

CONFIDENTIAL

From: John R. Stroh, Manager

CC: Chris Eley, District Legal Counsel
Duane Bridgewater
Gary Langston, SEIU Rep.
Personnel File

Subject: Investigation report re: 1/18/02 incident between Assistant Manager Lucchesi and MCT III Bridgewater

Background

On Saturday January 19, 2002, I received a call from Assistant Manager Lucchesi, whereby he informed me that he and MCT III Bridgewater had been involved in a confrontation in Lucchesi's office at approximately 4:00 p.m. on Friday January 18, 2002. Lucchesi described the incident as a "blow out", and that he had to send Bridgewater home to prevent the incident from escalating. Lucchesi stated the reason for the incident seemed to originate from a discussion Bridgewater had just had with SJC County Counsel and County Clerk re: the appointment of his wife, Mrs. Vickie Bridgewater, to the District's Board of Trustees by the SJC Board of Supervisors. Additionally, Lucchesi stated that Bridgewater was upset that the information re: his wife's appointment was different than the information he had received from me on 1/16/02 at a District staff meeting, whereby I had informed the supervisory staff that the District was not seeking to have a vacant trustee position filled, and that I had stated that the position was vacant. Pursuant to notice of this incident, I consulted with District Legal Counsel Eley on 1/21/02 and determined that an investigation into the incident was warranted. Following are the results of my investigation of this incident and related information.

Initial Report from Lucchesi

On Tuesday January 22, 2002, I spoke with Assistant Manager Lucchesi re: his call to me on Saturday 1/19/02, whereby he had informed me of the incident between he and Bridgewater on Friday 1/18/02. I asked Lucchesi to review the facts of the 1/18/02 incident with me so that it was clear to me what had taken place. Following this report, I instructed Lucchesi to have Bridgewater come to my office so that I could discuss the 1/18/02 incident with him also. Because of the seriousness of the reported incident, I also asked Supervisor representative Dale Hughes to participate in the meeting. I also called SEIU representative Gary Langston to inform him of the incident and the need to meet with Bridgewater; he was not available but I left a voice mail message.

Initial meeting with Bridgewater

Lucchesi went to Bridgewater's office to inform him of the meeting, whereby Bridgewater questioned the reason for the meeting, and then requested SEIU representation for purposes of Weingarten rights. Discussion ensued between Lucchesi and Bridgewater in Bridgewater's office re: the intent of the meeting, and ultimately Bridgewater came to the office to meet Stroh, Lucchesi, and Hughes. I informed Bridgewater that the meeting was for discussing the incident of 1/18/02 between Bridgewater and Lucchesi, and to determine what happened, how it

happened, and if necessary, how to prevent it from happening again. I stated that I had asked Hughes to attend the meeting to act as Bridgewater's representative. Following discussion of the nature of the incident and the need to investigate, it was determined by Bridgewater that he did not want to discuss the incident without Langston at the meeting. I determined that because the incident appeared serious, and that for Bridgewater's health and safety and that of other employees, and for efficiency of the District, that I was going to place Bridgewater on administrative leave until a meeting could be arranged between the affected parties and their representatives. I further explained that the leave was not for disciplinary reasons. Following this, I instructed Bridgewater to turn in his District keys to Lucchesi, and to have Hughes take Bridgewater home.

Follow-up to initial meeting with Bridgewater

I held a meeting with MCT I Iverson (General Unit rep.), Mechanic II Sheffield (General Unit Rep.), MCT IV Hughes (Supervisors Unit rep.), and Assistant Manager Lucchesi (unrepresented employee rep.) to discuss with them the action taken by me re: Bridgewater (i.e., administrative leave). I informed the staff that Bridgewater was placed on administrative leave, and that the leave was not for disciplinary reasons. I also stated that I would be scheduling a meeting with Langston to discuss the matter further, and if there were questions by employees re: this matter, that they (the reps) could either answer the questions or refer them to me for information. Following the meeting with the reps, I received a return call from Langston, and discussed with him some of the initial aspects of the incident and the need to schedule a meeting to review the matter further. We agreed to meet on Thursday 1/24/02 at 10:00 a.m., and that Langston would call Bridgewater to inform him of the meeting. On Wednesday 1/23/02, I called Eley to inform him of the meeting scheduled for 1/24/02.

