

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual,)
et al.,)
) Plaintiffs,) Case No. 1:12-cv-00326-BLW
) vs.)
IDAHO DEPARTMENT OF JUVENILE)
CORRECTIONS, an executive)
department of the State of)
Idaho, et al.,)
) Defendants.)
)

DEPOSITION OF JULIE CLOUD
TAKEN SEPTEMBER 20, 2013

REPORTED BY:
SHERI FOOTE, CSR No. 90, RPR, CRR
Notary Public

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1 THE DEPOSITION OF JULIE CLOUD was taken on
2 behalf of the Plaintiffs at the offices of Anderson
3 Julian & Hull, 250 South Fifth Street, Suite 700, Boise,
4 Idaho, commencing at 9:03 a.m. on September 20, 2013,
5 before Sheri Foote, Certified Shorthand Reporter and
6 Notary Public within and for the State of Idaho, in the
7 above-entitled matter.

8 APPEARANCES:

9 For the Plaintiffs:

10 Law Office of Andrew T. Schoppe

11 BY MR. ANDREW T. SCHOPPE

12 910 W. Main Street, Suite 328

13 Boise, Idaho 83702

14 For the Defendants Sharon Harrigfeld, Betty Grimm, and
15 the Idaho Department of Juvenile Corrections:

16 Anderson Julian & Hull, LLP

17 BY MR. PHILLIP J. COLLAER

18 BY MS. ANDREA J. FONTAINE

19 250 South Fifth Street, Suite 700

20 P.O. Box 7426

21 Boise, Idaho 83707-7426

22 ALSO PRESENT: Rhonda Ledford and Nancy Bishop
23
24
25

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1 I N D E X

2 TESTIMONY OF JULIE CLOUD PAGE
3 Examination by Mr. Schoppe 4

5 E X H I B I T S

6 NO. DESCRIPTION PAGE
7 140 - E-Mail From Betty Grimm to Julie 193
8 Cloud, 10/27/11
9 141 - E-Mail Chain, 9/26/11 to 10/27/11, 194
10 Re: Leave Donation Request
11 ***142 - *** (See Request Below) 200
12 E-Mail Chain, 9/26/12 to 10/2/12,
13 Re: Attorney Client Privilege
14 143 - E-Mail From Julie Cloud to Pat 208
15 Thomsen, 6/1/11, Re: Moving Staff to
16 Nights

18 S P E C I A L R E Q U E S T S

19 PAGE
20 "Claw Back" Request By Ms. Fontaine Re: 200
21 Exhibit No. 142
22
23
24
25

1 JULIE CLOUD,
2 first duly sworn to tell the truth relating to said
3 cause, testified as follows:

4 EXAMINATION

5 QUESTIONS BY MR. SCHOPPE:

6 Q. Okay, good morning.

7 A. Good morning.

8 Q. Thank you very much for coming. My name is
9 Andrew Schoppe. I represent the Plaintiffs in this
10 matter. A few preliminary matters: Have you ever had
11 your deposition taken before?

12 A. Yes.

13 Q. And you know what to do generally speaking?

14 A. Generally speaking, yes.

15 Q. Answer the questions, tell the truth. If you
16 don't know something, that's okay. If you need to ask
17 for a clarification or restatement of a question, feel
18 free. If you need to take a break you can ask at any
19 time as long as you've answered the question that's
20 pending. And you understand that you have a duty to
21 tell the truth here just like you would in court?

22 A. Yes.

23 Q. Is there anything that might impact your
24 ability to testify today? Poor sleep, medications,
25 anything like that at all?

1 A. No.

2 Q. Any memory problems medically speaking?

3 A. No.

4 Q. And without getting into what you talked
5 about, you've had a chance to prepare with your
6 attorney?

7 A. Yes.

8 Q. Can you tell me everything you did to prepare
9 for the deposition today.

10 A. I talked with Phil and Nancy in a meeting
11 yesterday afternoon.

12 Q. Did you review any documents at all?

13 A. No.

14 Q. Have you ever reviewed the Plaintiffs'
15 Complaint or First Amended Complaint?

16 A. The lawsuit filing?

17 Q. Yes.

18 A. Yes.

19 Q. And when was that?

20 A. When it first was filed, when we first
21 received it in the Department.

22 Q. Have you ever reviewed any discovery documents
23 like interrogatories, requests for production, or
24 requests for admissions?

25 A. Just my own when I was -- I'm not sure what

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1 the document was called, but it was to come and testify,
2 I believe.
3 Q. Okay. A deposition notice?
4 A. Yes.
5 Q. Did you produce any documents in response to
6 the discovery in this matter? In other words, did you
7 print off any e-mails?
8 A. Yes.
9 Q. So, you handled that yourself?
10 A. I printed those off for Legal.
11 Q. All right. Did Information Technology or IT
12 handle any document production about anything that you
13 might have communicated about, like e-mails or anything
14 like that?
15 A. I don't know the answer to that.
16 Q. Did you speak with anybody regarding your
17 deposition today?
18 A. No, other than Nancy and Phil.
19 Q. You didn't speak with Sharon Harrigfeld?
20 A. No.
21 Q. Did you speak with anyone else in your
22 department about it?
23 A. No.
24 Q. Tell me a little bit about your background
25 starting with high school. Where did you go to high

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1 school?
2 A. I graduated from Homedale High School in 1975.
3 Q. Are you from Idaho?
4 A. Yes.
5 Q. My first client ever was in Homedale. I
6 accidentally drove to Oregon when I was on my way to her
7 house.
8 A. Wow.
9 Q. Did you go to college?
10 A. Yes.
11 Q. Where was that?
12 A. College of Southern Idaho in Twin Falls.
13 Q. And did you have a major?
14 A. Associate of Applied Science, I believe is
15 what it was called.
16 Q. Okay, that's like an Associate's degree?
17 A. Yes.
18 Q. All right. And Applied Science, is that like
19 a technology course?
20 A. It was clerical, secretarial.
21 Q. And did you graduate?
22 A. Yes.
23 Q. When was that?
24 A. 1977 -- '76, I believe.
25 Q. Any other collegiate level education or

1 anything like that?
2 A. Yes, I graduated from Boise State University,
3 1998.
4 Q. And what did you graduate with there?
5 A. A Business Management degree with an HR
6 emphasis.
7 Q. Was that a Bachelor's?
8 A. Yes.
9 Q. A B.S. or a B.A.?
10 A. B.A., I believe.
11 Q. Any other education anywhere along the way?
12 A. No.
13 Q. How about your employment history? When did
14 you start working for compensation?
15 A. In 1977, 1976 I started with the State of
16 Idaho Department of Health and Welfare.
17 Q. What did you do there?
18 A. Secretary.
19 Q. Was there a particular department or area
20 inside the Department that you worked?
21 A. Idaho State School & Hospital.
22 Q. And what did that do?
23 A. I was in data processing. So, I was a
24 secretary for data processing.
25 Q. Where was that located?

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1 A. Nampa.
2 Q. And how long did you work there?
3 A. At Health and Welfare until 1985.
4 Q. And what did you do next?
5 A. Oh, man. Vallivue School District,
6 administrative secretary to the superintendent.
7 Q. And how long did you do that for?
8 A. Three years.
9 Q. Why did you leave the Idaho State School &
10 Hospital?
11 A. I got solicited to go to Diamond Developmental
12 Center as an office manager for an increase.
13 Q. And that was the Idaho State School that you
14 left for Diamond?
15 A. No, Vallivue School District.
16 Q. Oh, okay. I was wondering why you left Idaho
17 State School before you went to Vallivue.
18 A. The Vallivue School District was closer to
19 home and more money.
20 Q. And then why did you leave Vallivue?
21 A. I started back with the State Division of
22 Human Resources in Human Resources.
23 Q. I didn't quite catch what you had said
24 earlier. Solicited by Diamond something?
25 A. Developmental Center.

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1 Q. And when was that?
 2 A. Oh, 1992, I believe.
 3 Q. So, is it correct that you worked at Vallivue
 4 from 1985 to 1992?
 5 A. I worked there for six years, so --
 6 Q. And when did you start at the -- what did you
 7 do at the Diamond Development Center?
 8 A. Office manager.
 9 Q. What did that company do?
 10 A. Developmental disability training center for
 11 developmentally disabled adults. Day program.
 12 Q. And was that 1992, did you say?
 13 A. Yes.
 14 Q. And how long were you there?
 15 A. Three years.
 16 Q. Why did you leave?
 17 A. I applied for a position with the Division of
 18 Human Resources as a human resource specialist and got
 19 hired.
 20 Q. And what year was that?
 21 A. 1995.
 22 Q. And what was the position you held there?
 23 A. Human resource specialist.
 24 Q. How long did you work there?
 25 A. Until 2007.

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1 Q. And what did you do next?
 2 A. I took a demotion to the Division of Building
 3 Safety.
 4 Q. And what do you mean by a "demotion"?
 5 A. DHR had been devolved by governor order,
 6 executive order, and we were told to find different
 7 jobs, as a single woman with a house payment. So, to
 8 stay with the State I took a demotion from human
 9 resource specialist senior to human resource associate.
 10 Does that answer your question?
 11 Q. Yeah, I think it does. And what do you mean
 12 by "devolved," that the department devolved?
 13 A. Taken apart, done away with.
 14 Q. And what did you do at the Division of
 15 Building Safety?
 16 A. I was a human resource associate.
 17 Q. What kinds of things did you do there?
 18 A. Personnel, payroll, new employee orientation,
 19 problem solving.
 20 Q. And who was your supervisor there?
 21 A. Mick Nance.
 22 Q. And so, that was in 2007 that you made that
 23 move; is that right?
 24 A. Yes.
 25 Q. And then what?

1 A. In 2007, late fall, I was asked by my prior
 2 co-worker to promote, reinstate back to my -- back to
 3 the Department of -- or to the Department of Juvenile
 4 Corrections as a human resource specialist senior.
 5 Q. And who was it that asked you?
 6 A. Gina Hodge.
 7 Q. Did she work there at the time?
 8 A. Yes.
 9 Q. Does she still?
 10 A. No.
 11 Q. Where is she now?
 12 A. Fish & Game.
 13 Q. And what was her title?
 14 A. Human resource officer.
 15 Q. Now, when you said "reinstate," what did you
 16 mean exactly?
 17 A. I had held the position prior and I was able
 18 to reinstate.
 19 Q. And I'm sorry, what position was that?
 20 A. Human resource specialist senior.
 21 Q. And that's the position you held at the State
 22 Division of Human Resources?
 23 A. Yes.
 24 Q. Does the State Division of Human Resources
 25 still exist?

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1 A. Yes.
 2 Q. What portions of it as far as you know
 3 devolved?
 4 A. I can't answer that.
 5 Q. Okay.
 6 A. I don't know.
 7 Q. Was one of those the Department of Juvenile
 8 Corrections Human Resources department?
 9 MR. COLLAER: Are you asking if that was a
 10 division within DHR?
 11 MR. SCHOPPE: Sure, yes.
 12 Q. (BY MR. SCHOPPE) When the Division of Human
 13 Resources devolved, did that go to the Department of
 14 Juvenile Corrections or anything like that?
 15 A. No.
 16 Q. And you've been with Juvenile Corrections ever
 17 since; is that right?
 18 A. Yes.
 19 Q. And what's your title now?
 20 A. Human resource officer.
 21 Q. And are you in charge of Human Resources at
 22 Juvenile Corrections?
 23 A. Yes.
 24 Q. And who do you report to?
 25 A. The director, Sharon Harrigfeld.

1 Q. And what are your responsibilities as the
 2 human resources officer there?
 3 A. To ensure that Juvenile Corrections Human
 4 Resources runs smoothly as far as recruitment, employee
 5 retention, performance evaluations, counsel and advice,
 6 supervisors and managers and employees, impart
 7 information, new employee orientation.
 8 Q. Who works for you there?
 9 A. Do you want names?
 10 Q. Yes, please.
 11 A. I have four employees, two human resource
 12 specialist seniors. That is Pat Thomson, T-h-o-m-s-o-n;
 13 Shelli Rael, R-a-e-l. And I have two human resource
 14 associates, Joyce Clark and Lisa Fausett, F-a-u-s-e-t-t.
 15 Q. And where is your department located?
 16 A. 954 West Jefferson in Boise.
 17 Q. Do all of your employees work at that office?
 18 A. No.
 19 Q. Where do they work?
 20 A. Lisa works in St. Anthony. Pat and Joyce
 21 split their time between Nampa and headquarters, Boise,
 22 954 West Jefferson.
 23 Q. Do you have any certificates or credentials or
 24 special training or anything like that in Human
 25 Resources?

1 A. No.
 2 Q. Do you belong to any professional associations
 3 or anything like that?
 4 A. Not related to HR, no.
 5 Q. Do you belong to some others?
 6 A. Yes.
 7 Q. What's that?
 8 A. Idaho Chapter of Heritage Artists.
 9 Q. What's that?
 10 A. It's a decorative painting group.
 11 Q. In the context of Human Resources, have you
 12 any legal training, compliance with state or federal
 13 law, things like that?
 14 A. Yes, but -- yes, I have.
 15 Q. Can you tell me about that.
 16 A. I don't remember dates or names of the
 17 training. It would have to do with employment law.
 18 Q. Do you have any training on compliance with
 19 the Age Discrimination in Employment Act?
 20 A. It would have been part of regular training
 21 that I've received through the training.
 22 Q. How about with respect to employment of
 23 veterans?
 24 A. It would be on-the-job training. I don't -- I
 25 don't remember formal training on that.

1 Q. Does training occur -- is that like an annual
 2 occurrence? Is there an annual update or seminar or
 3 anything like that?
 4 A. In the HR field there's always seminars going
 5 on. Many, many offers come across my desk, so it's kind
 6 of pick and choose.
 7 Q. Are there any particular requirements for you
 8 or your department to keep up with changes in the law?
 9 A. No.
 10 Q. How do you keep up with changes in the law?
 11 A. Through materials, reading materials, the
 12 trainings that I do attend, and -- mainly reading
 13 materials that come across my desk.
 14 Q. All right. Apart from meeting with your
 15 attorneys here, did you do anything else to get ready
 16 for today's deposition?
 17 A. No.
 18 Q. Have you ever had any training concerning the
 19 Family and Medical Leave Act?
 20 A. Yes.
 21 Q. And what was that?
 22 A. The last one I remember was through Division
 23 of Human Resources, formal training, like a year and a
 24 half ago.
 25 Q. Sometime in 2012?

1 A. Yes.
 2 Q. Do you remember the last time you had any
 3 training in the Age Discrimination in Employment Act?
 4 A. No, I don't.
 5 Q. Have you ever had any training with respect to
 6 the Idaho Protection of Public Employees Act?
 7 A. On-the-job training?
 8 Q. Yes.
 9 A. That would be just day-to-day on-the-job
 10 training.
 11 Q. And what do you mean by that?
 12 A. When I started at DHR I believe that was all
 13 part of that, but I can't recall specifics about that.
 14 Q. All right. Is there a particular section of
 15 the Idaho Administrative Procedures Act that applies to
 16 the operations of the Department of Human Resources?
 17 A. The Department of Human Resources?
 18 Q. Yes.
 19 A. You mean the Division of Human Resources?
 20 Q. I mean the Juvenile Corrections Department of
 21 Human Resources.
 22 MR. COLLAER: Are you talking specifically HR
 23 within Juvenile Corrections and IDAPA rules?
 24 MR. SCHOPPE: Yes.
 25 THE WITNESS: We go by IDAPA rule I believe

1 it's 15.04.01.
2 Q. (BY MR. SCHOPPE) And what sorts of things
3 does that cover?
4 A. Recruitment, hiring, examinations, Workers'
5 Compensation, examinations, veterans, FMLA, many, many
6 things.
7 Q. Is it your job to make sure that the
8 Department complies with those rules?
9 A. Yes.
10 Q. Does that also govern merit based hiring?
11 A. Yes.
12 Q. With respect to job applicants who are
13 veterans, are there any particular hiring -- preferences
14 for hiring or interview requirements for that?
15 A. Yes, veterans get preference, disabled
16 veterans get preference to be interviewed if they're in
17 the top 25 on a hiring list.
18 Q. And is that under IDAPA or some other law?
19 A. That's IDAPA. It's also statute.
20 Q. Do you happen to know what statute?
21 A. I don't. The uniform Sailors and something
22 act.
23 Q. You said if they're in the top 25 they need to
24 be interviewed?
25 A. Yes, offered an interview.

1 Q. Offered an interview. Okay. Can you remind
2 me again when you started at Juvenile Corrections.
3 A. 2007.
4 Q. Since 2007 have there been any hiring freezes
5 or anything like that?
6 A. Could you define what you mean by "hiring
7 freeze"?
8 Q. Any restrictions imposed perhaps by the
9 Governor or the legislature regarding hiring or
10 promotions of employees?
11 A. The only thing that I can remember, and I
12 don't remember the year, would be that there were some
13 lean years I believe around 2009 where we were not able
14 to fill positions until the person who left that
15 position, their vacation had been burned off, had been
16 paid out.
17 Q. All right. So, if, for example -- and correct
18 me if I'm wrong -- if an employee were to leave the
19 Department for some reason, they've gone, and then their
20 accrued vacation time needed to be paid out?
21 A. Yes.
22 Q. And then that position could be filled by
23 someone else?
24 A. Yes.
25 Q. But no new positions could be created or no

1 new hires?
2 A. New positions and new hires are two totally
3 different things, so you'll have to define that for me.
4 Q. What do you mean when you say there's a
5 difference?
6 A. New positions are allocated by the
7 legislature. Each agency is allocated so many positions
8 and you can't go above that unless you get more
9 positions allocated by the legislature.
10 Q. What's the process for doing that?
11 A. Budget request.
12 Q. Is that an annual thing?
13 A. Yes.
14 Q. And who is responsible for making those
15 requests?
16 A. Who in our agency?
17 Q. For the Department. Is that a duty of the
18 director, for example?
19 A. It's the duty of the director. Fiscal starts
20 the process. Actually, whoever the hiring supervisor
21 is, if they need more staff they start the process, go
22 through Fiscal, through a review process, and the
23 director has ultimate authority.
24 Q. And who do you go through in Fiscal for that?
25 A. Scott Johnson.

1 Q. And what does he do?
2 A. Chief financial officer.
3 Q. All right. You mentioned another role there.
4 I can't quite recall it. Was it a hiring officer or
5 a -- someone who decides whether there needs to be a new
6 position?
7 A. Supervisors, managers.
8 Q. So, if supervisors and managers think there
9 should be a new position, what do they do?
10 A. They determine with Human Resources, in
11 conjunction with Human Resources and with Fiscal, to
12 determine the need for the new position, what the new
13 position might be classified as as far as job
14 classification.
15 Q. So, that is for new positions. How about for
16 promotions?
17 A. What's the question about promotions?
18 Q. Yeah, strike that actually. We were talking
19 about the difference between new positions and I think
20 new hires was the other thing we were talking about.
21 Actually, let's talk about promotions. How is
22 it that the promotions process works? Who initiates,
23 say, a request to promote an employee?
24 A. There's a vacancy. The division administrator
25 over the area where the vacancy occurs requests to fill

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1 that position through Human Resources.
2 Q. Is that only if there's a vacancy?
3 A. Yes.
4 Q. And then what happens after that request is
5 made to Human Resources?
6 A. Human Resources works with the division
7 administrator to establish how that announcement should
8 be announced. There's three ways to announce the
9 position: Department promotional, statewide
10 promotional, or open competitive.
11 Q. And I'm sorry, did you say department
12 promotional?
13 A. Yes.
14 Q. And statewide promotional?
15 A. Yes.
16 Q. And open competitive?
17 A. Yes.
18 Q. How many employees work at the Department of
19 Juvenile Corrections now?
20 A. 400 and -- we have 401 positions. I don't
21 know how many vacancies we currently have.
22 Q. And within the Department how is it organized?
23 Different departments or divisions within the
24 Department?
25 A. Yes.

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1 Q. And how is it organized?
2 A. Different divisions within the Department.
3 Q. And what are those?
4 A. Oh, lordy. There's Facilities, which consists
5 of the three facilities: St. Anthony, Nampa, and
6 Lewiston, and education. Then there's Administrative
7 Services, which has Fiscal, Human Resources, Quality
8 Improvement, and IT. And then we have SUDS, Substance
9 Use Disorder Services. And I think -- oh, it's COPS,
10 Community Operations -- I'm sorry, I don't remember that
11 acronym. Community Operations something services.
12 Q. That's okay.
13 A. Programs and Services.
14 Q. And if you draw a blank on any particular
15 question, you can let me know or you'll have a chance to
16 review your deposition transcript.
17 A. Man, the director would kill me if she heard
18 that.
19 Q. And with respect to positions like staff
20 security officers, rehab techs, things like that, where
21 do they fit in in that structure?
22 A. In Facilities.
23 Q. And is it fair to say that superintendents of
24 each of those three facilities that you named are sort
25 of the top dogs --

1 A. Yes.
2 Q. -- in that section?
3 A. Yes.
4 Q. You mentioned earlier that you had testified
5 in deposition before. Tell me when you did that or what
6 cases you were involved in.
7 A. It was 2012, but I don't remember other than
8 that.
9 Q. Can you tell me about what that matter
10 involved?
11 A. That has a confidentiality clause in it, so I
12 can't address it.
13 MR. COLLAER: You can tell him who the parties
14 were.
15 THE WITNESS: Okay. Diane Floyd-Miller vs.
16 the Department.
17 Q. (BY MR. SCHOPPE) And what were the
18 allegations in that case?
19 A. Sending e-mails with confidential information.
20 Q. Do you recall what the basis of
21 Ms. Floyd-Miller's lawsuit was, what the claim was?
22 MR. COLLAER: If you know. If you don't, you
23 don't.
24 THE WITNESS: The monetary claim or --
25 MR. COLLAER: No.

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1 Q. (BY MR. SCHOPPE) No, the legal basis of the
2 claim. Was it a whistle-blower claim or breach of
3 contract or something like that?
4 A. I think it was whistle-blower.
5 Q. Do you know if she alleged that she was
6 retaliated against?
7 A. I don't know that information.
8 Q. Did you investigate her claims in that matter?
9 A. No, I did not.
10 Q. Do you know who did?
11 A. I don't recall that.
12 Q. Within Human Resources is there any particular
13 person who is assigned or is responsible for
14 investigating claims like that?
15 A. No.
16 Q. Is that just something that as they may arise
17 you may assign someone to look into it?
18 A. Yes.
19 Q. Have you testified in any other cases?
20 A. Not that I recall.
21 Q. Have you ever submitted any affidavits in any
22 other cases?
23 A. I believe I submitted an affidavit for a Human
24 Rights Commission complaint by Ms. Ledford.
25 Q. With respect to the hiring freeze that we were

1 talking about earlier, do you recall what the particular
2 restrictions were?
3 A. I think I covered that already.
4 Q. So, only if there's a vacancy and vacation
5 time is paid out, someone can be put in that spot?
6 A. Yes.
7 Q. Is there any hiring freeze in place now?
8 A. No.
9 Q. Do you know when that came to an end?
10 A. I don't remember, no.
11 Q. Do you know where I could look to find out
12 when that was in effect?
13 A. I don't know.
14 Q. How did you find out about the hiring freeze?
15 Was there a memorandum from somewhere or an executive
16 order?
17 A. My supervisor.
18 Q. Director Harrigfeld?
19 A. No.
20 Q. Who is your supervisor?
21 A. Gina Hodge.
22 Q. How long was she your supervisor?
23 A. From 2007 to 2011.
24 Q. Do you know why she left the Department?
25 A. She transferred to the Department of Fish &

1 Game.
2 Q. Did she ever tell you why?
3 A. No.
4 Q. Is there a set of rules that governs the
5 disciplinary process?
6 A. IDAPA rules.
7 Q. If you can give me an overview of how the
8 disciplinary process works starting with: Someone has a
9 problem with an employee. What happens next?
10 A. We, being HR, advise that person to talk with
11 the employee and coach and mentor the employee.
12 Q. And then what?
13 A. And then if that isn't working, then we
14 encourage the supervisor to move to counseling.
15 Q. What's the difference between coaching and
16 mentoring?
17 A. Coaching and mentoring is more of a coaching
18 style to talk with the employee. Like coaching a
19 softball team, you work them through situations, talk
20 them through. Counseling is more of a directed
21 discussion. Then it can move to verbal counseling,
22 which is documented in the supervisor's -- any work file
23 the supervisor might have.
24 Q. Are supervisors trained in coaching,
25 mentoring, and counseling?

1 A. It would be on-the-job training.
2 Q. And what do you mean by that?
3 A. Unless they brought that skill with them to
4 work, to the job.
5 Q. So, there's no formal course or course work or
6 handbook or anything like that for that?
7 A. Not that IDJC offers.
8 Q. Is there one that's offered by another entity?
9 A. I don't know.
10 Q. And by "on-the-job training," is that -- do
11 you mean that they do that as they go along or what?
12 A. Yes.
13 Q. Is there a standard by which coaching,
14 mentoring, or counseling are evaluated as to whether a
15 supervisor is doing it right, for example?
16 A. No, not to my knowledge.
17 Q. What happens after the counseling stuff? You
18 mentioned the verbal counseling that's documented.
19 A. Yes.
20 Q. What happens next?
21 A. A written warning.
22 Q. And does that generate a written warning
23 record?
24 A. Yes.
25 Q. And is that prepared by a supervisor?

