 that we would probably be working both day and evening
4 shifts.

5 Q. What happened? What was the rotation for the
6 shifts that Ms. Roters put in?

7 A. That is what she did. We would go through --
8 or went through a period of working the morning shift
9 from 6:00 to 2:00 or thereabouts. We would go through
10 several weeks of doing that. And then we would switch
11 and start working from about 2:00 or thereabouts to
12 10:00 at night. And each week our days off would
13 change. And our week schedule was generally six to
14 seven, sometimes even eight days in a row before we had
15 a day off.

16 Q. How far in advance would you know what your
17 schedule is going to be?

18 A. About a month, maybe.

19 Q. This e-mail appears to reference a couple of
20 individuals whose schedules were to remain fixed due to
21 financial burden. Do you know anything about that?

22 A. Does it specifically mention it in the e-mail?

23 Q. It does not. It is the third paragraph on the
24 front page. And I'll read it to you. It says, "The
25 schedule reflects two fixed schedules due to financial

1 A. Correct.

2 Q. Focusing on the year 2010. Can you tell me
3 any instances where you criticized the management of the
4 Nampa facility?

5 A. In 2010? I don't recall.

6 Q. And specifically I'm talking about any
7 complaints to management concerning sexual misconduct of
8 staff towards juveniles. Did you make any complaints of
9 that nature to management in 2010?

10 A. No.

11 Q. Any complaints to management about safety
12 issues involving juveniles in 2010?

13 A. I don't believe so.

14 Q. How about employees not reporting their time
15 accurately?

16 A. No.

17 Q. Misuse of government funds?

18 A. Not that I'm aware of.

19 Q. Hiring practices?

20 A. I don't believe so.

21 Q. Let's turn to 2011. Same questions. Any
22 complaints you made to management concerning sexual
23 misconduct of staff towards juveniles?

24 A. I don't think so.

25 Q. How about safety issues involving juveniles?

1 burden. All other shifts will rotate."

2 A. I know of two people who have fixed schedules.
3 But I didn't know why.

4 Q. Who were those individuals?

5 A. Mr. Anthony Bernstein and Mr. Ebe Amaechi.

6 Q. Do those two individuals still have those
7 fixed schedules?

8 A. Correct.

9 Q. There is also a reference of one staff that is
10 returning to work after a medical leave and would be
11 fixed working in the booth while on light duty. Do you
12 know who that was?

13 A. There were a few injuries around that time.
14 I'm not sure who specifically it was.

15 Q. Other than these two fixed schedules and the
16 staff that was returning from medical leave was
17 everybody in the O&A unit, as far as a schedule, treated
18 the same?

19 A. In that we were all forced to uproot our
20 lives, yes, we were all --

21 Q. You were all rotating your shifts the same?

22 A. Correct.

23 Q. Nobody was treated special or different with
24 the exception of the three exceptions that are detailed
25 in this e-mail?

1 A. I believe there were a few instances where I
2 did report -- I don't know if I would call it an
3 official report -- to my immediate supervisor.

4 Q. And who was your immediate supervisor?

5 A. I believe at that time it was still Mr. Knoff.

6 Q. And what did you tell him about -- whatever
7 you did tell him about safety issues with juveniles,
8 what did you tell him?

9 A. The declining state of the safety for
10 juveniles in the facility as tools were being taken away
11 from us. We were given more things to accomplish during
12 our shift and less time to do them in.

13 Q. All right. You say tools were being taken
14 away. Are you referring to the 72-hour lockdown for
15 assaults?

16 A. That was one of them; yes.

17 Q. How was that being taken away?

18 A. We were having to reduce that. I believe it
19 was -- I believe that was about the time when they were
20 starting to require that we only leave the juveniles in
21 the room after some kind of egregious incident for as
22 long as they were calm and until they were ready to
23 apologize.

24 Q. Anything else you talked to Mr. Knoff about as
25 far as safety issues? And, again, focusing on 2011.

1 A. Regarding safety and security?
 2 Q. Yes.
 3 A. Or regarding anything?
 4 Q. Safety and security.
 5 A. I think it was just the general lack of
 6 concern by what appeared to be the lack of concern by
 7 management for staff in regards to our safety and the
 8 juveniles safety. And anybody else that we may have
 9 charge over at the time.
 10 Q. Was that prompted by the tools you described
 11 you felt were being taken away?
 12 A. In one part; yeah.
 13 Q. Tell me, when did you talk to Mr. Knoff about
 14 your concerns in that regard?
 15 A. That would be during team meetings.
 16 Q. When in 2011 did you bring that up to him?
 17 A. I don't recall. It was probably a frequent
 18 basis. Maybe not every week. But it was often.
 19 Q. Was it early in the year? Late in the year?
 20 When?
 21 A. I believe it was about mid to late 2011.
 22 Q. Can you give me an approximate month?
 23 A. It would have been ongoing. I don't know
 24 about any particular month.
 25 Q. Can you tell me the approximate month when you

1 superintendent.
 2 Q. Other than stuff noted in the pass down
 3 reports any other way that you suggest that you feel
 4 Ms. Grimm would have known that you had been complaining
 5 about safety and security to Mr. Knoff?
 6 A. Not that I'm aware of.
 7 Q. Same question with respect to Director
 8 Harrigfeld. Do you have any information to suggest that
 9 Ms. Harrigfeld was aware that you had made complaints
 10 about safety and security to Mr. Knoff in 2011?
 11 A. I would have to assume that Ms. Grimm was
 12 passing that information on to her. I wouldn't know for
 13 sure.
 14 Q. You don't know one way or another?
 15 A. Correct.
 16 Q. Focusing again on 2011. Any complaints you
 17 made during that time about employees not reporting
 18 their time accurately?
 19 A. I don't recall.
 20 Q. Again, focusing in 2011. Any complaints you
 21 made to management regarding the misuse of government
 22 funds?
 23 A. I don't recall.
 24 Q. How about hiring practices? Again, focusing
 25 on 2011.

1 first brought this up?
 2 MR. SCHOPPE: Objection. Asked and answered.
 3 THE WITNESS: I couldn't approximate.
 4 Q. (BY MR. COLLAER) When you say mid. The
 5 middle would be July.
 6 A. Possibly.
 7 Q. Do you contend that Betty Grimm had any
 8 knowledge of your complaints to Mr. Knoff about the
 9 safety issues?
 10 A. Well, he advised us that he was -- Mr. Knoff
 11 advised us that he was taking our concerns to her.
 12 Q. My question is, do you know that Mr. Knoff
 13 told Ms. Grimm that you had specifically complained
 14 about this?
 15 A. By name?
 16 Q. Yes.
 17 A. I don't know that he ever mentioned that he
 18 had said anything by name.
 19 Q. Do you have any information that would suggest
 20 that Ms. Grimm had any knowledge that you had
 21 specifically complained about this?
 22 A. Well, there is always the pass down reports.
 23 I'm sure I put down declining safety and security in
 24 pass down reports. And those would go to my immediate
 25 supervisor, my colleagues, as well as to the

1 A. I believe I did report the same type of
 2 instances to Mr. Knoff about the strange process that
 3 Ms. Roters went through in getting her promotion.
 4 Q. And what do you recall actually saying to
 5 Mr. Knoff about that?
 6 A. I don't recall the exact phrase that I would
 7 have said.
 8 Q. Were you just commenting on the process? Or
 9 were you upset and complaining about how it occurred?
 10 A. I would have been upset and complaining.
 11 Q. Why?
 12 A. Because it did not seem to be an accurate
 13 hire.
 14 Q. Why?
 15 A. Because it was removed. And then she was
 16 groomed to get it the second time.
 17 Q. So are you telling me that your complaint to
 18 Mr. Knoff happened with respect to the second time she
 19 was hired as the unit manager? Or the first time?
 20 A. I think it was probably for both.
 21 Q. All right. What was your complaint about her
 22 being selected the first time?
 23 A. I didn't see her as supervisor material.
 24 Q. Why?
 25 A. The way she interacts with staff and

1 juveniles.
 2 Q. So you just didn't like her as a supervisor?
 3 A. No, I don't agree with your question.
 4 Q. What you had seen with her, if you were making
 5 the hiring decision, you would have chosen somebody
 6 else?
 7 A. From having worked with her, yes, I would have
 8 chosen somebody else.
 9 Q. With respect to her first hiring do you recall
 10 specifically what you told Mr. Knoff?
 11 A. Not specifically.
 12 Q. Do you recall how soon after it was announced
 13 she had been selected for this position that you made
 14 this comment to Mr. Knoff?
 15 A. It would have to be an approximate guess.
 16 Q. Give me your best estimate.
 17 A. A week or two, possibly.
 18 Q. How soon after she was selected for the
 19 position the second time did you make any comments about
 20 the process to Mr. Knoff?
 21 A. It would be a guess. But maybe about the same
 22 time frame.
 23 Q. Do you have any information suggesting that
 24 Mr. Knoff relayed your concerns and identified you as a
 25 complaining individual to Betty Grimm?