Second meeting with Bridgewater

On Thursday 1/24/02 at 10:00 a.m., a second meeting was held with Bridgewater to discuss the incident of 1/18/02 in Lucchesi's office. In attendance were Stroh, Eley, Bridgewater and Langston. I stated that the meeting was for reviewing the incident of 1/18/02, to determine what and why happened, and to determine how to prevent these kinds of things from happening again. I reiterated that at this point, the purpose of the meeting was not for purposes of discipline at this time, and that I was attempting to find out from Bridgewater what had happened. To this extent, I asked Bridgewater to describe the incident of 1/18/02. Following are my notes re: Bridgewater's statements made in response to questions from Eley and me at the meeting:

Bridgewater recounted the events of 1/18/02, whereby he stated that he was in his office at approximately 3:50 and called SJC Clerk of the Board to find out if his wife had been appointed to the Board of Trustees; he was referred to SJC County Counsel. SJC County Counsel told Bridgewater his wife had been appointed, but that the appointment could/would be rescinded by the BOS at an upcoming meeting, and that the reason for the rescission was due to a conflict of interest that Bridgewater was an employee of the District. Bridgewater got upset and concerned, and wanted an explanation as to why there was a conflict, etc., and wanted it in writing explaining such, but was told by County Counsel he would not respond to his request and to go see the Board of Supervisors. Following the telephone call, Bridgewater walked to the gas pumps west of his office where Community Education Specialist Devencenzi was putting gas in his vehicle. Bridgewater explained to Devencenzi what had happened re: the appointment of his

wife, the rescission of the appointment, etc. He stated that Devencenzi said something like "Don't get excited". Following the discussion with Devencenzi, Bridgewater prepared to finish the day and go home. He came into the main office, and he saw that Lucchesi was on the telephone. At that time, another call came into the office and Bridgewater answered the call, which was for Lucchesi. Bridgewater placed the call on hold and walked to Lucchesi's office as Lucchesi was finishing his first call and said something like "You have a call on the other line, but before you take it I got a statement to make", whereby Bridgewater made statements that his wife had been appointed to the Board of Trustees and that John Stroh had not told the truth at the 1/16/02 supervisors meeting. Bridgewater said that when he said these things it appeared that Lucchesi got upset and then got up from behind his desk and pointed his finger at Bridgewater, and that Lucchesi said that Bridgewater's tones and demeanor were not appropriate. Bridgewater said he pointed his finger at Lucchesi but did not raise his arm, and said to Lucchesi "you better calm down mister". The discussion continued until Lucchesi told Bridgewater to go home, whereby Bridgewater said, "I can say what I want to because it is after 4:00 o'clock". Bridgewater said that he left Lucchesi's office and walked to his parked vehicle. He saw MCT III Greenmyer nearby and told Greenmyer that, "Eddie is pissed", and recounted with Greenmyer what had happened (i.e., BOS appointment of wife, discussion with Lucchesi, supervisors meeting, etc.). Bridgewater said that following the discussion with Greenmyer he left for home.

When asked if there were any other people in the office during the incident at 4:00 p.m., Bridgewater said that IVM Technician Vignolo was in the area outside of Lucchesi's office by the restroom or break room.

When asked about his own demeanor, Bridgewater explained that he had been cautioned by his wife about his "tones" and mannerisms, and that his tones were not intended as disrespect for Lucchesi.

When asked about the concerns re: the difference between what Stroh had said at the 1/16/02 meeting and what Bridgewater had heard from SJC on 1/18/02, Bridgewater made statements such as "continuation of lies coming from this office", "Stroh doesn't tell the truth", and that Bridgewater had information contrary to what had been said by Stroh at the 1/16/02 meeting. When asked about the information that was different, Bridgewater said that the BOS had discussed board and commission appointments between 9 and 10 a.m. on 1/15/02, and that the District Board of Trustees had discussed trustee appointments at 1:00 p.m. at their meeting on 1/15/02, and that the District and Stroh knew that his wife had been appointed at that time, and that when Stroh discussed this at the supervisors meeting on 1/16/02, that Stroh was not telling the truth. When asked if Bridgewater had said to anyone that Stroh lied or been referred to as a liar, Bridgewater did not comment, but stated that Stroh does not tell the truth.

