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Attorneys for Defendants, Sharon Harrigfeld,
Betty Grimm, and the Idaho Department
of Juvenile Corrections

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual;
RAYMON GREGSTON, an individual; JO
MCKINNEY, an individual; SHANE PENROD,
an individual; KIM MCCORMICK, an
individual; BOB ROBINSON, an individual;
and GRACIE REYNA, an individual; LISA
LITTLEFIELD, an individual; ADDISON
FORDHAM, an individual; TOM DE KNIJF, an
individual; and FRANK FARNWORTH, an
individual,

Plaintiffs,

vs.

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

Defendants.

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

**AFFIDAVIT OF VICKI TOKITA IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

**AFFIDAVIT OF VICKI TOKITA IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 1**

STATE OF IDAHO)
) ss:
County of Ada)

Vicki Tokita, being first duly sworn, deposes and says as follows:

1. That, at all times relevant, I have been employed by the State of Idaho as the administrator of the Division of Human Resources (DHR). I have served as the administrator of the agency since February, 2011. The information contained herein is of your affiant's own personal knowledge.

2. The Division of Human Resources (DHR) is a division in the office of the Governor of the State of Idaho. DHR administers a personnel system for classified employees utilized by various state agencies throughout the State of Idaho.

3. In the spring of 2011, I was advised by DHR staff that Laura Roters had applied for the Unit Manager position at the IDJC Nampa facility. I was advised she had completed the online examination and advised she had received a passing score. I was further advised that she, along with other applicants who also received passing scores, were selected for interviews. Ms. Roters was interviewed by a panel of IDJC employees. Following her interview, Ms. Roters was offered and accepted the Unit Manager position. I was further advised by DHR staff that after Ms. Roters accepted the position and her promotion had been published to IDJC staff, the HR staff of IDJC had reviewed her examination, changed her score and rescinded the offer Ms. Roters had accepted.

4. After I was advised of the facts described above, I reviewed the examination completed by Ms. Roters for the Unit Manager position with the question that addressed

**AFFIDAVIT OF VICKI TOKITA IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 2**

supervisory and training experience. It did not appear to me that Ms. Roters misrepresented her training and/or experience to meet the supervisory qualification. I concluded the question on the examination that addressed supervisory and training experience was ambiguous and in need of review and change. I was advised that IDJC's HR staff reviewed and changed the examination score of only Ms. Roters and then rescinded the job offer which I found was inconsistent with DHR regulations.

5. All classified positions have a probationary period which allows agencies to evaluate employees' performance. Newly hired Unit Managers have a six month probationary period. If employees do not meet IDJC's performance expectations, they may be removed from the Unit Manager position for failure to complete their probationary period.

6. Because of the circumstances, as I understood them, whereby Ms. Roters' examination score was changed and the job offer rescinded, I made the decision that the subsequent reposting of the Unit Manager position would be overseen by DHR. I decided the online examination would be independently reviewed and updated by DHR staff to assure the questions were job related. Additionally, I placed IDJC on probation until December 31, 2011. Attached hereto and identified as Exhibit 1 is a true and correct copy of a letter I sent to Sharon Harrigfeld explaining the probationary period and, DHR's future involvement in exam development and exam administration during the probationary period.

7. To gain an understanding of the Unit Manager position, I directed DHR staff to speak with IDJC staff that supervise unit managers from the Nampa, Saint Anthony, and Lewiston facilities. In addition, I directed staff to develop job postings for the position as well as examination questions that would be used for the Unit Manager position at the Nampa facility or Unit Manager positions that became open in the future at other facilities. To my knowledge,

**AFFIDAVIT OF VICKI TOKITA IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 3**

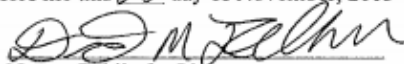
Sharon Harrigfeld and Betty Grimm were not involved in this process. The Unit Manager position for the Nampa facility was posted and, applications solicited. The details of the job posting were created by DHR staff. Additionally, the exam questions completed by the various applicants were also created by the DHR. Finally, the scoring of the exam questions was overseen by the DHR.

8. It is my understanding that when the Unit Manager position was reposted, one of the applicants was Laura Roters. I was informed that she completed the examination and received a passing score. The online applicant tracking system places applicants that receive passing scores on potential interview lists. Consistent with DHR regulations, the hiring authorities such as IDJC, then select individuals from the interview list to interview. The selection of the individual who would be offered the position was a decision made by the members of the interview panel and the IDJC. I was informed that IDJC hired Ms. Roters.

FURTHER your Affiant saith naught.


Vicki Tokita

SUBSCRIBED AND SWORN to before me this 22 day of November, 2013


Notary Public for Idaho
Residing at
My Commission Expires: 12/3/2016



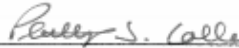
AFFIDAVIT OF VICKI TOKITA IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 4

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25 day of November, 2013, I served a true and correct copy of the foregoing **AFFIDAVIT OF VICKI TOKITA** by delivering the same to each of the following attorneys of record, by the method indicated below, addressed as follows:

Andrew T. Schoppe
LAW OFFICE OF ANDREW T.
SCHOPPE
910 W. Main Street, Ste 358
Boise, ID 83702
Telephone: (208) 450-3797
Fax: (208) 392-1607

U.S. Mail, postage prepaid
 Hand-Delivered
 Overnight Mail
 Facsimile
 ECF



Phillip J. Collaer

AFFIDAVIT OF VICKI TOKITA IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 5

EXHIBIT 1



State of Idaho
DIVISION OF HUMAN RESOURCES
Executive Office of the Governor

C. L. "BUTCH" OTTER
Governor
VICKI TOKITA
Administrator

Idaho Personnel Commission
Mike Brassey, Chair
Pete Black
John Cowden
Clarisse Maxwell
Evan Frasure

Director Sharon Harrigfeld
Idaho Department of Juvenile Corrections

RE: Modification of Memorandum of Understanding

Dear Sharon:

We are in the process of assisting your agency in resolving issues regarding exam development and exam administration. As part of that process, I deem it in the best interests of the Idaho Department of Juvenile Corrections (IDJC) and the Division of Human Resources (DHR) to make a modification of our delegation of authority Memorandum of Understanding. My authority to make this modification is found in Idaho Code Section 67-5308(1) and Paragraph VIII of the MOU.

Effective immediately, our agreement is modified to reflect that IDJC is on probation until December 31, 2011, or until sufficient competencies are demonstrated regarding application of IDHR Rules. During the period of probation, the following are the responsibilities of IDJC and DHR:

IDJC: Draft initial announcements, create exams, publish announcements after providing advance written notice to DHR and receiving feedback, assign completed exams to appropriate subject matter experts (SMEs), conduct quality review of exam scores, respond to all applicant inquiries, and notify DHR of any exam score concerns. Please contact DHR in advance of all work on classification revision or development so that both agencies can work on this collaboratively.

DHR: Review announcement, exam plan and perform random quality review prior to release to applicants. The review of the announcement and exam plan will be performed within 24 hours. If areas of concern are apparent, DHR will provide feedback within that 24 hour window to IDJC human resources staff. Consultation by DHR on position classifications is expected to take 3-4 days.

Last week, you and I met in my office and discussed my intentions regarding placement of your agency on probation for a limited period of time. If you would like to discuss this further, I am available at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Tokita".

Vicki Tokita
Administrator