1 Harrigfeld. In 2011 what did she do, if anything, to
 2 change or negatively impact your job?
 3 A. I think it would be the same answer.
 4 Q. Now, with respect to Betty Grimm. The changes
 5 she made. Do you have any idea why she made those
 6 changes? What motivated her?
 7 A. My belief, my understanding, was that it was
 8 coming from the director, Ms. Harrigfeld.
 9 Q. And what is your understanding of
 10 Ms. Harrigfeld's motivations?
 11 A. That she was -- I wouldn't be able to
 12 speculate on her motivations.
 13 Q. That's fine. Tell me, in 2012 could you
 14 describe for me any complaints you made to management
 15 concerning sexual misconduct of staff towards juveniles?
 16 A. Nothing with regards to sexual misconduct.
 17 Q. Any complaints you made concerning safety
 18 issues involving juveniles?
 19 A. It would have been an ongoing complaint, I
 20 guess you could call it, with Mr. Knoff.
 21 Q. Would these be the same complaints as you
 22 described earlier that you spoke of that occurred in
 23 2011?
 24 A. Correct. As it continued to snowball and get
 25 worse.

1 A. By name?
 2 Q. Yes.
 3 A. I don't know if he mentioned me by name.
 4 Q. Same question with respect to Sharon
 5 Harrigfeld?
 6 A. Only if Ms. Grimm passed it on to her. I'm
 7 unaware.
 8 Q. So you don't know?
 9 A. Right.
 10 Q. Tell me, in 2011 can you describe anything
 11 that Betty Grimm did to you personally to change your
 12 job duties or anything?
 13 A. I'm sorry. For the same year? 2011?
 14 Q. Yes.
 15 A. Aside from the additional duties with less
 16 time to accomplish them in; no.
 17 Q. But these are the similar things asked of
 18 every similarly situated employee?
 19 A. In O&A.
 20 Q. So you weren't treated any differently than
 21 any other O&A employee with respect to the duties she
 22 wanted you to accomplish and the time you were afforded
 23 to do that; correct?
 24 A. Within O&A, no.
 25 Q. Same question with respect to Sharon

1 Q. And, again, do you have any information
 2 suggesting that Mr. Knoff told Betty Grimm that you had
 3 made -- that you had personally made any complaints
 4 about safety issues involving juveniles?
 5 A. Not by name; no.
 6 Q. Same question with respect to Sharon
 7 Harrigfeld. Did she know you had made any complaints
 8 about safety issues?
 9 A. Not by name.
 10 Q. Did you make any complaints in 2012 about
 11 employees not reporting their time accurately?
 12 A. I'm trying to remember when the petition went
 13 around. I believe it was during 2012. And that was --
 14 that might have been in there.
 15 Q. You don't recall if it was or not?
 16 A. I don't recall.
 17 Q. All right. You would just defer to the
 18 document itself as to whether it mentioned that or not?
 19 A. Correct.
 20 Q. And with respect to that petition. What
 21 information do you have that Betty Grimm ever saw that
 22 petition?
 23 A. Well, other than that was its purpose. That
 24 it was to be written, signed and go to her. And I
 25 believe a copy also to Ms. Harrigfeld.

1 Q. Who was circulating the petition? Ray
 2 Gregston?
 3 A. I believe he was one of them.
 4 Q. Would you defer to Mr. Gregston's recollection
 5 of what he did with the petition after the signatures
 6 were obtained?
 7 A. Yeah, I would.
 8 Q. Because you weren't personally involved in
 9 giving it to anybody; were you?
 10 A. Correct.
 11 Q. In 2012 can you tell me any complaints you
 12 made concerning the misuse of government funds?
 13 A. I think, unless it was in the petition, I
 14 don't recall anything other than maybe that.
 15 Q. How about any complaints you made in 2012
 16 regarding hiring practices?
 17 A. The continued occasional complaint to
 18 Mr. Knoff. And including the petition.
 19 Q. The complaints to Mr. Knoff about hiring in
 20 2012, what were those complaints that you made?
 21 A. Well, they probably would have been along the
 22 same lines as what was occurring at the end of 2011.
 23 Staff would get together and we would accurately pick
 24 who was going to get what job before any results were
 25 announced.

1 A. At first she was our interim boss; yes.
 2 Q. But when she was appointed as the unit manager
 3 she was your boss; correct?
 4 A. Correct.
 5 Q. And were you personally happy with the fact
 6 that Ms. Roters had been appointed as your boss?
 7 A. I was not.
 8 Q. And why not?
 9 A. From having worked with her before. Even when
 10 she was a rehabilitation technician.
 11 Q. Were there people within O&A that also shared
 12 your view that they weren't happy with Ms. Roters being
 13 the boss?
 14 A. Yes.
 15 Q. Were people complaining that they weren't
 16 going to work for Ms. Roters?
 17 A. I don't know if they said it in so many words.
 18 Q. Was there any discussion amongst the staff
 19 about what they were going to do because of the fact
 20 that Ms. Roters was now the boss?
 21 A. In what way do you mean?
 22 Q. To oppose her or change the way she viewed
 23 things. Anything of that nature.
 24 A. To actively go against her?
 25 Q. Yeah.

1 Q. Are you referring to Ms. Roters?
 2 A. Ms. Roters. Ms. McCormick.
 3 Q. Are you aware of what Mr. Knoff informed
 4 Ms. Grimm that you had made complaints of that nature?
 5 A. Just what he told myself and the others. That
 6 he was passing it on.
 7 Q. But did he tell you that he personally told
 8 Ms. Grimm that you had complained about hiring practices
 9 at the department?
 10 A. I don't recall if he said by name or not.
 11 Q. You don't know if he did or not?
 12 A. No.
 13 Q. Do you know if Ms. Harrigfeld ever had
 14 knowledge that you had personally complained about
 15 hiring practices at the department?
 16 A. I'm unaware.
 17 Q. Could you describe for me anything that Betty
 18 Grimm did to you in 2012 that impacted your job, made it
 19 more difficult to do, or less desirable, or anything of
 20 that nature?
 21 A. That would be about the time that Ms. Roters
 22 took over for Mr. Knoff. She basically told us in a
 23 team meeting that we were to support Ms. Roters in
 24 everything she did or we can find another job.
 25 Q. Ms. Roters was going to be your boss; correct?

1 A. No. No discussion.
 2 Q. Was there people that did things adverse to
 3 Ms. Roters after she became the boss?
 4 A. Not that I'm aware of.
 5 Q. Would you ever see people disrespectful
 6 towards her?
 7 A. Not that I'm aware of.
 8 Q. Did you ever see anybody yell at her?
 9 A. I believe I have seen somebody raise their
 10 voice.
 11 Q. Who?
 12 A. I don't recall who.
 13 Q. Tell me, since Ms. Roters has been the unit
 14 manager has she ever instructed you to do anything that
 15 violated any state or federal law?
 16 A. Well, I would contend that her instructing all
 17 of O&A to allow juveniles out after an assault or
 18 something of that nature after 15, 20 minutes or so
 19 violates the law; yes.
 20 Q. What law are you referring to?
 21 A. The ability for the victim to feel safe.
 22 Q. Is that some state or federal statute?
 23 A. I believe it is the Eighth Amendment to the
 24 U.S. Constitution. Cruel and unusual punishment.
 25 Q. Of the victim?

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1 A. Yes.
 2 Q. Are you talking about another inmate?
 3 A. Correct.
 4 Q. Would you also accept that the person who
 5 commits the assault, the other child, is also protected
 6 by the Eighth Amendment?
 7 A. Correct.
 8 Q. What is your understanding of what the Eighth
 9 Amendment affords to an incarcerated individual?
 10 A. Freedom from cruel and unusual punishment.
 11 Q. That involves the conditions of their
 12 confinement; correct?
 13 A. Correct.
 14 Q. Certain conditions can violate the federal
 15 constitution. Do you understand that?
 16 A. Correct.
 17 Q. Is it your understanding that the conditions
 18 you create in that facility have to comply with the
 19 Eighth Amendment?
 20 A. Correct.
 21 Q. And it is your feeling that some of Ms. Roters
 22 decisions about room time with the kids would violate
 23 the Eighth Amendment rights of the other inmates?
 24 A. Correct.
 25 Q. Okay.