Bridgewater further stated that "he wants to make things right", that he needed his job because of his kid, illness, etc. He also stated that he only needed three more years of work prior to retirement, and that if necessary, that he would keep his mouth closed, we would not hear a peep unless asked to do so.

No more information was provided. Stroh stated that it would be necessary to interview all parties involved with this incident, including Lucchesi, Devencenzi, Greenmyer, and Vignolo before determining what should be done. Additionally, it was determined by Stroh that Bridgewater should remain on administrative leave until all the interviews were conducted. Because of the interviews and attendance at an upcoming conference, it was determined that

Bridgewater would be off until 1/31/02, when another meeting would be scheduled to review the status of the investigation and interviews.

Follow-up to second meeting with Bridgewater

Following the second meeting with Bridgewater on 1/24/02, it was determined that employees Sheffield and Hughes would need to be interviewed also. Since this would take additional time, I notified Bridgewater and Langston of my intent to interview additional employees and that the next meeting would be scheduled for Monday 2/4/02, and that Bridgewater's leave would be extended until that time.

Interview with IVM Technician Vignolo

I interviewed IVM Technician Vignolo on Friday 1/25/02 at 8:25 a.m. at the District office. I explained to him that he had been named as a person in the office near where Bridgewater and Lucchesi had met on 1/18/02, and that I needed to ask him what he knew about the incident. Following are my notes on what Vignolo said re: the 1/18/02 incident:

Vignolo said that on 1/18/02 he returned from White Slough to the Stockton office at approximately 3:20 p.m. At approximately 3:50 p.m., he went into the supervisor's office to put his radio in the charger. Bridgewater was on the telephone, and Vignolo heard Bridgewater asking for SJC personnel, and heard discussion re: Bridgewater's wife being appointed to the Board, something re: Bridgewater understands there is a conflict of interest and wants to know why. When asked about Bridgewater's tone of voice and demeanor at that time, Vignolo said it appeared Bridgewater was concerned, that his voice was short, snappy, loud, and that it appeared he was mad but in control. Vignolo said he was only in Bridgewater's office for approximately 30 seconds. Vignolo left the office and put his vehicle keys in the lock box; MCT I's Black and Scott come into break room talking, but Vignolo said he could still hear Bridgewater talking in his office, and that it appeared that Bridgewater was still concerned by the tone of his voice and loudness. Vignolo talked with Black and Scott, changed his clothes, and left the break room to move his vehicle near the fish tanks and to feed the fish. He noticed Bridgewater walking into the main office. Vignolo followed Bridgewater into the office, where Bridgewater put the scanners up and Vignolo went to break room. Lucchesi was on telephone, so Vignolo ate a snack and drank some water. While Lucchesi is finishing his call, the other line rings, and Bridgewater answers the call in Carol/Katy's office. Vignolo hears Bridgewater tell Lucchesi that Lucchesi has another call; Vignolo hears Bridgewater also say, "I want to make a statement" or "I got to make a statement". When asked about Bridgewater's tone of voice or mannerism, Vignolo says that it did not appear that Bridgewater was mad when he answered the call in the office. Vignolo said that Bridgewater said "during the meeting", and Lucchesi said "what meeting?" whereby Bridgewater said, "John Stroh said no one was appointed to the Board and that's wrong. My wife was appointed to that Board." Lucchesi asked Bridgewater what he was taking about, and Bridgewater replied re: the other day, the supervisors meeting, Vickie Bridgewater. Lucchesi said O.K. Bridgewater said that John Stroh said no one was appointed to the Board of Trustees, that his wife was appointed, and "that's a lie". Lucchesi stated that he did not think it would work, that it would be a conflict of interest. Bridgewater asked to show him where it says it is a conflict of interest. Vignolo said that Lucchesi got out of his chair and walked towards the door where Bridgewater was and said "Duane, it's time for you to go home if you are going to act like this". Bridgewater said, "it's after 4:00, I can say what I want, and John

Stroh is a liar". Lucchesi said, "Look Duane, I don't want to talk about this, just go home". Bridgewater said, "You better calm down mister". Vignolo said that Bridgewater and Lucchesi were standing in Lucchesi's office, with Bridgewater near the east door and Lucchesi somewhere in the middle of the office, and it appeared that Bridgewater backed away from the east door. At this time, Bridgewater left the office through the south door and appeared to be talking while heading in the direction of his parked vehicle.

