

**City of Tacoma Civil Service Board
MEETING MINUTES**

Date and Time: July 19, 2018 at 5:00 PM
Location: Tacoma Municipal Building, Council Chambers
Chair: Beckie Summers
Coordinator: Wendy Hobson

Call to Order:

The Civil Service Board meeting was called to order in Council Chambers of the Tacoma Municipal Building at 5:00PM by Chair Summers. Board Members Hansen, Sexton, Heller and Andrews were present.

Approval of Minutes:

Board Member Sexton motioned to approve the June 7, 2018 minutes. The motion was seconded by Board Member Heller. Board Member Andrews was not present and will abstain.

A VOICE VOTE WAS TAKEN: 3 AYES, 0 NAYS, 1 ABS (ANDREWS). THE MINUTES FOR JUNE 7, 2018 WERE APPROVED AS WRITTEN.

Communication for Information:

Board Coordinator Wendy Hobson reminded Board Members of the August 2, 2018 study session with Maria Lee from Media and Communications.

Consideration of Matters set for Public Hearing:

Chair Summers stated this is an appeal hearing in the matter of Justin Edwards who is appealing his demotion from a Senior Line Electrician to a Line Electrician on March 23, 2018. The Chair cited Rule 6 of the Board's Rules for Adjudicative Procedures and asked if the parties would like to provide opening statements.

Paul Goulding, Deputy City Attorney indicated that exhibit R4 contained several declarations; 11 total and that he did not intend to call of these witnesses to testify tonight but they were subpoenaed and are here tonight in case the Board or Mr. Edwards has questions for them.

Mr. Goulding provided the following opening statement:

The City has provided facts related to Mr. Edwards demotion in its briefing. Safety is the number one priority at Tacoma Power; these are dangerous jobs and the City does extensive training and relies on leadership to emphasize safety on the job. This is especially true for our Line Crews; crews are expected to work cooperatively to ensure work is completed efficiently and safely. For the most part crews do work well together; this was not the case for Mr. Edwards' crew. The Crew lead cannot properly and effectively function if he cannot professionally accept safety concerns from the crew. If he constantly curses and berates the crew or if he threatens crew members with violence. In September 2017 as Crew Lead Mr. Edwards engaged in an argument with Journeyman Lineman Jordan Leavitt over safety methods. The argument became heated and Mr. Edwards told Jordan that he would cut his throat; Mr. Edwards later admitted that he did say this. HR and Tacoma Power investigated this incident and found that not only was the environment on this crew was toxic but that the crew had engaged in numerous safety violations under Mr. Edwards' direction. Based on interviews with several crew members that worked for Mr. Edwards Investigators

noted that several WAC rules had been violated relating mostly to proper grounding and clearance issues. His actions exposed the City, coworkers and the public to significant risk. His actions violated City code and state law under the WAC as explained in our briefing. After Mr. Edwards actions and poor leadership skills Tacoma Power rightfully determined that it could not allow Mr. Edwards to supervise line crews and demoted him. We ask the Board to deny Mr. Edwards appeal due to his bad behavior and poor leadership. Tacoma Power and line workers agree that Mr. Edwards is unfit for a lead role on a line crew and was appropriately demoted. As I mentioned we have several line employees here tonight; they were subpoenaed and I suspect they are not happy about being here and I don't blame them. You can probably feel a little bit of tension in the room; this is just a small taste of what it were like to be on Mr. Edwards' crew. This is why they have spoken up and why they are here tonight; they do not want to return to that toxic and unsafe environment. Some examples from the declarations: No. 1, Streeter, demotion was appropriate; No. 2, Rosendahl, too much tension to return; No. 3, Sloan, demotion was appropriate, waiting on management to resolve the problem; No. 4, Brinkman, other crews work well, felt unsafe working for him, demotion was appropriate, reinstating would have negative impact; No. 5, Fish, not surprised by the demotion, crew felt unsafe, reinstatement would have negative impact; No. 6, Pitsch, not current on work practices, arguments on crews should be rare, work dynamic would be much worse if he returns; No. 7, Burkhard, not capable or competent to be a lead, demotion was appropriate, refuse to work for Mr. Edwards; No. 8, Dimond, was on the crew on the day of the threat and observed unsafe work practices by Edwards, reinstatement would bring all the tension back, crew is much better now; No. 9, Leavitt, had arguments about safety practices, Edwards threatened to cut his throat during one argument; No. 10, Kelly, there was tension on the crew, demotion was appropriate, employees would lose confidence in management if reinstated; No. 11, Barrow, argued with Edwards on safety practices, felt unsafe on his crew and he left that crew to work downtown due to Edwards. The City bears the burden of proof and we aim to show by a preponderance of evidence it acted properly.

Byron Allen, Assistant Business Manager of IBEW Local 483 provided the following opening statement on behalf of Mr. Edwards:

Thank you for your time this evening; hopefully we won't take too much of your time this evening. The purpose of disciplinary action is to correct behavior of the employee. The decision to involuntarily demote Justin Edwards from his position Line Electrician Senior to Line Electrician was done without regard to Mr. Edwards' right to a disciplinary action based upon just cause. As you are aware, the steps to just cause include: was the employee warned adequately of the consequences of his conduct; was the employee given the opportunity to correct the behavior; was the employer's investigation fair and objective; was the penalty reasonably related to the seriousness of the offenses and the past record. We believe that the evidence will demonstrate that Justin Edwards, also known as J.D. was conducting himself and his crew in a manner that was both approved of appreciated by his employer. You have all seen the briefs that have been submitted; you don't need me to review those for you; so we are ready to proceed.

Chair Summers asked Mr. Goulding if he had any witnesses. Mr. Goulding called Kevin Kelley. Mr. Kelley was placed under oath by the Chair. Mr. Goulding: please state your name and title. Mr. Kelley: Kevin Kelley, I'm a Line Supervisor at the South Service Center. Mr. Goulding: What are your job duties? Mr. Kelley: I supervise the line crews at the South Service Center; I give them the work to do and direct their duties during the day. Mr. Goulding: Tell us how you found out about that threat. Mr. Kelley: A Lead Line Electrician had come and asked to talk to me; said that he'd worked with Jordan Leavitt a couple days prior on overtime and Jordan had confided in him that J.D. had threatened to cut his throat. Mr. Goulding: Can you explain the timing of that? Mr. Kelley: The threat had apparently occurred the day I had gone out to the job site for some difficulties they were having on the job; I found out about this on 10/10 of 2017; the threat actually took place on 9/12/2017. Mr. Goulding: What did you do after you heard about the threat? Mr. Kelley: After I found out about the threat at about 1:30 that day I had talked to Jordan at 4:00 before quitting time I asked him if that was true what I had heard; he said yes; he confirmed that. Mr. Goulding: Did you report that on up to your superiors? Mr. Kelley: Yes, the following day 10/11 I talked with Eric Green. Mr. Goulding: did you take this very seriously? Mr. Kelley: Yes, I did. Mr. Goulding: Do you believe that demotion was appropriate in this case? Mr. Kelley: Absolutely. Mr. Goulding: What do you believe would happen if Mr. Edwards were reinstated to his position? Mr. Kelley: I don't think it would be a good situation; I think a lot of

the dock has lost confidence in him; I find myself as a supervisor already has lost confidence in him and his abilities to make sound decisions.

Mr. Allen cross examined Mr. Kelley.