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1 A. If they come to me and tell me that they don't
 2 feel safe. That their aggressor is now back out in the
 3 group with them. Yes.
 4 Q. Tell me, would you feel that the length of
 5 time kids are confined or locked up in their rooms or
 6 their cells during the day could violate the Eighth
 7 Amendment?
 8 A. It would depend on the circumstances.
 9 Q. What circumstances?
 10 A. Whether they were an aggressor, or a
 11 co-aggressor, I guess, in a fight, or assault, or
 12 whatever.
 13 Q. Would you agree there are circumstances where
 14 time in the cell would violate the Eighth Amendment?
 15 A. If they were exorbitant; yes.
 16 Q. Tell me, would you expect children at juvenile
 17 corrections in a routine day spend more time or less
 18 time locked in their cells as adults at ISCI or in the
 19 general population?
 20 MR. SCHOPPE: Objection. Calls for
 21 speculation. Assumes facts not in evidence.
 22 Irrelevant.
 23 THE WITNESS: I don't believe you can compare
 24 the two.
 25 Q. (BY MR. COLLAER) The Eighth Amendment applies

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1 to both; doesn't it?
 2 A. Correct.
 3 Q. Other than making Ms. Roters your supervisor
 4 in 2012, anything else that you contend that Betty Grimm
 5 or Sharon Harrigfeld did to you during that time frame
 6 that made your job less pleasant?
 7 A. I think just the general attitude that we
 8 were -- it was like they thought we were always doing
 9 something wrong and needed to be watched constantly when
 10 most of us have been there for many years and we do know
 11 what we are doing and are able to do so.
 12 Q. So you are talking about the level of
 13 supervision they used in the O&A area?
 14 A. Yeah, I guess you could put it that way.
 15 Q. Would you agree that observation/supervision
 16 of staff working for you is a prerogative of management?
 17 A. Absolutely.
 18 Q. You also understand that Ms. Roters as your
 19 boss, unless she is telling you to do something that is
 20 illegal, you have to do it? You have to follow her
 21 directions; correct?
 22 A. Correct.
 23 Q. Has there been an instance when she has given
 24 you instruction of something she wanted you to do and
 25 you refused to perform?

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1 A. Not that I recall.
 2 Q. Could you describe anything that
 3 Ms. Harrigfeld has done that would prevent you from
 4 speaking out or criticizing IDJC management in any way?
 5 A. Just the general feeling that concerns that
 6 are brought up to her are ignored, I guess.
 7 Q. Same question with respect to Betty Grimm?
 8 A. I think it would be the same answer.
 9 Q. We might have already addressed this. But
 10 could you describe for me any jobs that you have applied
 11 for at IDJC that you did not receive?
 12 A. Aside from the one we already talked about
 13 where I was still in my entrance probation. That I
 14 understood. I applied for the safety and security
 15 supervisor position I believe it was at the same time
 16 that Julie McCormick received it. And I applied for
 17 a -- oh, I think it was called technical records
 18 specialist position basically within IT dealing with
 19 IJOS.
 20 Q. The safety and security supervisor position
 21 that you mentioned. The candidate that got that job was
 22 Julie McCormick?
 23 A. I believe it was at that time; yes.
 24 Q. Do you recall what year? When that occurred?
 25 A. I think it was maybe the end of 2011,

1 beginning of 2012.
 2 Q. Did you fill out an application?
 3 A. I did.
 4 Q. Did you do the online test?
 5 A. I did.
 6 Q. Did you make the interview list?
 7 A. I did.
 8 Q. Were you afforded an interview?
 9 A. Yes.
 10 Q. Did you interview before a panel?
 11 A. Yes.
 12 Q. Do you recall who the individuals were on the
 13 panel?
 14 A. I only remember Ms. Grimm. I'm not sure who
 15 else was on it.
 16 Q. But you do recall there was more than one
 17 person on the panel?
 18 A. Yes.
 19 Q. Do you recall the types of questions the other
 20 people on the panel asked you during the interview?
 21 A. Not specifically; no.
 22 Q. How long did your interview with the panel
 23 last?
 24 A. Maybe half an hour, 40 minutes.
 25 Q. Did you feel you performed well during the

1 individual members felt was the best candidate?
 2 A. Oh, no.
 3 Q. Do you have any information or belief that the
 4 interview process was corrupted in any fashion?
 5 A. Aside from the fact that we all -- several
 6 of us in O&A thought it was probably going to be
 7 Ms. McCormick; no.
 8 Q. But you don't know if the other people on the
 9 interview panel, after they did the interviews, who they
 10 felt was the most qualified candidate?
 11 A. Yeah, I don't know what they were thinking.
 12 Q. And you don't know what Ms. Grimm's thinking
 13 was going into the interview process, either; do you?
 14 A. No.
 15 Q. After the panel of the interview of candidates
 16 was there follow-up interviews with anybody, that you
 17 are aware of?
 18 A. I'm not aware.
 19 Q. The tech research specialist position that you
 20 applied for --
 21 A. Technical records, I think it was.
 22 Q. When did you apply for that spot?
 23 A. Early 2012. Maybe towards the middle. I'm
 24 not exactly sure.
 25 Q. And was that also a position that you filled

1 interview?
 2 A. No. I felt I could have done better.
 3 Q. How so?
 4 A. Well, I think I was nervous like anybody would
 5 be in an interview.
 6 Q. Sure. And when you were interviewing for this
 7 position was it your understanding that there were other
 8 candidates that were also applying for it?
 9 A. Yes.
 10 Q. And do you know who those other individuals
 11 were?
 12 A. Just from them. I believe Julie had told me
 13 that she was. And there might have been one more that
 14 had told me they were applying for it. But I don't
 15 recall who.
 16 Q. Do you have any knowledge concerning who the
 17 panel identified as the individual who they had felt
 18 should be offered the job?
 19 A. Can you say that again?
 20 Q. I would be happy to. Do you have any
 21 knowledge concerning who was the candidate that the
 22 panel selected as the person to be offered the job?
 23 A. The only one they announced who had gotten it.
 24 Q. But you don't know anything about any
 25 discussions among the interview panel about who those

1 out an application and took the online test?
 2 A. Yes.
 3 Q. And did you make the interview list?
 4 A. Yes.
 5 Q. And were you afforded an interview?
 6 A. Yes.
 7 Q. And was there a panel?
 8 A. Yes.
 9 Q. Who was on the panel?
 10 A. I remember that Lindsay Anderson was on that
 11 panel. Everybody else, I don't recall who.
 12 Q. Do you recall how many people were on the
 13 panel?
 14 A. Three or four, possibly.
 15 Q. How do you know Lindsay Anderson?
 16 A. Just from work.
 17 Q. Tell me, who got the job?
 18 A. One of my coworkers. Gonzalo Callison.
 19 Q. Is it your position that you were more
 20 qualified or a better candidate for that job than
 21 Mr. Callison?
 22 A. No, not necessarily.
 23 Q. So you are not critical of the decision to
 24 select him for that job over yourself?
 25 A. No. I was jealous.

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1 Q. Understood. That is just kind of how it goes
 2 sometimes.
 3 A. Yeah.
 4 Q. Tell me, did you feel that you were more
 5 qualified or should have been selected over Julie
 6 McCormick for the SSS position?
 7 A. In some ways I think I felt I had maybe a
 8 little more supervisory experience than her. But I
 9 wasn't overly critical of the fact that she got it.
 10 Q. Would you agree that if the panel felt she
 11 just interviewed better that would probably get her the
 12 job over yourself?
 13 MR. SCHOPPE: Objection. Calls for
 14 speculation.
 15 THE WITNESS: I would assume.
 16 Q. (BY MR. COLLAER) Are you aware of any other
 17 improper procedure that happened in Ms. McCormick's
 18 hiring that kept you from getting that job?
 19 A. Not that I'm aware of.
 20 Q. Could you describe for me any financial losses
 21 you contend that you have experienced as a result of
 22 anything that you contend Sharon Harrigfeld has done to
 23 you?
 24 A. No. I have no financial losses that I am
 25 aware of.

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1 Q. Can you describe for me any financial losses
 2 you'll experience in the future of anything you contend
 3 Sharon Harrigfeld has done to you?
 4 A. I guess that would depend on the outcome of
 5 all of this.
 6 Q. If you lose your lawsuit you are not going to
 7 get anything from that. But outside of that, anything?
 8 A. I don't think I would have a job anymore.
 9 Q. What makes you think that?
 10 A. Just the way the department runs.
 11 Q. So you're assuming if you lose your lawsuit
 12 you are going to get fired?
 13 A. Correct.
 14 Q. But you don't know that?
 15 A. As a fact, no.
 16 Q. And there has been no employment action taken
 17 against you since the lawsuit has been filed; correct?
 18 A. No.
 19 Q. And none taken against you before that,
 20 either; correct?
 21 A. No.
 22 MR. SCHOPPE: Calls for a legal conclusion.
 23 Q. (BY MR. COLLAER) Can you describe for me any
 24 financial losses you have experienced as a result of
 25 anything that you contend Betty Grimm has done to you?