1 A. Yes.
2 Q. Is there any particular set of guidelines for
3 how that process should work?
4 A. It's outlined in a policy and there is a
5 written warning form that the supervisors can choose to
6 use.
7 Q. Do you happen to know what policy that is,
8 name or number?
9 A. I don't know the number. It's the corrective
10 action and progressive discipline policy.
11 Q. And in situations where a written warning
12 record doesn't resolve the situation, what's next?
13 A. You can -- the supervisor can move to a
14 disciplinary action, which is a due process action,
15 which could be a pay dock, either permanent or
16 temporary, a suspension without pay, an involuntary
17 demotion, or dismissal.
18 Q. Is that governed by the corrective action and
19 progressive discipline policy?
20 A. Yes.
21 Q. Are there any other options other than the
22 four you just listed?
23 MR. COLLAER: Are you talking about
24 disciplinary action?
25 MR. SCHOPPE: Yes.

1 THE WITNESS: Gosh, there could be a
2 combination of those. So, yes.
3 Q. (BY MR. SCHOPPE) And who makes the decision
4 at the written warning level? Who makes the decision as
5 to whether to issue a written warning or not? Just the
6 supervisor?
7 A. The supervisor and the division administrator,
8 which could be a superintendent.
9 Q. So, in the case of, say, JCC Nampa, it would
10 be the superintendent like Betty Grimm or Lynn Viner or
11 something like that?
12 A. Yes.
13 Q. And in Fiscal it would be the CFO?
14 A. Yes.
15 Q. And then who makes the decision as to at the
16 disciplinary action level, who decides whether
17 discipline will be imposed?
18 A. Again, the supervisors, the division
19 administrator, and HR consultation. Many times the
20 director will hear about it.
21 Q. Are there instances where the director is not
22 informed about disciplinary actions against employees?
23 MR. COLLAER: At what stage, Counsel?
24 MR. SCHOPPE: The one we were just talking
25 about. The actual disciplinary actions.

1 hypothetical.
2 THE WITNESS: I can't determine that.
3 Q. (BY MR. SCHOPPE) If an employee disagrees
4 with a -- let's start at the bottom, a coaching and
5 mentoring issue that comes up with a supervisor, what
6 can an employee do?
7 A. Discuss it with their supervisor or discuss it
8 with Human Resources or move up the chain of command.
9 Q. The same thing for the counseling stage?
10 A. Yes. There's the problem solving process as
11 well.
12 Q. Tell me about that process and how it works.
13 A. The problem solving process can be used by
14 employees at any time to resolve an issue at work, and
15 it starts with the employee first talking with the
16 person that they're having a conflict with. And then if
17 that doesn't resolve the issue they can file for problem
18 solving by filling out a form and giving the form to
19 their supervisor that states the problem and recommended
20 solution.
21 Q. And then what happens? Where does the form
22 go?
23 A. The supervisor at that point in time talks
24 with the employee to try to resolve the issue. If it
25 can't be resolved, then the employee has the option to

1 MR. COLLAER: Are you talking about the
2 decision to take it or afterwards?
3 MR. SCHOPPE: At any point.
4 THE WITNESS: There are times when the
5 director would not know.
6 Q. (BY MR. SCHOPPE) Are there any particular
7 criteria for deciding what to communicate to the
8 director about those decisions?
9 A. Each case is individual.
10 Q. Could that be based on the severity of the
11 discipline?
12 A. Yes.
13 Q. Something more minor might not be reported to
14 the director, for example?
15 A. That's correct.
16 Q. And how is that discipline imposed? Is there
17 a memorandum or something like that that goes out?
18 A. It's called a "Notice of Contemplated Action."
19 Q. Okay.
20 A. A written document.
21 Q. And when a notice of contemplated action
22 issues, would it be accurate to say that most of the
23 time the contemplated action is carried out?
24 MR. COLLAER: Object to the form of the
25 question, calls for speculation, incomplete

1 send the problem solving to the next level supervisor.
2 Q. And what's involved in that process?
3 A. The second level supervisor again looks at the
4 problem, talks with any folks that might be able to shed
5 light on the problem, talks with the employee, tries to
6 resolve the problem at that point in time.
7 Q. And if that doesn't work?
8 A. If that doesn't work, then it can be elevated
9 up to the level of the director. At each step the
10 person reviewing again reviews the problem, talks with
11 the employee, talks with anyone involved that might be
12 able to address that issue.
13 Q. And again, what if that doesn't work?
14 A. The director has the final -- she's the final
15 decision-maker in that process.
16 Q. Is there any appeal from her decision at all?
17 A. No.
18 Q. And are her decisions written or is it verbal
19 or how does that work?
20 A. In most cases they are written.
21 Q. All right. Is that in a formal memorandum or
22 could that just be an e-mail or something?
23 A. E-mail, formal memorandum.
24 Q. As a human resources officer, do you see all
25 problem solving requests?

1 A. No.
2 Q. Is there anyone who does see all of them?
3 A. In Human Resources?
4 Q. Right.
5 A. No.
6 Q. So, when they get to the Human Resources
7 level -- well, at what point does Human Resources get
8 involved in the problem solving process?
9 A. Human Resources receives copies as the problem
10 solving makes its way through the process.
11 Q. Does the Department, the Human Resources
12 Department take any action on problem solving forms or
13 requests?
14 A. Not unless the supervisor or whatever level
15 it's at requests, no. So --
16 Q. Stepping back to -- actually here's a
17 question: The problem solving process, is that solely
18 for problems between employees and their supervisors?
19 A. No.
20 Q. How can that be used?
21 A. It could be used for conflicts between
22 employees and other employees.
23 Q. Any other contexts in which that can be used
24 or applications it can be used for?
25 A. I don't believe so.

1 Personnel Commission.
2 Q. In the title of "Notice of Contemplated
3 Action," as far as you know is it titled that way
4 because it's not a firm decision at the time it's issued
5 or is it something that we're considering doing this
6 and --
7 A. That's correct.
8 Q. Do you see all of those?
9 A. Yes.
10 MR. COLLAER: Counsel, it's been just a little
11 over an hour. Can we take a break?
12 MR. SCHOPPE: Yeah, that's fine.
13 (Recess held.)
14 Q. (BY MR. SCHOPPE) I want to ask you about how
15 the hiring process works at the Department. You've
16 already talked about how a job position might be created
17 by the legislature and the process that might lead to
18 that.
19 A. Yes.
20 Q. When there's a position available, what
21 happens? Is it posted? How do people know about it?
22 A. Yes.
23 Q. Okay.
24 A. The Division of Human Resources has what's
25 called an online application system, applicant tracking

1 Q. Sort of an interpersonal dispute resolution
2 process?
3 A. It could be.
4 Q. Stepping back to the disciplinary process, we
5 left off talking about the notice of contemplated
6 action. If an employee disagrees with the terms of that
7 notice, what can they do?
8 A. They have options to meet with the division
9 administrator, to respond in writing, or to not respond
10 at all.
11 Q. All right. And when they respond, whether
12 it's in writing or at a meeting, what happens next?
13 A. After they respond?
14 Q. Yes.
15 A. Then the Department considers the response or
16 information they've submitted and takes action, makes a
17 decision.
18 Q. And who evaluates that response and makes
19 those decisions?
20 A. The division administrator, and Human
21 Resources counsels and advises.
22 Q. And supposing that doesn't work, then what?
23 Suppose the employee is not satisfied with the outcome
24 of that?
25 A. I believe that's appealable to the Idaho

1 system, and all positions are posted through the
2 Division of Human Resources.
3 Q. And that's the state division, not the
4 Juvenile Corrections Department?
5 A. No, that's the Idaho Division of Human
6 Resources.
7 Q. And is that ATS for short?
8 A. Yes, ATS is the applicant tracking system.
9 Q. Right. And then how do applicants apply?
10 A. They go online to a website, the Division of
11 Human Resources website.
12 Q. And what do they find there?
13 A. They find an application form and an online
14 examination.
15 Q. All right. And presumably they are expected
16 to complete that and submit it?
17 A. Yes.
18 Q. Is that something they can save, you know, and
19 print off and have someone review or something or is
20 that just --
21 A. Yes, they can save it and go into their file
22 at any time. It is password protected.
23 Q. All right. And once it's completed and
24 submitted, what happens next?
25 A. It's based on each department, I believe, but

1 then the Department looks at all of the applications and
2 they are scored either internally or through what's
3 called a subject matter expert, assigned out to a
4 subject matter expert.
5 Q. And when you say that they might be scored
6 internally, do you mean the Division of Human Resources?
7 A. No, each agency can score applications or --
8 it depends on the agency. Some agencies can and some
9 can't.
10 Q. And what about Juvenile Corrections? Does
11 that score its own applications?
12 A. Yes.
13 Q. And who handles that?
14 A. It depends on who is assigned to that
15 recruitment.
16 Q. All right.
17 A. So, one of my human resource folks.
18 Q. And the subject matter expert, who might that
19 be? Is it depending on the position?
20 A. Yes, it depends on the job classification.
21 Q. And who selects the subject matter expert?
22 A. There's a list maintained in ATS that you can
23 select from. And it can be internal or external subject
24 matter experts.
25 Q. What's the difference?

1 A. External are outside of the division -- I'm
2 sorry, Department of Juvenile Corrections. Internal
3 subject matter experts are our own employees.
4 Q. As far as you know, are subject matter experts
5 used for staff security officer positions?
6 A. In some cases, but not all.
7 Q. Rehab tech positions?
8 A. Again, some, yes.
9 Q. How about for any supervisory positions?
10 A. Could you say your question again, please.
11 Q. Are subject matter experts used to review
12 applications for supervisory positions?
13 A. Yes.
14 Q. Every time?
15 A. Yes.
16 Q. What's involved in the scoring process?
17 A. The subject matter experts are trained in how
18 to score the applications as far as applying the
19 criteria, reviewing the applications. And then the
20 applications are assigned out electronically to that
21 subject matter expert and the subject matter expert
22 accesses each person's online application, reviews their
23 application material, reviews the test information and
24 the criteria, and applies a score.
25 Q. How is it that subject matter experts are

1 trained to do that?
2 A. The training is one-on-one with my human
3 resource staff. I don't know how they're trained in
4 other agencies.
5 Q. For supervisory positions at Juvenile
6 Corrections are there any minimum qualifications?
7 A. Yes.
8 Q. What are those?
9 A. It depends on the supervisory position.
10 Q. How about for a unit manager?
11 A. I don't remember the minimum qualifications
12 right off the top of my head other than a supervisory
13 qualification.
14 Q. What do you mean by that?
15 A. It does require supervisory experience or
16 education.
17 Q. Do you happen to know, is there a minimum time
18 frame for supervisory experience? A year, something
19 like that?
20 A. I don't know that without having a document in
21 front of me to look at.
22 Q. And how about for the educational component?
23 Is there any kind of a minimum amount of education or
24 type of course work?
25 A. Again, I can't address that without seeing the

1 specific job classification, the minimum qualifications.
2 Q. And are supervisory positions at the
3 Department of Juvenile Corrections treated any
4 differently than other supervisory positions throughout
5 the state as far as you know in terms of minimum
6 qualifications like that?
7 MR. COLLAER: Object to the form of the
8 question, calls for speculation. If you know about
9 those other positions, go ahead. If you don't, you
10 don't.
11 THE WITNESS: The Division of Human Resources
12 maintains the minimum qualifications for each job
13 specification. So, there are specific job minimum
14 qualifications for every state job.
15 Q. (BY MR. SCHOPPE) And where is that
16 maintained; do you know?
17 A. The Division of Human Resources.
18 Q. Is there some sort of book or database or
19 something like that?
20 A. There's a website, the Division of Human
21 Resources.
22 Q. Is that publicly available or is that an
23 internal --
24 A. Public.
25 Q. So, it would be accurate to say, then, that

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1 for any given position there might be a minimum set of
2 standards maintained by the Division of Human Resources,
3 and then there might be some other qualifications added
4 to that for, say, the Department of Juvenile Corrections?

5 A. All of the qualifications, whether they're
6 pertinent to the Department or to the entire state, are
7 listed on the job classification specification which is
8 maintained by the Division of Human Resources.

9 Q. And does the Department of Juvenile
10 Corrections have any ability to modify those minimum
11 qualifications set by the Division of Human Resources?

12 A. If it's our own classification, then we can
13 work with subject matter experts to modify those job
14 qualifications to some degree.

15 Q. Does the Division of Human Resources review
16 those modifications at all?

17 A. No, not routinely.

18 Q. Are there any boundaries on that ability? You
19 said "to some degree."

20 A. As far as the Division of Human Resources
21 review?

22 Q. With respect to the degree to which those
23 minimum qualifications can be modified.

24 A. There are standards in place by the Division
25 of Human Resources. So, if we're looking at minimum --

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1 I'm sorry, revising a qualification on a job spec that
2 is used uniquely in the Department of Juvenile
3 Corrections, there are standards that have to be
4 maintained statewide and those are maintained by the
5 Division of Human Resources. So, they would consult.

6 Q. All right. And are they consulted any time
7 those minimum qualifications are modified?

8 A. No.

9 Q. Is there any method by which it's decided
10 whether or not to consult with the Division about those
11 things?

12 A. Well, it's hard to explain because again, the
13 Division of Human Resources maintains standards. So,
14 again, if you're looking at revising a minimum
15 qualification, you have to take into account what the
16 state standard is.

17 Q. Does the Department of Juvenile Corrections
18 have the authority to reduce those standards or those
19 minimum requirements?

20 A. We do if it's our own job classification, but
21 it's also maintained by the Division of Human Resources
22 and we have to take into account what that job spec is
23 as far as the scope of the job.

24 Q. And when you say your own job classification,
25 what do you mean by that?

1 A. There's certain state job classifications that
2 are unique to the Department of Juvenile Corrections
3 only.

4 Q. Like rehab tech, for example, something like
5 that?

6 A. Yes.

7 Q. Does the Division of Human Resources have any
8 standards as far as educational qualifications as a
9 substitute for supervisory experience?

10 A. Almost all of the state jobs have an
11 educational and/or experience component to them as far
12 as qualifications.

13 Q. No minimum number of credits or anything like
14 that?

15 A. Not to my knowledge.

16 Q. So, at the scoring stage what happens when an
17 application is scored? Either pass or fail kind of
18 thing?

19 A. A score is assigned. If the applicant passes
20 and if the applicant doesn't pass -- well, a score is
21 assigned either way.

22 Q. And are applicants notified of what their
23 score is?

24 A. They are able to access their online
25 application, so they go there to access it and see the

1 score.

2 Q. And is there a passing score minimum? Is it
3 like a graduated scale like A through D or is it simply
4 on or off?

5 A. It depends on the test. Passing points on
6 tests can vary depending on how the questions are
7 weighted, the number of questions, and those types of
8 things.

9 Q. And in the event of a fail, what happens? If
10 an application is failed, doesn't meet the right score,
11 what happens next?

12 A. That score is posted to the applicant's file.

13 Q. And are they notified?

14 A. If they go online and look at their score.

15 Q. And is it fair to say that they're not then
16 granted an interview or anything like that?

17 A. If they have a failing score, they do not show
18 up on what's called a register.

19 Q. How do names get on a register?

20 A. From the applications and the test scores and
21 the criteria that's entered when an agency calls for a
22 hiring list, which is a subset of a register.

23 Q. Is it the subject matter expert or whoever
24 scores the application that enters that score into the
25 system?

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1 A. It's fully automated. So, the subject matter
2 expert -- again, it depends on the test, but the subject
3 matter expert would enter a score for each question on
4 the exam and then the system does internal figures and
5 assigns a score once the subject matter expert completes
6 scoring each question.

7 Q. Can questions be weighted differently?

8 A. Yes.

9 Q. With respect to supervisory positions, are
10 supervisory experience or equivalent educational
11 credentials weighted more heavily than other
12 qualifications?

13 A. I don't know the answer to that question.

14 Q. Okay. For -- you called it a hiring list?

15 A. Yes.

16 Q. So, in the event that a position is available
17 and the Department of Juvenile Corrections wants to
18 interview applicants, you request a list; is that right?

19 A. Yes.

20 Q. And is that list ranked by score?

21 A. Yes.

22 Q. All right. Do any other factors go into it
23 other than score?

24 A. Veteran's points are added to the final score
25 that they receive on the exam and they're -- but they

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1 are ranked in order of the score.

2 Q. And how are veteran's points calculated as far
3 as you know?

4 A. It's been too long. I just can't remember how
5 those points are calculated.

6 Q. All right. Is that set forth in a policy or a
7 manual or something like that?

8 A. I believe that's per statute.

9 Q. State statute as far as you know?

10 A. Yes.

11 Q. And how long is the hiring list? Is it a top
12 10? 20? 50? Something like that?

13 A. You mean the number of names on a hiring list?

14 Q. Or is it just all passes, everybody who
15 passed?

16 A. No, the agency can request a certain number of
17 names on the list. It also depends on how many
18 applicants applied.

19 Q. Is there a default request?

20 A. I haven't made any hiring lists recently
21 enough to know if there's a default or not. So, I can't
22 answer that.

23 Q. Once the hiring list is generated, what
24 happens next?

25 A. The hiring list is then sent electronically to

1 the hiring supervisor and any others in that chain, like
2 the division administrator could request to receive a
3 copy as well.

4 Q. And then what's the process that occurs once
5 it gets to them?

6 A. At that point it's up to the hiring
7 supervisor. They can access the files and the test,
8 that test only for that application electronically. So,
9 they would review the application and the test materials.

10 Q. When you say "hiring supervisor," is that a
11 position inside Human Resources?

12 A. No, that would be the person who supervises
13 the vacant -- where the vacancy is.

14 Q. Like a supervising staff security officer or
15 something like that?

16 A. Yes.

17 Q. And what happens next?

18 A. Well, if the supervisor wants to conduct
19 interviews, they contact the applicants and set
20 interviews.

21 Q. All right. Does anybody else participate in
22 that selection process for interviews?

23 A. It's up to the supervisor and their division
24 administrator how that process looks.

25 Q. I'm not sure if I had asked you this or not.

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1 With respect to veterans, is there a -- I think you had
2 indicated they're required to be offered an interview.
3 Under what circumstances is it that they're required to
4 be offered?

5 A. There's two different divisions of veterans.
6 If they're a veteran they get -- on the hiring list it
7 shows with a star in front of their names. If they're a
8 disabled veteran they get two stars in front of their
9 names. If there's two stars in front of the veteran's
10 name and they're in the top 25 on the hiring list, they
11 must be offered an interview.

12 Q. All right. And what about one star?

13 A. One star shows that they are a veteran, but
14 there's no requirement to interview that person or hire
15 that person.

16 Q. Are you aware of any situations since you've
17 worked at the Department in which interviews were not
18 offered to two-star veterans?

19 A. No, I'm not. My HR staff is very careful to
20 counsel supervisors that if there's two-star veterans on
21 the hiring list they must be offered a job interview.

22 Q. All right. And when does that counseling take
23 place? At the time a hiring list is requested or
24 something?

25 A. When a hiring list is sent to the supervisor.

1 Q. All right. Are supervisors given any other
2 training of any kind with respect to hiring requirements
3 or things like that?

4 A. Supervisors are instructed on legal
5 interviewing requirements and hiring requirements.

6 Q. And when does that happen as a supervisor?

7 A. Usually at the time of the interview Human
8 Resources assists in formulating interview questions to
9 ensure that they're legal hiring questions. And then we
10 answer questions as needed by the hiring supervisors or
11 provide information.

12 Q. Has anyone ever reported to Human Resources
13 that the Department has a bias against hiring veterans?

14 A. No, I've not heard that. In fact, we promote
15 the hiring of veterans. And since January of last year,
16 2012, we've hired 19 veterans. And of those, three have
17 been disabled.

18 Q. Have you ever heard that Betty Grimm preferred
19 not to hire vets?

20 A. No.

21 Q. Or that Julie McCormick said anything about
22 preferring not to hire vets?

23 A. No.

24 Q. If Ms. Grimm did have that bias against hiring
25 vets, would that be in conflict with the law?

1 MR. COLLAER: Objection, calls for a legal
2 conclusion and also assumes facts not in evidence.

3 THE WITNESS: Yeah, I can't address that
4 question.

5 Q. (BY MR. SCHOPPE) Well, do you know if the law
6 forbids that kind of preference?

7 MR. COLLAER: The same objection. It's an
8 incomplete hypothetical and calls for a legal
9 conclusion.

10 THE WITNESS: The law promotes that you hire
11 veterans. So, I don't know what else to say.

12 Q. (BY MR. SCHOPPE) If Ms. McCormick had
13 expressed bias against hiring veterans, would that be in
14 conflict with Department policy?

15 A. Yes.

16 Q. And what would be the consequence of that?

17 MR. COLLAER: Objection, form, it's an
18 incomplete hypothetical and calls for speculation.

19 THE WITNESS: It didn't happen, so I didn't
20 deal with that.

21 Q. (BY MR. SCHOPPE) If it did happen, how would
22 that be dealt with?

23 MR. COLLAER: The same objection, calls for
24 speculation.

25 THE WITNESS: I can speculate that --

1 MR. COLLAER: I don't want you to speculate.

2 Q. (BY MR. SCHOPPE) Well, in a situation if you
3 were to learn about that on the part of anyone,
4 Ms. McCormick or anybody else, how would you deal with
5 that?

6 A. We would talk with that employee.

7 Q. You testified earlier that you had reviewed
8 the Plaintiffs' Complaint. Do you recall there being an
9 allegation concerning bias against hiring veterans in
10 there?

11 A. I don't recall. That was a long time ago.

12 Q. At any time since the filing of this lawsuit
13 have you ever looked into any allegations as to whether
14 the Department has had a bias against hiring veterans?

15 A. I have not received any allegations, so no.

16 Q. Does the Department hire on a merit based
17 system?

18 A. Yes.

19 Q. And why is that? Is that imposed by a statute
20 or something else?

21 A. Statute.

22 Q. Do you happen to know which one?

23 A. I don't.

24 Q. Is that also reflected in the IDAPA rules?

25 A. Yes, it is.

1 Q. 15, that you mentioned earlier?

2 A. Yes.

3 Q. And what does that mean, that it's a merit
4 based system?

5 A. It means that anybody hired as a state
6 employee will be judged on their merit.

7 Q. As opposed to what?

8 A. I haven't thought about that. We hire based
9 on merit.

10 Q. Are there prohibited considerations?

11 A. We hire based on education and experience and
12 qualifications for the job.

13 Q. Is that policy applied in every instance?

14 A. Yes.

15 Q. No exceptions?

16 A. No.

17 Q. Have job qualifications ever been adjusted to
18 suit a particular applicant?

19 A. No.

20 Q. When interviews are granted, how do those
21 proceed?

22 A. That's under the direction of the hiring
23 supervisor.

24 Q. So, it cannot be just a one-on-one interview
25 or is it a panel? How does that work?

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1 A. Either one.
 2 Q. And is that up to the division supervisor?
 3 A. It's up to the supervisor.
 4 Q. Do juveniles ever participate in interviewing
 5 job applicants?
 6 A. They have, yes.
 7 Q. And when was that?
 8 A. I don't recall the date.
 9 Q. Do you know who made the decision to involve
 10 juveniles?
 11 A. I don't recall, no.
 12 Q. Is that a standard thing or is that an
 13 occasional thing?
 14 A. Occasional.
 15 Q. Is that something that still happens or has it
 16 happened within the last -- since the start of the year,
 17 for example?
 18 A. I don't know.
 19 Q. Since the filing of this lawsuit have you
 20 taken any steps to monitor communications of the
 21 Plaintiffs?
 22 A. Yes.
 23 Q. And what steps did you take?
 24 A. E-mails, pulling e-mails.
 25 Q. Anything else?

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1 A. No.
 2 Q. Do you listen to phone calls or anything like
 3 that?
 4 A. No.
 5 Q. Video surveillance?
 6 A. No.
 7 Q. And why is that, that e-mails are pulled?
 8 A. At the request of the supervisor or division
 9 administrator or director or Legal.
 10 Q. All right. Are there any criteria -- do those
 11 requests come to you?
 12 A. No, they can -- they can come to me or a
 13 division administrator or the director.
 14 Q. Did someone come to you with that request?
 15 A. Boy, I don't remember how that came about.
 16 Q. Do you know when it came about?
 17 A. I don't. I don't remember that information.
 18 Q. Would that be reflected in an e-mail or
 19 anything like that as far as you know?
 20 A. I just don't remember.
 21 Q. All right. Is there any kind of a formal
 22 request or procedure to request that, or is it something
 23 that someone can pick up the phone and ask for?
 24 A. There's no formal request.
 25 Q. Are employees given any notice of that?

1 A. No.
 2 Q. Why is that?
 3 A. Because computers and e-mails and those types
 4 of information are not considered confidential
 5 information. It's public information.
 6 Q. What sorts of e-mails have you pulled?
 7 A. You mean what was the subject of the e-mails
 8 or --
 9 Q. What's the criteria you used to decide what to
 10 select, what to not select?
 11 A. Oh, if an employee is not meeting their
 12 timelines as far as getting their work done, if there's
 13 maybe a suspicion that they've been visiting websites
 14 that aren't to be visited, or something along those
 15 lines.
 16 Q. How about participating in litigation?
 17 A. Pardon me?
 18 Q. Participating in litigation, is that another
 19 criteria?
 20 A. Not normally, no.
 21 Q. Is there any kind of guideline or policy that
 22 governs when that might happen, when e-mail
 23 communications might be monitored?
 24 A. We do have a policy on communications and
 25 Internet usage, but I'm not sure if that addresses that.