Mr. Allen: Originally you were contacted about something on the crew a month prior? Mr. Kelley: that's correct. Mr. Allen: Can you tell me what that was that you were contacted about? Mr. Kelley: Yes, J.D. had called me and asked me to come out to the job site; I said what's going on and he said oh you'll find out when you get here; I was on my way out to the jobsite and he called me back and said where are you at, are you coming out? I said yes, I'm about half way there; he said don't worry about it, it's all fine; I told him I'd like to make a crew visit anyway and I'm almost there I'll be there in a few; so I showed up and J.D. took me in the cab of the truck and we talked and he told me how he and Jordan had gotten into a verbal argument about how to put a pole away that they had pulled out; he said they had worked it all out; after that I went and took Jordan in another pick up and we talked about it and they both had the same stories and he said everything was fine. Mr. Allen: So you had an opportunity to talk with Jordan that day? Mr. Kelley: Yes. Mr. Allen: Alone? Mr. Kelley: Yes. Mr. Allen: Did Jordan say anything to you regarding the conversation or argument that he and Mr. Edwards had had? Mr. Kelley: Yes, they had talked about the argument. Mr. Allen: Did he act in any way that would indicate to you that there was a threat that had been made to him at that time? Mr. Kelley: There was no indication of a threat been made that day. Mr. Allen: Just so I am clear and the Board is clear, on that day this was the day of a threat that you learned of a month later on that day you visited the crew you had an opportunity to talk with both Mr. Edwards and Mr. Leavitt, in private and at that time neither one of those indicated to you that there was a threat made; those words that were made regarding cutting Mr. Leavitt's throat? Mr. Kelley: That's correct.

Board Member Hansen: Are you J.D.'s supervisor? Mr. Kelley: Yes. Hansen: Do you have the authority to discipline JD? Kelley: Not just me myself, no. Hansen: Do you recommend discipline? Kelley: Yes, as a group I do. Hansen: Did you ever recommend that JD be disciplined prior to his demotion? Kelley: repeated question but did not answer. Hansen: Let me ask you this, was JD ever disciplined prior to his demotion regarding the issues that we are talking about today? Kelley: No. Hansen: Did you ever sit down with JD and say there has been some complaints about safety issues and I wanted to talk to you about those and these are the problems and this is what you need to do? Kelley: No, at this point after all the safety concerns we had heard we did an investigation and talked with all parties involved confirmed all the stories about the separate incidences; of the safety concerns. Hansen: did you ever raise issues with JD prior to his demotion regarding issues that he was having difficulty getting along with his crew? Kelley: No, not that I recall; there was not a lot of talk about that.

Board Member Sexton to Mr. Kelley: How long have you been with the City? Mr. Kelley: 25 years. Sexton: Have you worked with Mr. Edwards for those 25 years? Kelley: Not the entire time; I've worked with him here and there. Sexton: So how long have you been his supervisor? Kelley: At that time, may have been about three months. Sexton: from right now, how long have you been his supervisor? Kelley: About ten months Sexton: so this happened May of this year? Kelley: No, this happened September of last year and actually within a month of that we had removed him from Loveland; he was moved into town; I was not his direct supervisor after October. Sexton: so you were his supervisor for three months, is that correct? Kelley: Yes Sexton: how long have you worked around him? Kelley: I didn't work directly with him a lot; he was on crews; I was on different crews. Sexton: You're his immediate supervisor? Kelley: I was, yes. Sexton: you were his immediate supervisor at the time; so are you responsible for his performance review? Kelley: Yes. Sexton: You know, we're missing the one from this year; was there one filled out for this year? Kelley: No. Sexton: Did it have to do with all of this? Kelley: Yes, everything was up in the air at that point. Sexton: Can you explain to me; so Mr. Edwards is the lead man; so you give orders to Mr. Edwards and then Mr. Edwards gives orders to his crew. Kelley: Yes sir. Sexton: and how many people are on his crew? Kelley: from three to four. Sexton: and those people stay with him for how long of a period of time? Kelley: for eight hours per day. Sexton: Do the crews change often or would this crew be with him for a couple of years or be with him for a job then someone else is with him the next day or... Kelley: It's just like that; in this case he had the crew since I had been out there. Sexton: The safety issues you brought up and you mention these stem from the interviews you

had with the crew; you were called out to the site because of the argument and investigating the argument you found other concerns. Kelley: Yes sir. Sexton: and under other concerns you discovered there were safety issues; Kelley: yes. Sexton: and you've never heard any of these safety issues before. Kelley: that's correct. Sexton: I want to ask about, you know we just heard it described as Mr. Edwards tried to cut someone's throat. Chair Summers interjected and asked that we move on from this. Sexton: there was a threat; what did you think of that threat? Kelley: I wasn't sure what to think. Sexton: As far as you know there weren't any weapons involved; you aren't going to cut someone's throat with your hand. Kelley: No, there was no weapons involved. Sexton: If I was investigating the first thing I'd want to know is if there was a weapon; Mr. Goulding: objected; we're getting way off base here; there is no allegation here, it's just a threat, that's it. Chair Summers instructed Mr. Sexton to move on and asked for comment from other Board Members.

Board Member Andrews: I'm looking at the format for the performance evaluations; would you be the reviewer? Kelley: I execute the reviews so I talk to employees about their performance. Andrews: So any issues with safety would have been topics for you as the supervisor. Kelley: Absolutely; if there were any concerns about safety we would have mentioned it; I don't think I'd ever given JD a performance review. Andrews: you are talking about the staff; I'm talking more so about the crew. Kelley: the crew lead would be responsible for writing a performance review for the crew. Andrews: but as a reviewer would you also sign. Kelley: No, not always. Andrews: were there opportunities whether it be during the performance review process or any other time for the crew to come directly to you with concerns? Kelley: They are welcome to come speak with me at any point about concerns they have.

Board Member Heller: You are the second level supervisor, correct? Kelley: Yes. Heller: of all the crew? Kelley: I have three line crews out there and I'm the supervisor of those crews; and each of those crews has a lead. Heller: there is a lead that is the front line supervisor and you are the second level supervisor; as second level supervisor aren't employees able to come speak to you at any time on anything? Kelley: Absolutely. Heller: ok, I'm good.

Mr. Goulding called the next witness, Mike Shook. Mr. Shook was placed under oath by Chair Summers and asked to state his name. Mr. Shook: Michael W. Shook Jr. Goulding: What is your job title? Shook: I'm a Power Division Supervisor. Goulding: what are your job duties? Shook: I am currently supervising the trouble crews and the service crews in the North service center. Goulding: Are you familiar with the events that lead to the demotion of Mr. Edwards? Shook: Yes, I am. Goulding: Tell us how you got involved. Shook: I was asked to sit in on the investigation with Kevin Kelley and HR after the original investigation about the threat when there were some concerns there may be a broader issue and not just a threat; I was asked to sit in on that part of the investigation with Kevin and HR and that's how I got involved. Goulding: Turn to the exhibits in front of you; turn to R3. Goulding: Is this your report? Shook: This is a summary of our report, yes that is correct. Goulding: Tell us about your investigation and what did you find? Shook: The investigation originally focused on the threat before I became involved in it; when I became involved in it there were some allegations and concerns about safety on the crew and the arguments and tension that was going on. We interviewed everybody that worked in the South Service Center; there are three crews out there and depending on the day, they may move between the crews out there and is not uncommon to move north to south and south to north but it doesn't happen every day. The concerns we heard from the crews were numerous regarding discussions with safety issues being brought up and not being addressed; animosity on the crew, arguments and in general just not a good place to work. Goulding: Do you have WAC safety expertise for electrical workers? Shook: I do, I was the Transmission and Distribution Safety Coordinator for a little over two years and a Certified Utility Safety Professional and a Certified OSHA Outreach Trainer so I am familiar with the code. Goulding: Is it fair to say that Tacoma Line Workers receive substantial training on WAC rules and workplace safety? Shook: It is; there is training that occurs as part of general routine that's required by WAC (Washington Administrative Code); we do have general safety meetings that happen every month and tailboard meetings – general crew meetings that happen in South Service Center on Fridays and in the North Service Center on Mondays where we discuss specific safety concerns as well as Crew Lead meetings we have once a month where specific safety concerns and topics are brought up and discussed so there is ample opportunity for people to ask questions or be trained or bring up safety concerns. Goulding: Turn to exhibit R1, can you tell us what that document is? Shook: That looks like the notice of intent to demote. Goulding: On page 2, it summarizes some WAC violations; can you take us through those and