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1 A. Not that I'm aware of.
 2 Q. Can you describe any financial losses you
 3 contend you will experience in the future as a result of
 4 anything you contend Ms. Grimm has done to you?
 5 A. Same answer as the other one.
 6 Q. You understand Ms. Grimm is retired at this
 7 point?
 8 A. Yes.
 9 Q. So how would she have anything to do with any
 10 decision to keep you employed after this lawsuit is
 11 over?
 12 A. Just anything that might have possibly been
 13 said before she left, I guess.
 14 Q. Can you describe to me any physical damage or
 15 bodily injuries you have suffered as a result of
 16 anything Ms. Harrigfeld has done to you?
 17 A. None that I'm aware of.
 18 Q. Same question with respect to Betty Grimm?
 19 A. None that I'm aware of.
 20 Q. And when I'm talking about bodily injuries I'm
 21 talking about any bodily function that you contend has
 22 been adversely affected by anything either of those
 23 women have done to you?
 24 A. Not that I'm aware of.
 25 MR. COLLAER: I have nothing further.

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1 EXAMINATION
 2 QUESTIONS BY MR. SCHOPPE:
 3 Q. I have some follow-up questions for you.
 4 During the time that you were supervised by Mr. Knoff
 5 did you ever have any concern that he would retaliate
 6 against you for making reports about safety or security
 7 problems, violations of law, and waste, or anything
 8 negative towards management?
 9 A. No. None.
 10 Q. As a supervisee of Ms. Roters is that
 11 different now? Do you fear retaliation from her or
 12 others in response to reporting the same kinds of thing?
 13 A. Yes.
 14 MR. COLLAER: Object to the form of the
 15 question. Calls for speculation.
 16 Q. (BY MR. SCHOPPE) You testified earlier that
 17 you were aware that Betty Grimm had indicated that staff
 18 in O&A needed to support Laura Roters or find jobs
 19 elsewhere; is that right?
 20 A. Correct.
 21 Q. Did that make you fear criticizing Laura
 22 Roters?
 23 A. Yes.
 24 Q. Did it make you fear challenging disciplinary
 25 action she took against you like warning records, or

1 verbal counseling, or things like that?
 2 A. Yes.
 3 Q. Did it make you afraid to use the problem
 4 solving process with her?
 5 A. Yes.
 6 Q. Did anybody else you worked with ever express
 7 similar concerns or similar fears?
 8 A. I believe just about everybody that I worked
 9 with had some kind of a fear.
 10 Q. Everybody in O&A?
 11 A. Yes.
 12 Q. Ultimately would that include people like
 13 Diana Carnell?
 14 A. Yes.
 15 Q. Ray Gregston?
 16 A. Yes.
 17 Q. Dave Hottell?
 18 A. Yes.
 19 Q. Gracie Reyna?
 20 A. Yes.
 21 Q. Lisa Littlefield?
 22 A. Yes.
 23 Q. Robin Smythe?
 24 A. Yes.
 25 Q. Todd Inman?

1 manager position that she was not qualified for?
 2 A. Yeah, I believe that is what it was
 3 referencing.
 4 Q. And also with respect to Ms. McCormick. Did
 5 it express concern on the part of many that she had been
 6 promoted to a supervisor position that she didn't have
 7 experience for?
 8 A. Yes.
 9 Q. You mentioned earlier that people you worked
 10 with believed in advance that Ms. McCormick would get
 11 that position. Why was that?
 12 MR. COLLAER: Object to the form of the
 13 question. Calls for speculation.
 14 Q. (BY MR. SCHOPPE) Did you talk about that with
 15 people?
 16 A. Yeah, we talked about it. It was kind of a,
 17 for lack of a better word, kind of a running game to see
 18 how accurate we would be in picking who was going to get
 19 the -- receive the promotion.
 20 Q. And who was it that you were speaking with
 21 about that?
 22 A. Coworkers in O&A. I don't recall specifically
 23 who.
 24 Q. Did you or anyone else express why it was they
 25 thought she would get that position?

1 A. Yes.
 2 Q. In October or November of 2011 do you
 3 recall -- and we've already mentioned the petition -- do
 4 you remember when you first heard about a petition being
 5 circulated?
 6 A. As in the day? I don't recall the day. But I
 7 do remember that it was brought to my attention; yes.
 8 Q. Do you know how it came to your attention?
 9 A. I believe it was Mr. Inman that brought it to
 10 my attention.
 11 Q. What did he have to say?
 12 A. I think basically he said that there was a --
 13 somebody had written up a petition and it was going
 14 around to be read and signed if we felt that it was
 15 something that we agree with.
 16 Q. Did you read and sign it?
 17 A. I did.
 18 Q. And do you recall if the petition specifically
 19 referenced concerns of people in the department about
 20 the promotion of Laura Roters?
 21 A. I believe it did; yes.
 22 Q. And also with respect to Ms. Julie McCormick?
 23 A. I believe so; yes.
 24 Q. And was it your understanding at the time that
 25 the concern was about Ms. Roters being promoted to unit

1 A. I believe the consensus was that she was
 2 favored by Ms. Grimm.
 3 Q. Did anyone express disagreement with that,
 4 that you spoke with?
 5 MR. COLLAER: Object to the form of the
 6 question. Calls for speculation.
 7 Q. (BY MR. SCHOPPE) I mean, did anybody say
 8 that? That no, she is not going to get it? Or was it
 9 pretty unanimous?
 10 A. I believe it was the consensus. Pretty
 11 unanimous.
 12 Q. At some point in 2011 there was an all-staff
 13 meeting concerning the petition of hiring practices. Do
 14 you recall that? Or were you there?
 15 A. I believe I was; yes.
 16 Q. And in connection with these concerns that you
 17 shared with others about the hiring and promotion
 18 practices you already testified you spoke to Mr. Knoff
 19 about those things. Is it fair to say you talked about
 20 those concerns with a lot of other people?
 21 A. Yeah, I would bring it up with coworkers in
 22 O&A. And other units, as well.
 23 Q. Is it something that a lot of people were
 24 talking about at the time?
 25 A. Yeah, I would think so.

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1 Q. At any point after that did you meet with
 2 Director Harrigfeld or anyone with human resources or
 3 Betty Grimm concerning those concerns?
 4 A. I did not.
 5 Q. Do you recall if there was a series of
 6 meetings with people who voiced concerns over those
 7 issues?
 8 A. I know several of my coworkers had meetings
 9 with them; yes.
 10 Q. With respect to reports about any concerns of
 11 safety and security, violations of law, or waste, and
 12 things like that, things that you reported to Mr. Knoff,
 13 if Mr. Knoff testified that he had relayed those
 14 concerns to either Betty Grimm or Sharon Harrigfeld by
 15 name with respect to employees who reported those sorts
 16 of things, would you have any reason to disbelieve him?
 17 A. I would have no reason to doubt Mr. Knoff.
 18 Q. I'm not sure if you already answered this.
 19 But do you recall who else applied for the supervising
 20 safety and security officer position that Julie
 21 McCormick got?
 22 A. Julie McCormick, of course. I believe
 23 Mr. Gregston did, as well. I don't recall anybody else.
 24 Q. Did you ever discuss concerns about the -- I
 25 think you already testified you discussed concerns about

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1 safety and security of staff and juveniles with
 2 Mr. Knoff. Is that fair?
 3 A. Yes.
 4 Q. Is that something you would have formal
 5 meetings about? Or something that was a running concern
 6 that you would talk about throughout the average
 7 workweek?
 8 A. It would be more of a running concern.
 9 Specifically during team meetings. Towards the end he
 10 would go around and address each staff individually and
 11 ask if there were any specific concerns at that time.
 12 Q. You had testified earlier that it was after
 13 your tools were taken away that you began to see an
 14 increase in problems with safety and security in O&A.
 15 Is that fair?
 16 A. Yes.
 17 Q. What kinds of things did you see happening?
 18 What were the changes?
 19 A. Codes were increasing. Juvenile assaults were
 20 increasing. Staff injuries were increasing.
 21 Q. And did you express concerns over these things
 22 to Mr. Knoff?
 23 A. Yes.
 24 Q. And do you know if other staff expressed the
 25 same kinds of concerns to him?