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1 I don't have that policy in front of me, so I can't
 2 address that.
 3 Q. Who is it that actually goes and, as with the
 4 Plaintiffs -- let me step back. Have you been
 5 monitoring all of the Plaintiffs' e-mails?
 6 A. No.
 7 Q. Any in particular? Anyone in particular?
 8 A. Currently?
 9 Q. At any time since the litigation was filed.
 10 A. Jo McKinney, Rhonda Ledford, I think those are
 11 the only two.
 12 Q. Why just those two?
 13 A. I don't know.
 14 Q. Do you know who asked about just those two?
 15 A. I don't remember how that request came about,
 16 no.
 17 Q. Do you actually go look yourself at the
 18 correspondence or is that something that IT does? How
 19 does that work?
 20 A. IT pulls the e-mails and then I have the
 21 ability to look at those.
 22 Q. And did you look at those?
 23 A. Are you talking about just Rhonda and Jo or in
 24 general?
 25 Q. For Rhonda and Jo, yes.

1 A. Yes, I did.
 2 Q. And when was that?
 3 A. I don't remember the date.
 4 Q. Was that just a one-time thing or is it
 5 something that you do continuously?
 6 A. It was continuous for a time period.
 7 Q. Do you know what the time period was?
 8 A. I don't. I don't have that information.
 9 Q. Did you share those e-mails with anyone?
 10 A. Yes, I did.
 11 Q. With whom?
 12 A. Legal.
 13 Q. Anyone else?
 14 A. No.
 15 Q. Did you share them with the person who made
 16 the request?
 17 A. I don't remember who made the request or how
 18 that came about.
 19 Q. Do you have any kind of a log or anything else
 20 concerning this litigation that you keep?
 21 A. No.
 22 Q. A file?
 23 A. I'm not sure what kind of -- what you're
 24 asking.
 25 Q. Well, if something comes to your attention

1 that concerns the litigation, do you mark it or set it
 2 aside or keep it somewhere, a document?
 3 A. No.
 4 Q. Do you know if anyone else does?
 5 A. I don't.
 6 Q. How about prior to the filing of the
 7 litigation, going back for as long as you've worked at
 8 Juvenile Corrections, did you monitor any of the
 9 Plaintiffs' e-mails?
 10 A. Did I monitor them?
 11 Q. Yes.
 12 A. No.
 13 Q. Did anyone ever ask to monitor them?
 14 A. Not to my knowledge.
 15 Q. Did you ever ask to monitor them?
 16 A. No.
 17 Q. Earlier when I had asked you about if
 18 participating in litigation is a criteria used in
 19 deciding whether to monitor e-mails, I think you had
 20 said "not usually"; is that right?
 21 MR. COLLAER: Objection, that misstates her
 22 testimony.
 23 THE WITNESS: Yeah, I -- yeah, I don't know
 24 how to answer that because requests come in from
 25 supervisors and I don't monitor if they're involved in

1 the litigation or not.
 2 Q. (BY MR. SCHOPPE) Are you made aware of
 3 litigation as it occurs? If a claim is filed against
 4 the Department, is that always brought to your
 5 attention?
 6 A. In most cases I would be aware.
 7 Q. When you reviewed the e-mails of Jo McKinney
 8 and Rhonda Ledford, was there something in particular
 9 that you were looking for?
 10 A. No.
 11 Q. Was there anything that you found that
 12 concerned you?
 13 A. Yes.
 14 Q. What was that?
 15 A. Boy, I don't remember, but those e-mails I
 16 would forward to Legal.
 17 Q. Did you forward them to anybody else?
 18 A. No.
 19 Q. Have you ever asked anyone to monitor any of
 20 the Plaintiffs?
 21 A. No.
 22 Q. Is that true for the time period before the
 23 litigation as well, for as long as you've worked there?
 24 A. Yes.
 25 Q. Are you aware of whether anybody else is

1 monitoring the Plaintiffs' e-mails?
 2 A. I'm not aware.
 3 Q. Are you aware if anybody else is keeping a
 4 file on the Plaintiffs of any kind?
 5 A. I wouldn't have -- I wouldn't know that
 6 information.
 7 Q. Is there anyone who would know that?
 8 MR. COLLAER: Objection, calls for
 9 speculation.
 10 Q. (BY MR. SCHOPPE) That you know of?
 11 A. I don't -- I don't know.
 12 Q. Going back to the job hiring process, I think
 13 we had gotten up to the interview stage, when an
 14 interview occurs or not. If a result is positive and
 15 the person seems to be the right fit for the position,
 16 what happens next?
 17 A. The supervisor talks with their division
 18 administrator or supervisor and then that division
 19 administrator requests to HR to make a hire.
 20 Q. All right. And then what does HR do?
 21 A. It depends on the position. If it's a POST
 22 certified position, then we do what's called a
 23 background check through the POST, Police Officers
 24 Standards and Training Academy -- I'm sorry, Peace
 25 Officers.

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1 Q. Is that to verify that someone actually is
 2 POST certified?
 3 A. No, that's to verify that their background can
 4 meet POST standards, that criminal history background.
 5 Q. Is that not done for other positions at the
 6 Department?
 7 A. No, other positions are not POST certified.
 8 They don't have the same criminal history background to
 9 meet.
 10 Q. Do they have some sort of criminal background
 11 history to meet?
 12 MR. COLLAER: Are you referring to non-POST
 13 certified spots?
 14 MR. SCHOPPE: Correct.
 15 THE WITNESS: Until just recently they did
 16 not, but we have just recently enacted Prison Rape
 17 Elimination Act, PREA, standards for backgrounds.
 18 Q. (BY MR. SCHOPPE) All right. And what are
 19 those standards?
 20 A. I don't have those in front of me, so I can't
 21 tell you right off the top of my head.
 22 Q. All right. Do those supersede the POST
 23 standards or just a different set?
 24 A. Different set? POST standards have to be met
 25 for POST certified employees.

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1 Q. All right. And then do PREA standards have to
 2 be met for all employees?
 3 A. Yes.
 4 Q. As of the date that that was adopted?
 5 A. Yes.
 6 Q. Was there any standard at all for non-POST
 7 positions prior to the PREA?
 8 MR. COLLAER: Objection, that's been asked and
 9 answered. Go ahead and answer it again.
 10 THE WITNESS: No.
 11 Q. (BY MR. SCHOPPE) For example, if someone had
 12 a felony in their background, could they be hired?
 13 A. It depends on what the felony was and what the
 14 position they're applying for is.
 15 Q. In instances where an applicant might have a
 16 felony or a misdemeanor conviction of some sort, is
 17 there any kind of a time frame requirement that, for
 18 example, after a certain period of time it wouldn't
 19 matter anymore?
 20 A. Are you talking POST standards or non-POST?
 21 Q. Non-POST.
 22 A. It depends on the position and the conviction.
 23 Q. Is it a flexible or discretionary decision?
 24 A. Again, it depends on the facts surrounding the
 25 case.

1 Q. Who makes the decision when a criminal history
 2 is discovered in an applicant?
 3 A. We have not had that happen to this point in
 4 time because PREA is just -- it's not -- it's being
 5 discussed and information being given out. It has not
 6 been implemented yet.
 7 Q. All right.
 8 A. We're in the process of that.
 9 Q. Since you've worked at the Department are you
 10 aware of any instances in which applicants with criminal
 11 backgrounds have been hired?
 12 MR. COLLAER: Are you distinguishing between
 13 misdemeanor or felony background?
 14 MR. SCHOPPE: No.
 15 THE WITNESS: Are you talking POST, non-POST,
 16 or all hires?
 17 Q. (BY MR. SCHOPPE) All hires.
 18 A. Am I aware of any of those?
 19 Q. Yes.
 20 A. Yes, we have hired folks with criminal history
 21 background.
 22 Q. Do you recall anyone in particular?
 23 A. No, I don't.
 24 Q. For the POST standards, what is the standard
 25 there in terms of felony or misdemeanor convictions?

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1 A. I don't have that in front of me, so I can't
 2 tell you what it is.
 3 Q. Is that also publicly available somewhere?
 4 A. Yes, I believe it's available on the POST
 5 website.
 6 Q. What happens if an employee commits a crime
 7 while employed?
 8 MR. COLLAER: Object to the form of the
 9 question, it's vague, calls for speculation.
 10 THE WITNESS: Yeah, could you define that a
 11 little bit better? I'm not sure --
 12 Q. (BY MR. SCHOPPE) Sure. If it comes to your
 13 attention that one of your employees has committed a
 14 felony, for example, is there anything that happens in
 15 terms of discipline or counseling, anything like that at
 16 all?
 17 A. It depends on what position that is and what
 18 the crime that may or may not have -- that they are
 19 accused of committing on what action is taken, if any.
 20 Q. Is there a policy about that anywhere?
 21 A. About?
 22 Q. Dealing with employees who have committed
 23 crimes. Is there anything in writing or is it just
 24 something that is a discretionary function of a
 25 supervisor or something like that?

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1 A. We have a policy, I don't have it in front of
 2 me, on criminal history background checks that may
 3 define that.
 4 Q. Are applicants for jobs required to have a
 5 current Idaho driver's license?
 6 MR. COLLAER: Are you talking about all
 7 employees or specific spots?
 8 Q. (BY MR. SCHOPPE) Applicants. Any applicant.
 9 A. It depends on the job classification.
 10 Q. All right. After an applicant is -- or a
 11 request to hire is forwarded to Human Resources, what's
 12 the next step that occurs? You've described the POST
 13 background check for a POST certified position. And
 14 assuming that's cleared, then --
 15 A. We talk about what salary could be offered and
 16 that's determined jointly with the division
 17 administrator or supervisor, and Fiscal if there's any
 18 questions. On some the entry salary is just set, or
 19 hourly wage I should say. That's determined. We
 20 discuss hiring dates, start dates. And from that point
 21 forward if everything is okay the hiring supervisor
 22 has -- is okay to call the applicant and make an offer.
 23 Q. All right. And if that's accepted is it fair
 24 to say that a welcome letter goes out or something like
 25 that?

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1 A. Yes.
 2 Q. And is there a new employee orientation?
 3 A. Yes, there is.
 4 Q. And is that like a -- can that be an
 5 individual experience for the employee or is it kind of
 6 a class for several?
 7 A. It's usually a one-on-one with a Human
 8 Resources person. It's a formal process.
 9 Q. And is that with the Department of Juvenile
 10 Corrections Human Resources person?
 11 A. Yes.
 12 Q. Is that typically one of your subordinates,
 13 the juniors or the seniors?
 14 A. Yes.
 15 Q. Which positions at the Department are POST
 16 certified?
 17 A. I don't have that document in front of me and
 18 there's a number of them. So --
 19 Q. Do you know if staff security officer
 20 positions are POST certified?
 21 A. Safety and security officers are POST
 22 certified.
 23 Q. Rehab techs?
 24 A. Yes.
 25 Q. And would the same apply to the supervisors,

1 like a supervising safety and security officer?
 2 A. Yes, they are POST certified.
 3 Q. How about unit managers?
 4 MR. COLLAER: For what unit?
 5 MR. SCHOPPE: Any unit.
 6 THE WITNESS: I don't believe they are.
 7 Q. (BY MR. SCHOPPE) All right. How about the
 8 superintendent?
 9 A. No.
 10 Q. Any others that you happen to recall?
 11 A. Rehabilitation specialist, instruction
 12 specialist, and instruction assistant. And that's all I
 13 can recall right now.
 14 Q. As far as you know, is the POST certification
 15 requirement there because those positions tend to
 16 directly interact with juveniles?
 17 A. Yes.
 18 Q. So, they need to know how they can interact;
 19 is that fair?
 20 MR. COLLAER: If you know. Don't speculate.
 21 THE WITNESS: I don't know.
 22 Q. (BY MR. SCHOPPE) What's the policy concerning
 23 sick leave at the Department? Is there a number of days
 24 that any given employee is given in a year for sick
 25 leave?

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1 A. Employees earn a percentage of sick leave
 2 based on hours worked. It equals out to about 12 days a
 3 year for a new employee.
 4 Q. Is there a maximum as far as you know?
 5 A. No.
 6 Q. And do those expire at the end of the year?
 7 A. No.
 8 Q. Is there any particular threshold in terms of
 9 days beyond which a physician's note or something like
 10 that might be required for an absence? For example, if
 11 an employee is sick for a day, do they need a doctor's
 12 note or something like that?
 13 A. I would need to look at the policy to verify
 14 that.
 15 Q. You don't know off the top of your head?
 16 A. No.
 17 Q. What policy would that be?
 18 A. I don't know the number of it or the title.
 19 It would have to do with sick leave.
 20 Q. All right. Is that likely to be its own
 21 separate policy as far as you recall?
 22 A. I don't believe sick leave stands alone, no.
 23 MR. COLLAER: Counsel, I know there's a number
 24 of SOPs that we've marked and used previously. They may
 25 be in the binders in front of you.

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1 MR. SCHOPPE: I'll take a look.
 2 Q. (BY MR. SCHOPPE) Are employees allowed to
 3 donate sick leave to each other?
 4 A. Yes.
 5 Q. Okay. How does that work?
 6 A. There's requirements set by the State
 7 Controller's office that have to be met in terms of
 8 amount of sick leave that must be left that the employee
 9 must have after leave donations. There's a cap on how
 10 much leave donations can be donated, and the receiving
 11 employee has to be out of sick leave.
 12 Q. And how does the donation process work?
 13 A. The employee or supervisor can request to
 14 receive leave donations and then Human Resources helps
 15 obtain that leave by sending out an e-mail to other
 16 state -- other department employees.
 17 Q. And who keeps track of who is donating what to
 18 whom?
 19 A. The donating employee fills out a form and
 20 sends it to the Human Resources. We don't track other
 21 than checking in with the State Controller's office to
 22 see if that employee is still -- has donated the max
 23 that year or -- it's on an individual basis.
 24 Q. Is there a form for that?
 25 A. Yes.

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1 Q. Do you know the name of the form?
 2 A. I don't. It's a State of Idaho State
 3 Controller's office form.
 4 Q. And so, is it fair to say that Human
 5 Resources' sole interest there is to be sure that
 6 there's compliance with the State Controller's
 7 guidelines?
 8 A. Yes.
 9 Q. In terms of promotions, how does that process
 10 work from start to finish?
 11 A. Did we go through this already?
 12 Q. We talked about hiring. Promotions I think we
 13 touched on just a little bit. How is it determined that
 14 someone ought to be promoted or that there might be a
 15 promotion available?
 16 A. When there's a vacancy the supervisor again
 17 requests from Human Resources, actually the division
 18 administrator requests from Human Resources to post a
 19 vacancy. And at that point in time there's discussion
 20 about how the vacancy will be posted, if it's going to
 21 be statewide promotional, department promotional, or
 22 open competitive.
 23 Q. And then are there any particular criteria by
 24 which those decisions are made, as to who to make it
 25 available to?

1 A. Who to make the job opening available to?
 2 Q. Right. In terms of those three
 3 classifications you just mentioned, whether something
 4 should be kept in-house or --
 5 A. Is there set criteria?
 6 Q. Right.
 7 A. I would have to look at the policies and see,
 8 but I don't believe so.
 9 Q. All right. Who makes that decision?
 10 A. The hiring supervisor. I'm sorry, the
 11 supervisor and the division administrator.
 12 Q. All right. Does HR get involved in that
 13 process at all?
 14 A. We consult and advise and counsel.
 15 Q. Sort of on request?
 16 A. Yes.
 17 Q. And then is the application process
 18 essentially the same as for new hires?
 19 A. Yes. If we post a department promotional,
 20 only department promotional employees can show up on a
 21 hiring list. Others from outside can apply because the
 22 system doesn't lock them out, but they cannot show up on
 23 a hiring list.
 24 Q. Since you've worked at the Department are you
 25 aware of any promotional opportunities that have not

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1 been posted?
 2 A. No.
 3 Q. Do you hear of any?
 4 A. No.
 5 Q. Do you have any role in gathering or reporting
 6 Performance-based Standards data?
 7 A. I don't get involved in PbS at all.
 8 Q. Have you been made aware of allegations that
 9 some employees have engaged in time card padding or
 10 forging of time records?
 11 A. Yes.
 12 Q. What do you know about that?
 13 A. I don't know timelines, but the then payroll
 14 clerk called me and told me that he had talked with --
 15 or received an e-mail from Ms. Ledford in regard to time
 16 card padding and wanted to know what to do about it.
 17 Q. Who is that person?
 18 A. Sean Southard.
 19 Q. Is he still a payroll clerk?
 20 A. No.
 21 Q. Is he still with the Department?
 22 A. No.
 23 Q. Do you know where he is?
 24 A. Division of Building Safety. That's where he
 25 went. I don't know if he's still there or not.

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1 Q. And have you ever heard those allegations from
2 any other source other than Ms. Ledford?

3 A. No.

4 Q. What happened next after you received that
5 report from Mr. Southard?

6 A. I referred that information to Mike Savoie at
7 the Division of Human Resources.

8 Q. And why did you do that?

9 A. I can't remember why I referred it to Mike.

10 Q. Is that sort of investigation -- or is that
11 the sort of thing that Division of Human Resources would
12 investigate?

13 A. It -- I'm trying to -- I don't remember the
14 timeline, but I think it was sent there because of the
15 lawsuit or the -- I'm not sure.

16 Q. Do you know what happened next?

17 A. I don't. Once Mike took it over, I do not
18 know.

19 Q. You didn't investigate it at all yourself?

20 A. I also asked my human resource specialist
21 senior to look into it. Ms. Ledford had provided an
22 Excel spreadsheet and I believe that was provided to my
23 human resource specialist senior. However, he didn't
24 proceed with that once I sent that to the Division of
25 Human Resources.

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1 Q. And who was that person you were talking
2 about?

3 A. Pat Thomson.

4 Q. Do you know if he participated in the
5 investigation?

6 A. I don't know once it went to Human Resources
7 what happened.

8 Q. Do you know what particular employees were
9 involved, who the allegations were against?

10 A. Dave Rohrbach.

11 Q. And who is he?

12 A. He was the then youth program manager.

13 Q. Anybody else?

14 A. I don't recall anyone else.

15 Q. And is it correct that he left the Department?

16 A. Yes.

17 Q. Do you know why?

18 A. He retired.

19 Q. Did he retire for health reasons as far as you
20 know?

21 A. It was a retirement.

22 Q. And did he retire while that investigation was
23 pending as far as you know?

24 A. I don't know if it was pending or not. I
25 don't believe it was.

1 Q. Do you know what the outcome of the
2 investigation was?

3 A. Well, I don't believe any of the allegations
4 were founded, but I didn't ever receive a report or
5 anything.

6 Q. Why is it you don't believe they were founded?

7 A. Mike Savoie reported back to me.

8 Q. And what did he tell you?

9 A. I don't remember.

10 Q. Do you know if he gave you a written report or
11 was it just a phone call or what?

12 A. No, there was no written report. There was a
13 phone call. He did indicate that he had involved the
14 State Controller's office.

15 Q. Okay.

16 A. But I don't know what their involvement was.

17 Q. Do you know if Mr. Rohrbach was granted any
18 kind of health accommodations with respect to the hours
19 that he worked or anything like that?

20 A. I believe he was given the ability to flex his
21 hours, and the sick leave pool use is always available
22 in addition to vacation leave.

23 Q. And how does the flex -- did you say flex
24 time?

25 A. Yes.

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1 Q. How does that process work if someone wants
2 flex time?

3 A. It's in policy. So, I'd need to look at the
4 policy.

5 Q. And do you know a name for that policy?

6 A. A flex time policy, I believe. I'm not sure.

7 Q. How is it that employees' hours are tracked at
8 the Department? And if they're different for different
9 kinds of employees, please tell me about that.

10 A. The State Controller's office has an online,
11 it's called iTime and the hours are recorded in
12 electronic format and submitted each two weeks. For
13 executive employees they are exempt from their reporting
14 requirement unless they take time off in increments of
15 one half day or better, more.

16 Q. And who are executive employees?

17 A. They are -- it's under the FSLA, Fair Labor
18 Standards Act, and they would be the division
19 administrators and the director. It's by code, statute.

20 Q. All right. And then what's the -- is there
21 another kind of employee classification apart from
22 executive employees?

23 A. It falls under the Fair Labor Standards Act.
24 So, you have your administrative professional covered,
25 those types of things.

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1 Q. All right. Do any employees use a time clock
2 or anything like that?
3 A. No.
4 MR. COLLAER: Counsel, it's 11:30. So, let's
5 go off the record for a second.
6 (Discussion held off the record.)
7 (Mr. Collaer left the deposition and
8 Ms. Fontaine joined the deposition.)
9 Q. (BY MR. SCHOPPE) What is the relationship
10 between Division of Human Resources and the Idaho
11 Department of Juvenile Corrections?
12 A. The Division of Human Resources is the
13 oversight agency for recruiting and hiring and
14 compensation and those types of things. They also
15 maintain the applicant tracking system and they're
16 responsible to maintain standards for the job
17 descriptions and job specifications.
18 Q. And is it correct to say that that
19 relationship is reflected in a memorandum of
20 understanding between the two departments?
21 A. It was, but that memorandum has expired. But
22 yes, we are considered a delegated agency.
23 Q. Was there a period of time that Juvenile
24 Corrections HR was on probation or suspended?
25 A. Yes.

1 problem?
2 A. We had a complaint from an employee about how
3 Ms. Roters had been hired as a unit manager when she
4 didn't have the supervisory experience.
5 Q. And who was that employee?
6 A. Who complained?
7 Q. Yes.
8 A. Mark Freckleton.
9 Q. And had he also applied for the position?
10 A. Yes, he had.
11 Q. And did you respond to him?
12 A. No, I didn't respond personally to him. The
13 complaint had come to one of my human resource staff.
14 Q. And who was that?
15 A. Joyce Clark.
16 Q. And then you personally conducted the review?
17 A. Yes.
18 Q. And when you said you conducted the review,
19 did you look at the tests that had been taken?
20 A. I looked at the tests that had been taken and
21 prior applications that Ms. Roters had completed and I
22 believe that's all.
23 Q. Applications for other positions that she
24 already held in the Department?
25 A. No, that she had applied for over time.

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1 Q. What happened there? What was that?
2 A. As far as why we were put on suspension by the
3 Division of Human Resources?
4 Q. Yes.
5 A. I went in and changed an applicant's final
6 score and only the DHR administrator can do that.
7 Q. And who was that, the applicant?
8 A. Laura Roters.
9 Q. Do you remember when that was?
10 A. I don't remember the exact date, no. It was
11 in 2011, but I don't remember the exact date.
12 Q. So, you had the access to be able to do that
13 but you didn't have the authority to do that?
14 A. That's correct.
15 Q. Why was it that you were changing her final
16 score?
17 A. She had received a passing score and upon a
18 review it was discovered that she didn't meet the
19 minimum qualifications for the position or for that test
20 question.
21 Q. Whose review was it that disclosed that?
22 A. That she didn't meet?
23 Q. Yes.
24 A. Human Resources initially, my review.
25 Q. How did it come to your attention as a

1 Q. And that would have been -- was that because
2 those would have disclosed her experience and things
3 like that up to that point?
4 A. Yes.
5 Q. Was there any kind of error in the wording of
6 the question concerning supervisory experience that
7 you're aware of?
8 A. The question was a bad question. It combined
9 supervisory experience and training experience into one
10 question.
11 Q. Okay.
12 A. In my opinion it was a bad question anyway.
13 Q. And what are the differences between those two
14 things, supervisory experience and training experience?
15 A. They have different minimum qualifications.
16 Q. Do you know what those are?
17 A. I don't right off the top of my head. I'd
18 have to see those questions and the rating criteria.
19 Q. But at the time you did know that?
20 A. Yes. I have materials that I refer to and I
21 looked at those.
22 Q. Do you know, had her application gone before a
23 subject matter expert?
24 A. Yes.
25 Q. Do you know who that was?

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1 A. Terry Lewis.
 2 Q. Did you speak about it with him?
 3 A. No, I didn't.
 4 Q. And was it your position at the time that she
 5 should not have passed the test?
 6 A. In my opinion and a review of the question and
 7 the minimum qualifications, it is my opinion that yes,
 8 she should not have passed that.
 9 Q. All right. And what happened next after you
 10 reviewed that?
 11 A. I talked with the director and explained the
 12 situation to her and she concurred. She reviewed the
 13 application materials as well. And then I talked with
 14 the Division of Human Resources, Mike Savoie, and
 15 referred the question to him, the situation to him.
 16 Q. And what did he do?
 17 A. He also concurred.
 18 Q. All right. And what was the -- how did that
 19 situation get resolved, if there was a resolution?
 20 A. You mean in terms of what happened with the
 21 application itself or --
 22 Q. Sure.
 23 A. Well, the application itself was -- it was
 24 rated a pass in the applicant tracking system. Laura
 25 had been interviewed and offered the position but she

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1 hadn't started the position yet.
 2 Q. Do you know who interviewed her?
 3 A. It was a panel interview, but I don't know who
 4 was on the panel right off the top of my head, no.
 5 Q. Do you ever participate in those sorts of
 6 interviews?
 7 A. I do participate in employment interviews,
 8 yes.
 9 Q. Was hers one of them?
 10 A. No.
 11 Q. And what was the position that she was
 12 applying for?
 13 A. Rehabilitation unit manager.
 14 Q. Do you remember which department inside --
 15 this is at the JCC Nampa facility?
 16 A. Yes.
 17 Q. And do you remember, was that Choices or
 18 Solutions?
 19 A. Solutions.
 20 Q. All right. And was the offer then revoked?
 21 A. Yes, it was.
 22 Q. And was the position filled after that?
 23 A. Not immediately, no.
 24 Q. Was it filled at some point after that?
 25 A. Yes.