explain the WAC violations and some specific instances of those violations. Shook: There were four specific sections that we noted were concerns to us as far as the way that the crew conducted their business; the first one was title 296, chapter 45 which is electrical work safety rules applies to transmission and distribution section 095, Lead Worker Employee Responsibilities; it states in specifics reports of safety concerns are supposed to be taken seriously and they are not to be blown off or ignored and in no circumstances are employees to be admonished or reprimanded for bringing up safety concerns; we noted several times where we believed this occurred during a wire pulling; a member of the crew had raised concerns about the way the conductor was being pulled in, was told several times to shut up it's fine; eventually he was removed from the duty he was doing because he kept bringing this concern up and was relocated; he felt like he'd been reprimanded for bringing up a safety concern. A second incident where they were doing a pole butt from the ground; the person operating the truck said our pick point is not high enough and it's going to tip over; Mr. Edwards was on the ground and tried to raise the pick point and told the guy several times it's fine, open it; finally the guy in the truck got tired of arguing with him and opened the pole claw; the pole went over and Mr. Edwards was pinned to the pole; this was another example of a safety concern that was brought up and basically shouted down; we believe this was another example of safety concerns being brought up and people being admonished for bringing up safety concerns; there was an example of a crew that was working with Edwards' crew out in Roy; had some concerns with some wire down where they thought they needed some clearance and some ground where the Lead man and the Lineman of the other crew actually argued with Edwards about why they need grounds and why they weren't going to just put the wire up even though they knew it needed ground. Those are three examples of where safety concerns were not being taken seriously. The next section is 296, chapter 45; section 325, working on or near exposed parts. Essentially this is ways to manage the risk of working near energized conductors and one of the key factors is minimum approach distances. There were at least two incidents where dead ends had been unpinned with rubber gloves and repined to another position with not enough minimum approach distance to the workers doing the work and also replacing high voltage esters with rubber gloves without having appropriate cover to maintain minimum approach distances. We didn't find any instances of them actually working on the conductor with rubber gloves; in this state you can wear rubber gloves up to 5,000 volts; above 5,000 volts rubber gloves are not considered primary protection. The real risk is the minimum approach distances which take into account the strike over distance and inadvertent body movement; they are written down in stone essentially to keep us safe; we believe those two instances were violations of 325; then the third one would be section 335 de-energizing lines for employee protection and 345 is grounding so essentially those two work together and describe how we take lines out of service, apply grounds, make them safe to handle by hand. There was an incidence out by mountain sub where the crew was working and wanted to build jumpers and wanted to get a clearance which means you would need to go through the dispatcher; he would issue a clearance; the line has been de-energized, tested and you would ground it and make it safe to work on. The crew was told we weren't going to get a clearance; they could apply grounds if they want so the crew actually did that and applied grounds on a conductor that was not cleared properly through our clearance procedures per section 335 and 345. Goulding: Is it true that not adhering to these safety rules can cause injury or death? Shook: Yes Goulding: Based on the safety incidents and the threat do you believe that demotion was appropriate in this case? Shook: I do.

Mr. Allen to Mr. Shook: the tailboard that you describe that are held on Mondays in the North Service Center and on Fridays in the South Service Center; are those tailboards for questions, comments or concerns to be raised by crews? Shook: Yes. Allen: Do you participate in those tailboards? Shook: I do. Allen: Do you recall at any time prior to the investigation when the allegations were made against Mr. Edwards that any comments, questions or concerns were raised in the tailboards with concerns with regards to work practices on Mr. Edwards' crew? Shook: Not during a tailboard, no. Allen: Your expertise on the WAC is widely known in the industry, I can say that for sure; so with regards to the WAC, does the employer also have a role? Shook: They do. Allen: Can you describe what that role is? Shook: The employer is responsible primarily to supervise the employees and ensure WAC rules are being followed and the way that is done is by training and by frequent observation. Allen: Is that the employer's responsibility to act upon any concerns being brought to them? Shook: It would. Allen: Have you ever worked in a supervision audit of the South Service Center? Shook: Other than a daily fill in, no. Allen: During those daily fill-ins were there any concerns brought to your attention? Shook: No. Allen: How long have you been a supervisor with Tacoma Power? Shook: just over a year. Allen: In your time as a supervisor with Tacoma Power prior to the investigation and to Mr.

Edwards, were there any concerns brought to your attention whether it's in capacity out at the North or South Service Center? Shook: As a supervisor? Allen: Yes. Shook: No. Allen: Prior to your time as a Safety Supervisor you worked as a Safety Coordinator. Shook: That's correct. Allen: Prior to that you did what? Shook: I was a Crew Lead. Allen: during your time as a Crew Lead, did you ever experience a time when you contacted a Dispatcher asking for a clearance that you received word from the Dispatcher that they had no one available to do the switching? Shook: I don't recall ever having that experience, no. Allen: Have you ever heard of that happening? Shook: I have heard rumors of that; I can't verify it but I have heard rumors of that, yes. Allen: If that were the case, what actions would be taken on the part of the Crew? Shook: The Crew would have to wait until there was a switch person available to perform that work; in instance of loss of communication there is language in there to allow the crew to perform safety work to de-energize but not energize in the instance of a life or limb emergency; there is language in there for that and specific language in WAC 296-45 that allows for the performance of one person to do whatever they need to do to make safe; other than that to get a clearance if you have to wait, you have to wait. Allen: Do you recall as part of the investigation that there were questions with regard to culture; the work culture at the South Service Center? Shook: I know the word was used; I don't know if there were specific questions that said culture; it was certainly part of the discussion. Allen: In that discussion and in the questioning for the individuals that were interviewed were they at any time asked with regards to what the work culture is? Shook: To be honest with you unless I have the actual questions that were used, I couldn't tell you for sure; I don't believe so but I don't know that for sure. Allen: In your opinion, if a supervisor is made aware of a safety infraction or a safety concern on a crew would it be the supervisor's duty to investigate and do what they have to do to make that situation safe? Shook: Yes.

Board Member Hansen to Shook: I read the materials and I can't quite figure out what a clearance problem is; could you explain that briefly? Shook: Clearance is a specific term used in WAC 296-45 and throughout the Washington Administrative Code that refers specifically to a verbal agreement between the System Operator which in our case is the Dispatcher and the crew member receiving the clearance that they both concur that that line has been properly de-energized and is ready to be tested, grounded and work for dead; that's the description in this instance. You may also see clearance referred to minimum working clearance; we try to use distance as best we can to provide that distinction between the two. Hansen: You mentioned two examples; one instance of something involving rubber gloves or failure to use rubber gloves then the last instance that you testified to was a matter regarding a clearance or a grounding issue and I wasn't sure if Mr. Edwards was involved with those two; from your testimony I couldn't really glean from those two. Shook: the rubber glove instances which I believe to be 325, working on or near energized conductors and that's what contained in there about minimum approach distances that are required to do that type of work; that's work we are not going to energize; we are going to just cover up and make as safe as you can and if you have to work on energized conductors you have to consider them energized and you're going to maintain a certain distance. In those two instances I believe rubber gloves were used in lieu of proper cover up and minimum approach distances were not maintained. Does that clear up anything for you there? Hansen: whose decision was it to conduct the operation in that manner? Shook: I believe he was up in the bucket when that happened; up in the air doing that but at the end of the day, there is two people working there and two partners working; both partners would be culpable for that violation; to some degree it's about who's up there; are you going to argue with the lead man about trying to do this or trying to do that; you run into all those issues. Certainly it's the lead man's decision and probably more than that.

Goulding to Shook: One point of clarity; the examples that you used were all instances where Mr. Edwards was involved as a lead. Shook: I believe the two violations with the rubber gloves he was actually in there; the one that I described as a clearance and grounding issue, he was directing his crew that he was not going to get a clearance; they were welcome to get a clearance if they wanted to but he wasn't going to do it; there were two people up there doing the work, asked for a clearance, did not receive one, applied the grounds anyway and performed the work under the direction of Mr. Edwards.