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1 A. Yeah, I do.
 2 Q. Did he ever tell you that he had relayed those
 3 concerns on to Betty Grimm or Sharon Harrigfeld?
 4 A. Yes, he did.
 5 Q. And is it fair to say it was your intent that
 6 he would relay those concerns to Betty Grimm or Sharon
 7 Harrigfeld?
 8 A. Yes, it was.
 9 Q. With respect to the injuries that you
 10 mentioned with respect to staff injuries. Earlier you
 11 testified that someone was working in the control booth
 12 because of an injury. Do you recall who that was?
 13 A. I believe it might have been Mr. Hottell with
 14 a -- either a shoulder injury or a knee injury.
 15 Q. With respect to other injuries that you say
 16 occurred around that time, do you recall who those
 17 people were?
 18 A. I believe Mr. Sanders received an injury. I
 19 believe Mr. Clason received an injury. I'm not sure
 20 about the rest.
 21 Q. Did anyone attribute those injuries -- well,
 22 did it seem unusual to have so many people injured at
 23 once?
 24 A. Yes.
 25 Q. Did anyone attribute cause of those injuries

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1 to decreased safety in O&A?
 2 A. Yes.
 3 Q. Who did?
 4 A. All of them. Including those who weren't
 5 injured.
 6 Q. Is this the kind of thing that you discussed
 7 in team meetings?
 8 A. In team meetings. In just group discussions.
 9 It was kind of a major topic at the time.
 10 Q. In 2011 do you recall discussing concerns over
 11 hiring and promotions practices with Rhonda Ledford?
 12 A. I believe so; yes.
 13 Q. Would that have been in connection with Julie
 14 McCormick's hiring?
 15 A. Actually, yes, I believe she was another
 16 person who applied at that time.
 17 Q. Would you talk about all these same kinds of
 18 concerns with Gracie Reyna? Hiring and promotion
 19 practices and safety problems in 2011?
 20 A. I'm sure I did.
 21 Q. Would it be fair to say it was no secret that
 22 you were critical of how management was running the
 23 place that year?
 24 MR. COLLAER: Objection to the form of the
 25 question. Calls for speculation as to an unidentified

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1 individual's state of mind.
 2 THE WITNESS: I would say it was probably
 3 common knowledge.
 4 Q. (BY MR. SCHOPPE) After the tools that you
 5 testified about earlier were taken away in O&A were you
 6 concerned that the CRIPA rights of juveniles were being
 7 jeopardized?
 8 A. Yes.
 9 Q. And you are trained in CRIPA as an employee of
 10 JCC-Nampa?
 11 A. Yes, we are.
 12 Q. With respect to the room time or lockdown time
 13 issue that came up that was brought up in 2011 -- well,
 14 do you recall an issue being brought up about the amount
 15 of time that juveniles were spending in rooms?
 16 A. We were told that the extensive amount of time
 17 in their rooms for assaults and things of that nature
 18 violated CRIPA.
 19 Q. Who told you that?
 20 A. I believe it was coming from the director
 21 through Ms. Grimm.
 22 Q. Did you or anybody else in O&A do any research
 23 on the issue? CRIPA standards?
 24 A. We did.
 25 Q. Did you do any of that research?

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1 A. Yes.
 2 Q. And what kind of research did you do?
 3 A. We found that the national -- according to the
 4 CRIPA information -- we found the national standard for
 5 juveniles that have been involved in an assault is
 6 anywhere from three to five days on lockdown.
 7 Q. And where did JCC-Nampa fall within that
 8 national standard?
 9 A. Until they started taking it away we were at
 10 the 72 hours. The three days.
 11 Q. That was kind of the maximum automatic
 12 discipline that could be imposed?
 13 A. Yes.
 14 Q. Was it always automatic? Or something that
 15 would be -- was there a certain threshold that had to be
 16 met before that kind of deterrent could be imposed?
 17 A. There was some flexibility of staff discretion
 18 allowed.
 19 Q. Would that typically be in the case of violent
 20 assaults amongst the juveniles?
 21 A. Correct.
 22 Q. And were you concerned that when things
 23 changed -- well, did things change with respect to room
 24 time, and deterrence, and things like that?
 25 A. Drastically.

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1 Q. How so?
 2 A. Juveniles were in their rooms for -- I think
 3 15, 20 minutes was probably the lowest I ever saw. As
 4 soon as they were ready to apologize that was basically
 5 the criteria that we had to then let them out.
 6 Q. And in the cases of juveniles who had
 7 assaulted other juveniles in the unit did the juveniles
 8 that had been assaulted express fear or concern for
 9 their safety in that quick turnaround?
 10 A. Several times.
 11 Q. Any in particular that you can recall?
 12 A. Not specifically; no.
 13 Q. What sort of things would those juveniles have
 14 to say?
 15 A. They were afraid that the aggressor was going
 16 to return to the pod and assault them again. Or
 17 possibly that they would coerce somebody else into
 18 assaulting them. That type of thing.
 19 Q. And is it your understanding that CRIPA
 20 requires that victims of assaults have their rights
 21 against further assaults and should be protected by the
 22 facility?
 23 MR. COLLAER: Objection. Calls for a legal
 24 conclusion.
 25 THE WITNESS: Yes.

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1 Q. (BY MR. SCHOPOPE) You're trained in CRIPA;
 2 right?
 3 A. I am; yes.
 4 Q. In all of the time you have worked at O&A how
 5 much time did Director Harrigfeld spend there, as far as
 6 you know? Did you ever see her there?
 7 A. In O&A?
 8 Q. Right.
 9 A. I think I have seen her once for probably
 10 about as long as it took her to walk around the area
 11 where the three pods are situated.
 12 Q. What does O&A do?
 13 A. We receive juveniles that have been committed
 14 to the state. While they are in O&A we, as techs,
 15 observe and assess their -- how they interact with other
 16 juveniles. How they interact with staff. How they
 17 follow rules. Things like that. While they are there
 18 they are tested by the education staff. They are tested
 19 by clinicians. And then after kind of a culmination of
 20 the whole thing, towards the end, those results are
 21 discussed with the juvenile and his or her
 22 parents/guardian, and clinical staff, rehabilitation
 23 technicians, et cetera. And then after the juvenile
 24 leaves then they start discussing what program is going
 25 to best suit that juvenile.

1 Q. How is what O&A does different from what the
2 other units do? Like Solutions or Choices?

3 A. We are determining what program they are going
4 to go to. Whereas, Choices and Solutions are the
5 programs that they have the opportunity to be assigned
6 to. In O&A we have juveniles for an average of four to
7 six weeks. And in the program they can be there a year
8 or more. Depending on how -- whether they work the
9 program or not.

10 Q. With respect to differences in how juveniles
11 are disciplined in room time is that due to the
12 different nature of O&A from the other two programs?

13 MR. COLLAER: Objection. Vague. Calls for
14 speculation.

15 THE WITNESS: I would say that yes, that is
16 the reason.

17 Q. (BY MR. SCHOPPE) Is O&A a place where
18 juveniles sort of have to first get accustomed to life
19 in the secured facility?

20 A. That is correct. They are getting used to
21 being committed to the state. And the idea that they
22 are going to be in a program for several months, maybe a
23 year or more. They are getting used to being around
24 other juveniles that could be night and day different
25 from them.

1 the juveniles short-staffed with supervision, they are
2 requesting additional staff to come in and either be
3 with the juvenile that is acting out or to be with the
4 juveniles that are remaining behind. It usually winds
5 up with the juvenile that is acting up wandering around
6 the facility with staff kind of following them around
7 like a puppy dog.

8 Q. Based on your training and experience is that
9 a security risk?

10 A. When they can walk all over the facility and
11 we can't stop them, yes, it is.

12 Q. Does that endanger other juveniles?

13 A. It does.

14 Q. And staff?

15 A. Yes.

16 Q. Are you aware or have you ever felt any
17 pressure to underreport incidents of violence or code
18 reds or things like that? Or has anybody ever expressed
19 that they felt that pressure?

20 MR. COLLAER: Object to the form of the
21 question. Calls for speculation.

22 THE WITNESS: I guess aside from the fact that
23 they have given us a lower level that doesn't qualify,
24 as far as I know, on any kind of reporting. And we are
25 asked to use that rather than calling a code. When

1 Q. You mentioned How do the codes work?
2 Actually, let's say prior to 2010 how did codes work?
3 How were they classified?

4 A. At that time we had two codes. We had code
5 yellow, which was if you are available we ask that you
6 show up to help. That something was going on and it is
7 a possibility that it could escalate or deescalate. A
8 code red on the other hand means that something is
9 currently actually happening. Whether a juvenile or
10 juveniles are fighting or flipping over tables or
11 harming themselves. Trying to hang themselves, cut
12 themselves, something like that.

13 Q. And did that policy change at some
14 point?

15 A. The policy hasn't changed. But they have
16 added on a new -- according to a memo that we
17 received -- they added on a new lower level, I guess,
18 you would say. Lower than code yellow. Being the staff
19 assist.

20 Q. And what is that?

21 A. It is basically if a juvenile decides that
22 they are going to walk out of class, or process group,
23 or the gym, or something like that, rather than the
24 staff that is currently supervising them leaving and
25 going with that juvenile, and then leaving the rest of

1 normally a code yellow would have been called, and an
2 incident report written, we are asked to call staff
3 assist. And an incident report isn't necessarily
4 required unless something escalates.

5 Q. (BY MR. SCHOPPE) So it is the same sort of
6 thing that might have triggered a code before, it is
7 just not recorded as the same level of seriousness as it
8 was before?