1 Q. Who took that position?
 2 A. Laura Roters.
 3 Q. Was there something different about her
 4 qualifications at that point?
 5 A. At that point in time the minimum
 6 qualification standard had been lowered by the Division
 7 of Human Resources.
 8 Q. And that was an action taken by the Division,
 9 not the Juvenile Corrections HR?
 10 A. That's correct.
 11 Q. Do you know why the Division of Human
 12 Resources did that?
 13 A. I don't know. I was not included in that
 14 action. There was actually a -- it's called a job
 15 classification audit or a job classification review, and
 16 the rehabilitation unit manager job was reviewed by the
 17 Division of Human Resources.
 18 Q. Does the Division of Human Resources typically
 19 conduct that kind of review on its own or is it on
 20 request?
 21 A. Request. It depends on the agency. If you're
 22 a delegated agency in most cases you would conduct that
 23 review. If you're a non-delegated agency they would --
 24 their staff perform the agency human resource function.
 25 Q. Do you know if someone at Juvenile Corrections

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1 requested that they review that position?
 2 A. Not to my knowledge.
 3 Q. Have you ever heard that someone requested
 4 that?
 5 A. No.
 6 Q. Do you know who conducted that review at
 7 Division of Human Resources?
 8 A. I don't know.
 9 Q. Do you know why the requirements were lowered?
 10 A. I do not know that. I was not privy to that
 11 information.
 12 Q. At the time did you find that unusual or
 13 anything like that?
 14 A. Did I find the minimum qualification being
 15 lowered unusual?
 16 Q. Yes.
 17 A. Yes, I did.
 18 Q. Why was that?
 19 A. Why was that?
 20 Q. Yes.
 21 A. Because a rehabilitation unit manager is a
 22 managerial position.
 23 Q. And the way in which those standards were
 24 lowered had to do with qualifications for being a
 25 manager; is that right?

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1 A. The supervise -- I don't understand your
2 question, I guess.
3 Q. I had asked why it was you found it unusual
4 and you said that it's because it was a managerial
5 position.
6 A. Yes.
7 Q. So, the fact that it was a managerial
8 position, why did that make it unusual?
9 A. In most cases there's a certain level of
10 supervision or other minimum qualifications required.
11 Q. Ordinarily would a request for review like
12 that pass through Human Resources in the Department of
13 Juvenile Corrections?
14 A. There wouldn't be a pass-through, no.
15 Q. So, who might initiate that kind of review?
16 Could it be an employee or a supervisor or a division
17 head or something like that?
18 A. You mean a job classification review?
19 Q. Right.
20 A. It would be a manager or a supervisor could
21 initiate that kind of review if they felt their employee
22 was misclassified or something like that.
23 Q. For that particular position who would have
24 been likely to have requested that review by the
25 Division of HR?

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1 A. No one that I know of.
2 Q. Did Division of Human Resources ever indicate
3 who had asked for it?
4 A. No.
5 Q. After these standards were lowered, were you
6 concerned that that would cause a problem?
7 MS. FONTAINE: Object to the form, vague.
8 THE WITNESS: Can you define "problem."
9 Q. (BY MR. SCHOPPE) Sure. Were you concerned
10 that the standards had been lowered too much?
11 A. Yes.
12 Q. And what were you thinking at the time? What
13 was your concern?
14 A. Because there are minimum standards for job
15 requirements maintained by the Division of Human
16 Resources and I felt like that was too low of a
17 requirement for the supervisory for that position.
18 Q. That's based on your experience and education
19 and training and all of that?
20 A. Yes.
21 Q. And when Ms. Roters -- was that a promotion
22 for her?
23 A. Yes.
24 Q. When she was promoted, had the position been
25 posted as available to other applicants?

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1 A. Yes.
2 Q. The second time?
3 A. Yes, both times.
4 Q. Do you know of any other applicants for the
5 position the second time around?
6 A. There were other applicants, but I don't know
7 their names.
8 Q. As far as you know, did that also go through a
9 subject matter expert?
10 A. Yes.
11 Q. All right. And was that a different one that
12 time?
13 A. I don't know the answer to that.
14 Q. You don't know who it was?
15 A. No.
16 Q. All right. Do you know if it was not Terry
17 Lewis again?
18 A. I don't know who it was.
19 Q. And do you know what happened next after the
20 application process, the tests were taken, and things
21 like that?
22 A. Which time?
23 Q. The second time in terms of the selection
24 process for eventually hiring Ms. Roters.
25 A. The hiring list was sent to Dave Rohrbach and
1 interviews were set and interviews held.
2 Q. Do you know who was interviewed?
3 A. I don't.
4 Q. Do you know if the position was offered to
5 Ms. Roters before all of the interviews were completed?
6 A. No, it was not offered to her before the
7 interviews were completed.
8 Q. Do you know if it was -- if anyone told her
9 she would get the position before all of the interviews
10 were completed?
11 A. I don't know the answer to that.
12 Q. Do you know if anybody had decided that she
13 should be given the position before all of the
14 interviews were completed?
15 A. I don't know.
16 Q. You don't know if Betty Grimm made that
17 decision?
18 A. I don't know, no.
19 Q. Are you aware of whether or not Director
20 Harrigfeld had any input into the decision to hire
21 Ms. Roters -- or promote her, rather?
22 A. I think that -- I can't say for sure on that
23 one.
24 Q. Do you know what it was that set Ms. Roters
25 apart from the other applicants in terms of being the

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1 best choice for the job?
 2 A. At the point in time when the interviews were
 3 held the applicants had met the minimum qualifications,
 4 so the supervisors are looking for a fit. So, I don't
 5 know what -- what set her apart in that case. I wasn't
 6 at the interview.
 7 Q. All right. In your opinion at the time was
 8 she suited for the job?
 9 A. Yes.
 10 Q. And was that simply because the requirements
 11 for the position had been lowered?
 12 A. No.
 13 Q. What else factored into that?
 14 A. She had received supervisory training.
 15 Q. And do you know what that consisted of?
 16 A. I don't know.
 17 Q. What could that consist of? Like what are the
 18 options for supervisory training?
 19 A. Course work or education, college level
 20 classes, seminars, workshops.
 21 Q. Do you know if the Department paid for her
 22 classes or reimbursed her for those?
 23 A. I don't.
 24 Q. Is that something that typically happens or is
 25 that an option that's available to people who want

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1 further training?
 2 A. We do have a policy on course work
 3 authorization.
 4 Q. As far as you know, did she -- are there forms
 5 for that sort of thing, that authorization?
 6 A. Yes.
 7 Q. As far as you know, did she complete those
 8 forms?
 9 A. I don't know. I'm not in the training realm,
 10 so I don't track that at all.
 11 Q. That wouldn't pass through Human Resources?
 12 A. No.
 13 Q. Human Resources would be aware of whether she
 14 had completed something by virtue of her application; is
 15 that correct?
 16 A. Not necessarily, no.
 17 Q. Who determines what's sufficient in terms of
 18 that training, course work, things like that?
 19 A. Standards set by the Division of Human
 20 Resources.
 21 Q. And are those publicly available?
 22 A. Yes.
 23 Q. On the website?
 24 A. Yes.
 25 Q. Do you know if anyone at the Division of Human

1 Resources reviewed her application in particular to
 2 assess whether it was sufficient along those lines?
 3 A. I don't know.
 4 Q. At some point were you made aware of a
 5 petition that circulated in which some staff had
 6 expressed concerns over hiring and promotions practices
 7 of the Department?
 8 A. I was aware of a petition.
 9 Q. Did you ever see it?
 10 A. No.
 11 Q. Did anyone ever tell you what was in it?
 12 A. No.
 13 Q. How did you learn about it?
 14 A. I think one of my staff told me, but I really
 15 can't remember how I learned about it.
 16 Q. Did you discuss the petition with anyone like
 17 Betty Grimm or Sharon Harrigfeld?
 18 A. I would have discussed it with those, yes.
 19 Q. Do you remember what you discussed with them?
 20 A. No, I don't.
 21 Q. Do you recall having any reaction to the
 22 petition when you heard about it?
 23 A. Well, as a human resource officer, I wonder if
 24 these types of things are being done on work time when
 25 you're paid to be doing your job.

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1 Q. When you say "these kinds of things," what do
 2 you mean?
 3 A. Signing a petition or circulating a petition
 4 at work.
 5 Q. Did you understand that the contents of the
 6 petition related to the management of the Department or
 7 the facility?
 8 A. I didn't know what was in the petition.
 9 Q. Did anyone ever tell you what was in the
 10 petition?
 11 A. No.
 12 Q. So, between that point in time and today
 13 you've never known anything about what was in it at all?
 14 A. The only thing I can remember, and I don't
 15 remember where I heard it, was the hiring of Laura
 16 Roters. And that's all.
 17 Q. And what did you understand that to refer to,
 18 other than those four words?
 19 A. That's all I understood it to refer to,
 20 that --
 21 Q. Did you come to understand or know that it was
 22 connected to the testing issue that you just testified
 23 about?
 24 A. No, I didn't know that.
 25 Q. Do you know if it had anything -- or have you

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1 ever known if that petition had anything to do with the
 2 hiring of Julie McCormick?
 3 A. I don't know anything else that was in that
 4 petition.
 5 Q. Are you aware of -- well, do you know how
 6 Betty Grimm responded to the petition?
 7 A. I don't.
 8 Q. She never discussed that with you?
 9 A. We discussed it, as I stated earlier, but I
 10 don't know what her response was or how she dealt with
 11 any --
 12 Q. When you discussed it, did she seem upset or
 13 did she -- what was her apparent reaction?
 14 A. She was upset. And again, if my memory serves
 15 me correctly, she was upset because of the work time,
 16 the workplace being the place where it was being
 17 circulated or where it was.
 18 Q. All right. How about Director Harrigfeld, did
 19 she have a reaction?
 20 A. Yes, we all wondered about the work time
 21 involvement.
 22 Q. Is it fair to say based on what you've already
 23 testified that you never found out who wrote it or
 24 anything like that? Or did you?
 25 A. I don't know who wrote it.

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1 Q. Did you ever find out if it was drafted on
 2 work time?
 3 A. No.
 4 Q. Do you know if it had anything to do with any
 5 non-work-related issues?
 6 A. I don't know what was in the petition.
 7 Q. Is there any policy against employees
 8 circulating a petition?
 9 A. Not to my knowledge.
 10 Q. Any policy against employees speaking out on
 11 issues that concern them?
 12 A. I don't have the policies in front of me, but
 13 I don't believe there is.
 14 Q. As far as you know, do employees have the
 15 right to speak out about issues that concern them?
 16 A. The employees can problem solve any issue that
 17 they want to problem solve. So, yes.
 18 Q. And does that apply to broad across the
 19 Department policies as well as interpersonal issues?
 20 A. Does what apply?
 21 Q. The problem solving process.
 22 A. Employees can problem solve any issue that
 23 they need to -- or feel like they want to use the
 24 problem solving for.
 25 Q. All right. Did you ever hear that an

1 all-staff meeting was held sometime in November of 2011
 2 at which the petition was discussed?
 3 A. Yes.
 4 Q. What did you hear about that?
 5 A. I can't remember.
 6 Q. Do you remember who you heard it from?
 7 A. The director.
 8 Q. And what did she have to say?
 9 A. I don't remember what she told me.
 10 Q. And were you discussing this after the
 11 meeting?
 12 A. Yes.
 13 Q. Did you discuss the meeting beforehand, as in
 14 what would --
 15 A. I had requested to go and I didn't go, so --
 16 Q. And why was that?
 17 A. I don't know what Director Harrigfeld's reason
 18 was.
 19 Q. She didn't want you to go?
 20 A. Yeah.
 21 Q. Well, did she tell you not to go?
 22 A. Yes.
 23 Q. But she didn't explain why?
 24 A. No.
 25 Q. Did you have any impression yourself as to why

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1 she might not want you there?
 2 A. I didn't.
 3 Q. And why did you want to go?
 4 A. I like to be involved in the facility goings
 5 on. And a lot of times my HR staff and I, all of us or
 6 some of us will go to planning meetings or all-staff
 7 meetings.
 8 Q. Did anyone ever raise any concerns to you that
 9 Laura Roters had been improperly hired --
 10 A. To me?
 11 Q. -- or promoted to the rehab -- what was it
 12 again? The rehab manager?
 13 A. Unit manager.
 14 Q. Not that one, the rehab unit manager. You're
 15 right.
 16 A. Could you ask that question again. Sorry.
 17 Q. Sure. Did anyone ever raise any concerns with
 18 you that she had been improperly hired for that position
 19 the second time around?
 20 A. No.
 21 Q. Did you ever hear of anyone indicating that
 22 that was an improper promotion?
 23 A. No.
 24 Q. Who had been in that position before she
 25 applied for it the first time around?

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1 A. I can't remember. Sorry.
 2 Q. As far as you recall, it wasn't a new
 3 position? It was a vacated position?
 4 A. I don't remember.
 5 Q. That's all right. Short of asking Division of
 6 Human Resources, is there any way to find out who within
 7 the Department of Juvenile Corrections might have
 8 requested their review and reclassification of that
 9 position?
 10 A. I don't believe anybody requested it. So, to
 11 my knowledge, no.
 12 Q. So, you think -- as far as you know it was a
 13 spontaneous thing from somewhere within the Division of
 14 Human Resources?
 15 A. Laura had filed an appeal and I believe it
 16 stemmed from that.
 17 Q. Do you know who we would ask at the Division
 18 of Human Resources?
 19 A. The administrator there is Vicki Tokita.
 20 Q. All right. And with respect to the suspension
 21 that you testified about earlier, what were the terms of
 22 that suspension?
 23 A. Prior to that we had been able to -- my HR
 24 staff had been able to make our own announcements,
 25 develop our own tests, announce and that. And after

1 promotionally, it was announced, applicants' scores
 2 determined, and interviews were held.
 3 Q. All right. And as a supervising safety and
 4 security officer, did that position also require
 5 supervisory experience?
 6 A. Yes.
 7 Q. Do you know if she had supervisory experience?
 8 A. Yes, she did.
 9 Q. Do you know where that was?
 10 A. Not right offhand. I don't have her
 11 application in front of me.
 12 Q. Did she have a criminal background?
 13 A. I don't know that information.
 14 Q. Would you have known that at the time?
 15 A. No.
 16 Q. Why not?
 17 A. I don't -- unless it was on her application, I
 18 wouldn't have -- I wouldn't have any way to know that
 19 information.
 20 Q. All right. Do you know how long Ms. McCormick
 21 had been working for the Department at that point?
 22 A. I don't know.
 23 Q. Do you know what kind of announcement was
 24 made? Was it a department or a statewide or public?
 25 A. Boy, that's -- I just can't remember.

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1 that we made the announcement, DHR reviewed the
 2 announcement. These are recruiting announcements. We
 3 made the test and developed the test scoring and the
 4 weights and things like that, and DHR reviewed that as
 5 well.
 6 Q. All right. And how long did that suspension
 7 last?
 8 A. Six months, I believe.
 9 Q. Any other problems during that probationary
 10 period?
 11 A. Not that I recall.
 12 Q. Did you ever have any concern that any of the
 13 other applicants might take legal action or some sort of
 14 other action to contest her promotion the first time
 15 around?
 16 A. No.
 17 Q. Looking at Julie McCormick, were you involved
 18 in any way in placing her in the position of supervising
 19 safety and security officer?
 20 A. That was done through a recruitment
 21 announcement and a promotion.
 22 Q. And how did that work?
 23 A. As I explained prior, the supervisor -- or the
 24 division administrator, Betty Grimm, requested to fill
 25 the position. She requested that it be announced

1 Q. That's okay. That's an answer. Is there
 2 anywhere we could look for that information?
 3 A. Yes, we could look at past announcements.
 4 Q. Are those kept somewhere?
 5 A. They're all electronic.
 6 Q. So, is it fair to say that they would be
 7 posted online and at some point they expire as far as --
 8 and so, it's no longer visible as an application?
 9 A. The job announcement?
 10 Q. Yes.
 11 A. Yes, in most cases job announcements have an
 12 open date and a close date.
 13 Q. And after the close date, what happens to the
 14 announcement? Does it stay on a hard drive somewhere?
 15 A. That's Division of Human Resources, so I'm not
 16 sure how it's stored. It's stored electronically. It
 17 disappears from the sight of applicants. Division of
 18 Human Resources can see it. Actually, any agency that
 19 has the proper access would be able to see that
 20 announcement.
 21 Q. Okay.
 22 A. It's a level of access within the applicant
 23 tracking, ATS system.
 24 Q. All right. Did anyone ever raise any concerns
 25 with you or that you heard about concerning

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1 Ms. McCormick's qualifications for that position?
 2 A. Yes.
 3 Q. Who did that?
 4 A. Betty Grimm called me.
 5 Q. What did she say?
 6 A. She said she had been having concerns from
 7 staff over Julie's application in regards to the
 8 supervision and she didn't -- she wondered about it.
 9 Q. Did she say which staff?
 10 A. No.
 11 Q. Did she say what the concerns were more
 12 specifically?
 13 A. That she didn't meet the supervisory
 14 requirement, minimum qualification.
 15 Q. And what did you do?
 16 A. I reviewed Ms. McCormick's application.
 17 Q. And what did you find?
 18 A. My review determined that she did meet the
 19 minimum qualifications and I assured Betty that she had
 20 met the minimum qualifications.
 21 Q. And do you know what happened next on Betty
 22 Grimm's end of things?
 23 A. I don't.
 24 Q. Did that issue ever come up to your knowledge
 25 again?

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1 A. I don't know.
 2 Q. Do you know when she was -- that was a
 3 promotion for her; right?
 4 A. Yes.
 5 Q. Do you know when she was promoted to that
 6 position?
 7 A. I don't have a date.
 8 Q. At some point did you become aware of concerns
 9 that Ms. McCormick was spending -- was possibly having
 10 an inappropriate relationship of some sort with a
 11 juvenile?
 12 A. There were -- no.
 13 Q. You didn't become aware that there were
 14 concerns about that?
 15 A. Not inappropriate relationship with a
 16 juvenile, no.
 17 Q. Or that she was behaving inappropriately by
 18 spending too much time with the juvenile?
 19 A. There were concerns about boundary issues.
 20 Q. What do you mean by that?
 21 A. Boy, I don't know how to define "boundary."
 22 That's a term that's used in direct care. So, there's
 23 boundaries established for direct care and -- between
 24 the direct care and the juvenile. And I believe it had
 25 been stated that she had crossed those boundaries by

1 being seen with a juvenile.
 2 Q. Being seen doing what?
 3 A. Eating lunch.
 4 Q. And who made those reports as far as you know?
 5 A. I don't remember.
 6 Q. Do you remember who you heard about that from?
 7 A. No, I believe it would have come through one
 8 of my human resource folks.
 9 Q. Did you ever learn that Ms. McCormick was
 10 spending too much time on the Solutions unit?
 11 A. Yes.
 12 Q. What did you learn about that?
 13 A. What did I learn about that?
 14 Q. Yes.
 15 A. Just that, that she -- that the superintendent
 16 felt she was spending too much time on the Solutions
 17 unit.
 18 Q. And that was Betty Grimm?
 19 A. Yes.
 20 Q. Was there a specific concern that she had?
 21 A. Not to my knowledge.
 22 Q. Did you ever hear of any concerns that she was
 23 spending too much time around male juveniles in general
 24 as opposed to just one?
 25 A. No.

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1 Q. And when we're talking about the juvenile in
 2 question, it was CY . Do you know that name?
 3 A. CY ?
 4 Q. CY .
 5 A. Yes.
 6 Q. Did anyone ever express any concern to you
 7 that a sexual relationship or a romantic relationship
 8 existed between McCormick and CY ?
 9 A. No.
 10 Q. Do you know what was done to address the
 11 impropriety of her spending too much time with CY or
 12 on units?
 13 A. I believe Betty had some guidelines in place
 14 but I don't know specifically what those were without
 15 seeing a document.
 16 Q. Do you know how those guidelines were or if
 17 those guidelines were related to Ms. McCormick?
 18 A. Yes.
 19 Q. How do you know that?
 20 A. My human resource specialist senior, Pat
 21 Thomson, was consulting with Betty at that point in
 22 time.
 23 Q. And was anything done to ensure that
 24 Ms. McCormick followed those guidelines?
 25 A. I assume there was, but I don't know the

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1 answer to that.
 2 Q. Did Ms. Grimm as far as you know watch
 3 Ms. McCormick or monitor her activities or e-mail, video
 4 camera footage, anything like that?
 5 A. I believe she observed her on surveillance,
 6 but I don't know about e-mails.
 7 Q. Do you know what she was watching for?
 8 A. I believe Betty had asked her not to go to
 9 Solutions, and so it would be to watch for if she was
 10 going on Solutions.
 11 Q. And did anybody at any point relate that they
 12 had a specific concern that there might be some sort of
 13 inappropriate relationship between McCormick and CY ?
 14 A. No.
 15 Q. Nothing romantic?
 16 A. No.
 17 Q. Nothing sexual?
 18 A. No.
 19 Q. Were you part of the process in making sure
 20 that McCormick was following these guidelines at all?
 21 A. I was consulting with my human resource
 22 specialist senior, Pat.
 23 Q. And what did you talk about with Pat?
 24 A. How we could coach and mentor Betty and assist
 25 her with dealing with the issue at hand.

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1 Q. And was that done, coaching and mentoring?
 2 A. To my -- yes.
 3 Q. Who did that?
 4 A. Who coached and mentored Betty?
 5 Q. Yes.
 6 A. Well, Pat would have been talking with her and
 7 consulting with her on how to handle the situation.
 8 Q. Did he tell you that he had done that or did
 9 you -- are you aware of whether that actually happened?
 10 A. Yes, he was talking with her and I believe
 11 Sharon Harrigfeld was talking with her as well on how to
 12 deal with the situation.
 13 Q. All right. And did they feel that she was
 14 dealing with the situation well?
 15 A. I don't know the answer to that, what they
 16 thought.
 17 Q. Did you have any opinions as to whether she
 18 was dealing with the situation well?
 19 A. I wasn't onsite watching, so I don't know.
 20 Q. Well, whether you were onsite or not, did you
 21 form any opinion as to whether she was appropriately
 22 disciplining or coaching Julie McCormick?
 23 A. I believe Betty was disciplining and coaching
 24 Julie McCormick.
 25 Q. Did you feel that it was appropriate, what she

1 was doing?
 2 A. Yes.
 3 Q. At some point in August of 2012, you're
 4 probably aware of this, but did you become aware of
 5 allegations that McCormick had had sexual intercourse
 6 with CY ?
 7 A. No, I didn't.
 8 Q. No one told that you?
 9 A. No. I --
 10 Q. Did you become aware of -- go ahead.
 11 A. I don't know what happened on August 12.
 12 Q. No, August of 2012.
 13 A. No, I don't have any recollection of that day
 14 unless you can show me a document or --
 15 Q. Not a particular day, just -- let's just pick
 16 the summer of 2012.
 17 A. No.
 18 Q. Did you become aware of any problem or issue
 19 involving Ms. McCormick and CY at that point?
 20 A. I became aware that the police were called and
 21 she was arrested.
 22 Q. And what did you hear about that?
 23 A. The police were called and she was arrested.
 24 Q. And did anyone tell you why?
 25 A. That she had been with CY for two hours in

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1 her office, I believe.
 2 Q. And do you know what was wrong with that?
 3 A. Betty had her reasons for calling the police
 4 and --
 5 Q. Did she ever tell you why she had called the
 6 police?
 7 A. Well, I believe the door to the office was
 8 closed and so, that would be a boundary issue. But why
 9 the police were called, I don't -- I don't know what
 10 prompted that.
 11 Q. Have you since become aware of allegations
 12 that McCormick and CY had sex?
 13 A. Yes.
 14 Q. And what do you know about those allegations?
 15 A. I know that there was a police investigation
 16 and I also know from the newspaper that Julie admitted
 17 to having sex with CY .
 18 Q. And that was inside the facility?
 19 A. I believe so, yes.
 20 Q. Okay.
 21 A. You know, I don't know the answer to that, so
 22 I'm going to have to say I don't know.
 23 Q. Do you know what was done, if anything, by the
 24 Department to investigate the allegations independently
 25 of whatever was done by the police?