Board Member Sexton to Shook: I appreciate all the information you've given; very helpful. I asked Mr. Kelly about how long he'd been with the City and how long he had known Mr. Edwards and how long he'd worked around him. You're not Mr. Edwards immediate supervisor, is that right? Shook: That's correct. Sexton: where are you on the

chain of command; are you on there; are you above Mr. Kelly? Shook: Mr. Kelly and I are peers. He works in the South Service Center; there are several of us who work in the North Service Center so we're in a peer relationship. Sexton: So Mr. Edwards does not work for you. Shook: No, he does not. Sexton: But you're familiar with him; you've worked around him? Shook: I worked around him briefly years ago. Sexton: You did a wonderful job explaining R1 the violations you found; the four violations you found. These all came to light because of the investigation about the argument is that correct? Shook: Primarily, yes. Sexton: So some good has come out of this I guess. Shook: I think any discussion about safety in the workplace is a positive thing. Sexton: All of this is kind of antidotal; there's no dates on any of this; are you aware of time, dates, time – did it happen ten years ago or two days ago, do you know? Shook: Most of the descriptions we got when we talked to people in the South Service Center happened within the past couple years because that's as long as Mr. Edwards had been working at the service center; we discussed specific incidents; the crew doesn't necessarily keep record of the specific day and we discussed trying to go back and reconstruct what day they were here, when they were working on that because I believe we could have but we decided based on the testimony and the corroboration of several individuals we were convinced enough an incident had occurred and it wasn't that important that we go back and determine specific dates and times. Sexton: did you address going forward with the crew; about people to report safety concerns; for people not to report safety concerns, not to bring it up for a couple years, that's not really the way it should go; did you discuss with them bringing their safety concerns forward? Shook: During the interviews we discussed with them some of the issues should have been reported that day to your supervisors as a near miss; we probably wouldn't have gotten to this point; yes, to answer your question we did do that.

Board Member Andrews to Shook: The issue of the incident, do you have an incident reporting process for safety violations in which someone could write it down and submit it? Shook: I don't know that there is a formal process or a form that they would fill out; there is contract language that describes unsafe conditions that people would write that down and give it to their immediate supervisor; I don't know that that happens frequently; a lot of the discussion that we have as far as reporting safety incidents whether it's with individuals or equipment happens face to face with either peers or supervisors in a group setting at tailboards or a general safety meeting. A lot of it is verbal and not written down; obviously where there are significant safety concerns or there is an accident that happens or even a near miss we do staff procedure investigations; so for the crew if they had a concern, they would tell their supervisor who was JD? Shook: If they had a concern on the crew, they would tell their first line supervisor and that would have been JD; if they had a concern with their crew lead they would talk to their second line supervisor which would have been Kevin or any of us for that matter; there is also two Safety Coordinators that are available to them; there's a Safety Committee in the South Service Center available to them as well as Safety Managers. Andrews: If they told their supervisor who in this case was JD, what would be his responsibility to move it forward? Shook: If they reported a concern with the way he ran his crew; if and he and I were working together and JD was the supervisor and a safety violation was reported to him, it would be his responsibility to investigate further and move it higher up. Andrews: So responsibility for ensuring safety is not solely with the supervisor? Shook: No.

Board Member Heller to Shook: Mr. Shook, you were involved in the investigation, correct? Shook: Yes Ma'am. Heller: Were you the lead investigator? Shook: don't believe either one of us was the lead investigator; it was Kevin and I as peers and then we had an HR Analyst who came in and helped us. Heller: Was the HR Analyst present during the interviews or was that just you and Kevin or all three? Shook: All three. Heller: On the investigation on at least one of the statements there was a report of racist statements made; did you guys do any other follow up on that? Shook: I believe we asked about racial slurs or racial connotations with everybody that we spoke to in the South Service Center; I believe there may have been one; honestly, I can't recall, my memory is unclear on that. Heller: There are several statements where there is no response to that question in the submitted response; so you're pretty sure that you asked everyone? Shook: Yes we did; they were prepared questions we asked the same to everyone. Heller: There were just the two that positively affirmed that those statements were made? Shook: I don't have them in front of me but if that is what your document says then yes, that is correct. Heller: You're not aware of any follow up on that? Shook: No, I'm not. Heller: Who is Ross? Shook: Tim Ross was the supervisor at the South Service Center prior to Kevin Kelly. Heller: That answers my second question; who was Tim, so it's the same person.

Shook: Yes. Heller: Do you know if we have all of the statements of the employees that were interviewed? Shook: I believe that you do; without seeing them I don't know. Heller: I see that you interviewed Adam Burkhardt but one of the employees gave you a list of five people that left due to incidents with Mr. Edwards and yet I'm concerned that they weren't all interviewed. Shook: There were people that were not interviewed that had left the crew because they were no longer employed with the City.

Board Member Sexton to Shook: At South Service Center / Loveland there's three crews there? Shook: Normally there's three crews that work out of that shop, yes. Sexton: Are we talking about twelve people? Shook: About that, yes. Sexton: Were all twelve interviewed? Shook: Yes, I believe everybody at the shop at that time was. Sexton: IF they weren't interviewed it's because they weren't there? Shook: We did several rounds of interviews; we interviewed everyone that was there when these incident occurred with the exception of those no longer employed at the City. Sexton: Doesn't seem like there is twelve interviews. Shook: I don't know. Sexton: I think it's ten.

Chair Summers: Mr. Goulding would you like to call your next witness? Goulding: Yes, I would like to call Eric Green. Mr. Green was placed under oath.

Goulding to Mr. Green: Mr. Green can you tell us your job title? Green: My job title at Tacoma Power is Division Manager. Goulding: Can you tell us your job duties? Green: My job duties include overseeing the construction maintenance section and the lines section which includes approximately eighty-three people in addition to the forty-five people in the wire section. Goulding: Are you familiar with the events that led to the demotion of Mr. Edwards? Green: I am. Goulding: I'm going to refer you to exhibit R5 and I want to ask if you are aware of other employees that have been disciplined or removed for similar safety behavior; just to sum up what's in that binder, you have Trujillo who was a demotion for poor supervision of crew and safety violations in 2015; Carner who was removed from trouble crew for safety violations in 2010; Williams who was removed for safety violations in 2009; Trujillo again terminated for work practice safety violations in 2016; and Loomis terminated for safety violations in 2015; is that accurate? Green: Yes, I am aware of all of these cases. Goulding: I also want to ask you about the T & D core values; the core values are be safe, be respectful, act professionally, communicate, be accountable and act with integrity; why are these important? Green: These are important for obvious reasons; being safe is number one; communicating is another one, if you're not communicating, someone is going to get the wrong idea of what to do; being accountable, I think we all expect that and I expect that of all employees; acting with integrity, that's being responsible. Goulding: Why is safety number one; I assume that's not a mistake. Green: Without safety, obviously it's a dangerous job; safety rules allow us to survive a dangerous job; I can guarantee if someone is not following safety rules someone is going to get hurt or killed eventually; that is my stance on safety. Safety doesn't mean just following the rules; it means understanding the rules; rules are there for a reason and the reason is probably somebody did get killed or at least injured. Goulding: Do you believe Mr. Edwards was a good example of someone following these values? Green: Not from the testimonials I read; I actually talked to several people; my impression was several of the core values were not being followed. Goulding: I'd like you to turn to exhibit R1; do you recognize this document? Green: Yes, this is the intent to demote Mr. Edwards. Goulding: In this letter, it talks about the demotion of Mr. Edwards; he willfully violated safety rules and regulations; was incompetent and inefficient in his duties and used wantonly offensive conduct; the threat was negligent in use of City property and his conduct was unbecoming for a City employee. Would you agree with that assessment? Green: I would agree. Goulding: Do you also agree that his behavior and bad work practices were in violation of WAC rules? Green: From the testimonials I read, that is what my conclusion is. Goulding: Do you believe therefore that demotion was appropriate in this case? Green: Yes, I do. Goulding: How do you feel about a line crew lead that threatens his subordinates over safety issues? Green: One of the effects of that in that environment is when discourage safety, you also discourage speaking up about safety; in my mind, that's the worst safety violation you can make is stifling others concerns about safety.

Byron Allen to Mr. Green: I'd like to direct your attention back to exhibit R5 which is a compilation of disciplinary actions that have been taken in the past is that correct? Since this is being recorded and made available possible worldwide and for the sake of confidentiality of individuals involved I don't want to get into that; these exhibits in

R5, were they the result of an accident or injury that occurred? Green: Depending on which one you're talking about; there was an injury with one; there was not an injury with this one; there was not an injury with this one.