9 A. Correct.

10 MR. COLLAER: Objection. Misstates his
11 testimony.

12 Q. (BY MR. SCHOPPE) Is that fair?

13 A. That's fair.

14 Q. After the time in which this petition
15 circulated do you recall if O&A prepared a list of
16 questions for the Attorney General?

17 A. We did. We prepared a bucket list of
18 questions, concerns, that we had for the Attorney
19 General.

20 Q. And were you involved in that process?

21 A. I was.

22 Q. And that concerned safety, and hiring
23 practices, and things like that?

24 A. Yes.

25 Q. And who else was involved in that?

1 A. I believe Mr. Inman was involved. I was
2 involved. I think Ms. Robin Smythe was involved. I
3 think Mr. Knoff was involved. I'm not sure about who
4 else.

5 Q. Was that document intended to be shared with
6 the Attorney General, Ms. Harrigfeld, and Ms. Grimm?

7 A. We were promised by Ms. Grimm that if we came
8 up with a list of concerns for the Attorney General that
9 we would have a meeting with her, the director, and the
10 Attorney General to address those concerns.

11 Q. And did that meeting ever occur?

12 A. It never did.

13 Q. At some point, I think it was around May 2012,
14 do you recall Mr. Knoff being terminated or quitting?

15 A. I don't recall the date. But he was
16 terminated, yes.

17 Q. What was his job title at the time he was
18 terminated? Or at the time he left?

19 A. At the time he left he was a rehabilitation
20 technician supervisor I believe was the title.

21 Q. And at that point in time is it fair to say
22 there was no unit manager in O&A?

23 A. There was not.

24 Q. Is it fair to say that he had previously been
25 the unit manager and had been demoted?

1 A. None.

2 Q. Do you know if anybody else has ever
3 expressed -- ever stated that that would have been
4 something they would have applied for if it would have
5 been opened?

6 A. I know there was a few of us that got together
7 after talking to Mr. Knoff and we were discussing that
8 that would be a possibility that we could apply.

9 Q. But nobody was ever given that opportunity; is
10 that right?

11 A. That's correct.

12 Q. And at some point is it fair to say Ms. Roters
13 took Mr. Knoff's position after he left in O&A?

14 A. Not in title. But in duties. She remained
15 unit manager. Brought that title with her. Rather than
16 going down to what Mr. Knoff was as a supervisor.

17 Q. And with respect to scheduling. You testified
18 about that earlier. You mentioned something about
19 Ms. Roters saying to you that you didn't meet the
20 criteria or requirements. Is that fair?

21 A. For?

22 Q. For getting a fixed schedule?

23 A. Oh, correct.

24 Q. Did you ever see any kind of a written policy
25 about what the criteria was for getting a fixed

1 A. That is correct.

2 Q. And right up until the time he left how many
3 unit managers were there in the JCC-Nampa facility?

4 A. After he had been demoted there were two.

5 Q. And that was in Choices and Solutions?

6 A. Correct.

7 Q. How many are there now?

8 A. There are currently three.

9 Q. And it is Choices, Solutions, and now O&A?

10 A. Correct.

11 Q. Do you know when the unit manager position of
12 O&A was created?

13 A. I don't believe one ever was created.
14 Ms. Roters just came in and took over the supervision
15 of the unit.

16 Q. If that position had been posted as an open
17 position and open to applicants is that something you
18 would have applied for?

19 A. I probably would have.

20 Q. As far as you know you had all of the
21 requisites, experience, training, and requirements for
22 the job?

23 A. Correct.

24 Q. Did you ever see any posting about that
25 position being created or opened?

1 schedule?

2 A. I did not.

3 Q. Do you know if anything like that exists at
4 all?

5 A. Not that I'm aware of.

6 Q. Are you aware of any department policy about
7 that sort of thing? Assigning regular or fixed
8 schedules?

9 A. Not that I'm aware of.

10 Q. You testified earlier concerning your write-up
11 in connection with apparently not moving fast enough
12 down the hall towards a call; is that right?

13 A. Correct.

14 Q. And is it fair to say that the whole time you
15 are responding you were concerned about the condition of
16 your knee?

17 A. Correct.

18 Q. So it didn't matter whether you were rounding
19 a corner or whether you were just proceeding down a
20 straight hallway you were still concerned about your
21 knee?

22 A. That's correct.

23 Q. Have you reviewed the job description for
24 rehab tech?

25 A. I have.

1 Q. Is there any physical requirements noted in
2 there concerning running?
3 A. When I had the initial knee surgery they gave
4 me the printout of the job requirements to pass on to my
5 doctor so that he would know whether I was ready to be
6 released back to full duty or not. And there is nothing
7 in there that says anything about running.
8 Q. And is it fair to say in responding to calls
9 you do what you can to get there as quickly as you can?
10 A. That's correct.
11 Q. So you got written up for that. Are you aware
12 of instances in which you or other employees in O&A
13 appear to not be treated consistently with respect to
14 disciplinary action?
15 MR. COLLAER: Objection. Lacks foundation.
16 Calls for speculation.
17 Q. (BY MR. SCHOPPE) How about with respect to
18 Gracie Reyna?
19 MR. COLLAER: Same objection.
20 THE WITNESS: I did personally witness another
21 staff. After finding out that Ms. Reyna had been
22 written up for reporting to work I think it was two
23 hours late because of commitments that she had made with
24 her other job, and then being written up for that, I did
25 personally witness that another staff, who was scheduled

1 schedule.
2 Q. And who was that employee?
3 A. That would be Mr. Anthony Bernstein.
4 Q. And is it correct to say you were hired by
5 Mr. Knoff and so was Gracie Reyna?
6 A. I don't know who hired Ms. Reyna. I was hired
7 by Mr. Knoff.
8 Q. And Mr. Bernstein was hired by Ms. Roters; is
9 that right?
10 A. This time around; yes.
11 Q. He had previously worked at the facility?
12 A. Correct.
13 Q. And in your opinion, based upon your
14 perceptions, is Mr. Bernstein favored Ms. Roters?
15 MR. COLLAER: Objection. Calls for
16 speculation.
17 THE WITNESS: I would consider him a favorite
18 of Ms. Roters. He is the one that has a fixed schedule
19 and is able to leave early certain days and things like
20 that.
21 Q. (BY MR. SCHOPPE) And that seems like he is
22 getting unequal treatment compared to other employees?
23 A. Correct.
24 MR. COLLAER: Object to the form of the
25 question. Lacks foundation. Calls for speculation.

1 to come in during the first part of his shift and
2 complete appropriate use of force training, and then
3 after that was done he was to come in and finish his
4 shift, finish his hours for the day working in the unit,
5 and he went home after the appropriate use of force
6 training rather than coming into work. Ms. Roters and
7 Mr. Gregston were both trying to contact him by phone
8 to find out what was going on. Let him know he was
9 supposed to be working and things like that. He later
10 on called in to the facility and I answered the phone
11 and he told me that he didn't realize that he was
12 supposed to work after his training. And that he had
13 simply gone home. And he needed to talk with Ms.
14 Roters. So I transferred him over to her extension.
15 And later that day I noticed that she had marked down
16 that he had been given vacation time for that incident
17 of not following the schedule.
18 Q. (BY MR. SCHOPPE) And are the employees
19 presumed to know what their schedule is? Or expected to
20 know?
21 A. Ms. Roters makes it a point to put the excerpt
22 from the policy concerning checking the schedule daily.
23 That it is a dynamic schedule. That it changes
24 frequently to cover staffing issues and things like
25 that. And she puts that at the bottom of every

1 Q. (BY MR. COLLAER) Has anyone else ever
2 expressed that opinion?
3 MR. COLLAER: Same objection.
4 THE WITNESS: Not that I recall.
5 Q. (BY MR. SCHOPPE) Is there a policy at the
6 department that requires staff to supervise juveniles
7 eyes on?
8 A. Yes, there is.
9 Q. With respect to Ms. Roters instructions to you
10 to sit at a table of juveniles. You testified earlier
11 that sometimes that wouldn't permit you to monitor other
12 juveniles; is that right?
13 A. Correct.
14 Q. So is it fair to say that Ms. Roters at times
15 issues instructions to you that are inconsistent with
16 the policy? Written policy?
17 MR. COLLAER: Objection. Lacks foundation.
18 Calls for speculation.
19 THE WITNESS: I believe so; yes.
20 Q. (BY MR. SCHOPPE) You know the policy we are
21 talking about; right?
22 A. Yes.
23 Q. And sometimes you might be able to keep eyes
24 on the juveniles that you are supervising at all times.
25 And it might make sense with respect to her instructions

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1 to sit at a table. But other times it is not going to
 2 make sense. Is that right?
 3 A. Correct.
 4 Q. Are you aware of an incident involving a group
 5 trip out to Shafer Butte?
 6 A. I am.
 7 Q. What do you know about that?
 8 A. I believe there were several Choices staff.
 9 They took several of the Choices juveniles out. And
 10 during the excursion staff was around the campfire and
 11 the juveniles, a group of juveniles, took off and went
 12 for a hike without staff's permission. I believe they
 13 were gone for -- or out of direct staff supervision for
 14 several hours until one of the staff decided that maybe
 15 he should probably go try and find them. At which point
 16 he got stuck in a ravine I believe it was. And another
 17 staff in an attempt to try and locate the juveniles
 18 pulled a road flare out of the trunk of the vehicle and
 19 lit it. I'm not exactly sure what that was supposed to
 20 do.
 21 Q. How do you know about this?
 22 A. The talk through the department. I believe
 23 there was an e-mail sent out actually thanking one of
 24 the staff for going after the juveniles. Even though it
 25 was several hours after the fact.