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1 A. I believe at that point in time it was turned
2 over to the police and I don't believe we did our own
3 investigation, but I can't remember.
4 Q. Did a Ms. Clow -- Skow --
5 A. That's me.
6 Q. I'm sorry, what?
7 MS. LEDFORD: Skow.
8 Q. (BY MR. SCHOPPE) Did a Ms. Skow conduct an
9 investigation for the Department as far as you know?
10 A. Ms. Skow is one of our trained investigators,
11 but I honestly don't remember if she investigated that
12 particular incident or not.
13 Q. And as a trained investigator, what is it she
14 does?
15 A. I don't handle the investigation unit, so I
16 don't direct her investigations.
17 Q. But there is an investigation unit within the
18 Department?
19 A. There's -- no, there's not a unit.
20 Q. Where did she come from? Does she work for
21 the Department of Juvenile Corrections?
22 A. Yes, we have certain staff that are trained
23 investigators and we utilize them in situations as need
24 arises.
25 Q. And is there a division head or a supervisor

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1 for that department?
2 A. No, I'm sorry, I misspoke. There is no
3 investigation unit.
4 Q. So, who does she report to?
5 A. Ms. Skow?
6 Q. Yes.
7 A. At that point in time she reported to Alan
8 Miller.
9 Q. And what was his job title?
10 A. Grants -- programs -- give me a minute.
11 Grants supervisor.
12 Q. Okay. Is that in Fiscal?
13 A. No, it's under the COPS, which I can't
14 remember that acronym, unless we have something, an org
15 chart or something I can look at.
16 Q. I don't. Have you ever seen the job
17 description for what a trained investigator is supposed
18 to do?
19 A. Again, I don't handle the investigations. So,
20 no, I haven't.
21 Q. Do you have any knowledge about the sorts of
22 things that they might investigate?
23 A. They can investigate areas between juveniles
24 and staff, staff to staff. I believe that's it, but
25 I'm --

1 Q. Did Human Resources conduct any review of
2 Julie McCormick's supervision by Betty or anyone else
3 following McCormick's termination?
4 A. When you say "review," could you define what
5 that might look like?
6 Q. Did you look back and see how these concerns
7 about her involvement with CY were handled or
8 supervised or anything like that?
9 A. No, there were no concerns about how that was
10 handled with Betty Grimm.
11 Q. And at the time that Ms. Grimm was supposed to
12 be coaching or counseling Ms. McCormick about these
13 guidelines, did Director Harrigfeld express any concerns
14 that she wasn't doing everything she could do?
15 A. Not to me, no.
16 Q. And you never expressed those concerns to
17 anyone?
18 A. No.
19 Q. So, as far as you know, apart from -- there
20 was no Human Resources related investigation of anything
21 to do with Julie McCormick or CY at all?
22 A. Not -- not that I remember.
23 Q. All right. Do you know who participated in
24 the investigation with Ms. Skow?
25 A. I don't.

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1 Q. Have you ever seen a report or anything from
2 her?
3 A. I think I probably saw one, but I don't
4 remember it.
5 Q. Did you ever discuss any of the allegations
6 against Ms. McCormick with anyone at all at Juvenile
7 Corrections?
8 A. In an HR official capacity or just in passing?
9 Q. Well, we'll start with in an official
10 capacity.
11 A. No.
12 Q. No meetings or anything like that?
13 A. Oh, I'm sorry, yes, we did. We took
14 disciplinary action.
15 Q. How so? Against Ms. McCormick?
16 A. Yes.
17 Q. And is that at the point in time at which
18 she's already been arrested?
19 A. Yes.
20 Q. And what was that disciplinary action?
21 A. She was put out on paid suspension pending --
22 I guess pending the law enforcement investigation. And
23 we also issued her a notice of contemplated action that
24 we were contemplating disciplinary dismissal.
25 Q. And that was after she had already been

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1 arrested?
 2 A. Yes.
 3 Q. Apart from the guidelines that you had
 4 mentioned earlier, had there been any other kind of
 5 written warnings or notice of contemplated action or
 6 anything like that issued to her?
 7 A. You know, I don't have Julie's file in front
 8 of me, so I can't answer that question.
 9 Q. So, you don't know?
 10 A. I don't know.
 11 Q. Had you ever heard reports or rumors of any
 12 other incidents involving improper romantic or sexual
 13 relationships between staff and juveniles?
 14 A. Ever in -- ever?
 15 Q. Since you worked there.
 16 A. Prior -- you mean -- can you give me a time
 17 period?
 18 Q. Since you started there.
 19 A. Yes. Yes.
 20 Q. What did you hear?
 21 A. There's been action taken on other issues with
 22 staff and juveniles.
 23 Q. And do you know what that was?
 24 A. I don't have those in front of me. I can't --
 25 I'm sorry, but I can't go from memory on those.

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1 Q. When you are talking about other interactions
 2 between staff and juveniles, what do you mean? Do you
 3 mean sexual relationships?
 4 A. No.
 5 Q. Romantic relationships?
 6 A. No.
 7 Q. Anything else you're thinking of?
 8 A. The one particular one I can remember would be
 9 giving candy to the -- the staff giving candy to the
 10 juvenile inappropriately. They're monitored on what
 11 they can receive and not receive.
 12 Q. All right. Did you ever hear of anything
 13 involving Francine Diaz?
 14 A. I've heard rumors and scuttlebutt, but in an
 15 official capacity, no.
 16 Q. What did you hear?
 17 A. I can't even remember. There's -- I can't
 18 remember.
 19 Q. Did you hear that she was involved with Bryce
 20 Larsen, a former inmate?
 21 A. I think at one time I did, but I don't know
 22 what that involvement was.
 23 Q. Do you know if any investigation was ever
 24 conducted into that?
 25 A. Not to my knowledge.

1 Q. If an investigation had been conducted, would
 2 that be contained somewhere within her employee file or
 3 relate to her in some way at Human Resources?
 4 A. If it's a personnel issue, Human Resources
 5 does get involved in those types of issues. The
 6 investigations are held by the Deputy Attorneys General.
 7 Q. And is that sort of thing considered to be a
 8 personnel issue?
 9 A. Yes.
 10 Q. An inappropriate staff/juvenile relationship?
 11 A. If it rises to that level, yes.
 12 Q. How about with respect to Bryce Larsen and
 13 AH , a juvenile named AH ?
 14 A. Yes, that was investigated.
 15 Q. And do you know who investigated that?
 16 A. I don't recall that.
 17 Q. And do you know what the outcome of that was?
 18 A. I believe Bryce was issued a notice of
 19 contemplated action, but again I don't have that
 20 information in front of me and it was a couple of years
 21 ago. I don't remember the exact --
 22 Q. And do you know why that was issued?
 23 A. The notice of contemplated action?
 24 Q. Yes.
 25 A. IDJC has a policy prohibiting employees from

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1 talking with or being involved with, whether friends or
 2 whatever, with former juveniles unless you get specific
 3 permission. And I believe it was a policy violation.
 4 Q. Was there any concern that they had had a
 5 sexual relationship or a romantic relationship at the
 6 facility?
 7 A. No.
 8 Q. Are you aware of whether Francine Diaz and
 9 Bryce lived together after his release?
 10 A. I don't know.
 11 Q. And Bryce after his release became an
 12 employee; is that correct?
 13 A. That's correct.
 14 Q. Was there any kind of a policy regarding
 15 employment of former juvenile inmates at the time, to
 16 prevent that or allow that?
 17 A. I can't remember.
 18 Q. Is there now as far as you know?
 19 A. Not as far as I know.
 20 Q. So, as far as you're aware, a juvenile who has
 21 been released can apply to work at the Department
 22 immediately afterwards?
 23 A. I believe so. Our job is to rehabilitate our
 24 juveniles and part of the rehabilitation is to make them
 25 job ready. So, yeah, I don't know of any policy.

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1 Q. Earlier you made a distinction between
2 discussing the Julie McCormick situation formally or
3 scuttlebutt or I think just in passing, I think that's
4 what you said, "in passing." In passing, did you
5 discuss the situation with anyone?
6 A. Which situation?
7 Q. Her arrest and the reasons for it.
8 A. I'm sure I did, but I don't remember who or
9 when.
10 Q. Just sort of around the office sort of thing?
11 A. I don't remember.
12 Q. Do you remember when you first became aware of
13 the instance of concerns about the interactions between
14 McCormick and CY ?
15 A. No, I don't remember.
16 Q. Did anyone ever express concerns that the same
17 sorts of interactions had occurred between her and other
18 male juveniles?
19 A. Had I heard of any concerns?
20 Q. Yes.
21 A. No.
22 Q. Did you ever hear of any concerns that she had
23 acted inappropriately towards other staff?
24 A. No.
25 Q. Or how about with respect to job applicants,

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1 any reports of that?
2 A. No.
3 Q. Have there been any changes in policy as far
4 as you're aware to avoid future -- or in response to
5 McCormick's involvement with CY ?
6 A. I can't answer that. I don't know. I don't
7 get involved in facility policy making.
8 Q. As far as Human Resources policies are
9 concerned?
10 A. No.
11 Q. As far as you're concerned, did Director Grimm
12 do everything possible to address the concerns with
13 Ms. McCormick?
14 A. In my opinion she did, yes.
15 Q. I'm sorry, Superintendent Grimm. I keep
16 messing that one up.
17 A. I didn't even notice that.
18 Q. Apart from the counseling and coaching that
19 you had talked about earlier, were there any other
20 options on the table that were available to
21 Superintendent Grimm, yourself, or the director for
22 dealing with the issue?
23 A. The superintendent or division administrators
24 can take action as they see necessary as far as
25 disciplinary action or corrective action.

1 Q. As you sit here now do you think something
2 else should have been done?
3 A. I can't judge that right now, no.
4 Q. If Director Grimm is not --
5 A. You just did it again.
6 Q. Superintendent Grimm, if she had not been
7 doing everything that she could do to counsel or coach
8 Ms. McCormick, would someone else have been able to step
9 in and do something, yourself or Director Harrigfeld
10 perhaps?
11 A. That would not be my call.
12 Q. Whose call would it be?
13 A. The director's.
14 Q. Did you ever discuss with the director or
15 anybody else the prospect of more directly counseling or
16 coaching Ms. McCormick as opposed to having Ms. Grimm
17 continue to do that?
18 A. I don't remember.
19 Q. All right. Do you know what movement logs
20 are?
21 A. No, I don't.
22 Q. At any point after Ms. McCormick's arrest did
23 you review movement logs?
24 A. No.
25 Q. Movement logs as I understand it are entries

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1 made at a control booth within the JCC Nampa facility
2 that will track movements of staff with juveniles. Does
3 that ring a bell at all? In other words, staff may
4 radio in to a control booth that they're going to move a
5 juvenile from one place to another, then the control
6 booth will make an entry about that.
7 A. I don't get involved in facility policies or
8 procedures to that extent.
9 Q. Did you ever request a list of the movement
10 log involving Ms. McCormick?
11 A. Did I?
12 Q. Yes.
13 A. No.
14 Q. Do you know if anyone from Human Resources
15 did?
16 A. I don't know.
17 Q. Do you have any idea as to whether those were
18 turned over to law enforcement or investigators?
19 A. I have no idea.
20 Q. You have no idea if Ms. Skow might have
21 reviewed those?
22 A. I have no idea.
23 Q. Did you ever discuss movement logs with SSO
24 Amaya?
25 A. No.

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1 Q. Or did you ever ask for a list of dates on
2 which Ms. McCormick might have moved CY around inside
3 the facility?

4 A. No.

5 Q. And do you know if anyone did?

6 A. I don't know.

7 Q. As far as Human Resources is concerned or
8 anywhere in the Department?

9 A. I don't know.

10 Q. Do you know if anyone deleted those movement
11 logs?

12 MS. FONTAINE: I'm going to object at this
13 point. I think she's testified that she didn't have any
14 information about movement logs.

15 Q. (BY MR. SCHOPPE) Okay. But do you know?

16 A. I don't know anything about the movement logs.

17 Q. You don't know if anyone asked that they be
18 deleted?

19 A. I do not know.

20 Q. Do you have any idea if a PREA report was
21 generated for McCormick's interactions with CY ?

22 A. I don't know that information.

23 Q. Do you know if anyone reported the incident to
24 the Idaho Department of Health and Welfare?

25 A. I don't know that.

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1 Q. As far as you know, are you a mandatory
2 reporter yourself?

3 A. I am not.

4 Q. And you know that to be the case?

5 A. That I'm not a mandatory reporter?

6 Q. A mandatory reporter of child abuse and
7 neglect. If you don't know, it's okay.

8 A. I don't know.

9 Q. At some point after Ms. Roters was promoted to
10 the rehab unit manager position was she transferred to
11 the O&A department?

12 A. Betty asked her to be acting supervisor over
13 O&A.

14 Q. Do you know when that was?

15 A. I don't remember, no.

16 Q. And was that just a transfer or a promotion or
17 any other kind of status change as far as you know?

18 A. No, it was not a status change.

19 Q. Did anyone take over the position that she had
20 left as rehab unit manager?

21 A. I don't know the answer to that.

22 Q. Do you know if that opportunity was posted or
23 otherwise made available to any other employees?

24 A. Which opportunity is that?

25 Q. To become the unit manager of O&A.

1 A. There was no vacancy there, so there was no
2 opportunity to be posted.

3 Q. Now, up until the -- prior to the time
4 Ms. Roters was assigned over there, is it correct to say
5 that Tom Knoff had been the supervisor in charge of O&A?

6 A. Tom Knoff was a rehabilitation supervisor,
7 yes.

8 Q. Had he previously been a unit manager?

9 A. Yes, I believe so.

10 Q. And at some point is it correct to say that
11 his position, that position was reclassified, the
12 position he had held formerly as unit manager?

13 A. There was -- in 2009 there were budget cuts
14 and we had to do layoffs and his position was
15 eliminated. And he elected at that point in time to
16 demote in lieu of layoff from a unit manager to a
17 rehabilitation supervisor.

18 Q. And was that the top position in Observation &
19 Assessment?

20 A. Yes.

21 Q. Why was that position eliminated?

22 A. That decision was made at the leadership
23 level. I was not privy to that information.

24 Q. Did you have any involvement in analyzing the
25 position or anything like that or making recommendations

1 about that being eliminated?

2 A. No.

3 Q. Do you know if anyone did make that
4 recommendation?

5 A. I don't know. That was made at a level higher
6 than me.

7 Q. Do you know if anyone at HR performed any kind
8 of audit or study of the position to see if it merited
9 that rank, I guess you might call it?

10 A. In regards to a layoff or --

11 Q. Well, with respect to being a unit manager
12 that ought to be downgraded to a lower position?

13 A. Ms. Grimm had requested of my supervisor, Gina
14 Hodge, that a job audit be conducted on Mr. Knoff,
15 rehabilitation unit manager.

16 Q. Do you know why she requested that?

17 A. She didn't feel like the position was a unit
18 manager position.

19 Q. Did she say why?

20 A. The scope of the duties.

21 Q. Is it correct to say that it wasn't -- the
22 duties weren't important enough or big enough to support
23 that kind of classification?

24 A. There's other unit managers within the
25 Department of Juvenile Corrections and I believe Betty

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1 felt that she wasn't that -- that the duties assigned to
2 that job were not performing at the same level,
3 managerial level, scope level as far as the other unit
4 managers in the Department.

5 Q. And how do you know that? Did you read a
6 report of hers or talk with her about it?

7 A. She requested it of my supervisor and my
8 supervisor requested me to do the job audit.

9 Q. So, you did a job audit of that position?

10 A. Yes.

11 Q. And were those your findings?

12 A. Yes.

13 Q. And did you make any recommendations about
14 whether the position should be eliminated or not?

15 A. I don't have that document in front of me, so
16 I don't remember what my recommendations were.

17 Q. And at some point I believe in 2012 Mr. Knoff
18 left the Department. Was he terminated or did he
19 resign?

20 A. He was disciplinarily dismissed. It's hard to
21 say.

22 Q. It is. Why was that?

23 A. For the management of the O&A unit.

24 Q. Do you know what the disciplinary problems
25 were?

1 anything different? Had he made some change or anything
2 like that, as opposed to what had gone on in --

3 A. I believe that was the problem. He had been
4 requested to make change and he had not done so.

5 Q. Do you know who requested those changes to be
6 made?

7 A. Ms. Betty Grimm.

8 Q. So, would it be correct to say that as far as
9 the Department was concerned, he was insubordinate?

10 A. Yes.

11 Q. And did he offer -- as far as you know did he
12 respond to these allegations that he was being
13 insubordinate or not following directives?

14 A. Did he respond to?

15 Q. Was there a problem solving process or
16 disciplinary process that followed these steps that
17 we've talked about all of the way from counseling,
18 coaching, through written warning records?

19 A. Again, I just want to state that an
20 administrator or division administrator can take any
21 action they need to take. They don't have to
22 specifically follow the progressive discipline policy.
23 So, yes, I believe that Betty had been working with Tom
24 for several -- for a long time on --

25 Q. What do you mean by that when you say the

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1 A. Specifically in regards to locking the
2 juveniles down and not adhering to the standard
3 operating procedures.

4 Q. And "locking juveniles down," what do you mean
5 by that?

6 A. Locking them in their rooms for certain
7 violations or during certain periods of time or -- for a
8 period of duration.

9 Q. As far as you know, was he breaking the law?

10 A. I don't know.

11 Q. Did anyone ever suggest that he was, as far as
12 you know?

13 A. I don't believe the law was stated, no.

14 Q. And what were the standard operating
15 procedures that you were referring to?

16 A. I don't know.

17 Q. Do you know if there is a set of procedures,
18 like a manual or something?

19 A. I believe each unit has a standard handbook
20 and there are also guidelines. I'm out of my realm
21 here. I don't know. I'm sorry.

22 Q. No, just what you know. That's all I want to
23 know.

24 A. Yeah.

25 Q. Do you know if Mr. Knoff had been doing

1 division doesn't have to follow the progressive
2 discipline policy?

3 A. It depends on what violation has occurred or
4 what the behavior has been as far as work performance or
5 work standards or policy violations, the severity of
6 the --

7 Q. Is that purely within the division head's
8 discretion or are there specified grounds that allow
9 them to deviate from the policy?

10 A. Again, it's case by case.

11 Q. Is it accurate to say that those policies are
12 there for the protection of the employees?

13 A. They are there for the protection of the
14 employees and the supervisors. They're there for all
15 employees.

16 Q. Is there a way for the director to also issue
17 directives to make changes to policies or exceptions to
18 policies as far as you know?

19 A. Yes.

20 Q. Is that a process or is that just simply the
21 director makes a decision and says "Do this" or "Do
22 that"?

23 A. I can't answer for the director.

24 Q. So, you don't know?

25 A. I don't know.

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1 Q. Is there any kind of a review process or
2 appeal process that an employee can take if a division
3 head acts outside the boundaries of that progressive
4 discipline process?
5 A. The employee always has the right to file a
6 problem solving.
7 Q. So, had that process been followed with
8 Mr. Knoff as far as you know, the usual progressive
9 disciplinary process?
10 A. I believe so.
11 Q. Okay.
12 A. But --
13 Q. All right. Had you ever seen a notice of
14 contemplated action for him?
15 A. I don't have his file in front of me. I can't
16 recall from memory.
17 Q. And were you involved at all in the decision
18 to discipline or terminate him?
19 A. Yes.
20 Q. How so?
21 A. I was the Human Resource officer.
22 Q. And what did you do?
23 A. Consulted with the director and Ms. Grimm on
24 what action should be taken.
25 Q. Did you have any recommendations one way or

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1 the other?
2 A. I advise and consult. So, I don't remember
3 what I advised.
4 Q. Was he terminated after a notice of
5 contemplated action issued?
6 A. Yes.
7 Q. And was that what the notice of contemplated
8 action said was contemplated?
9 A. Yes, I -- yes.
10 Q. And did he contest that in any way?
11 A. I don't remember.
12 Q. Was an agreement or settlement reached with
13 him over the matter, over his termination?
14 A. He was dismissed. Are you referring to after?
15 Q. Yeah, at any point.
16 A. Boy, I believe there was, but I just don't
17 remember what it was at this point in time.
18 Q. Do you know who worked that agreement out with
19 him?
20 A. It was Legal, I believe Legal and Mr. Knoff.
21 Q. After Mr. Knoff was terminated, was his
22 position filled? Again, he was still in rehab -- I'm
23 sorry, what was his position?
24 A. Rehabilitation supervisor.
25 Q. Yes. Okay. Was that position filled?

1 A. No.
2 Q. Why not?
3 A. I don't know.
4 Q. Do you know why Ms. Roters was assigned to be
5 the unit manager for O&A?
6 A. That was Betty Grimm's decision.
7 Q. Did you have any input into that at all?
8 A. No.
9 Q. So, and correct me if I'm wrong, some years
10 prior, I think you said in 2009, O&A had had a unit
11 manager and that was Mr. Knoff; is that right?
12 A. Yes.
13 Q. And then that position was eliminated?
14 A. Yes.
15 Q. And then after he was terminated in 2012 it
16 was then decided that a unit manager was again needed in
17 O&A; is that right?
18 A. I don't believe so, not at that time, no.
19 Q. Is there another time that that decision was
20 made or --
21 A. Betty Grimm asked Laura to be acting
22 supervisor there. I don't know. There wasn't a unit
23 manager there at that time.
24 Q. But --
25 A. Or a position, vacant position.

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1 Q. But Ms. Roters was a unit manager in
2 Solutions, was it?
3 A. Yes.
4 Q. And then she was then transferred to O&A?
5 A. She was acting. Her PCN was not transferred.
6 PCN is a position control number and they're tied to
7 certain areas. So, no.
8 Q. Is that still the case? Is she now the unit
9 manager of O&A?
10 A. Yes, she is.
11 Q. Do you know when that happened?
12 A. I don't.
13 Q. If it had been decided at one point that the
14 unit manager position wasn't quite warranted for what
15 O&A did -- and correct me if I'm wrong, that's my
16 understanding of your testimony -- do you know why it
17 was then decided later that O&A should again have a unit
18 manager? Was there some change that occurred?
19 A. Frank Riley, the division administrator over
20 the COPS division, had been assigned out there
21 temporarily to -- I can't remember why. He had
22 recommended that O&A have a unit manager due to the
23 scope of the work and the programming that was occurring
24 on unit and -- that had not been occurring prior to
25 that. So, the work had changed according to Mr. Riley.

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1 Q. Do you know when that programming changed or
2 what the programming changes consisted of?

3 A. I don't.

4 Q. Do you know who would know that best?

5 A. Well, Mr. Riley, and he's no longer with the
6 Department.

7 Q. Do you know where he is?

8 A. He's retired.

9 Q. And were those programming changes that the
10 Department had wanted Mr. Knoff to make?

11 A. Yes.

12 Q. So, would he be knowledgeable about what those
13 changes were, then?

14 A. Mr. Knoff?

15 Q. Yes.

16 A. I don't know.

17 Q. So, is it fair to say, then, that the
18 operations of O&A were broadened?

19 A. Yes.

20 Q. Do you have any idea why it was that
21 Ms. Roters was selected for that assignment?

22 A. I don't. I wasn't part of that.

23 Q. Do you know if that was made available to
24 anyone else, any other employee?

25 A. There was no vacancy. So, there was nothing

1 that O&A staff needed to support Ms. Roters or find work
2 elsewhere?

3 A. I don't know if she made that statement or
4 not, no.

5 Q. Did you ever hear that, though, whether you
6 know or not?

7 A. No.

8 Q. Or any words to that effect like the O&A staff
9 needed to support Ms. Roters' changes or find work
10 elsewhere?

11 A. Betty indicated that the staff needed to
12 support Ms. Roters.

13 Q. But you're not aware if she told them that
14 they could find work elsewhere if they didn't?

15 A. I don't know if she said that or not.

16 Q. If she did, is that something that would have
17 been appropriate for her to say?

18 A. Yes.

19 Q. That people would be fired if they didn't
20 support Laura Roters?

21 A. I don't believe that's what she stated or --

22 Q. Do you think she said something else?

23 A. I'm going to -- could you go back to the
24 previous question about being fired.

25 Q. Right. Well, just now you had said you don't

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1 to make available to anyone else.

2 Q. Do you know how long it was that Ms. Roters
3 was -- I'm sorry, how did you put it? -- acting -- I
4 need you to fill in the blank.

5 A. Oh, acting unit manager or acting supervisor?

6 Q. Yes.

7 A. I don't know how long it was.

8 Q. So, if she was acting supervisor -- do you
9 know which it was? Was she acting supervisor or acting
10 unit manager when she came in to supervise the unit?

11 A. She was in a unit manager position and
12 overseeing O&A, so I don't know the exact --

13 Q. Okay.

14 A. What Ms. Grimm was --

15 Q. And as far as you know, was that solely
16 Ms. Grimm's decision?

17 A. No, Mr. Riley had some input into that and I
18 don't know who else.

19 Q. Are you aware of whether Ms. Grimm or anyone
20 else ever said that Laura Roters had been sent in to
21 clean house at O&A?

22 A. I don't know. I have never heard that, no.

23 Q. Or to get rid of people in O&A?

24 A. No.

25 Q. Are you aware of whether or not Ms. Grimm said

1 believe that's what she stated. Do you know --

2 A. You changed the words "find jobs elsewhere" to
3 "fired." There's a huge difference there.

4 Q. What do you think it means to be told that
5 they could find jobs elsewhere?

6 A. That they start supporting Laura Roters in
7 this unit of the facilities or they could look for jobs
8 elsewhere.

9 Q. So, do you know if she said that?

10 A. I don't know if she did or not.

11 Q. Wouldn't they be entitled to use the problem
12 solving process if they had issues?

13 A. Yes, they would.

14 Q. Did anyone ever indicate to you or anyone at
15 Human Resources that O&A employees feared criticizing
16 Laura Roters after that?

17 A. No.

18 Q. Is it inappropriate for employees to criticize
19 their supervisors?

20 A. Well, we like our employees to support their
21 supervisors. And they can always use the problem
22 solving.

23 Q. Well, for example, in instances where
24 employees believe that something should be done a
25 different way, different programming or something like

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1 that, would it be inappropriate for an employee to
2 criticize a supervisor for not doing it a certain way?

