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San Joaquin County
Mosquito & Vector
Control District

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To: Board of Trustees
From: John R. Stroh, Manager
CC: Chris Eley, Legal Counsel
Date: 4/21/98
Re: Status of employment related issues submitted by SJPEA

The following is a status report of my investigation of the employment-related issues submitted by SJPEA in their letter of 3/12/98:

1. I met with SJPEA representative Kay DeGeest and employee representatives Duane Bridgewater, Keith Neinhuis, and James Sheffield on March 25 to discuss the concerns outlined in their letter of March 12. At this time employee representative Bridgewater provided several additional concerns that were not included in the original letter. The meeting lasted approximately one and one-half hours, with most of my participation limited to listening to new issues raised, and to ask for clarification on issues previously discussed. Although no date was set for another meeting, it was agreed that additional meetings would be held once I had reviewed certain items and could respond with proper information.
2. I met with Kay DeGeest on April 9 to seek further clarification on several of the issues raised at the March 25 meeting. I provided her with some of the preliminary results of my investigation into the concerns about wastewater handling, employee performance evaluations, and procedures to promote district personnel. I explained to her at this time that it was apparent that a large portion of the concerns raised at the March 25 meeting appeared to be from one person, and that some of these were trivial and would not be responded to.
3. Concerning the issues stated in the March 12 letter, my initial response to each item is provided in written form and attached to this memo.

I will continue to update the Board on the status of my investigation of the employment-related issues raised by SJPEA. Do not hesitate to contact me if you need additional information on this subject.

SAN JOAQUIN COUNTY
MOSQUITO & VECTOR CONTROL
DISTRICT

April 14, 1998

Manager's response to issues raised by SJPEA (letter of 3/12/98)

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The District maintains a complete file on this matter, and would be happy to meet with any concerned individual or group to review the matter in-depth.

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Item #4 - "If you have rules in place they should be enforced equally. The summer vacation rules are not the same for all employees. What is the status of the Tech IV? This employee was given enhanced vacation while another was given a written reprimand."

*As stated in supv Meets with Assistant Person
There are only 3 District Employees 2 Secretaries & 1 Unrepresented Person*

The summer vacation rules (per the current M.O.U., and for all positions represented by SJPEA) are enforced equally. In addition, all employees are given equal opportunity to request and receive consideration for time off due to unusual circumstances. In the case of represented employee positions, this opportunity exists in Section 4.1(D) of the current M.O.U., and has been available for use since December 1993. *That Do Not Fall under District Vac Rules*

With regards to the status of the position of Mosquito Control Technician IV, I think this issue has been adequately described to SJPEA several times in the past. For the record, the position of MCT IV is recognized as part of the non-represented employee group, which consists of the positions of Assistant Manager, Office Manager, Secretary, Biologist, and MCT IV.

With regards to an employee receiving a written reprimand, it is my understanding that this individual utilized vacation time in excess of 32 hours during the summer vacation period, and the employee did not notify his supervisor that he would be exceeding the 32 hour limit. This would be a violation of District policy and M.O.U. Section 4.1(C).

Item #5 - "...the items of extreme interest are all the City Sewer Treatment facilities and White Slough. The employees feel these constitute a dangerous working environment. They feel you possibly have two ill employees due to contact with this water, it seems to be both treated and untreated wastewater. I will need written proof of the regulations governing the use of water that is not acceptable for food crops and the ability of employees to be in contact with such. Is there some form of standardized monitoring? There has not been any special training for working in contact with the substances in this water."

I contacted the following agencies to ascertain their understanding of the laws, regulations, or operating procedures regarding treated wastewater and human contact:

1. City of Lodi, White Slough Wastewater Treatment Facility, Treatment Plant Supervisor Del Kerlin, (209) 333-6749.
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3. State of California, Industrial Relations Department, Occupational Safety and Health Division (CAL OSHA), Consultation Services Representative Bill Horge, (916) 263-2855.
4. State of California, Health and Welfare Agency, Department of Health Services/Department of Industrial Relations, Hazard Evaluation System and Information Service, Associate Industrial Hygienist/Acting Chief HYSIS Elizabeth Katz, (510) 540-3482.