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1 Q. You mentioned earlier that some scheduling has
 2 changed. That staff in O&A might be expected to work as
 3 many as eight days in a row; is that right?
 4 A. That's correct.
 5 Q. Does that cause problems as far as you can
 6 tell with morale, fatigue or security?
 7 MR. COLLAER: Objection. Calls for
 8 speculation.
 9 THE WITNESS: I know in my personal life it
 10 causes fatigue, as well as stress. Low morale. And I
 11 have heard other staff say the same thing, as well.
 12 Comments such as, "I don't know whether I'm coming or
 13 going. What day is it?" Things like that.
 14 Q. (BY MR. SCHOPPE) Did anyone ever tell you why
 15 Laura Roters was assigned to O&A?
 16 A. I heard that she was sent down to clean house.
 17 Q. Who did you hear that from?
 18 A. Nurse Darla Crespin.
 19 Q. Did she say how or why she knew that?
 20 A. She is very good friends with the former
 21 superintendent, Betty Grimm. And I would assume that
 22 she had heard it from her.
 23 Q. Did she tell you how she heard that? Or how
 24 she knew that?
 25 A. I don't recall if she did or not.

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1 Q. Did anyone ever say that they had -- they knew
 2 of or heard of any kind of a memorandum or written
 3 document being exchanged between Director Harrigfeld,
 4 Superintendent Grimm, and Ms. Roters concerning her
 5 operation of O&A?
 6 MR. COLLAER: Can you read that back.
 7 (Record read.)
 8 MR. COLLAER: Objection. It is vague.
 9 Q. (BY MR. SCHOPPE) You can answer, if you know.
 10 A. I'm not sure I know what you mean.
 11 Q. Something that would protect Ms. Roters
 12 against anything happening to her as a result of
 13 managing O&A?
 14 MR. COLLAER: Same objection. Vague. And
 15 also leading. Assumes facts not in evidence.
 16 THE WITNESS: I have heard about the alleged
 17 protection document that Ms. Roters, according to what
 18 I heard, had drawn up. And had Ms. Harrigfeld and
 19 Ms. Grimm sign some sort of document that is meant to
 20 protect her in some way.
 21 Q. (BY MR. SCHOPPE) Do you recall who you heard
 22 that from?
 23 A. I believe it was either Ms. Littlefield or
 24 Ms. Carnell.
 25 Q. Did you speak with someone who indicated that

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1 Ms. Roters had threatened to fire him? Someone in O&A?
 2 A. It was actually a Choices staff, Jay
 3 Rosentrater, when I worked in Choices. And Ms. Roters
 4 was not in a supervisory position. But he happened to
 5 mention that she had said that she had the ability to
 6 get people fired and had done it before.
 7 Q. He is a former employee?
 8 A. Correct.
 9 Q. You testified that people in O&A were not
 10 happy when Ms. Roters came. Did you ever speak to
 11 anybody in Choices about her tenure there?
 12 A. They actually came to me and told me -- maybe
 13 not in so many words -- but, "We are sorry that you have
 14 got her, but we are glad she's gone."
 15 Q. Are you familiar with a policy entitled
 16 "Standards of Conduct"?
 17 A. Yes, I am.
 18 Q. And as far as you know does that policy
 19 require or expect staff to be respectful towards each
 20 other and towards juveniles?
 21 MR. COLLAER: Objection; vague. And misstates
 22 the policy.
 23 Q. (BY MR. SCHOPPE) Is that your understanding?
 24 A. It is my understanding that we are expected to
 25 be professional within the facility and outside the

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1 facility.

2 Q. Are you aware of or have you heard of an

3 incident in which Ms. Roters referred to another

4 employee or former employee as a cunt?

5 A. I have heard of that incident.

6 Q. When did you hear about that and from whom?

7 A. I heard about it I believe a day or two after

8 the actual incident occurred from Ms. Littlefield, who

9 was there at the time and witnessed it.

10 Q. You were also at that event; right?

11 A. I was not.

12 Q. Do you know what that event was?

13 A. It was a team builder. Some of the O&A team

14 went to Wahooz and spent a few hours there doing things.

15 And I guess drinking.

16 Q. Did you ever hear Ms. Roters comment on that

17 event after the fact?

18 A. She did in a team meeting. I'm not sure if it

19 was the week after that or maybe it was two weeks after

20 that. She commented that she was -- she couldn't wait

21 until she was able to schedule another one so that the

22 group could get together and misbehave some more.

23 Q. Did she seem to express any regret at all that

24 she used that language?

25 A. None. In fact, she made a point to say that

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1 she was looking forward to misbehaving several times.

2 Q. Have you ever heard Ms. Roters be

3 disrespectful towards juveniles?

4 A. Yes.

5 Q. What comes to mind?

6 A. She will berate juveniles in front of their

7 peers. She will speak condescendingly towards juveniles

8 and towards staff in front of the juveniles. And in

9 front of other staff. Things like that.

10 Q. And is that inconsistent with what O&A is

11 supposed to do?

12 MR. COLLAER: Objection. It's vague. Calls

13 for speculation.

14 THE WITNESS: It is inconsistent with the

15 department as a whole.

16 Q. (BY MR. SCHOPPE) As far as you know she has

17 never suffered any consequence or disciplinary action

18 for any of that conduct?

19 A. As far as I know, no.

20 Q. Is that the sort of conduct you would fear

21 challenging her on?

22 A. Yes.

23 Q. Is it your understanding that negative items

24 in your performance reviews or disciplinary actions

25 against you impact your ability to be promoted, or

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1 receive raises, or things like that?

2 MR. COLLAER: Objection. Calls for legal

3 conclusion. Also calls for speculation. And an

4 incomplete hypothetical.

5 THE WITNESS: It would. I would believe it

6 would affect any chances of promotion within the

7 department. As well as if I wanted to find another job

8 somewhere else.

9 Q. (BY MR. SCHOPPE) When you did the research on

10 CRIPA before, where did you look? What sort of

11 resources did you rely on?

12 A. It was the Department of Justice website.

13 They had a specific link towards CRIPA. And then they

14 have several links within that page itself that deal

15 with juvenile justice cases that have occurred with

16 juvenile justice with other facilities around the

17 country.

18 Q. In all of the time you had been in O&A before

19 2011 had there ever been any reference or suggestion to

20 the effect that O&A was violating the rights of

21 juveniles there? Specifically with respect to lockdown

22 time?

23 A. Not until about 2011 or so.

24 Q. And in your opinion was it a secure facility

25 up until that time?

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1 MR. COLLAER: Objection; vague. Calls for

2 speculation.

3 THE WITNESS: It was a more secure facility at

4 that time.

5 Q. (BY MR. SCHOPPE) And with respect to your

6 specific concerns about lack of safety in the facility

7 and exposure to violent assaults -- actually, let me

8 step back. Have you ever heard juveniles indicate that

9 they could get out of a program or make a change of some

10 sort if they would just hit a staff member?

11 A. I have heard juveniles say that.

12 Q. Is that something you have heard more than

13 once?

14 A. Several times; yes.

15 Q. And have other people indicated they have

16 heard that?

17 A. Yes.

18 Q. Have you spoken with juveniles about that and

19 why they might think that?

20 A. I definitely would speak with them. It is

21 disconcerting to hear that they are willing to go to

22 that measure to avoid being in a program.

23 Q. Is that something that you had heard much of

24 prior to 2011?