3 A. To anybody or --

4 Q. To the supervisor or to anybody else?

5 A. If they're communicating appropriately, I
6 believe criticism is -- constructive criticism is okay.

7 Q. What do you mean by "appropriately"?

8 A. Respectfully.

9 Q. As far as you know, was any kind of -- is
10 there a job description for Ms. Roters, was there one
11 made for her when she moved to O&A?

12 A. As the acting supervisor?

13 Q. As whatever it was she became when she
14 transferred over there.

15 A. Not to my knowledge.

16 Q. Is that unusual that there wouldn't be one?

17 A. We already have job descriptions developed for
18 all of the positions that we have.

19 Q. So, then, she's there as acting unit manager
20 or supervisor, one of those things. Would she then be
21 given a new job description or anything like that?

22 A. Not necessarily, no.

23 Q. Since that position seems to have been
24 cemented since then, she's no longer just the acting
25 supervisor or unit manager, does she now have a job

1 A. No, employees can't be made immune from the
2 problem solving process and she was not given extra
3 compensation.

4 Q. Did Ms. Roters ever report as far as you know
5 that any of the Plaintiffs were belligerent?

6 A. Oh, yes.

7 Q. Who did she say that about as far as you know?

8 A. Gracie Reyna.

9 Q. And do you know why she said that?

10 A. Gracie Reyna is very belligerent, very
11 disrespectful, very insubordinate.

12 Q. Did she indicate that she was challenging?

13 A. Yes.

14 Q. And how so? How was she belligerent or
15 challenging?

16 A. You mean the situation or Gracie's actual
17 actions?

18 Q. What she did and why.

19 A. One incident I can recall is a schedule change
20 where Laura had to change the schedule and it affected
21 Gracie's schedule by two hours, I believe. And Gracie
22 said she would not show up for that shift and in fact
23 she did not show up for that shift.

24 Q. All right. Any other instances of
25 belligerence or challenge on the part of Gracie?

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1 description for what she's supposed to be doing in O&A?

2 A. I don't know if anyone has ever handed her a
3 job description or not.

4 Q. Do you know if there's any kind of memorandum
5 or agreement from Director Harrigfeld or Betty Grimm
6 outlining the scope of her authority there?

7 A. I believe when she was acting Mr. Riley had
8 devised something, but I don't know for sure and I don't
9 have any documentation that would show me.

10 Q. When you say "something," what do you have in
11 mind?

12 A. A scope of job duties for a unit manager or an
13 acting supervisor.

14 Q. Do you know if she was made any promises about
15 future promotions or anything like that when she was
16 assigned?

17 A. No, I don't know.

18 Q. Do you want to take a break?

19 A. I'm okay, I guess.

20 Q. We'll go maybe another ten minutes and then
21 take a break.

22 A. Okay.

23 Q. Do you know if there were any promises made to
24 her about compensation or immunity from the problem
25 solving process or anything like that?

1 A. Yes, I was a part of an instance where Laura
2 was going to talk with Gracie about an incident that had
3 occurred and Gracie was very insubordinate and
4 belligerent at that point in time. I don't remember
5 what the incident was.

6 Q. Has anyone ever reported to you or are you
7 aware of any reports to the effect that Ms. Roters is
8 rude or acts inappropriately towards staff?

9 A. No.

10 Q. Are you aware of whether or not Ms. Roters had
11 already issued the schedule that you were mentioning
12 before that she then had to change? Sorry, that's a
13 terrible question.

14 Do you know whether or not Ms. Reyna had
15 already made arrangements at her second job based on the
16 initial schedule that Ms. Roters had already issued?

17 A. I believe that was an issue.

18 Q. Is there any kind of a policy about when or
19 how employees' needs, whether it be second jobs or
20 family needs or things like that, are accommodated in
21 scheduling?

22 A. Each supervisor has the ability to schedule as
23 they see fit and change the schedule as needs arise.
24 For second jobs employees are supposed to apply and
25 inform -- apply for a second job? They're supposed to

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1 inform their supervisors that they have second jobs and
2 actually file a form about a second job. And they are
3 counseled, the employees are counseled and it's in
4 policy that the second job comes secondary to the
5 primary job, which is their job at Juvenile Corrections.

6 Q. As a matter of practice, aren't employees'
7 other jobs or second jobs fairly routinely accommodated
8 in the context of scheduling?

9 A. That's left to each individual supervisor.
10 We -- yeah.

11 Q. And the division head doesn't have influence
12 over that one way or the other?

13 A. Not routinely.

14 Q. Any instances in which you're aware
15 specifically with respect to the Plaintiffs in which
16 Betty Grimm exerted influence over scheduling?

17 A. Not -- not that I can remember.

18 Q. I'm getting tongue tied too. I notice you are
19 occasionally. Let's take a little break.

20 A. Thank you.

21 (Recess held.)

22 Q. (BY MR. SCHOPPE) As far as you know, has
23 anyone ever reported that they believe the problem
24 solving process to be futile or pointless?

25 A. I haven't heard that, no.

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1 Q. Have you ever been involved in any
2 disciplinary process against Ms. Reyna?

3 A. I don't have her file here, so I can't recall
4 right offhand, no.

5 Q. So, just not as far as you know sitting here
6 now?

7 A. I can't recall.

8 Q. Do you recall if anything disciplinary in
9 nature emerged out of her belligerence with Ms. Roters'?

10 A. I don't remember.

11 Q. And I'm sorry, did you say that you had
12 actually seen that?

13 A. Yes.

14 Q. Do you remember what she said?

15 A. I don't remember the exact words, no.

16 Q. Are there any guidelines at all as far as a
17 supervisor's discretion to set schedules are concerned?

18 A. There is a policy I believe, but I don't have
19 that policy in front of me.

20 Q. Do you know if certain employee considerations
21 like need for daycare, for example, or religious
22 services or family issues are supposed to be taken into
23 account?

24 A. It's my understanding that if those types of
25 things can be accommodated that the supervisors will try

1 to work around those, but I don't -- I don't know for
2 sure.

3 Q. All right. After Ms. Roters took over in O&A
4 did you become aware that O&A staff were expressing
5 concerns about their scheduling?

6 A. Yes.

7 Q. What were those things that you were hearing?

8 A. I don't remember right offhand.

9 Q. Do you recall being involved in addressing any
10 of those concerns with them?

11 A. No, I don't recall.

12 Q. Did you advise and counsel Ms. Roters or
13 Superintendent Grimm about those issues?

14 A. I don't remember.

15 Q. Have you ever been involved in any
16 disciplinary processes against Lisa Littlefield?

17 A. I don't remember.

18 Q. Have you heard anything about
19 Ms. Littlefield's concerns about scheduling problems or
20 holidays, things like that?

21 A. Not to my knowledge.

22 Q. Do you know whether or not Ms. Littlefield
23 held the position of transport coordinator?

24 A. There is no position of transport coordinator.
25 She had transport coordination duties assigned to her.

1 Q. How are those duties assigned, as far as you
2 know?

3 A. I don't know how those were assigned. That
4 would be a facility decision.

5 Q. At some point she was removed as the transport
6 coordinator or those responsibilities were taken away
7 from her?

8 A. Yes.

9 Q. Do you have any information as to why that
10 decision was made?

11 A. I don't know.

12 Q. Are you aware of whether or not
13 Ms. Littlefield questioned Ms. Roters' qualifications?

14 A. I don't know.

15 Q. At any point in time at all?

16 A. I don't know.

17 Q. Did you have any involvement at all in
18 disciplinary actions against Frank Farnworth?

19 A. I was involved with Frank Farnworth, but I
20 don't remember what. Other than some medical ADA
21 accommodations, I don't remember. I don't have Frank's
22 file in front of me. Oh, yes. Yes, I do remember.
23 There was an incident with a juvenile where he was --
24 had a grievance filed against him by the juvenile for --
25 the essence was rough treatment.

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1 Q. And do you know what came of that situation,
 2 the grievance?
 3 A. I -- Frank received a written warning.
 4 Q. And do you recall what it was that was said or
 5 done by Frank?
 6 A. The juvenile was having trouble breathing and
 7 when Frank got to the unit the juvenile was bent over.
 8 And Frank felt like he was in danger of not being able
 9 to breathe because his airway was compromised, so Frank
 10 set him up and in that process it was alleged that
 11 Frank's hands went up around the juvenile's neck.
 12 Q. And who alleged that?
 13 A. Oh, boy, I don't remember that, the staff
 14 names.
 15 Q. Were you involved in that disciplinary
 16 process, the issuance of the written warning record?
 17 A. Yes.
 18 Q. Do you know why it was? Was it purposeful
 19 that his hands had gone up around the neck or --
 20 A. No, it was not found to be substantiated that
 21 it was purposeful.
 22 Q. Why was it that the written warning record was
 23 issued?
 24 A. The way he had talked with the juvenile, it
 25 was felt that he talked to the juvenile in a derogatory

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1 manner.
 2 Q. And you don't recall who said that or who
 3 accused him of that?
 4 A. No, I don't remember a staff name.
 5 Q. But it was a staff member?
 6 A. Yes.
 7 Q. So, was it a grievance filed by the juvenile
 8 or by a staff member?
 9 A. A juvenile.
 10 Q. Was the juvenile conscious or -- I'm not
 11 sure --
 12 A. At what point?
 13 Q. At that point in time. At that point in time
 14 when Frank was there responding to this incident.
 15 A. I believe so, yes.
 16 Q. Do you know what was said?
 17 A. The only thing I can remember -- there were
 18 other things said, but the only one I can remember is
 19 Frank had indicated, "You're faking it" to the juvenile.
 20 Q. Is that a problem? I mean, is that a --
 21 A. Well, we do have a policy that you need to be
 22 respectful to the juveniles. And that in context with
 23 whatever else he said that I can't remember right now.
 24 Again I don't have his file in front of me. I believe
 25 that warranted the written warning.

1 Q. All right. Did you review videotape of the
 2 incident --
 3 A. Yes, I did. I'm sorry, I'm sorry.
 4 Q. And who did you review that with?
 5 A. I reviewed it on my own. I believe I reviewed
 6 it with Betty Grimm. And ultimately I reviewed it with
 7 Frank Farnworth and his supervisor, Jeanette Angell.
 8 Q. And do the videos have audio at all or is it
 9 just video?
 10 A. The videos do not have audio.
 11 Q. So, you couldn't hear what was said one way or
 12 the other?
 13 A. That's correct.
 14 Q. As far as the video review went, is that what
 15 led you to conclude that it was not warranted, the
 16 complaint about the choking?
 17 A. Yes, that, the review of the video, also in
 18 conjunction with standard nursing practices and Jeanette
 19 Angell his supervisor reviewing the video as well.
 20 Q. What did she have to say about the situation?
 21 A. I don't remember.
 22 Q. Was she supportive of how Frank had acted in
 23 the situation?
 24 A. Yes.
 25 Q. Did she say anything about how other staff had

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1 responded to the situation?
 2 A. I -- no, she didn't. Jeanette was not there
 3 at that time.
 4 Q. Did she participate in the review of how the
 5 staff had acted in the situation, other staff including
 6 Frank?
 7 A. Jeanette watched the video with me.
 8 Q. Was there also video footage reviewed of what
 9 had occurred in the couple of hours prior to the choking
 10 incident, for example, how the juvenile came to be
 11 sitting in the chair to start with?
 12 A. Did I view any video?
 13 Q. Yes.
 14 A. I did not, no.
 15 Q. So, you don't know if he was placed there by
 16 staff or not?
 17 A. I don't know.
 18 Q. Do you recall ever discussing any of that with
 19 either Frank or Jeanette Angell or Betty Grimm or anyone
 20 at all?
 21 A. There was no question about what had happened
 22 two hours prior to that incident at all.
 23 Q. Do you know why the juvenile was sitting in
 24 the chair the way he was?
 25 A. Gosh, I did at one time, but I cannot

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1 remember.

2 Q. Were you ever told that other staff had found
3 the juvenile unconscious and had placed him in the
4 chair, for example?

5 MS. FONTAINE: Objection to the form. She's
6 already testified that she doesn't remember.

7 Q. (BY MR. SCHOPPE) You knew at one time. Does
8 that jog your memory at all?

9 A. I don't remember him being unconscious, no.

10 Q. Do you recall there being any discussion as to
11 whether staff had endangered the juvenile's life by
12 placing him in the chair as he was?

13 A. I don't recall any discussion of that, no.

14 Q. At some point did Frank ask the Department to
15 consider allowing him to bring an assistance animal to
16 work with him?

17 A. Yes, he had made an accommodation request
18 under the ADA, Americans with Disabilities Act.

19 Q. And how was that request processed?

20 A. The request was processed as an accommodation
21 request, staffed it with Frank, got some more
22 information from him in the interactive process, staffed
23 it with Legal, and plans were being made to allow that
24 to happen and the process was put in place for having a
25 dog onsite.

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1 Q. And do you know if anyone questioned Frank's
2 right to do that, to have a dog, the assistance dog with
3 him?

4 A. They didn't question me, no. I don't know if
5 they questioned others or not.

6 Q. Do you know if any objection was raised by
7 anyone at HR concerning where the dog might defecate or
8 urinate or eat or anything like that?

9 A. No, plans were made for taking care of that
10 with my human resource specialist senior.

11 Q. And who was that?

12 A. Pat Thomson.

13 Q. With respect to the statement that Frank had
14 made with the juvenile, "You're faking it," I think you
15 had said, do you recall if he might have also said
16 something like, "I'm not going to play your games"?

17 A. I don't have that document in front me. I'm
18 sorry, I can't remember what the other words were.

19 Q. On the scale of seriousness in terms of an
20 offense against the respect policy, where does that rate
21 for you based on your experience, training, education in
22 HR?

23 A. Where do Frank's comments rate?

24 Q. Right.

25 A. Well, I didn't feel like they were

1 appropriate, so I did recommend that disciplinary action
2 be taken in the form of either a verbal disciplinary
3 action or a written disciplinary action. And then my
4 recommendation is determined and acted upon by Betty
5 Grimm or the division administrator in that case.

6 Q. Has anyone ever made you aware that Laura
7 Roters might have called juveniles "dumb asses"?

8 A. I haven't seen an official e-mail or anything.
9 I probably heard it secondhand. I don't remember where
10 or when.

11 Q. When you heard it secondhand did you have any
12 concerns about it?

13 A. No, I didn't.

14 Q. Is that something that you ought to be
15 concerned about?

16 A. If I felt like Laura had done that, I would be
17 concerned about that, but I don't believe that to be the
18 case. And that's my own personal opinion.

19 Q. Do you think that someone just fabricated the
20 allegation, then?

21 A. I don't have any idea.

22 Q. Are you assuming, then, that she didn't say
23 it?

24 A. I'm not assuming anything.

25 Q. But you said you don't believe that she said

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1 it; is that right?

2 A. I think that's what I stated, yes.

3 Q. Do you have any particular reason to believe
4 one way or the other?

5 A. Laura's integrity and character.

6 Q. And that's not the sort of thing that she
7 would say?

8 A. No.

9 Q. So, if you had heard that, if you heard a
10 rumor of it at some point, would it be troubling if she
11 had said that? Would that be a violation of policy?

12 A. It would determine in what context she said
13 that.

14 Q. Is there any context in which it's acceptable
15 to call a juvenile a "dumb ass"?

16 A. I don't know how to answer that because
17 you're -- I don't know how to answer that.

18 Q. Well --

19 A. To call a juvenile a "dumb ass" to the
20 juvenile, no. To call a juvenile a "dumb ass" to your
21 subordinates or other staff, no.

22 Q. Well, in the context of calling a juvenile a
23 "dumb ass" directly, is there any context in which
24 that's acceptable?

25 A. No.

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1 Q. So, if you were to find out that she had done
2 that or there was a report that she had done that, would
3 you investigate it?

4 A. Yes.

5 Q. But you have heard that, though; right?

6 A. Not firsthand knowledge, no.

7 Q. But as a rumor, do you feel like you ought to
8 investigate that?

9 A. No.

10 Q. So, you don't feel like you should investigate
11 whether or not she called juveniles a "dumb ass"?

12 A. You know, the context of which I heard it, it
13 was written or something, I just didn't feel like there
14 was a need. Or maybe Betty had already addressed it, I
15 don't remember. But I do have a due diligence to
16 investigate those types of things and at that point in
17 time I didn't. I take my job very seriously and I would
18 have investigated.

19 Q. All right. So, you don't know if Betty
20 investigated it or not?

21 A. I don't know.

22 Q. Or anybody else at all?

23 A. I don't know.

24 Q. Have you been involved at all in any
25 disciplinary action against Tom de Knijf?

1 another staff in front of the juveniles and made a joke
2 to this staff and asked her if she -- for lunch, he was
3 referring to lunch, and asked her if she preferred cold
4 cut or cold packing.

5 Q. And what was wrong with that?

6 A. "Cold packing" is a derogatory term, according
7 to urban dictionary or urban slang something or other,
8 that means having sex with dead bodies. And in the
9 context that Tom used it, the juveniles had been just
10 recently disciplined in a classroom setting for having
11 that very same discussion. And then the juveniles
12 discussed that with Tom and then he said it to one of
13 our staff members.

14 Q. How do you know they discussed it with Tom?

15 A. The juveniles filled out witness statements.

16 Q. How many? One or more?

17 A. More.

18 Q. And they said that he was aware of the sexual
19 nature of the term?

20 A. Yes.

21 Q. And that's a written statement?

22 A. Yes.

23 Q. Do you know who obtained those statements from
24 the juveniles?

25 A. Pat Thomson. Yeah.

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1 A. Yes.

2 Q. Tell me about that, please.

3 A. What my role was?

4 Q. Yes.

5 A. I assisted in writing a notice of contemplated
6 action.

7 Q. And when was that?

8 A. I don't remember.

9 Q. Could that have been within the last three
10 months?

11 A. I don't remember.

12 Q. Do you remember what you wrote?

13 A. I don't. I don't have that document in front
14 of me.

15 Q. But regardless of the document, do you
16 remember what you wrote?

17 A. I don't.

18 Q. Do you remember whether the incident that
19 stimulated the notice of contemplated action involved a
20 joke about cold packing?

21 A. Yes, it did.

22 Q. And tell me what you recall about that.

23 A. As far as the -- what transpired?

24 Q. Yes, why did it become a disciplinary event?

25 A. It was reported that Tom had talked with

1 Q. Apart from the juveniles' statements, was
2 there any other evidence to the effect that Tom knew
3 that it was a term that was sexual in nature?

4 A. I don't know.

5 Q. Was the credibility of the juveniles weighed
6 at all in terms of possible motives to say that he knew
7 what it meant, possibly to avoid getting in trouble
8 themselves?

9 A. I don't know.

10 Q. Do you know who made those assessments, who
11 weighed the evidence?

12 A. There was -- my HR senior did an initial
13 investigation and there was a direct care staff helping
14 him with a -- interviewing the juveniles, but I don't
15 remember who that was.

16 Q. And what happened? Did he respond to the
17 notice of contemplated action as far as you know?

18 A. Yes, he did.

19 Q. And was the contemplated action then changed?

20 A. Yes, it was.

21 Q. And do you know what the first contemplated
22 action was?

23 A. I believe it was a pay dock.

24 Q. And how was that changed or modified?

25 A. The NOCA was -- notice of contemplated action,

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1 it wasn't rescinded, but it was changed from a due
2 process action, a pay dock, to a written warning.

3 Q. And why was that?

4 A. Legal advisement.

5 Q. Was that a decision that was out of your
6 hands?

7 A. Yes.

8 Q. Would you have changed it?

9 A. No.

10 Q. Why is that?

11 A. Because that was not the first incident of
12 events such as that happening with Mr. de Knijf.

13 Q. What were the other incidents you are talking
14 about?

15 A. He had received a -- I'm not sure if it was a
16 disciplinary or corrective action prior for making a
17 statement in front of juveniles to a female staff
18 worker: "Are these kids gang banging you"?

19 Q. Okay. What was wrong with that?

20 A. "Gang banging" refers to gang rape.

21 Q. Is that the only definition that that term
22 has?

23 A. I don't know.

24 Q. Where did you refer to to find that definition
25 or who did?

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1 A. I don't know who made that assessment.

2 Q. So, in your opinion is Mr. de Knijf trying to
3 sexually harass women?

4 A. There's a pattern, yes.

5 Q. Any other incidents apart from those two?

6 A. I don't recall.

7 Q. Do you know if Diane Miles was charged or
8 convicted of a DUI at any point since you've worked
9 there?

10 A. I would have to look at her court repository.
11 I believe she received a conviction for a DUI in -- I
12 can't even hazard a guess.

13 Q. Since you've worked there obviously?

14 A. Yes.

15 Q. And what's her job at the Department?

16 A. Safety and security officer.

17 Q. Is she also a transport officer?

18 A. There's no position as transport officer.
19 That's duties assigned to a safety and security officer.

20 Q. She transports juveniles?

21 A. She can, yes.

22 Q. Has she?

23 A. Yes.

24 Q. And operates vehicles?

25 A. Yes.

1 Q. Was any action, disciplinary action taken
2 against her in connection with that DUI charge, the
3 first one, or conviction, I should say?

4 A. I can't answer that. I --

5 Q. Is that something that a disciplinary action
6 should be taken for?

7 A. Not necessarily, no.

8 Q. Do you know if she lost her license or not?

9 A. I don't know.

10 Q. Do you know whether she was charged with a DUI
11 in March of this year?

12 A. I believe she was, yes.

13 Q. Do you know if her license was suspended?

14 A. At this point in time I know it's suspended,
15 yes.

16 Q. When did you learn of that?

17 A. I don't know the date.

18 Q. Do you know if she was still transporting
19 juveniles with a suspended license?

20 A. No, she was not. She was immediately moved to
21 a different shift where she was not driving or
22 transporting. And that was prior to us knowing that her
23 license had been suspended.

24 Q. All right. So, did she report the DUI charge
25 to the Department?

1 A. Yes, she reported it to her supervisor.

2 Q. And at that point had her license already been
3 suspended as far as you know?

4 A. I don't know.

5 Q. And did that impact her ability to do her job?

6 A. The DUI charge?

7 Q. Yes.

8 A. She's innocent until proven guilty. So, other
9 than taking her off transport duties or driving the van,
10 it did not impact her ability to do the job, no.

11 Q. That was a job she had been doing up until
12 that point, though; right? In other words, she was
13 expected to transport juveniles from time to time?

14 A. Yes.

15 Q. Hadn't she actually transported juveniles on
16 three occasions before -- on her suspended license?

17 A. Not to my knowledge.

18 Q. No one has reported that to you?

19 A. No.

20 Q. Or you're not aware of any reports --

21 A. No.

22 Q. -- being made to Human Resources?
23 (Discussion held off the record.)

24 THE WITNESS: I'm sorry, what was your
25 question?

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1 Q. (BY MR. SCHOPPE) Whether you're aware of
2 anyone having reported that to anyone at all at the
3 Department, that she had transported juveniles on a
4 suspended license?

5 A. No, she was moved immediately to swing shift
6 and off of transportation duties.

7 Q. Are you aware of whether or not she drove
8 herself to work with a suspended license?

9 A. I don't know.

10 Q. No one ever reported that?

11 A. It was reported to me that she was driving
12 with a suspended license.

13 Q. And is that of any concern as far as a Human
14 Resources matter?

15 A. I don't enforce traffic laws. So, as long as
16 she's not driving our van or our vehicles, no, it isn't.

17 Q. Is there any kind of policy that governs the
18 conduct of employees of the Department while they're not
19 at work?

20 A. I don't have the policy in front of me. We
21 have an ethics and code of conduct policy, but I don't
22 believe it talks about conduct after work.

23 Q. So, as far as you're concerned, employees can
24 do anything they want after work, criminal or not?

25 A. I don't know how to answer that.

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1 Q. Well, I mean, what's your position on that?
2 They can or they can't?

3 A. I guess they can.

4 Q. If Ms. Miles had transported juveniles on a
5 suspended license, is that something that would warrant
6 disciplinary action against her?

7 A. Yes.

8 Q. And what kind of disciplinary action?

9 A. I don't know.

10 Q. Would it be more serious than making a comment
11 about cold packing, for example?

12 A. I don't know.

13 Q. Would it be more serious than making a comment
14 about gang banging?

15 A. I don't know the answer to that.

16 Q. Do you think it's serious to transport
17 juveniles on a suspended license?

18 A. I believe that it would be something that we
19 would need to talk with Diane about and her supervisor
20 and the division administrator.

21 Q. I don't mean to be vulgar and I'm only going
22 to use the word once, but has it been reported to you,
23 have you heard that Ms. Roters referred to a former
24 employee as a "cunt"?

25 A. I haven't heard that, no.

1 Q. Would that be serious, something worthy of
2 discipline as far as you're concerned?

3 A. Again, I can't answer that. It's case by
4 case.

5 Q. If she had actually referred to a current
6 employee, Deborah Day, as a C word, would that be pretty
7 serious?

8 A. It depends on who she commented to. Was she
9 on work at the time? There's so many variables, I can't
10 answer that.

11 Q. Is Ms. Miles as far as you know leaving or
12 planning to leave the Department?

13 A. Ms. Miles is no longer an employee of Idaho
14 Department of Juvenile Corrections.

15 Q. Do you know how that came to be?

16 A. Medical layoff.

17 Q. Do you know what the grounds for that were?

18 A. Medical.

19 Q. Did it have anything to do with her DUI?

20 A. No.

21 Q. Or the charges of driving under the influence?

22 A. No.

23 Q. Have you had any involvement in any
24 disciplinary action against Addison Fordham?

25 A. I don't recall.

1 Q. Any idea -- there were two written warning
2 records issued to him in connection with responding to
3 an assault last year. Does that ring a bell?