Board Member Heller to Allen: These are all records and documents that are part of record that anyone can request at any point and time; for the sake of the Board following along, I would request that you use names.

Allen to Green: Let's start with the first one, Mr. Trujillo; was this the result of an accident or injury? Green: I don't believe it was. Allen: What was the result? Green: There was not an injury where a cable was severed by a saws all; Allen: Was anybody injured in that incident or given medical attention? Green: I believe someone did receive medical attention. Allen: Was anybody treated for injuries they sustained? Green: I don't believe so. Allen: I believe they were but I'm not going to get into an argument with you. With regards to the next one with Mr. Carner, was it an incident, was it an accident, what do you recall? Green: This one was an incident where Mr. Carner was responding to a wire on a cross arm and the person in the buck attempted to remove the wire; Allen: what was the result of that? Green: there was no explosion or anything. Allen: so it was an incident; moving on to the next one, Mr. Williams. Was there an incident, accident or any injuries? Green: there was an outage caused by the crew when the feeder became energized; an investigation determined there was not adequate cover; due to unsafe work practices. Allen: was there belief that there was an intent to deceive? Green: I believe there were inconsistencies in the stories. Allen: okay so there was an intent to deceive. Moving on down to Mr. Loomis; was there an incident, an accident or an injury that happened in this situation? Green: there were no injuries in this situation; there was a pole that was excavated to a pole that was more than it could hold and it fell over into a neighboring utility's line. Allen: would you term that as an accident? Green: the foreman attempted to remove the pole without getting the proper grounding. Allen: In each one of these it seems that the individual received discipline because of an actual incident or actual accident or in one case an actual injury. Green: Yes, there was a review of the scene. Allen: what I'm getting at is the disciplines resulted because of an actual thing that had happened; there was a triggering event, In the case of the investigation of Mr. Edwards, were there any accidents? Green: we were not aware of any accidents until after they were reported; well I guess they were incidents. Allen: with regard to any incidents other than that one with the pole, there were no other incidents where a line was taken out of service accidentally? Green: No. Allen: then the actions that were taken against Mr. Edwards with regards to the demotion then were all based upon interviews but no actual accidents? Green: they were incidents. Allen: have you ever worked with Mr. Edwards? Green: it's probably been eighteen years; Allen: how long have you been in this position? Green: about eight months. Allen: prior to that what was your position? Green: I was a supervisor over the line crew at North Service Center. Allen: did you have the opportunity to oversee Mr. Edwards' work while you were there? Green: not directly; he was either an auditor or working at the South Service Center. Allen: were you aware of any concerns brought to your attention? Green: no. Allen: were you aware of or do you recall a conversation with Mr. Pitsch, Dan Pitsch regarding Mr. Edwards? Green: no. Allen: you don't recall that conversation; it would be R3 in the binder in front of you, page four under are there any unsafe work practices that concern you he states that; let me go back; he is referring to Mr. Edwards and he says he gets mad when he isn't in control and he gets in my face, I told that to Eric Green a couple of months ago. Do you recall this conversation; I guess it would have been a couple of months back from when these statements were taken. Green: to be honest, I don't. Allen: what is Mr. Pitsch's position? Green: Dan Pitsch is a Senior Lineman, same position as JD. Allen: was he the senior on the site when the incident that is being referred to as the Roy incident happened? Green: I'd have to look. Allen: I believe he was actually; if a Senior Line Electrician came to you at that time, you said you've been in this position nine months as Assistant Manager; if a Senior Line Electrician came to you about another Senior Line Electrician's behavior, do you think that is something you would remember? Green: I am not sure what that statement means but I've talked to Dan about a number of things and I have never heard Dan say he had safety concerns that should be moved forward. Allen: apparently the safety concerns weren't enough to bring it to your attention. Green: I would contend that there were not safety concerns brought to me.

Board Member Hansen to Mr. Green: did you have input into the decision to demote Mr. Edwards? Green: I was in the chain of decision makers, yes. Hansen: rather than demote Mr. Edwards, was there a form of discipline other than demotion that could have been imposed? Green: to be honest, that was the least that was discussed; to what is in now, it was pretty clear right up front that demotion was the likely discipline. Hansen: was there a form of

discipline short of that that could have been imposed? Green: there was some discussion of that after the fact instead of doing this; obviously this isn't fun for anyone. Hansen: hypothetically, what other form of discipline could have been imposed if a demotion was not imposed? Green: I suppose reassignment as a Senior Line Electrician somewhere else; we have very few of those; there are possibilities that I would try to avoid. Hansen: hypothetically speaking often discipline can take the form of a written reprimand, written warning, suspension with pay, suspension without pay; are those forms of discipline that could have been considered in lieu of demotion? Green: to me this is more than just discipline; it's thinking about a position that he is not capable of performing in the way that it needs to be performed; that's the other side; it's not just discipline. Hansen: are those forms of discipline the City could have considered instead of demotion? Green: Yes.

Board Member Heller to Green: help me understand your org chart; the two previous witnesses that have testified tonight were peers; are you over them? Green: right, at the time I supervised the supervisors; I was in a dual role. Heller: so you are direct chain of command to Mr. Edwards? Green: above him, yes. Heller: you were in the group of decision makers who made the decision and the level of discipline? Green: yes. Heller: the notice of intent letter was signed by Mr. Robinson? Green: correct. Heller: where is he in the chain from you? Green: he is two steps above me. Heller: who is in between? Green: my boss, Joe Wilson. Heller: so you, Joe Wilson and then Mr. Robinson. Green: Yes. Heller: are we going to hear testimony from Mr. Robinson? Goulding: Yes.

Board Member Sexton to Green: You're above Mr. Shook and Mr. Kelly is that correct? Green: yes. Sexton: you've been with the City for eighteen years? Green: its bee eighteen years since I worked directly along-side JD. Sexton: how long have you been in the position you're in now? Green: about eight months. Sexton: how long have you been in supervision? Green: since 2012. Sexton: how acquainted are you with Mr. Edwards? Green: I've not worked directly with him nor supervised him. Sexton: I wanted to ask you about R1 which you testified about; you testified in the affirmative to all of the violations here on this page; do you have personal knowledge of each of these? Green: the only knowledge I have is the testimony of the subjects that work at the South Service Center.

Board Member Heller to Green: In making this decision did you go through and are you familiar with the full investigatory report? Green: Yes; I've read the thing more than once. Heller: are you concerned about the other issues that were brought up about the culture of the workplace and addressing those issues? Green: yes. Heller: and the racist comments? Green: yes.

Mr. Goulding called next witness Power Superintendent Chris Robinson. Mr. Robinson was placed under oath. Goulding: can you tell us your job title? Robinson: my job title is Power Superintendent. Goulding: are you familiar with the events that led to the demotion of Mr. Edwards? Robinson: yes. Goulding: R1 and R2, can you tell me what those documents are? Robinson: these are letters addressed to Mr. Edwards signed by myself. Goulding: you signed these; you're the appointing authority is that correct? Robinson: yes. Goulding: as the Superintendent of Power why did you decide to demote? Robinson: largely based on testimony I had the opportunity to review from individuals who worked or at one time worked or currently worked on his crew and also the recommendation from chain of command supervisors who had the opportunity to hear from this evening. Goulding: how do you feel about safety on the job? Robinson: safety is absolutely the most important thing; there is nothing that's more important; at Tacoma Power there is a lot of jobs that have inherent safety risks; people that work very dangerous jobs; the gentlemen in this room I would say have the most risky jobs, they work on high voltage lines and those are often energized lines. Following safety rules and maintaining very strong safety culture extremely important. Goulding: do you believe Mr. Edwards should be reinstated to his position? Robinson: no I don't.