When asked if Vignolo had any other experiences with this incident, he stated that approximately 7:45 a.m. on Tuesday 1/22/02, he walked into the supervisors office to get his radio, and that Bridgewater was at his desk talking to someone (not sure who, maybe Greenmyer or Meidinger), and that Vignolo walks into the middle of the conversation. Bridgewater said that because he had gone into the office and because he confronted Lucchesi about John Stroh, that Lucchesi got mad. Vignolo said he left the supervisors office and went to my office to relay what Bridgewater was doing or talking about. He did not talk to me at that time on my request, and left the office and fed the fish, etc. He went back to the break room at approximately 8:30 a.m. to get his lunch box and to leave to White Slough. Bridgewater had his coat and lunch box in his hand and came into the break room. When asked to describe Bridgewater's demeanor at that time, Vignolo said he was pissed-off and had a snappy voice. Vignolo said that it appeared that Bridgewater walked into the break room to purposely make a statement to the other employees, and then said, "As of right now, they placed me on administrative leave". Employees Iverson, Scott, Black, and Fraser were in the break room at this time.

When asked if he recalled anything else re: this incident, Vignolo said he heard Bridgewater tell Lucchesi, "We used to be friends", but can't remember when or where he heard it.

Interview with Lucchesi, Martinez, and Aksland

I interviewed Assistant Manager Lucchesi, Office Manager Martinez, and Secretary Aksland on Friday 1/25/02 at approximately 9:15 at the district office. I explained to them that they may have received information relative to the incident between Lucchesi and Bridgewater on 1/18/02, and that I needed to ask them what they knew about the incident. Following are my notes on what Lucchesi, Martinez, and Aksland said re: the 1/18/02 incident:

I asked them if any one had received any faxes, emails, regular mail, telephone calls or office visits from SJC personnel re: trustee appointments on Tuesday 1/15/02. All answered no.

I asked the same question for Wednesday 1/16/02; all answered no (Lucchesi was off vacation that day).

I asked the same question for Thursday 1/17/02. All three stated that the first information they received about trustee appointments was from me following receipt of Thursdays mail and the notice from the BOS of V. Bridgewater's appointment.

Interview with MCT III Greenmyer

I interviewed MCT III Greenmyer on Friday 1/25/02 at approximately 9:53 a.m. at the District office. I explained to him that he had been named as a person in the yard near where Bridgewater and Lucchesi had met on 1/18/02, and that I needed to ask him what he knew about the incident. Following are my notes on what Greenmyer said re: the 1/18/02 incident:

Greenmyer said that he returned to the yard at approximately 4:10 p.m. on 1/18/02 after helping Pfeifer and Sheffield retrieve a stuck vehicle. As he drove through the gate to park his truck, he saw Bridgewater walking to his own truck. Bridgewater motioned Greenmyer to stop, and sees

that Bridgewater is upset by the look on his face; appeared nervous. Greenmyer asked Bridgewater what was going on, and Bridgewater said that he had just come from the office and told Lucchesi that John Stroh had lied about the trustee position being filled. Greenmyer asked about the position, and Bridgewater said that his wife Vickie had applied. Greenmyer said that his son Tim had applied and the BOS turned him down because Greenmyer worked for the District. Bridgewater said that at one time, an employee worked here and their relative was on the Board. Greenmyer said he was not aware of it. Bridgewater asked Greenmyer, "Can't I say what I want, it's after 4:00? Lucchesi told me to go home".

Greenmyer said that after Bridgewater leaves, Lucchesi comes out of the office looking upset, bothered, wants to talk to Greenmyer and Sheffield. Lucchesi explained what happened in office, that Bridgewater makes a lot of statements, that employees should not listen to him, that they listen to him too much. Greenmyer said he told Lucchesi that Hughes was his union rep, not Bridgewater, and that negotiations are handled through him (Hughes). Lucchesi said, "You guys listen to him too much, if you guys continue to listen to Bridgewater, the BOT will be upset/angry".

Greenmyer finished his discussion with Lucchesi and Sheffield and went home at approximately 4:30 p.m.