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The representatives of Lodi and Stockton stated that they were unaware of any specific regulation regarding human contact with treated wastewater. Both stated that employees are provided Hepatitis inoculations (type unknown) and personal protection equipment (PPE), including rubber gloves, clean clothing, eye protection, respirators, face shields, and rubber boots. Both said that personal hygiene is advocated at all times, including the routine use of soap and water for hand washing after contact with treated water. The City of Stockton provides anti-bacterial soap for use at the wastewater treatment plant. Both cities perform routine water analysis for bacteria in untreated and treated effluent. Mike McDonald is aware of only one case of hepatitis at the City of Stockton Wastewater Treatment Plant during his 21 years of service, but the cause of the infection was never determined.

With regards to bloodborne pathogens, I asked Bill Horge of Cal/OSHA about bloodborne pathogen standards and compliance information. He is unaware of any laws regarding human contact with treated wastewater, but felt that if the condition (human contact w/treated wastewater) was a hazard, that it should be identified in the employer's Injury and Illness Prevention Plan (IIPP). He stated that the employer should provide training to employees with regards to personal hygiene and PPE. In addition, he felt that the employer should evaluate and possibly implement a bloodborne pathogen programs, including training and information on methods of reducing exposure. I reviewed Cal/OSHA's Bloodborne Pathogens Standards (T8, CCR, GISO Section 5193) to further examine the district's responsibilities regarding worker safety requirements involving human contact with treated wastewater. These regulations state that it is the employer's responsibility to conduct an exposure determination, to determine which employees and which tasks present a risk of potential occupational exposure to bloodborne pathogens. Cal/OSHA has predetermined which type of facilities or operations are presumed to have occupational exposure, and wastewater treatment facilities, sewage operations, etc., are not included. They also determined that sewage plant, wastewater workers and non-healthcare facility plumbers are not ordinarily covered, since material they contact is not visibly contaminated with blood. The district provides extensive PPE and two (2) types of voluntary blood tests for all employees. PPE includes rubber gloves and boots, two (2) forms of eye protection (safety glasses and goggles) waterproof jacket and pants, respirators, clean uniforms (daily), and adequate clean water and soap for personal hygiene. With regards to blood testing, the first test is a voluntary Hepatitis "B" vaccine program; currently, all but four employees have participated in the plan. The second test is an annual comprehensive blood test for toxicosis. Testing includes chemistry screening panel, routine urinalysis, complete blood count, general anemia, and hematological disorders. Results of the second test are known only between the employee and the doctor, thus preventing the district from knowing if any individual could be affected by occupational risks.

The Hazard Evaluation System and Information Service (HYSIS) of the State Department of Health Services provided the most information regarding human contact with wastewater. The District received information on infectious disease hazards of wastewater, General Industry Safety Orders for workers

involved with wastewater, and other relative information. In reviewing this information, it is apparent that the District will be required to implement several procedures to comply with the General Industry Safety Orders; these will be implemented immediately.

As a final aspect of the investigation of this issue, I reviewed three (3) resource manuals on the subject of reclaimed wastewater. The manuals were provided by City of Lodi. Following are the titles of these manuals:

1. *Use of Reclaimed Water and Sludge in Food Crop Production*, National Academy Press, Washington, D.C., 1996
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Each manual provided basic information about the use of wastewater for irrigation. Although they provided safety information on handling wastewater, the specific recommendations were consistent with the information provided by the cities of Lodi and Stockton, primarily using available PPE and personal hygiene.

Item #6 – “My understanding is the problems between management and the employees are continually building.”

I have no comment at this time.

why not

Item #7 – “The employees truly want a resolution and would even be willing to bring the Board into the discussions.”

This is a moot subject, since the Board was copied the original SJPEA letter, and the letter was provided to the Board by staff at the March 17, 1998 Board of Trustees meeting. Additionally, several Trustees received copies of the letter addressed to them at their home address. As manager, I will communicate the status of these issues to the Board at every opportunity.

The Board's Executive Committee is charged with personnel issues, and it may be prudent to include the Committee in a forum with employees as the process continues. I will discuss the aspect of a joint meeting (employees and Committee, or employees, management and Committee) with the Association's representative as soon as possible.

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3. *Evaluation of Agricultural Irrigation Projects Using Reclaimed Water*, Office of Water Recycling, California Water Resources Control Board, 1981

Each manual provided basic information about the use of wastewater for irrigation. Although they provided safety information on handling wastewater, the specific recommendations were consistent with the information provided by the cities of Lodi and Stockton, primarily using available PPE and personal hygiene.