4 A. It rings a bell, but I can't remember anything
5 about it. Pat Thomson would have handled that.

6 Q. Have you been involved in any disciplinary
7 processes or problem solving processes involving Jo
8 McKinney?

9 A. Not that I remember.

10 Q. Has she ever reported any problems to Human
11 Resources about her interactions with any of her
12 co-workers, Estela Cabrera, Maria Ferrara, Bobbi Rogers?

13 A. She hasn't reported those to me. I did find
14 out about a concern she had. I can't remember how I
15 found out about it. I called Ms. McKinney specifically
16 to ask her about -- I believe it was -- was there an
17 addendum to the lawsuit or was there something like that
18 that came out later with additional charges?

19 Q. There was a First Amended Complaint after the
20 filing of the first one.

21 A. It may have been in that or it could have been
22 on the news. I'm just not sure. But I did make a phone
23 call to Ms. McKinney, Jo McKinney, and I asked her
24 specifically what retaliation, because she was talking
25 about retaliation had occurred. And she declined to

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1 talk with me and I told her she should call me or report
 2 any retaliation to any supervisor or anyone in the chain
 3 of command at any time.
 4 Q. Do you know if she's ever done that?
 5 A. I do not know.
 6 Q. Do you know if she's ever initiated the
 7 problem solving process with anyone?
 8 A. I don't know that either.
 9 Q. When you spoke with Ms. McKinney, did you talk
 10 about anything else?
 11 A. Not to my knowledge, no. Not that I remember.
 12 Q. Did you suggest to her that she drop the
 13 lawsuit?
 14 A. Oh, no.
 15 Q. If she said otherwise, would she be lying?
 16 A. Yes.
 17 Q. Have you ever been involved in any
 18 disciplinary process or problem solving process with Kim
 19 McCormick?
 20 A. Yes, but it was a long time ago.
 21 Good-bye, Nancy --
 22 MS. NANCY BISHOP: Good-bye.
 23 (Ms. Bishop leaving deposition.)
 24 THE WITNESS: It was a long time ago and it
 25 was with another co-worker. And it was more of I guess

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1 an informal mediation with the co-worker and myself and
 2 I don't remember if her supervisor was involved or not.
 3 Q. (BY MR. SCHOPPE) The same question: Any
 4 involvement in any disciplinary processes or problem
 5 solving processes with Rhonda Ledford?
 6 A. Yes.
 7 Q. Please tell me about those.
 8 A. The only one I can remember right now is a
 9 written warning issued by the previous safety and
 10 security officer, Summer Wade, and I don't remember the
 11 particulars of that.
 12 Q. Have you ever told anyone that, "Rhonda keeps
 13 things stirred at the Department"?
 14 A. Not to my knowledge.
 15 Q. Have you ever told anyone that, "She has riled
 16 up other employees"?
 17 A. Not that I remember.
 18 Q. Or Shane Penrod?
 19 A. No.
 20 Q. Do you consider Ms. Ledford to be a problem
 21 employee?
 22 A. No.
 23 Q. Have you ever?
 24 A. No.
 25 Q. Has anyone ever reported to you, Ms. Wade for

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1 example or Julie McCormick, that she was disrespectful
 2 or insubordinate or anything like that?
 3 A. I believe Ms. Wade did. I don't remember
 4 about Julie McCormick. I believe the part about the pot
 5 stirrer was in Rhonda's evaluation, but again, I can't
 6 be sure of that. Again, I don't have one of Rhonda's
 7 performance evaluations in front of me.
 8 Q. Is that something that you would have
 9 prepared?
 10 A. No. No.
 11 Q. So, you heard something like that before?
 12 A. No.
 13 Q. Why would you think that would be in her
 14 evaluation?
 15 A. I read some of the evaluations just routinely
 16 and --
 17 Q. Prior to the lawsuit being filed are you aware
 18 of -- were you involved in an FMLA application being
 19 made by Ms. Ledford for intermittent leave?
 20 A. I was consulted on it, but I was not involved
 21 with it. Well, yes, I was, later on. Not initially.
 22 Pat Thomson handled that.
 23 Q. Do you know anything about how that process
 24 was handled, if there were any problems with it or
 25 anything like that?

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1 A. I believe that Ms. Ledford had requested later
 2 in the process after we got her -- or I'm not sure when,
 3 I can't say that, that she wanted intermittent leave and
 4 that was not granted.
 5 Q. Do you know if she was provided with all of
 6 the materials that she was supposed to have to have
 7 requested intermittent leave to start with when she
 8 first initiated the process?
 9 A. There is a form that she could have been
 10 provided with and she was provided with it later and
 11 didn't return. It's not a mandatory form. She was
 12 provided with all of the mandatory forms, yes.
 13 Q. Do you know why her request for intermittent
 14 leave was denied?
 15 A. It was based on her medical certification that
 16 certified that Rhonda was suffering from anxiety attacks
 17 and stress and panic and that she needed to be able to
 18 leave at any time. And with Rhonda's job as an eyes-on
 19 safety and security officer, watching over the
 20 juveniles, she would not be able to just pick up and go.
 21 There's coverage issues, there's ratio counts.
 22 Q. Was she a transport officer at that time, as
 23 far as you recall?
 24 A. There's no position as transport officer.
 25 Some of her duties were transportation duties.

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1 Q. Or should I say coordinator? I know it's not
2 a separate job or anything, but it's a role that someone
3 plays?

4 A. At that point in time I don't know what her
5 job duties were.

6 Q. And could a safety and security officer be
7 required to have to -- in other words, were her
8 potential duties in transporting juveniles an issue in
9 denying the intermittent leave?

10 A. Yes.

11 Q. For example, possibly having to pick up and
12 leave in the middle of a transport?

13 A. Yes.

14 Q. And that was something that as an SSO you
15 couldn't have her doing; is that right?

16 A. Picking up and leaving?

17 Q. Sure.

18 A. Her job is to watch the juveniles and to
19 oversee them and be in the ratio counts, and it's an
20 essential function of her job.

21 Q. And the same thing for transporting juveniles
22 as needed?

23 A. Yes.

24 Q. Would that same principle apply to Diane
25 Miles, to have to be able to pick up and transport

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1 juveniles as needed, with a suspended license?

2 A. Could you say the last part of that again,
3 please. I didn't hear you.

4 Q. Would that same concern apply to Diane Miles
5 with respect to her job as an SSO potentially requiring
6 her to pick up and a transfer juvenile?

7 A. Yes, it did.

8 Q. Do you know what expectations are, in terms of
9 like a written set of expectations for an employee?

10 A. Supervisors can give employees a set of
11 expectations, yes, job expectations.

12 Q. And can they be unique to any particular
13 employee?

14 A. Usually they're by agency or by supervisor
15 or --

16 Q. Is that a formal document or form or is it
17 just whatever the supervisor wants to write up?

18 A. You know, I can't really address that. It's
19 not an HR -- it's not something that Human Resources
20 requires. So, I don't know the answer to that.

21 Q. Is HR involved in the expectations drafting
22 process at all?

23 A. If the supervisor asks for HR assistance, then
24 yes, we can be.

25 Q. Does HR ever instruct supervisors to prepare

1 expectations for employees?

2 A. Not to my knowledge.

3 Q. How about a division head like Betty Grimm?

4 Would it be part of her job to instruct a supervisor to
5 prepare expectations for a certain employee?

6 A. That would be something that Betty could do in
7 her purview, yes. Don't ask me how to spell "purview"
8 either.

9 Q. In 2011 at any point was Betty Grimm
10 forwarding to you information about who Rhonda was
11 speaking with?

12 A. I don't remember.

13 Q. Do you remember if she was said to be bending
14 the ears of Addison Fordham?

15 A. I don't remember that.

16 Q. Did anyone ever -- did you ever hear that
17 Rhonda was gossiping inappropriately?

18 A. I believe maybe Summer Wade had talked about
19 that, but again I don't remember specifics or timelines.

20 Q. With respect to donated sick leave, as I
21 understand it an employee -- we talked about this
22 earlier but I think we were a little bit off, though.

23 It's not sick leave that one employee can donate to
24 another, it's vacation time; is that --

25 A. You're exactly right, yes. The vacation time

1 one employee donates to another turns into sick leave at
2 the same pay rate as the employee who it's donated to.

3 Q. At any point in time did you ask anyone for
4 information on who had donated vacation time to Rhonda
5 for her sick leave?

6 A. No.

7 Q. Can you think of any reason why you would have
8 been particularly interested in Rhonda's situation?

9 A. No, I don't get involved in that.

10 Q. Are you aware of whether in the SSO department
11 there's any kind of mandatory cross-training program of
12 any kind? Does that ring any bell?

13 A. Again, that's not an HR function. That would
14 be up to each individual division administrator or
15 supervisor.

16 Q. Have you ever been involved in a disciplinary
17 action or problem solving process involving Shane
18 Penrod?

19 A. I wasn't involved directly, no.

20 Q. Do you know who was?

21 A. As far as HR?

22 Q. Yes.

23 A. Pat Thomson.

24 Q. Or anybody else? Betty Grimm, or Julie
25 McCormick, people like that?

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1 A. The problem solving process normally involves
2 the supervisors up the chain. So, yes, maybe even the
3 director with the ultimate authority, but I don't
4 remember.

5 Q. Have you ever been involved in the problem
6 solving process or disciplinary process involving Ray
7 Gregston?

8 A. Gosh, I don't recall offhand.

9 Q. After Ms. Roters took over in O&A, were
10 there -- isn't it a fact that many of the employees in
11 that department left, either quit or resigned or --

12 A. I don't have those statistics in front of me.
13 I can think of one that left, but I can't tell you exact
14 numbers.

15 Q. Who was that?

16 A. Diane Camell.

17 Q. Do you know if she said why she left?

18 A. I don't see that exit interview information.

19 Q. But do you know?

20 A. I don't know.

21 Q. Among O&A staff did Ms. Roters ever indicate
22 as far as you know that Philip Gregston was belligerent
23 or challenging or insubordinate in any way?

24 A. I don't know if she indicated or said that,
25 no.

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1 Q. Did you ever hear anything like that from
2 anyone?

3 A. No.

4 Q. How about the same thing with respect to
5 Ms. Camell?

6 A. I don't recall hearing that.

7 Q. All right. Have you ever heard of any staff
8 anywhere in the Department expressing concern that they
9 would suffer retaliation for reporting safety problems
10 in the facility?

11 A. No, I have not heard that.

12 Q. And the same thing, these are kind of all
13 about retaliation, employees reporting fears of
14 retaliation. So, the same question in response to
15 reporting waste of public resources?

16 A. Did I hear concerns of employees being fearful
17 of retaliation for reporting that?

18 Q. Yes.

19 A. No.

20 Q. And the same question for employees reporting
21 violations of law like PREA or Health and Welfare code
22 regarding reporting of sexual abuse?

23 A. No.

24 Q. Or for complaining about the problem solving
25 process or grievance process?

1 A. No.

2 Q. Would that surprise you to hear that from
3 employees, other than the Plaintiffs?

4 A. Hear what from employees?

5 Q. That they had concerns about retaliation for
6 reporting those sorts of things?

7 A. Would it surprise me?

8 Q. Yes.

9 A. Yes.

10 Q. As far as you know, was Robyn Smythe among the
11 employees who were difficult, challenging, or
12 belligerent in O&A?

13 A. Not to my knowledge, no.

14 Q. How about Todd Inman?

15 A. Not to my knowledge.

16 Q. How about Dave Hottell?

17 A. Yes.

18 Q. Tell me about that.

19 A. I don't remember other than he had filed a
20 problem solving and I had talked with him a couple of
21 times on the phone and he was very disrespectful and
22 belligerent and uncooperative. I don't remember the
23 gist of the conversation or the timelines.

24 Q. And do you recall anything at all about why he
25 was upset or belligerent or what he was talking about?

1 A. I believe he had -- oh, man. No, I can't
2 even -- I don't. I don't remember the situation.

3 Q. Did you ever form any impression as to whether
4 the O&A staff were unprofessional in doing their jobs,
5 for example, with respect to locking down the juveniles?

6 A. Do I have an opinion? Did I formulate an
7 opinion on that?

8 Q. Yeah.

9 A. I probably have opinions on everything, so --

10 Q. But did you on that particular subject?

11 A. Yes.

12 Q. What was your opinion on that?

13 A. My opinion is that the juveniles should be
14 rehabilitated, not punished.

15 Q. But with respect to -- that's not quite what I
16 asked. It was about the professionalism of the staff
17 that was there before Ms. Roters started working there.

18 A. You didn't ask me that. You asked me if I had
19 an opinion about kids being locked down on O&A.

20 Q. Well, let me rephrase it, then. Did you ever
21 form an opinion about whether or not the O&A staff were
22 being unprofessional, and the example was the locking
23 down of kids that you've described?

24 A. Yes, I had an opinion on it.

25 Q. And what was that?

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1 A. That the -- that the kids shouldn't be locked
2 down.
3 Q. But in terms of their professionalism of the
4 staff?
5 A. It's probably not a matter of professionalism,
6 it's a matter of following policy.
7 Q. All right.
8 A. And the policy was not being followed.
9 Q. And the policy was that juveniles could not be
10 locked down?
11 A. There were specific policies. And again, I
12 don't have the policy in front of me, so I can't quote
13 it, but there were policies and procedures for when the
14 kids could be locked down, how long they could be locked
15 down, and how they got out.
16 Q. And do you know if those policies were
17 particular to the JCC Nampa facility as opposed to the
18 St. Anthony or Lewiston?
19 A. I don't know the answer to that, no.
20 Q. Were the O&A staff doing their jobs as far as
21 you were concerned?
22 A. You know, that's difficult to answer because
23 they were breaking policy but they were following what
24 their supervisor had instructed them to do.
25 Q. Was he following any kind of a guideline or

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1 standard as far as you know?
2 A. Not to my knowledge, but I don't know the
3 policies or procedures that well in O&A, so -- or any of
4 the facilities or units.
5 Q. Do you know who changed the policies? Was it
6 Superintendent Grimm? Director Harrigfeld? Laura
7 Roters? Anyone else?
8 A. Who changed what policies?
9 Q. Well, there were policies that apparently O&A
10 had been following and those were changed at some point
11 and then Mr. Knoff was disciplined and ultimately
12 terminated for not following those policies.
13 A. Yeah, I don't know if the policies were
14 changed or if the policies were not being followed in
15 the first place. I don't know the answer to that.
16 Q. Did you ever discuss lockdown at staff
17 convenience with anyone, including Ms. Roters or
18 Ms. Grimm?
19 A. Betty Grimm.
20 Q. Do you know what that meant?
21 A. Yes.
22 Q. What did that mean?
23 A. The way Betty explained it to me is the staff
24 would lock the juveniles down in their cells so the
25 staff could go to staff meetings. That was what I knew

1 about it.
2 Q. And that was a bad thing?
3 A. Yes.
4 Q. As far as you know, did Mr. Knoff or anyone
5 else at O&A contest or dispute that characterization of
6 the reasons for lockdown?
7 A. He indicated that it wasn't being done, is
8 what Ms. Grimm had relayed to me.
9 Q. As far as you know, had that -- is there any
10 difference in policy for lockdowns as between the time
11 at which Director Callicutt was running the Department
12 versus Director Harrigfeld?
13 A. I do not know the answer to that.
14 Q. Do you know where Mr. Hottell is now?
15 A. I don't.
16 Q. He left the Department; is that right?
17 A. Yes, he did.
18 Q. Do you know why?
19 A. I don't remember, no.
20 Q. How about Robyn Smythe? Do you know if she
21 left?
22 A. Robyn left. She resigned.
23 Q. Did she ever express any concerns that you're
24 aware of concerning failure to accommodate her
25 breast-feeding needs?

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1 A. I believe that was a discussion that I did
2 have with Laura and I did call and talk with Robyn
3 Smythe about it. And then I talked with Laura again and
4 the stories -- you know, it was a "he said, she said"
5 type of thing and it couldn't be determined. But yeah,
6 the Department is very friendly towards lactating
7 mothers and --
8 Q. In the event of, like you said, the "he said,
9 she said" situation between an employee and a
10 supervisor, if you can't evaluate credibility, does the
11 tie go to the supervisor or how does that work?
12 A. Well, Robyn could have filed a problem solving
13 or at that point in time she was off work, she -- it's
14 R-o-b-y-n-e, something like that.
15 Q. And in a broader context of any dispute
16 between employees and a supervisor, is there any kind of
17 a tie breaker if it can't be resolved factually one way
18 or the other?
19 A. To be honest with you, that's an HR nightmare
20 and I don't have an answer for you on that.
21 Q. I'm not sure if I asked you already: Have you
22 ever been involved in any disciplinary action or problem
23 solving process with Ray Gregston, not Phil?
24 A. You did ask me and I don't recall if I have or
25 not, or if he's had disciplinary action.

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1 Q. How about with Bob Robinson? Disciplinary
2 action or problem solving process?
3 A. I don't recall him either. I'm sorry.
4 Q. You don't have to apologize. Did you ever
5 express any concern that Robinson was criticizing the
6 way in which the Department was run?
7 A. Did I express concern?
8 Q. Yes.
9 A. Not that I remember.
10 Q. For all of the Plaintiffs, so we're talking
11 about Ray Gregston, Rhonda Ledford, Shane Penrod, Lisa
12 Littlefield, Gracie Reyna, Frank Farnworth,
13 Tom de Knijf, and I think that's everybody, Addison
14 Fordham, Jo McKinney, and Kim McCormick, so this
15 question applies to sort of all of them. And if you
16 can't answer, just let me know and we'll sort it out.
17 A. Okay.
18 Q. Are you aware of any reports having been made
19 by any of those people concerning waste of public
20 resources that we haven't already talked about?
21 A. No.
22 Q. We talked about time card fraud earlier.
23 A. Yes. I'm sorry.
24 Q. No, that's -- the same question, the same
25 group of people: Are you aware of any reports by any of

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1 them concerning violations of laws such as PREA, CRIPA,
2 Health and Welfare code, veterans preferences, things
3 like that?
4 A. I'm not aware of that.
5 Q. Are you aware of any reports by any of those
6 people concerning the allegation that the JCC Nampa is
7 not a secure facility or a safe facility?
8 A. Am I aware of any allegations?
9 Q. Yes.
10 A. Other than the lawsuit, no.
11 Q. Apart from what we've already discussed, are
12 you aware of any other rumors concerning romantic or
13 sexual relationships between any employees or former
14 employees with juveniles or former juveniles? We talked
15 about Francine Diaz and Bryce and AH, and Julie
16 McCormick and CY Any others at all?
17 A. I don't remember any others.
18 Q. As far as you know is the problem solving
19 process the mandate of a statute or IDAPA or what is it
20 that requires the Department to have that process?
21 A. I believe it's statute, Idaho Code.
22 Q. All right. Are you aware of whether or not
23 the Idaho Code requires that the Department maintain a
24 secure facility? If you're not, you can say so.
25 A. I don't know.

1 Q. Prior to the time Ms. Ledford returned from
2 her FMLA leave, I think this was October of 2011, I
3 think, did you at any time tell her that she would have
4 to go on night shift when she got back?
5 A. Yes, I did.
6 Q. And was that something that was -- why was it
7 that she was going to have to do that?
8 A. Part of trying to bring her back to work,
9 because she had expressed concern to come back to work,
10 was to get her back to work on a shift. And one of her
11 concerns was that -- dealing with management, and having
12 to get stressed out about the managers and the leaders.
13 And on night shift you don't see a lot of managers or
14 leaders. So, I thought that would -- could be an
15 accommodation or somewhere that she could come back to
16 and there would be less stress.
17 Q. With --
18 A. I -- go ahead.
19 Q. Did you finish?
20 A. Yes.
21 Q. With respect to those concerns she had about
22 management, was that specifically her supervisor, Summer
23 Wade?
24 A. No, it was -- it was ambiguous, I guess. I
25 don't know exactly who was included in that.

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1 Q. Did you do any counseling or coaching or do
2 you know if anybody else did of either Summer Wade or
3 Julie McCormick with respect to serving as Rhonda's
4 supervisor?
5 A. Did I coach or counsel Rhonda or Julie?
6 Q. No, Julie or Summer Wade.
7 A. I'm sorry, Julie or Summer Wade. Yes, I did.
8 I coached with Summer Wade, but I don't remember when
9 that was or -- I probably talked with Julie a couple of
10 times, but for the most part Pat Thomson is assigned to
11 Nampa and he deals with those issues.
12 Q. All right. In 2011 or 2012 and actually right
13 up to the present did you consider any employees to be
14 disgruntled?
15 A. Yeah, we have disgruntled employees. O&A,
16 there seemed to be some disgruntled employees there, but
17 that's pretty wide. Compensation, there's always
18 employees unhappy with compensation because the State
19 just doesn't compensate.
20 Q. I need to step back to that question I had
21 asked about whether you were aware if any of the
22 Plaintiffs had ever reported concerns about their
23 personal safety at JCC Nampa specifically.
24 A. I do remember that Rhonda had -- I don't
25 remember who she made the complaint to, it wasn't to me,

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1 or how Betty Grimm found out or how I found out about
2 something about a hit man out on Rhonda. I don't
3 remember the particulars of it. That was investigated.

4 Q. How about with respect to the manner in which
5 the facility is run generally with respect to the
6 juveniles being violent or not being disciplined enough?

7 A. No, I don't recall.

8 Q. And are you aware of out of that group of
9 anyone reporting their concerns that the juveniles were
10 not safe at JCC Nampa?

11 A. I don't remember.

12 Q. Are you aware of whether or not a rehab tech
13 is required to run as a matter of their -- as far as
14 their job description is concerned?

15 A. I don't have that job description in front of
16 me. There are physical requirements, but I don't
17 remember what.

18 Q. And when physical requirements are spelled out
19 in job descriptions, is that intended to be as broad as
20 possible to describe what might be expected?

21 A. It's based on a job analysis. So, I don't --
22 I can't address that. Those were set before I started
23 at DJC.

24 Q. Is there any particular resource to which we
25 can refer to figure out what those standards might be

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1 for what you can lift or whether you're supposed to run
2 or not?

3 A. I believe a job task analysis was done, but I
4 don't know when and I don't have the results of that or
5 the study. That was prior to me.

6 Q. If physical activities like that, the physical
7 expectations or requirements of a job are not included
8 in a job description, can they be expected of employees
9 anyway?

10 A. Yeah, I don't know how to answer that.

11 Q. Is that the usual rule, though, that unless
12 it's listed there it shouldn't be expected of an
13 employee?

14 A. Gosh, it can't cover every instance, so --

15 Q. General rule?

16 A. General rule.

17 Q. Is that a "Yes" as in yes, that is the general
18 rule?

19 A. I kind of lost track of the question to be
20 honest with you. I'm getting a little weary.

21 Q. Do you want to take a break?

22 A. If we're going to be longer, yeah.

23 Q. Okay, let's take another break. I'll try to
24 get done probably in the next half an hour, I hope.

25 (Recess held.)

1 MR. SCHOPPE: Back on the record.

2 Q. (BY MR. SCHOPPE) I'm trying to get through
3 the home stretch now. With respect to the position that
4 Laura Roters was assigned to in O&A as the lead
5 acting -- I'm sorry, acting rehabilitation supervisor?

6 A. Yes.

7 Q. Do you know when it was, at what point in time
8 that became the unit manager position?

9 A. I don't recall what date that was, no.

10 Q. So, would it be fair to say that the unit
11 manager position that she thought that she occupied
12 subsequent to being the acting rehab supervisor was
13 created?

14 A. No, we can't create our own -- I'm not sure
15 what you mean by "created."

16 Q. Well, at the time she was moved -- and correct
17 me if any of this is wrong.

18 A. Okay.

19 Q. She is a unit manager; right?

20 A. Yes.

21 Q. Not an acting unit manager, just a
22 straightforward unit manager?

23 A. (Witness nodding head.)

24 Q. She's then moved to O&A and she is assigned
25 the role of lead rehab supervisor; right?

1 A. Yes.

2 Q. And there was no position for a unit manager
3 in O&A at that time?

4 A. That's correct.

5 Q. And then the unit manager position in O&A was
6 then created; is that right?

7 A. No, if my memory serves me correct, the PCN
8 was moved over there with Laura in it.

9 Q. What's a PCN?

10 A. PCN, position control number.

11 Q. Is there a reason the PCN wasn't moved to
12 start with?

13 A. It wasn't determined to my knowledge that
14 Laura would be there permanently.

15 Q. All right.

16 A. I do not know Betty's thought process on that.

17 Q. But at some point that was determined?

18 A. Yes.

19 Q. Is there any longer a lead rehab supervisor or
20 an acting rehab supervisor position in O&A?

21 A. No.

22 Q. All right. Are you aware of any concerns
23 being expressed by any staff members about the visits to
24 the JCC Nampa facility by Dr. Richard Pines?