25 A. I don't recall hearing it prior to 2011.

1 Q. And when I say prior to 2011 I mean prior to
 2 the change of room time practices.
 3 A. Correct.
 4 Q. And with respect to the actual policy that
 5 changed. Was there a change in the written policy
 6 concerning room time in 2011? Or is it just a change in
 7 practice or philosophy?
 8 A. As far as I know there has been no official
 9 policy.
 10 Q. With respect to Ms. Roters. Prior to the time
 11 that she was assigned to take Mr. Knoff's position do
 12 you know how much time, if any, she spent in O&A?
 13 A. On rare occasion before she was promoted to
 14 unit manager she was the PBS coordinator and the
 15 training coordinator. She would occasionally come down
 16 regarding training. Regarding PBS. It was infrequent,
 17 at best.
 18 Q. With respect to the safety and security
 19 situation after, as you said, things changed in 2011,
 20 have you felt personal fear for your safety?
 21 A. I have.
 22 Q. And have you felt Ms. Roters has treated you
 23 unfairly with respect to some of the other employees
 24 there?
 25 MR. COLLAER: Object to the form of the

1 to do anything on my days off that need to be done
 2 rather than just sit and recuperate from an emotionally,
 3 physically, and mentally exhausting workplace.
 4 Q. Feelings of anxiety or emotional distress?
 5 MR. COLLAER: Objection. Calls for
 6 speculation. Calls for a medical opinion.
 7 THE WITNESS: I would agree that I do feel
 8 anxious; yeah.
 9 Q. (BY MR. SCHOPPE) And is this significantly
 10 different from the situation prior to change and the
 11 safety of the facility in 2011 that you have testified
 12 about?
 13 A. I used to enjoy going to work.
 14 Q. After Ms. Roters took over in O&A is it fair
 15 to say there were 14 staff members who worked in O&A?
 16 A. I believe that is correct; yes.
 17 Q. And out of those 14 how many -- what happened
 18 to them? Did they stay, leave, quit, transfer?
 19 A. I believe nine of them either quit or
 20 transferred.
 21 Q. Did anybody tell you why they quit or
 22 transferred?
 23 A. I know the majority of them left because of
 24 Ms. Roters.
 25 Q. And is that because they told you this?

1 question. It is vague. Overbroad. Calls for
 2 speculation.
 3 THE WITNESS: I do personally feel that she
 4 has her favorites. And that I am not one of them.
 5 Q. (BY MR. SCHOPPE) And is it fair so say you
 6 feel your job is in jeopardy if you do report concerns
 7 about safety violations, or CRIPA violations, and things
 8 like that?
 9 MR. COLLAER: Objection. Lacks foundation.
 10 It is overbroad and calls for speculation. Assumes
 11 facts not in evidence.
 12 THE WITNESS: I go in to work every day
 13 wondering if she is going to pull me aside and give me
 14 another write-up for some crazy reason.
 15 Q. (BY MR. SCHOPPE) And is it in any way fair to
 16 say that that fear for your safety, your fear for your
 17 job security, in those respects has had a negative
 18 impact on your home life?
 19 MR. COLLAER: Object to form of the question.
 20 Calls for speculation. Incomplete hypothetical.
 21 THE WITNESS: It has. It causes stress. Even
 22 though I try not to take the job home with me it still
 23 causes stress at home with my wife.
 24 Q. (BY MR. SCHOPPE) Trouble sleeping?
 25 A. Trouble sleeping. Trouble having the desire

1 A. Yes.
 2 Q. Did they indicate that they shared
 3 Ms. Crispin's belief that Ms. Roters was sent to clean
 4 house or get rid of people in O&A?
 5 A. That was the general feeling; yes.
 6 Q. When you say they left because of Ms. Roters.
 7 Is it just because they didn't like her? Or because
 8 they had concerns -- the same kind of concerns about
 9 safety and security that you have testified about?
 10 A. I would say it had to do with the concerns
 11 over safety and security. Definitely because she had a
 12 lot of input while she was the PBS coordinator in some
 13 of the changes that were occurring that were not
 14 positive changes.
 15 Q. What do you mean by that?
 16 A. The lower amounts of room time. The higher
 17 amounts of violence due to that. Things like that.
 18 Q. Have any other employees told you that they
 19 believe that they have been subjected to retaliation for
 20 reporting concerns about safety or security, or time
 21 card fraud, or waste of public money, and things like
 22 that?
 23 A. Yes, they have.
 24 Q. Who has told you that?
 25 A. Ms. Reyna has. Ms. Carnell has. Mr. Inman

1 has. Mr. Hottell has. I believe Mr. Phil Gregston has.
2 Ms. Littlefield has. Of course, Ms. Ledford has. I
3 believe Mr. Penrod has, also. That is all I can
4 remember at the time.

5 Q. Have you ever heard that Ms. Roters called
6 juveniles dumbasses?

7 A. I have heard it talked about; yes.

8 Q. But you didn't see it happen?

9 A. I didn't witness it; no.

10 Q. Did Todd Inman ever tell you why he resigned?

11 A. I believe he left on a medical -- some kind of
12 a medical leave due to stress from his doctor. And
13 while he was on that leave he resigned due to the stress
14 and the working conditions.

15 Q. How about Diane Cornell?

16 A. Yeah. She told me that she was looking for
17 jobs elsewhere due to the stress and the working
18 conditions. And she eventually was hired at another job
19 and left IDJC.

20 Q. Are you familiar with the term lockdown for
21 staff convenience?

22 A. I have heard it; yes.

23 Q. Do you know what that refers to?

24 A. Apparently it is a phrase that means staff is
25 locking the juveniles down for their own convenience.

1 they are sent to the hiring supervisor as to who scored
2 number one, two. Depending on their score and their
3 application and all of that. And the size of the list.
4 And then the supervisor picks from that list who they
5 are going to interview.

6 Q. After Ms. Roters took over O&A did the unit
7 get more safe or less safe?

8 MR. COLLAER: Object to the form of the
9 question. Vague. Overbroad. And calls for
10 speculation.

11 Q. (BY MR. SCHOPPE) Based on your experience in
12 working there.

13 MR. COLLAER: Same objection.

14 THE WITNESS: Based on my experience I would
15 say that O&A goes in waves. We have bad times. We have
16 good times. And that was an exceptionally long wave of
17 bad times when they weren't necessarily -- it wasn't
18 necessarily because of the type of juvenile we had in
19 the unit. Whereas usually that is the determining
20 factor as to whether we are having a good season or a
21 bad season. It wasn't so much the quality of the
22 juvenile that we had. But it was the safety and the
23 security procedures and changes that we were undergoing
24 at that time.

25 Q. (BY MR. SCHOPPE) Is it fair to say the changes

1 For their own -- whatever. Whenever it doesn't fit
2 under any other category, I guess.

3 Q. Was that happening in O&A up until mid 2011 or
4 so?

5 A. From when?

6 Q. Up until mid 2011 or so? That point in time
7 when the issue of juvenile room time was raised?

8 A. I don't remember exactly when the phrase was
9 created. But juveniles were locked down according to
10 the schedule in O&A.

11 Q. And in all of the time you have worked there
12 that has never been raised as a problem anywhere? Never
13 heard that from administration or anybody like that?

14 A. Not until it started becoming a popular phrase
15 probably in 2011 sometime.

16 Q. With respect to job interviews. Do you have
17 any idea who selects candidates for interviews over
18 other candidates?

19 A. After the application process?

20 Q. Sure.

21 A. I know there is a person -- or persons who --
22 if the position is in Nampa then they are from either
23 Lewiston or -- the facility in Lewiston or the facility
24 in St. Anthony, I believe. They grade the applications.
25 And then those applications are sent to -- I believe

1 that started coming about in 2011 made it more difficult
2 for you to keep juveniles and yourselves as staff safe?

3 MR. COLLAER: Objection. Vague. Compound.
4 Overbroad. And calls for speculation.

5 THE WITNESS: I would say yes.

6 Q. (BY MR. SCHOPPE) In 2011 when you testified
7 earlier that you discussed safety and security issues or
8 hiring practices with Rhonda Ledford were there other
9 things you were talking about? Or was that pretty much
10 it?

11 MR. COLLAER: Objection. That misstates his
12 testimony.

13 Q. Were you talking football? Or soap operas?
14 Or were you talking about work and those kinds of
15 issues?

16 A. We would have been discussing work.

17 MR. SCHOPPE: That is all I have.

18 MR. COLLAER: Nothing further.
19 (Deposition concluded at 3:42 p.m.)
20 (Signature requested.)

CERTIFICATE OF WITNESS

I, ADDISON FORDHAM, being first duly sworn, depose and say:

That I am the witness named in the foregoing deposition consisting of pages 1 through 153; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto:

DATED this ____ day of _____, 2013.

ADDISON FORDHAM

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2013.

NAME OF NOTARY PUBLIC

NOTARY PUBLIC FOR _____

RESIDING AT _____

MY COMMISSION EXPIRES _____

ERRATA SHEET FOR ADDISON FORDHAM

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You may use another sheet if you need more room.

WITNESS SIGNATURE _____

REPORTER'S CERTIFICATE

I, MONICA M. ARCHULETA, CSR No. 471, Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction;

That the foregoing is a true and correct record of all testimony given, to the best of my ability;

I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this 21st day of October, 2013.

MONICA M. ARCHULETA, CSR

Notary Public

P.O. Box 2636

Boise, Idaho 83701-2636

My commission expires August 3, 2018