Mr. Allen to Mr. Robinson: in Tacoma Power there are various training opportunities for the workforce from the Apprentice all the way up to leadership is that correct? Robinson: Yes. Allen: when new work practices come through individuals have the opportunity to get trained up on those is that correct? Robinson: yes, to the best of my knowledge that's correct. Allen: if there is ever an issue with someone being deficient in a work practice, are they given an opportunity to retrain or go through additional training? Robinson: I'm not a Safety Professional, Mr. Shook is; to the best of my knowledge that is correct. Allen: when you make the statement that you believe somebody

should not be put back into a leadership position is there any thought for the ability of that person to receive training and to make them qualified for that position again? Robinson: my decision to confirm or to affirm this demotion was really about the environment that Mr. Edwards created in not allowing his crews to voice concerns about safety or creating a hostile environment when crew members try to have discussions about safety; I don't know for a fact, I don't know one way or another whether Mr. Edwards understands good safety practices; essentially he created an environment where safety isn't valued; my greatest fear is that one of these gentlemen are hurt or killed as a result. Allen: as is ours. So your decision; you don't have the ability to go out in the field on a daily basis so your decision was based on information provided to you from your subordinates? Robinson: yes, based on the abundance of testimony which you have had the opportunity review. Allen: if you had knowledge of a subordinate or supervisor working under you had received information regarding a concern on a crew but didn't act on it what would your response to that be? Robinson: I would first coach that individual and try to understand why that individual did not report a safety issue; if the problem persisted I would seek disciplinary action. Allen: against that individual? The intent would be then if you have a supervisor working under you that is not reporting, acting on concerns brought to them by their subordinates, it seems though there is a willingness to coach or to do what needs to be done to correct their behavior. Robinson: again, in this particular case as I said earlier, my concern of a creation of an environment by a leader where individuals clearly based on testimony did not feel comfortable bringing up safety concerns and felt if they did, I think the phrase used was they were sent back to the office, told to get off the job or sent to Mr. Kelly; it was really the environment that I was concerned was being created by Mr. Edwards. Allen: what I'm trying to convey here there is numerous examples where they indicated they went to the office and brought their concerns to a supervisor who is no longer employed by the City, Mr. Tim Ross. Goulding: is there a question here? Allen: yes, there is a question here. When they brought the incidents to his attention, no actions were taken and so...Goulding: he's testifying, please ask a question. Chair Summers: Mr. Goulding, you are not responsible for this hearing, thank you. Allen: so the issue of the culture in a workplace the size of the South Service Center, does that lie directly with Mr. Edwards or does that lie with the supervisor that is overseeing the South Service Center? Robinson: that lies with everybody; everybody involved. Allen: does that supervisor have responsibility? Robinson: are you taking about Mr. Ross? Allen: yes. Robinson: Tim Ross as the supervisor of the South Service Center then yes, he would be responsible for that organization and making sure it had a very healthy culture. Allen: during the time these incidents took place, was Mr. Ross the supervisor of the South Service Center? Robinson: I actually do not know the answer to that question.

Board Member Sexton to Robinson: I never heard how long you've been with the City. Robinson: I've been with the City for just over seventeen years and have been in the position I am currently in for just over three years. Sexton: tell me about your knowledge and your experience with Mr. Edwards. Robinson: my knowledge of Mr. Edwards is related to these particular incidents; the first time I met Mr. Edwards was at a loudermill several months ago; I don't recall the exact date. Sexton: I want to ask you about a couple of letters you've got in here; a letter of intent to demote and then there's another letter. I asked Mr. Green about this; about the violations you cite in the demotion of Mr. Edwards. Do you have any personal knowledge of these? Robinson: could you explain? Sexton: the first one, C the willful violation of any reasonable and lawful regulation; do you have personal knowledge of Mr. Edwards willfully violating any reasonable and lawful regulation? Goulding: I have to object to this questioning, personal knowledge is irrelevant. Robinson: I wasn't there; I didn't see the incident; I didn't have the opportunity to talk to the people that submitted testimony but I carefully reviewed that testimony and had discussion with the line of supervisors that spoke here earlier this evening. Sexton: I'm still curious about your knowledge of Mr. Edwards because you spoke to that; but your knowledge is limited to; did you interview him? Robinson: I sat through a loudermill, yes. Sexton: and you're familiar with his record and his history? Robinson: to the extent of information that was provided to me in writing about him; many of the same materials that you have I also did and perhaps more; I'm not exactly sure.

Board Member Heller to Robinson: you reviewed all the materials, did you ask or instruct the investigator and the supervisors to ask any follow up questions? Robinson: no I didn't but I had the opportunity to ask some questions at the loudermill. Heller: tell me about that. Robinson: typically at the loudermill and I believe in this case Mr. Allen was representing Mr. Edwards, Mr. Allen provides a script of what he's going to say; he explained what happened

and gave his rationale for why we should modify the discipline; I don't recall, again this was a while ago. I asked Mr. Edwards a question or two; I remember Mr. Edwards explaining to me that he came up through the construction industry and I think what he meant by that was for lack of better words, rough and tumble; he told me that he was proud of the fact that he got a lot of work done; I asked him about what he believed the role of a leader should be in the workplace and he responded to that question and that was about it. We went our separate ways and thought about the demotion and decided to uphold the decision. Heller: in addition to this disciplinary decision that you made, has there been any other instructions guidance or directives that you've given regarding the issues that came out of this investigation? Robinson: with regard to Mr. Edwards or anything else? Heller: as every investigation tends to do you often catch a lot more in your net than what your scope was and you focused on initially and I think we see that when we reviewed these materials. Robinson: well I probably would have with Tim Ross but he's no longer with the organization. Heller: I'm just concerned about some of the culture in the workplace that I see in all these various statements reoccurring about trouncing down safety reports, concerns about safety being stifled...Robinson: the individuals all named in the report that I can think of are no longer with the organization; the two or three gentlemen that I believe you are referring to are no longer with the organization. The particular problems in the South Service Center with this particular crew were related to the leadership style of Mr. Edwards. Heller: my other concern that I think is relevant that pops up in this investigation although is not specifically cited in your notice of intent to discipline or the disciplinary letters is the issue of the racial slurs; we recognize the shop floor and the field work is a different environment, it's not an office environment where we might take actions regarding all the profanity used but I'm certainly concerned about the racial terms used. Robinson: yes, I agree with you, I was concerned to when I read it in the report; I personally have never heard anybody in the organization use terms like that; I'm not out in the field much and have not heard that; I can tell you that the City of Tacoma takes that sort of thing very seriously; when that sort of thing is reported we'll typically do Human Resources investigations; we didn't know about this until this particular investigation to the best of my knowledge.

Goulding: that's our final witness, if there are no other questions we ask that witnesses be released if they choose to go. Chair Summers: thank you Mr. Goulding for again trying to help me with this hearing but we're going to ask them not to leave until after the executive session.

Mr. Allen: I would like to call Mr. Jordan Leavitt. Mr. Leavitt was placed under oath.

Mr. Allen to Leavitt: how long have you worked at Tacoma Power? Leavitt: three years. Allen: have you worked that whole time as a Journeyman line Electrician? Leavitt: yes. Allen: how long did you work on Mr. Edwards' crew? Leavitt: maybe a year and a half, I don't know. Allen: do you recall the day in question here that's being talked about this evening where there were threats with Mr. Edwards is being accredited with I'll cut your throat? Leavitt: yeah, I was there. Allen: in that situation can you walk us through what you were doing, what was the job? Leavitt: we were changing out a street light pole and we got to the point of pulling the old pole butt out; got the pole butt up and over near the digger; Bob and I decided to drop it JD disagreed with it and I tried to explain it to him and he didn't let me really and him and I got into it and words were said and he said he was going to cut my throat which I didn't take as a threat really; just out of being angry so after that we squashed it, shook hands and called it good. Allen: how long have you worked in the line industry? Leavitt: probably about eight years. Allen: have you ever heard crew members kind of get into a beef with each other? Leavitt: yeah. Allen: no; well I've seen scuffles. Allen: on this day, was there a lot of equipment going around? Leavitt: there was a vactor truck going on; it was right next to us; I can't remember, there was just a bunch of crap around us; I don't know, I just wanted to put the pole in balance with the digger rather than screw around with it up there; we just disagreed on it. Allen: the information talks about yelling in the testimony; in that environment would you say it was as quiet as this room? Leavitt: no I wouldn't say that. Allen: would you two be able to communicate at the voice I'm using now at the distance you two were apart from each other? Leavitt: and be able to hear? No, probably not. Allen: so elevated voices were necessary? Leavitt: yeah. Allen: as is most of the time while out on the line crews? Leavitt: yeah, most of the time your voices are elevated. Allen: according to your testimony you got down off the truck and went over to Mr. Edwards, is that correct? Leavitt: yeah, I got down; I got pissed off obviously and we were going back at each other telling each other to shut up; then he told me he was going to call Kevin and I said that's fine; he called Kevin and then we started