25 A. No.

1 Q. It never came up in the context of Human
2 Resources?
3 A. Not to my knowledge.
4 Q. All right. Are you aware of an outing
5 involving juveniles and staff to Shafer Butte sometime
6 last year?
7 A. I'm aware of it. I don't have details or
8 documents.
9 Q. Do you recall hearing that juveniles got lost
10 outside of the supervision of staff at the time?
11 A. I don't recall that no.
12 Q. As far as you know, would that sort of
13 incident become a subject of discipline?
14 MS. FONTAINE: Objection, the question is
15 vague, calls for speculation.
16 THE WITNESS: If the juveniles were -- if
17 staff lost the juveniles on an outing, yes.
18 Q. (BY MR. SCHOPPE) Are you aware whether or not
19 any disciplinary action flowed from that incident at
20 all?
21 A. I don't recall.
22 Q. At any point in time did you ever express a
23 desire for Rhonda Ledford to resign from the Department?
24 A. Did I express it to whom?
25 Q. Anybody.

1 A. Not that I recall.
2 Q. Did you ever want her to resign as far as you
3 recall?
4 A. Not that I recall.
5 Q. Or did you ever want her to take a medical
6 layoff?
7 A. Not that I recall.
8 Q. Did you have any understanding as to what the
9 source of her stress was at the time that she was
10 applying for Family and Medical Leave?
11 A. I don't remember if the form specified or not.
12 Q. Do you recall if the form indicated that it
13 was work related?
14 A. I believe it was work related, yes.
15 Q. Did you doubt that characterization or have
16 any reason to question that?
17 A. No.
18 Q. After Rhonda had reported to Division of Human
19 Resources the time card fraud concerns, did you speak
20 with her about the report or the concern at all?
21 A. Did I speak with Rhonda?
22 Q. Yes.
23 A. Not that I remember.
24 Q. Or did you try to?
25 A. Yes, I did. I called Rhonda and asked her --

1 I don't know if I talked with her or if I left a
2 message, but I was trying to find out more information
3 so I could look into it, yes.
4 Q. Have you ever heard of any allegations of time
5 card fraud involving Mr. Baranco, Don Baranco?
6 A. No. I heard about a joke that I believe he
7 made in a staff meeting about going to play golf next
8 door, but I don't -- that was -- there's no allegations
9 of time card fraud on his part that I know of.
10 Q. If allegations like that were made would you
11 investigate them?
12 A. I would talk with the supervisor about that.
13 I personally may or may not investigate.
14 Q. Would HR do that, investigate?
15 A. Maybe, maybe not. It would depend on the
16 situation.
17 Q. Is time card fraud as far as you know
18 considered to be forgery?
19 A. Well, it depends on what the time card fraud
20 is, but -- isn't forgery a specific -- I don't know the
21 definition of forgery. I don't know the answer to that.
22 Q. That's okay. You're not a lawyer and I
23 wouldn't recommend going to law school either to anyone
24 these days.
25 A question for you about some documents: And

1 the Court Reporter will be marking that in just a
2 moment. Can you just take a look at that, take your
3 time and let me know if you recognize that document and
4 tell me what it is, please.
5 A. I don't. It's an e-mail from Betty Grimm to
6 me. I don't remember what it was about or if I
7 requested something.
8 Q. Okay. No recollection at all?
9 A. No.
10 Q. All right. Okay, we'll mark that as whatever
11 the next one is in the series.
12 (Exhibit 140 marked.)
13 Q. (BY MR. SCHOPPE) All right, and the same
14 process here. Look at it, take your time. Tell me what
15 it is, please.
16 A. (Witness complied.) This was a request for
17 leave donations for Rhonda -- well, I don't know who
18 the -- the e-mail on the second page from Lisa Fausett
19 to all staff, I don't know who that was for. It's not
20 stated who that was for. And so, I'm looking for leave
21 requests, how many -- I'm looking for e-mails. Sorry,
22 let me back up here. The e-mail at the bottom of the
23 page on page 1 is an e-mail to Lisa asking how many
24 requests went out for Ms. Ledford for donations. It's
25 not asking who donated, it's asking how many requests

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1 went out.
 2 Q. And went out from where?
 3 A. Lisa Fausett is the lady that sends out our
 4 leave donation requests, so it would have been from
 5 Lisa.
 6 Q. Is there any particular reason you are
 7 concerned with Rhonda Ledford in particular?
 8 A. Yes, because in the process there's several
 9 ways that donations can be obtained and I wanted to
 10 ensure we tried to get the most for Rhonda. The e-mail
 11 can be sent out to -- per policy, the e-mail is sent out
 12 locally. So, it would have been sent out to Nampa
 13 first, I believe.
 14 Q. Okay.
 15 A. And then depending on how many donations --
 16 donations we get, the e-mail can go out agency wide and
 17 from there the e-mail can -- or the request can go out
 18 statewide.
 19 Q. All right. Thank you. You can hand that to
 20 the Court Reporter.
 21 (Exhibit 141 marked.)
 22 Q. (BY MR. SCHOPPE) All right, there's this one
 23 here (handing.) Sorry to make you reach. The same
 24 drill.
 25 A. (Reviewing document.) What's your question?

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1 Q. Do you recognize the document?
 2 A. I recognize that I wrote it.
 3 Q. Do you recall writing it or the circumstances
 4 surrounding why you wrote it?
 5 A. The circumstances are outlined in the meeting
 6 from Ms. Anderson about the all-staff meeting.
 7 Q. My question is: You indicate at the top, and
 8 correct me if I'm wrong, that you will draft a written
 9 warning from the director to give Ms. Ledford. Was
 10 there -- do you typically draft written warnings?
 11 A. HR can assist, yes, and then the supervisor
 12 can revise as they see fit or they can do the written
 13 warning from start to finish with HR review.
 14 Q. Was there a particular reason that you said
 15 that you would handle this?
 16 A. I don't remember.
 17 Q. Do you know if you actually did draft the
 18 written warning?
 19 A. I believe I did.
 20 Q. Do you remember the subject of it being the
 21 "Really" comment that's reflected on page 2?
 22 A. I don't remember the --
 23 Q. And why was it for the director -- and you're
 24 talking about Ms. Harrigfeld, Director Harrigfeld; is
 25 that right?

1 A. Yes.
 2 Q. Why would it have been appropriate for the
 3 director to give that directly to Rhonda as opposed to
 4 her supervisor or even Betty Grimm?
 5 A. At that point in time the only thing I can
 6 think of is because the director was running the
 7 all-staff meeting.
 8 Q. All right. And was there any information that
 9 Ms. Ledford had said anything other than the single word
 10 "Really"?
 11 A. I don't remember that, no.
 12 Q. And what was it about that that made you think
 13 that this was appropriate to draft, in your words, "a
 14 written warning at the very least"?
 15 A. Several staff had -- according to this e-mail
 16 several staff had complained to Pat or Betty or others
 17 about Ms. Ledford's behavior in the all-staff meeting,
 18 that it was disrespectful, especially to Laura when
 19 Laura was being given kudos at that point in time.
 20 Q. All right. Did you ever have any information
 21 as to why Ms. Ledford left the room?
 22 A. I don't, no.
 23 Q. Did you at the time?
 24 A. No.
 25 Q. Earlier you had mentioned a remark about a hit

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1 man. What do you know about that?
 2 A. I know that -- I don't remember how I found
 3 out about it, but it came to light that Rhonda had heard
 4 a comment or -- again, I don't remember, but that
 5 "someone should hire a hit man." And so, that was -- it
 6 could have been from Betty. I just don't remember.
 7 Q. That you heard it? From Betty that you heard
 8 it?
 9 A. Yeah, I don't remember where I heard it.
 10 Q. Do you know if that report was investigated?
 11 A. Yes, it was. I don't remember who
 12 investigated it.
 13 Q. Now, assuming somebody didn't really want a
 14 hit man to kill Rhonda or anything, in terms of
 15 hostility or disrespect, would that rank pretty highly
 16 as far as you're concerned?
 17 A. Again, it's based on where the comment was
 18 made, was it on work, or who the comment was made to.
 19 Q. If it wasn't work, is there any circumstance
 20 in which that would have been appropriate?
 21 A. I don't believe so.
 22 Q. Regardless of who it's said to?
 23 A. Yes.
 24 Q. Do you know if any disciplinary action was
 25 taken?

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1 A. I don't remember.
 2 Q. If an employee would report to you that Laura
 3 Roters had called juveniles a "dumb ass," would that be
 4 something that would warrant an investigation?
 5 A. I've already answered that question.
 6 Q. I don't think I've asked that question. I
 7 said if it were to be reported to you that Laura Roters
 8 had said that, would that warrant an investigation?
 9 A. I would definitely do more questioning.
 10 Q. How would that rank for you in terms of
 11 seriousness compared to a "really" comment, calling a
 12 juvenile a "dumb ass"?
 13 A. Again, it goes to the situation. It's
 14 situational.
 15 Q. Is there any situation in which it's
 16 appropriate to call a juvenile a "dumb ass" to the
 17 juvenile?
 18 A. To the juvenile?
 19 Q. Yes.
 20 A. No, I don't believe so.
 21 Q. Is that more or less serious than
 22 Ms. Ledford's "really" statement?
 23 A. I don't have a guideline or a scale.
 24 Q. Would you think that calling a juvenile a
 25 "dumb ass" would warrant a written warning?

1 A. Well, in this situation I believe so, yes.
 2 Q. Is there any particular reason why you believe
 3 that?
 4 A. It was in front of numerous people and we had
 5 numerous complaints.
 6 (Exhibit 142 marked.)
 7 Q. (BY MR. SCHOPPE) (Handing.)
 8 MS. FONTAINE: I'm going to object to this
 9 being entered in. The subject is "Attorney-Client
 10 Privilege" and apparently this is a document that has
 11 not been clawed back from electronic production.
 12 MR. SCHOPPE: All I can say is you guys
 13 produced it.
 14 MS. FONTAINE: Right, but I believe that we do
 15 have the opportunity to claw back any material that was
 16 produced electronically which were not meant to be
 17 produced.
 18 MR. SCHOPPE: And is that what you're saying
 19 you're going to do now?
 20 MS. FONTAINE: Yes.
 21 MR. SCHOPPE: Now, the trouble is this is
 22 actually an e-mail from Julie Cloud to Pat Thomson. How
 23 is that privileged?
 24 MS. FONTAINE: Can you give me one more minute
 25 to look this over?

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1 A. It could.
 2 Q. Is there any reason that it shouldn't?
 3 A. It would depend on what the questioning found
 4 out.
 5 Q. With respect to the "really" comment, is there
 6 any reason that it wasn't suggested that sort of the
 7 preliminary steps of coaching or counseling be engaged
 8 in with Rhonda Ledford about it?
 9 A. I don't remember that.
 10 Q. Was that your first response to the report as
 11 far as you know?
 12 A. I don't remember that either.
 13 Q. Does it seem reasonable to you that the first
 14 proposed action is to write a written warning report
 15 versus counseling or coaching?
 16 A. It depends on the situation.
 17 Q. But you recall the situation?
 18 A. Yes.
 19 Q. So, in that situation does that seem like a
 20 reasonable response versus coaching or counseling?
 21 A. I'm sorry, could you say that again.
 22 Q. In that situation does that seem like a
 23 reasonable response to go straight to the written
 24 warning as opposed to starting at the other two levels,
 25 coaching or counseling?

1 MR. SCHOPPE: Sure.
 2 MS. FONTAINE: This e-mail is to Nancy Bishop
 3 and this note is to Julie from Nancy Bishop.
 4 MR. SCHOPPE: Do you know why it was produced?
 5 MS. FONTAINE: It's probably just an oversight
 6 in the AD Summation system.
 7 Q. (BY MR. SCHOPPE) Okay. Well, at the very
 8 least can you identify what that document is?
 9 A. It's an e-mail chain.
 10 Q. And you drafted this particular e-mail, not
 11 necessarily all of its contents, but this is an e-mail
 12 you sent to Pat Thomson?
 13 A. It's -- yes.
 14 Q. Did you end up sending an e-mail to
 15 Ms. Ledford about her absences?
 16 A. I don't recall if I did or not.
 17 Q. What was your concern?
 18 A. Ms. Ledford had been scheduling appointments
 19 and missing a lot of work and it was affecting the
 20 coverage.
 21 Q. How much work was she missing?
 22 A. I don't recall.
 23 Q. Was that recorded anywhere?
 24 A. Yes, it would be on time sheets.
 25 Q. Was it actually only two days that you were

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1 concerned about?
 2 A. I don't recall.
 3 Q. Is there a particular threshold at which
 4 something like that becomes a concern?
 5 A. There's a policy on abuse or when sick leave
 6 can be investigated. I don't have that in front of me.
 7 I'm happy to look through the book if it's in there.
 8 Q. Sure. I don't know that it's in there or not.
 9 MR. SCHOPPE: Do you know if it's in there?
 10 MS. FONTAINE: I don't.
 11 MR. SCHOPPE: Okay.
 12 Q. (BY MR. SCHOPPE) Would two days be an unusual
 13 amount of time to investigate, though, in your
 14 experience?
 15 A. It would depend on the prior -- how much time
 16 the employee had missed prior due to appointments or
 17 sick leave or those types of things.
 18 Q. Okay.
 19 A. Again, it's case by case.
 20 Q. All right. Did you ever ask Mark Freckleton
 21 to obtain a doctor's note or an appropriate note for one
 22 of her visits to the dentist?
 23 A. I don't remember.
 24 Q. Would it be unusual -- or actually, is there
 25 any policy that states that it's appropriate to ask for

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1 a doctor's note for a single appointment or visit?
 2 A. Yes, if the supervisor suspects abuse of sick
 3 leave, yes.
 4 Q. Do you know if Mark Freckleton ever reported
 5 that Rhonda was abusing her sick leave?
 6 A. I don't know if he did or not.
 7 Q. Or do you know if Julie McCormick ever did?
 8 A. I don't know if Julie did or not.
 9 Q. All right. Here's another e-mail (handing.)
 10 A. (Reviewing document.) Okay.
 11 Q. All right, do you recognize that document?
 12 A. Yes.
 13 Q. And is that an e-mail that you wrote to Pat
 14 Thomson?
 15 A. Yes.
 16 Q. All right. You indicate at the first sentence
 17 that: "This little rule in DHR rules right here is
 18 going to cause Betty some heartburn."
 19 A. Yes.
 20 Q. What is "DHR"?
 21 A. Division of Human Resources.
 22 Q. And what is that rule?
 23 A. This is a rule, an IDAPA rule on involuntary
 24 transfer.
 25 Q. All right. And why did you think that would

1 cause Betty heartburn?
 2 A. At this point in time to the best of my
 3 recollection, and again I don't have that document or
 4 this information in front of me, Betty was wanting to
 5 look at moving some of her safety and security staff
 6 around and reclassify some safety and security staff
 7 positions to instruction assistants. And in order to do
 8 that, some staff would have to be reassigned and shifts
 9 reallocated I guess, if you will.
 10 Q. Can you read for me, please, the I guess it's
 11 the third paragraph starting with: "We need to."
 12 A. Mm-hmm.
 13 Q. You can read that out loud, please.
 14 A. "We need to put together a plan to move the
 15 PCNs to nights that need to be moved. It is better to
 16 do them all at once than one at a time and we definitely
 17 cannot single Ms. L out to move her first. That is
 18 definitely retaliatory and could be seen as constructive
 19 discharge, e.g., make the workplace so adverse they
 20 quit."
 21 Q. Who is Ms. L?
 22 A. Rhonda Ledford.
 23 Q. What are the PCNs again?
 24 A. Position control number.
 25 Q. Did you have a particular concern about

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1 singling Ms. L out?
 2 A. Yes, Betty wanted to move Rhonda to nights.
 3 Q. Did she say why?
 4 A. No.
 5 Q. She never expressed any reason for why she
 6 wanted to do that?
 7 A. Not to me, no.
 8 Q. Did you ever hear from anyone else why she
 9 wanted to do that?
 10 A. No.
 11 Q. Why did you think it would be "definitely
 12 retaliatory"?
 13 A. At that -- oh, boy, I can't remember the
 14 details of why this -- why I felt like that, but it
 15 probably goes back to issues with Summer Wade and when
 16 all of that started. I just don't remember, to be
 17 honest with you.
 18 Q. Did you think that Betty Grimm was trying to
 19 retaliate against Rhonda?
 20 A. I felt that there could be something that
 21 could look like retaliation. I didn't -- I don't
 22 believe Betty would retaliate intentionally, no.
 23 Q. Is there another kind of retaliation?
 24 A. Other than intentional?
 25 Q. Yes.

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1 A. If Betty didn't realize the unintended
2 consequences.
3 Q. And did you communicate that this "could be
4 seen as constructive discharge, e.g., make the workplace
5 so adverse they quit" --
6 A. Mm-hmm. Yes. I'm sorry.
7 Q. What was it that you were worried would be
8 seen as constructive discharge?
9 A. Moving Rhonda to nights if she didn't want to
10 go to nights.
11 Q. And so, that would be the involuntary transfer
12 that you're referring to just above this?
13 A. Yes.
14 Q. Okay.
15 A. It could be.
16 Q. So, that could be viewed as an adverse action?
17 A. Yes.
18 Q. All right. So, the date on this e-mail is
19 June 1, 2011; is that right?
20 A. It would appear to be.
21 Q. And did Betty's desire to move Rhonda to
22 nights have anything to do with you indicating to Rhonda
23 that she would have to move to nights after she came
24 back from Family and Medical Leave?
25 A. I don't remember that being the case, no.

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1 Q. If Rhonda had been assigned to nights after
2 returning from Family and Medical Leave, wouldn't Julie
3 McCormick still have been her supervisor?
4 A. If Julie was a supervisor then, yes.
5 Q. At night?
6 A. Yes.
7 Q. How would that have resolved Rhonda's issues
8 with dealing with her supervisors then?
9 A. Because most supervisors work the day shift
10 unless the supervisor asks them to work alternate shifts
11 or the supervisor themselves wants to work an alternate
12 shift.
13 Q. But as far as you know, at the time Julie
14 McCormick would be working night shifts?
15 A. I don't believe she was working night shifts.
16 Q. Is a shift transfer or a shift change commonly
17 in your experience as an HR officer something that is
18 seen as an adverse action?
19 A. No.
20 Q. Have you ever heard that employees have stated
21 that shift changes at the Department or shift
22 reassignments are adverse actions?
23 A. No.
24 Q. You never heard that?
25 A. Not that I remember.

1 (Exhibit 143 marked.)
2 Q. (BY MR. SCHOPPE) Did you meet with Laura
3 Roters yesterday?
4 A. I met with her, I took some papers for Will
5 King to sign, military papers for on-the-job training.
6 So, yes, I did see Laura yesterday. Did I have a set
7 meeting with Laura yesterday? No.
8 Q. Did you discuss your deposition here today
9 with her?
10 A. I told her I had a deposition.
11 Q. Nothing else?
12 A. No.
13 Q. All right. Did you discuss her deposition?
14 A. She told me a little bit about it, but not in
15 great detail.
16 Q. What did she tell you?
17 A. Just what to expect as far as length. The
18 types of questions, but that was it.
19 Q. Did she nail it?
20 A. Pardon me?
21 Q. Did she nail it?
22 A. No.
23 Q. Did you ever discuss or did you ever become
24 aware of something called a "bucket list"?
25 A. Yes.

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1 Q. What do you know about that?
2 A. That was a list that was compiled -- well, it
3 wasn't called a "bucket list" initially, but I believe
4 after the all-staff meeting the director and Betty Grimm
5 and I and Pat Thomson in some instances went on all
6 shifts and met with all employees or the employees that
7 wanted to come to the meetings that we had set with the
8 employees at Juvenile Corrections in Nampa.
9 Q. Was that the only discussion you had with
10 them?
11 A. With who?
12 Q. With those people that you just listed. I
13 think you had indicated you spoke with the director,
14 Ms. Grimm, Pat Thomson.
15 A. We conducted meetings on all shifts over a
16 number of days.
17 Q. With other employees as well?
18 A. Yes.
19 Q. Okay.
20 A. Yeah, we had public or -- or agency meetings,
21 I guess, not public meetings, sorry. Agency meetings
22 for the employees to come and voice concerns to us, tell
23 us what was working, tell us what wasn't working. And
24 from that list of concerns that was handed to Betty
25 Grimm and she and her management team developed what

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1 they called a "bucket list."
 2 Q. Do you know if -- is it fair to say this is
 3 kind of a wish list for what people want to happen?
 4 A. No, I don't believe it was a wish list, there
 5 was -- no, I wouldn't characterize it as a wish list.
 6 Q. After Tom Knoff's dismissal, were the contents
 7 of his files or his P drive saved?
 8 A. Boy, I don't remember that.
 9 Q. Do you know if anybody retrieved those?
 10 A. I don't remember.
 11 Q. Did you ever instruct Pat Thomson to keep
 12 video coverage on the O&A unit?
 13 A. No. Can I back up?
 14 Q. Sure.
 15 A. Not that I remember.
 16 Q. Could it possibly have been in connection with
 17 Tom Knoff or his management of O&A?
 18 A. It could have been. I don't remember.
 19 Q. I'm not sure if I asked or not. Are you aware
 20 of an instance in which Julie McCormick -- no, I did ask
 21 you this, about veterans, expressing a bias against
 22 veterans. A similar question: Are you aware of any
 23 incident in which she might have indicated a bias
 24 against hiring corrections officers?
 25 A. No, I don't remember.

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1 Q. Or people with a law enforcement background?
 2 A. I don't remember that.
 3 Q. As far as you know, did Laura Roters review
 4 her application for -- I'm sorry, what was the position
 5 that was revoked?
 6 A. Rehab unit manager.
 7 Q. That's the one. Did she review that with
 8 Joyce Clark?
 9 A. Yes, she did.
 10 Q. And what do you know about that?
 11 A. I know that Joyce either responded in person
 12 or by e-mail that Joyce didn't see where Laura had met
 13 the minimum qualifications for the supervisory portion
 14 of the job.
 15 Q. Did you have any issues with Joyce or
 16 criticisms of her after that?
 17 A. No.
 18 Q. Are you aware of whether or not 9 out of 14
 19 O&A staff left the Department after Ms. Roters took
 20 over?
 21 A. I don't have a count to know.
 22 Q. Do you have a n impression that many of them
 23 left?
 24 A. Several left, but I don't have the count.
 25 Q. Did it seem strange or unusual to you that so

1 many would leave?
 2 A. No.
 3 Q. Why not?
 4 A. Because many of those folks followed Tom Knoff
 5 and when Tom Knoff left I would have expected some
 6 turnover.
 7 Q. If Ms. Roters had described them as angry or
 8 unhappy, angry people who were unhappy about being told
 9 to do their jobs or words to that effect, would you
 10 agree with that sentiment?
 11 A. As to why they left or as to -- can you
 12 quantify that a little bit for me?
 13 Q. As to why they were being difficult or, as we
 14 talked about, belligerent or challenging, things like
 15 that?
 16 A. They were being held accountable, yes.
 17 Q. And they had not been held accountable before?
 18 A. No.
 19 Q. Had they just not been doing their job as far
 20 as you're concerned?
 21 A. I believe that would be correct.
 22 Q. As far as you know, were their difficulties
 23 with Ms. Roters personal or more professional, in terms
 24 of they had a different view of how things should be
 25 done for professional reasons or according to

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1 professional standards?
 2 A. I can't answer that.
 3 Q. Is the transport coordinator -- I understand
 4 it's not a position. Is that something for which
 5 compensation is paid to an employee?
 6 A. No.
 7 MR. SCHOPPE: Let's just take a quick break
 8 and I'll come back and let you know if I'm done or not.
 9 I probably am. Do you have any follow-up or anything?
 10 MS. FONTAINE: I don't think so.
 11 MR. SCHOPPE: Off the record.
 12 (Discussion held off the record.)
 13 MR. SCHOPPE: Back on the record. Okay, I'm
 14 all done. If you have any follow-up, you're welcome to
 15 it.
 16 MS. FONTAINE: I do not have any follow-up.
 17 MR. SCHOPPE: Okay, we can all just go watch
 18 the game or something. Thank you for your time.
 19 THE WITNESS: Thank you.
 20 (Deposition concluded at 4:19 p.m.)
 21 (Signature requested.)
 22 -oOo-
 23
 24
 25

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CERTIFICATE OF WITNESS

I, JULIE CLOUD, being first duly sworn, depose and say:

That I am the witness named in the foregoing deposition consisting of pages 1 through 216; 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__.

JULIE CLOUD

SUBSCRIBED AND SWORN to before me this ___ day of _____, 20__.

NAME OF NOTARY PUBLIC

NOTARY PUBLIC FOR _____

RESIDING AT _____

MY COMMISSION EXPIRES _____

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ERRATA SHEET FOR JULIE CLOUD

- 1 Page ___ Line ___ Reason for Change
2 Reads
3 Should Read
4 Page ___ Line ___ Reason for Change
5 Reads
6 Should Read
7 Page ___ Line ___ Reason for Change
8 Reads
9 Should Read
10 Page ___ Line ___ Reason for Change
11 Reads
12 Should Read
13 Page ___ Line ___ Reason for Change
14 Reads
15 Should Read
16 Page ___ Line ___ Reason for Change
17 Reads
18 Should Read
19 Page ___ Line ___ Reason for Change
20 Reads
21 Should Read
22 Page ___ Line ___ Reason for Change
23 Reads
24 Should Read
25 You may use another sheet if you need more room.
WITNESS SIGNATURE _____

REPORTER'S CERTIFICATE

I, SHERI FOOTE, CSR No. 90, 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 1st day of October, 2013.

Sheri Foote

SHERI FOOTE, CSR No. 90, RPR, CRR

Notary Public

P.O. Box 2636

Boise, Idaho 83701-2636

My commission expires January 17, 2016

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