When asked if he recalled anything else re: this incident, Greenmyer said that on 1/22/02, he heard Bridgewater say, "They are sending me home on administrative leave. They are going to try to fire me for this. What happened to the open door policy? What ever happened to Greenmyer when he says something?" Greenmyer was not sure, but felt that Hughes might have been in room during this statement.

Interview with Community Education Specialist Devencenzi

I interviewed CES Devencenzi on Thursday 1/31/02 at approximately 10:00 a.m. at the District office. I explained to him that he had been named as a person in the yard near where Bridgewater and Lucchesi had met on 1/18/02, and that I needed to ask him what he knew about the incident. Following are my notes on what Devencenzi said re: the 1/18/02 incident:

Devencenzi said that he and Nienhuis were at the gas pumps at the District office at approximately 3:45 p.m. on Friday 1/18/02 putting gas in the van. Bridgewater walked up to him and said his wife was on the Board and had been removed. Devencenzi said he did not know what he was talking about. Bridgewater said his wife was on the BOT, that she had filled out an application, was appointed for one day, when they found out Bridgewater was an employee she was taken off the BOT. Bridgewater also said that there was nothing on the application that said he was an employee. Bridgewater said he had been lied to by John Stroh/big one/little one, and wanted to find out how she got off the BOT. Devencenzi thinks this is a conflict of interest. Bridgewater said he was going to talk to Lucchesi and call Trustee Fiori that evening. Devencenzi said to Bridgewater to talk to Lucchesi all you want, but he would not call Fiori; Devencenzi said he repeated the statement twice.

When asked to describe Bridgewater's demeanor during this conversation, Devencenzi said Bridgewater was agitated during the entire conversation, visibly upset, pissed-off.

Interview with MCT IV Hughes

I interviewed MCT IV Hughes on Thursday 1/31/02 at approximately 11:45 a.m. at the District office. I explained to him that he had been named as a person who Bridgewater had spoke with

re: the incident between Bridgewater and Lucchesi on 1/18/02, and that I needed to ask him what he knew about the incident. Following are my notes on what Hughes said:

Hughes said that what he knew re: the 1/18/02 incident was sketchy, he didn't know if he had all the facts. He said that that Bridgewater said he had called SJC Counsel and some other official to find out who had been appointed to the BOT for Layson's position; Vickie Bridgewater had been appointed; this information contradicted what John Stroh had said at the supervisors meeting on 1/16/02. Bridgewater said that once he had learned that information, he talked to Devencenzi, who advised him not to go in angry. Bridgewater explained what happened in Lucchesi's office, i.e., Lucchesi was on phone, Bridgewater answered other phone for Lucchesi, and Lucchesi hangs up fist phone, Bridgewater says, "Before you take the next call I want to tell you what John Stroh said on Layson's position was not true". Lucchesi responded, got up, pointing finger in Bridgewater's face, says, "Mister you better get your facts straight". Bridgewater told Hughes he was standing in the doorway and may have stepped into office and pointed finger at near his waist and told Lucchesi, "I have my facts straight". Lucchesi asked Bridgewater whom he had talked to, and Bridgewater said he had talked to SJC Counsel (Dermody). Hughes said that Bridgewater said there was a brief back and forth discussion. Bridgewater told Hughes he didn't think he was angry, but wanted Lucchesi to know that what John Stroh had said on Wednesday was not the truth; this is another example of the lies coming out of that office", implying John Stroh.

Interview with Mechanic II Sheffield

I interviewed Mechanic II Sheffield on Thursday 1/31/02 at approximately 1:30 p.m. at the District office. I explained to him that he had been named as a person who may have witnessed the incident between Bridgewater and Lucchesi on 1/18/02, and that I needed to ask him what he knew about the incident. Following are my notes on what Sheffield said:

Sheffield said he returned to the District yard at approximately 4:15 p.m. on Friday 1/18/02 after retrieving a stuck vehicle. As he was locking up the shop to go home, he witnessed a discussion between Greenmyer and Lucchesi. Lucchesi tells Sheffield he and Bridgewater just had a discussion re: Vickie Bridgewater being appointed as a Trustee, that Bridgewater was going off, angry, upset re: the appointment and conflict of interest. Sheffield went home following this conversation.