arguing again; I said don't worry about it, it's not worth it and I wasn't trying to say it as a threat because it's his job and I don't want him to do anything stupid. I don't know if he took it as a threat or not but that's when he said I'll slit your throat; that's when I said okay, let's just stop here; maybe something else was said I can't remember. Allen: prior to him making that statement, do you recall him saying anything to you about why don't you just go sit in the truck? Leavitt: yeah, he told me to go sit in the truck. Allen: and that was prior to him making the statement to you? Leavitt: yeah Allen: but you didn't. Leavitt: no, I just went back to the hole because I didn't want to go sit in the truck. Allen: so you guys had your words and that was it; at any time did you feel he was going to carry through with the threat? Leavitt: no. Allen: at any time during that interaction with him did you feel in concern for your life? Leavitt: no. Allen: Mr. Kelly testified that he came out to the site and he met with Mr. Edwards and then he met with you; both of you in private, is that correct? Leavitt: yes. Allen: did he ask you during that time if you had any problems or concerns? Leavitt: yeah, we had an argument; it's a line crew; shit happens like that; after that I said we squashed it and that's that, Allen: what was his response to you on that? Leavitt: he said okay, I just wanted to make sure everything's fine. Allen: do you feel you had the opportunity at that time to express if you were concerned for yourself or threatened in any way? Leavitt: I could of but I didn't; I didn't feel threatened or anything was going to happen. We're all on a line crew, people cuss, people yell; it's just another day. Allen: did you continue to work on Mr. Edwards' line crew after that? Leavitt: yes, I did. Allen: for how long? Leavitt: two or three months. Allen: after that day when things happened, how were things? Leavitt: to be honest, a lot better. Sometimes things build up and happen for a reason; after that we shook hands and are still friends and we work just fine. Allen: there was never a second incident of any kind after that? Leavitt: no there wasn't; before that we'd have arguments, nothing big; I'm just a yes sir type of dude and do what I'm told but after the threat everything was going better. Allen: at any time working up to that event did you feel you were working in an unsafe environment? Leavitt: sometimes he had some ideas that I didn't agree on; I mean I didn't necessarily think they were the safest but when I went up in the bucket with whoever we did it safely; like I said I'm the type of guy who just does my job; but if it was going to jeopardize me, I wouldn't have done it. He never put me in a spot where it was going to jeopardize me; he didn't quite follow the rule to a proper T but he never actually made me nervous for my life. Allen: have you worked on other crews for Tacoma Power? Leavitt: yeah. Allen: in your history of being a lineman not necessarily at Tacoma Power have you ever had instances where a Foreman has told you what to do and this is how we're going to do it and you had to do it? Leavitt: yeah. Allen: is that a common thing? Leavitt: it depends on the Foreman, yeah.

Board Member Hansen to Leavitt: I going to put you on the spot here, do you agree with Mr. Robinson's assessment about crew members not being allowed to voice concerns about safety? Leavitt: what do you mean by that? Hansen: Mr. Robinson testified that there was a culture on Mr. Edwards' crew that was not conducive to allowing crew members to voice concerns about safety. Leavitt: nobody said anything about not allowing us to voice our opinions; we tend to just go about our jobs and don't want to say anything; you want to avoid conflict. Hansen: are you aware of any instances where an individual was reprimanded for voicing a concern about safety? Leavitt: I've seen it with other people, yes. Hansen: what did you see in that regard? Leavitt: I saw it usually had to do with something like grounding a line; grounding a line is the most where I've seen people disagree with him.

Board Member Andrews to Leavitt: your statement; I am in R-3 page six in your statement made there about the mentality of the crew with Mr. Edwards, that first sentence; is that how you see it? Leavitt: yeah, it's been negative quite a bit. Andrews: the next one says the whole crew is negative and miserable because of JD and micro-managing, is that true? Leavitt: that's what everybody would complain about, yes. Andrews: the last one says that since Mr. Rosendahl came out things are getting better? Leavitt: yeah. Andrews: so what was the role of Mr. Rosendahl? Leavitt: He was another Journeyman Lineman. Andrews: the first sentence of the second paragraph he was talking to me like a kid? Leavitt: yeah, during that situation with the pole I felt he was talking to me like a kid because he told me to shut up. I felt like we were both grown men and him telling me to shut up; that's why I got mad. Andrews: then if you start from the right margin it's the bottom sentence, seven; he came over and told me to get off the job site? Leavitt: yeah. Or told me to leave; get in the truck told me to go somewhere. Andrews: top of the next page; it ends with he said why, yanked it out of my hand and threw it on the wire; I don't know what that means. Leavitt: ok so there is double dead end to neutral where I want to mack it out; you can get away with not macking it out if you don't go in series I am not going to explain it but anyway you just grab the wire and slab it onto the wire and you

don't put yourself in series with it; you can do it without macking it but I wanted to mack it JD didn't want to mack it so he just grabbed the wire and slabbed it on there.

Board Member Heller to Leavitt: looking at your statement on page seven, on the third paragraph at the end you're quoted as saying you talked about relying on the strap; I said this isn't a good idea; he said you can do it you're fine. What am I supposed to do, if I say something he's going to send me to the office so I did it; I don't think it was a good idea, it was stupid; I've never seen it done that way. Is that an accurate reflection of your statement? Leavitt: that's pretty much what I said; I gave him my opinion on what was brought up about the whole using a strap. Heller: in reading this, I'm understanding that you were eluding to a concern about safety and that you didn't feel like you could bring it up with him? Leavitt: yes and know; like I said, I just do my job; if I know I'm not going to die, I'll do it but if it's going to screw me up or would definitely break the rules I would refuse to do it; that was a gray area to me, I've never done it that way so I don't know, I have no idea whether it's legal or not I've never done it that way. Heller: this was an example you gave where you had a safety concern and you didn't feel it was acknowledged or listened to? Leavitt: yeah it wasn't acknowledged because I didn't say anything.

Chair Summers to Allen: how many more witnesses are you planning to call? Allen: that was the only one. Chair Summers: are you both prepared to make closing statements? Goulding: yes, we are. Allen: yes Ma'am, we are. Chair Summers: the City will begin.

Goulding: Chair Summers and members of the board, again the City has the burden of under the Civil Service Board rules and the City has done that by a preponderance of the evidence that it acted in good faith and for cause. The notice of intent letter listed the following violations; Tacoma Municipal Code 1.24.940 C, E, F, G, and L. It's our contention that Mr. Edwards willfully violated safety rules and regulations including violation of WAC rules; we've heard testimony that line workers are trained extensively on these rules and safety practices which were disregarded. Mr. Edwards was incompetent and ineffective by not being able to run a line crew instead of arguing, cursing and threatening the crew. The threat to kill a subordinate was want ally offensive. He was careless and negligent by allowing use of city vehicles and equipment unsafely. Conduct unbecoming of a city employee; again his threat to a subordinate is conduct unbecoming. Also Mr. Edwards' behavior as the city investigate the threat his behavior and bad work practices were in violation of WAC rules; therefore the City properly demoted Mr. Edwards under the code. Some comments were made about the comparators the City provided; it's a bit ridiculous to say we have to wait for an accident to happen; we don't have to wait for something to catch on a fire, blow up or for someone to go to the hospital to discipline for safety concerns. As several Board Members asked some of our witnesses, were other things considered and Mr. Green summed that up if we were to consider a reprimand or suspension or something like that he would still be in that position; their main goal was to get him out of that position where he was not leading in a safe manner. As far as the threat, we are not proposing that this was a threat in a criminal sense; in other words Jordan Leavitt testified that he was not fearful for his safety; if he were then we would have called the police and they could have acted on the criminal threat. We're just saying that the threat in and of itself was highly inappropriate and offensive under the code. That's not how you should be motivating your crew as a lead or a supervisor or your employees by threatening them. In Mr. Kelly's statement he rightly indicated that the crew was tight lipped and I think you've seen a little bit about that; that there was a tension here, Mr. Kelly was a new supervisor; he knew that there was a tension there but the crew is tight lipped, they weren't talking about it. When the threat happened, it even took some time for Mr. Leavitt to come forward with the threat; that seemed in my opinion opening the flood gates of the crew talking about all of the problems; there was a threat and then there was all this other safety stuff that came out and that's kind of where the investigation went. Safety is the top priority of Tacoma Power as indicated by the Superintendent; Power could not afford to leave in place a supervisor of a line crew that was violating WAC safety rules; arguing with subordinates about safety issues and threatening employees over safety issues; if an employee cannot follow current safety rules and practices they definitely should not be a lead. As Assistant T & D Manager Eric Green put it the best; this is the worst kind of safety violation; a supervisor that insists on doing it the wrong way then threatening a subordinate that might have safety concerns; that's not how we do things at Tacoma Power. The line crews rely on Tacoma Power to provide a safe work environment and to support them when concerns are brought forward. All the way up to the Superintendent, Tacoma Power takes

that very seriously; this is why Mr. Edwards was removed. Reinstatement of Mr. Edwards would erode any confidence line workers have in Tacoma Power and the City to protect them. I would also note here that this is not a case about progressive discipline and that's because Tacoma Power thought this was serious enough to move to demotion immediately. This is specifically allowed as you can see in my briefing on page five under City policy under PMP or Personnel Management Policy 125 says that discipline should be corrective and progressive unless the events giving rise to the events warrant a higher level of discipline and this is what we contend happened here. We urge the Board to do its part to help protect these employees and we again ask that you deny the appeal.

Mr. Allen: Thank you Madam Chair and Members of the Board, we appreciate your time this evening and attention to this matter which is very important to not only Mr. Edwards but all of the employees at Tacoma Power. We have a situation here where a worker has engaged in the same work practices for many years under the supervision of his managers; was lauded for that work practice; was lauded for the amount of work he was able to accomplish; never had an accident and there was never any near misses reported throughout his record. He believed that he was working correctly; he believed that he was doing the right thing because he was told that. In all of his EDPRs as you saw in the A-2 section of the briefing of over 100 pages of employee development and reviews not a single mark below meets expectations; they were all meet or exceeds expectations. These were assessments and reviews conducted by his immediate supervisors and then were reviewed and signed off on by his managers. At no time during this time was he told his work practices were incorrect even though you have seen in the written testimony that was filed by the City that there were numerous instances where individuals went to supervisors with concerns to the point of one of the individuals went to Mr. Green, his manager with a concern; as you heard in Mr. Green's testimony he did not recall that but it is in the written record of Mr. Pitch's testimony. The role of discipline as I mentioned in my opening remarks is to correct behavior. In this case there was never any attempt to correct any behavior; if there was a thought that a behavior was wrong, there was never any attempt to correct it. Specific training opportunities given to Mr. Edwards, it was business as usual and that's how he carried himself forward. With regards to the threat; you heard Mr. Leavitt's testimony in that at no time did he feel physically threatened; it was an exchange of language and an exchange of words none of which needs to be repeated here this evening but I will say this that I am concerned about the continued misrepresentation of the threat was made on the part of the City's counsel to the Board; it's been everything from cutting his throat or killing him; the continued substitution of words for the actual words that were communicated to me is doing nothing more than an attempt to influence the Board's thoughts on this and the severity of the situation. Mr. Leavitt didn't think it was severe; he had the opportunity at that time to address that and to talk to his immediate supervisor and to communicate any concerns that he had but he did not do that. He saw it as nothing more than a couple of workers out on a construction site blowing off steam and that's what it was. As he said in his testimony they were able to work on for several month after the fact without incident and in fact things were going quite well. Mr. Edwards did attempt to diffuse the situation at that time by asking Mr. Leavitt to go sit in the truck and removed himself from the job site because of the heated nature of the subject between the two; he immediately called his supervisor and requested that he come out to the job site; he did what he could do as a lead in that situation. With regards to Mr. Edwards and his work practices the lack of not an accident, true, is not a reason to not take action on the part of the employer. In Mr. Shook's testimony he talked about the employer's responsibility to take action under the Washington Administrative Code. The employer does have a responsibility; it is our contention that the employer did not take the responsibility all along. Mr. Edwards has been labeled with this term culture; it has been laid at his feet as if it is his fault but it is our contention that the culture in a worksite where you have three crews working; a dozen or more employees; a work culture is not controlled by one single person, it's a product of how everybody interacts and it is also represented by the supervision that is in charge of that workforce. The City has not taken into account the need to follow just cause. We believe that Mr. Edwards was not made aware of the issues and therefore was not given the opportunity to take corrective action. We believe that there was a goal in the investigation and that the goal was to label Mr. Edwards with the label of an unsafe worker and as a hot head and the direction the investigation took was with that single end result in mind. Mr. Edwards has a stellar work history in terms of no accidents, no near misses and so the level of penalty that was levied on to him for this does not reflect the work history that he has. We are asking that the Board consider all of these in their deliberation and that they reinstate Mr. Edwards to a Senior Line Electrician; and we also ask that they take into consideration that Mr. Edwards has taken personal responsibility for his conduct and

has taken to heart statements made by his coworkers and has sought and continues to seek additional help with that.

Chair Summers to Goulding: did you want to make a rebuttal; two minutes or less. Goulding: yes, just two points. As far as just cause; just him being aware that as far as misconduct we submit that he was aware due to the testimony of him receiving substantial training on these issues he should have known that the way he was doing things was inappropriate. There is also a claim that the investigation was not fair but there is absolutely no evidence to show that's the case. There were two Power Supervisors and an HR Analyst that worked on the investigation; they talked to several employees; they weren't even looking for the safety violations they went in looking into the threat which was brought to them and then all this other stuff came out. I would again state the City did what it should have done and again ask that you deny the appeal.

Chair Summers: at this time in accordance with RCW 482.30.110G the Board will go into executive session; we will return at 8:00PM; those witnesses that were subpoenaed to be here are free to leave at this moment. Thank you for coming.

Chair Summers: The Board is back from their executive session; do I hear a motion?

Board Member Hansen: I hear by move that the appeal of Jordan Edwards be denied on the grounds that the City has met its burden based on the testimony and exhibits presented to the Board. The motion was seconded by Board Member Heller.

Chair Summers: It's been moved and seconded; do I hear any discussion? Board Member Andrews: I'd like to take this opportunity to strongly encourage the City to develop some type of incident reporting or documentation system. What I heard was there was really nothing in place at this time; that way there isn't reliance on a verbal report directly through chains; I think that would be helpful. Chair Summers: are there other discussion? Board Member Sexton: I just want to say that I really struggled with this tonight and I'll leave it at that. Board Member Heller: I'll also concur with Dan in that there was some healthy discussion in our executive session and we really did look at a lot of the different aspects of this; one of the thoughts that I put forward is that we might have made a different decision had this been a line staff but that supervisors are the face of management; they are held to a higher standard; they are responsible for that crew member's safety and we were really concerned about that.

A VOICE VOTE WAS TAKEN: 4 AYES, 0 NAYS, 0 ABS; IT WAS A UNANIMOUS VOTE OF THE BOARD TO DENY THE APPEAL IN THE MATTER OF JUSTIN EDWARDS.

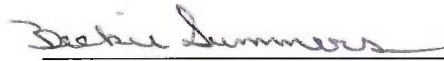
Chair Summers: I would like to thank you all for coming and presenting before this Board.

Jennifer Taylor, Counsel to the Board questioned if the final presentation of the findings be at the next meeting on August 3rd; Chair Summers stated that the final findings would be presented at the August 2nd meeting.

Human Resources Director report; list extensions look great, anything to add to that? Assistant Director Fritz had nothing to add.

Meeting was adjourned at 7:59PM

ATTEST:



Beckie Summers, Chair



Wendy Hobson
Civil Service Board Coordinator