Conclusion(s)

From the testimony of Bridgewater, Lucchesi, and Vignolo, it is clear that the incident did take place between Assistant Manager Lucchesi and MCT III Bridgewater on 1/18/02 at approximately 4:00 p.m.

From the testimony of Bridgewater, Devencenzi, Greenmyer, Lucchesi, and Vignolo, it is clear that Bridgewater was upset, angry, discourteous, hostile, and used a loud and disruptive voice with Lucchesi and others re: the appointment and rescission of the appointment of his wife to the Board of Trustees.

It is clear from the testimony of Devencenzi, Greenmyer, Lucchesi, and Vignolo that Bridgewater referred to the manager as a 'liar' and stated that 'Stroh had lied' or 'continues to lie' all in conversation with Lucchesi. The criticism of management is not an issue. However, the term 'liar' about a member of the staff is inflammatory and discourteous. Management

would not tolerate such discourteous behavior if it were directed toward other employees and cannot ignore it simply because it was directed at the manager.

The statement to Lucchesi from Bridgewater that he (Lucchesi) 'is a beast' is a blatant act of insubordination and will not be tolerated.

When this item was reviewed with Bridgewater, he claimed he did not use the term 'beast', but rather he stated he used the term 'piece'; the District accepts this statement from Bridgewater as a response to this report, but it is not accepted for contradicting Lucchesi's original statement. The use of the words 'beast' and 'piece' are de minimus, and as such, do not affect the balance of this report, nor any conclusions or imposed discipline.

From the testimony of Aksland, Lucchesi, and Martinez, it is clear that the first notice of the appointment of V. Bridgewater to the District's Board of Trustees was by written notice from SJC Clerk of the Board to the District delivered by U. S. mail to the District's Stockton on Thursday January 17, 2002. This confirms that Bridgewater did not have his facts straight when approaching other employees, and that his accusations of impropriety were unfounded to this day. It is also clear that Bridgewater's analysis of the information re: trustee appointments from SJC as compared to information I had reported at the 1/16 supervisors meeting was the triggering event for the incident in Lucchesi's office. Thus, this whole incident could have been easily avoided had Bridgewater received all the facts before confronting his supervisor re: the actions of SJC. Additionally noted is the fact that Bridgewater called SJC on work hours, and although this is not seen as a major issue, the communications of this personal information to other employees was disruptive and inappropriate.

From the testimony of Bridgewater, Devencenzi, Greenmyer, Lucchesi, and Vignolo, it is clear that Bridgewater violated the following District policies:

- 2260.201 Discourteous treatment of the public or fellow employees.
- 2260.213 Conduct unbecoming a District employee.
- 2260.223 Causing, creating or participating in a disruption of any kind during working hours or while engaged in official duties or performing a District function.
- 2260.224 Insubordination, including but not limited to failure or refusal to obey the lawful or reasonable orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a fellow employee, supervisor, management or the public.
- 2260.225 Using abusive language at any time on District premises or while engaged in official duties or performing a District function.

Furthermore, it is apparent that Bridgewater continues to perform poorly in the area of communication. This item is of concern, since it has been discussed several times with him in regards to his performance evaluation(s), district operations, and ongoing relationship with management personnel.

Recommended discipline

It is recommended that Bridgewater be suspended from work without pay and accrued leave benefits for a period of three (3) days due to the violations found above. Additionally, Bridgewater should enroll in and successfully complete courses in anger management and effective communications at his own expense and time, and that these courses are taken within 60 days.

SEIU representative Gary Langston proposed that the District possibly consider an arrangement with San Joaquin County to provide some or all of the training (i.e., anger management and communications), for which the District agreed to consider. Langston to investigate and report to the District any information re: this item.

It was agreed by the parties that this was a confidential personnel matter, and the extent of the investigation and discipline were to be maintained as such. The results of the investigation and the imposed discipline is to be disclosed only to the following personnel:

- Board of Trustees (in the form of a confidential memo re: personnel action; Cc: to Chris Eley)*
- John Stroh, Manager*
- E. Lucchesi, Assistant Manager (as supervisor to D. Bridgewater)*
- C. Aksland, Secretary (for timekeeping purposes)*
- K. Martinez, Office Manager (for payroll purposes)*
- D. Bridgewater, MCT III*
- G. Langston, SEIU Representative*