Item #6 – *“My understanding is the problems between management and the employees are continually building.”*

I have no comment at this time.

why not

Item #7 – *“The employees truly want a resolution and would even be willing to bring the Board into the discussions.”*

This is a moot subject, since the Board was copied the original SJPEA letter, and the letter was provided to the Board by staff at the March 17, 1998 Board of Trustees meeting. Additionally, several Trustees received copies of the letter addressed to them at their home address. As manager, I will communicate the status of these issues to the Board at every opportunity.

The Board's Executive Committee is charged with personnel issues, and it may be prudent to include the Committee in a forum with employees as the process continues. I will discuss the aspect of a joint meeting (employees and Committee, or employees, management and Committee) with the Association's representative as soon as possible.

Absolutely

The Group would like to meet with Board

John Stroh,
Manager, MAD

Dear John,

I am in receipt of your letter dated May 18, 1998 and the draft employee handbook and the proposed policy changes. I am in agreement with you that open communication should lead to resolution of some of the issues brought up at our meeting of March 25 subsequent to my letter of March 12. I am happy to clarify the expected outcome or specific remedy being sought for each one of the items which were told to you verbally on March 25. Also, my members and myself still have some unanswered questions from our original letter. In addition, our meeting of May 12 and the verbiage and tone of your memo to the Board of Trustees dated April 21 have brought up some new concerns.

In regards to the remaining questions from our March 12 letter:

Item #1 - Can you give us an example of when the "open door" policy has been mocked or trivialized by the concerned employees? Merely stating this in your memo seems an attempt to make the employees look petty and their concerns insignificant. We assure you they are not! Also, you may feel the employees' comment regarding reprisal is unwarranted but look to your cover memo to the Board. You state you feel it is "...apparent that a large portion of the concerns raised at the March 25 meeting appeared to be from one person, and that some of these were trivial.." and in the previous paragraph you had named Duane Bridgewater as the representative who provided the additional concerns. Linking these two as you have shows a subtle form of reprisal. You should know that reprisals are not always blatant and cannot always be proven but the perception the employees have is that this occurs at the District and as the Manager we feel it is your duty to correct this.

Item #2 - While you may not feel this is the personnel style of either yourself or the assistant manager it is the perception of the employees.

Item #4 - I would like to remind you I have been the SJPEA representative for well over a year now and I have never had the MCT IV position clarified to me. I also verified with the previous Representative, Marcia Mooney and her understanding is the position was created when the two districts were combined. However, there has never been clear justifications as to why you maintain the position is not in our group. Therefore, I would like to see, in writing, under what statute you have deemed this position to be exempt. It is not an administrative nor confidential position. He has the same responsibility level as the MCT III and has no commonality of interest with the other positions you have grouped him with.

Item #5 - The employees are looking forward to reviewing what was received from the agencies and the implementation of the safety measures.

Item #6 - My hope is that you have "no comment at this time" because you are working on addressing the problems and seeking satisfactory resolution for both the District and its employees.

Item #7 - Absolutely, the group would like to meet with the Executive Committee as soon as it can be arranged.

The expected outcome or specific remedy being sought for the additional items presented at March 25 meeting:

#1 - "No confidence in top management" We feel the assistant manager should be present for any additional meetings we hold with you and/or the Executive Committee. In this way he will be present and hear first hand what is stated and therefore will be unable to assert he was told something different at a later date. In the future employees will need to ask for clarification of the intent of what is told to them by you or the assistant manager. This should prevent future questions as to what you meant. This way if the intent is later changed it would need to be rephrased to the employees.

#2 - "Written documentation of accounts, manager disregards and makes own interpretation, some employees have to follow exact letter of the law." The MOU language for the shut down period between Christmas and New Year stated it would be for five (5) days and you changed it to four (4) days. We would like the contract implemented the way it was negotiated.

#3 - "Disrespect for field operations, work never appreciated." This should be easy to rectify by showing some recognition for jobs well done.

#4 - "Management influence must remain out of employee of the quarter." Assistant manager has refused to accept a nominee for employee of quarter in the past. This simply should not happen.

#5 - "Opportunity for work during Christmas holiday denied for full-time employees, but given to temp employee (Angie Mullens). Except for one day offered for full-time employees to clean toilets." If there is work available during the shut down period it should first be offered to full-time employees before outside, part-time help is hired.

#6 - "One's time of service being commented about, the cost to the District, i.e. vacation accrual, longevity and Overtime." This seems to always be brought up at negotiations when we are told the Board feels the employees are already overpaid and receive too many holidays. Just because someone says something does not make it so. There have been comments from the assistant manager that if a person is that old then maybe they should

retire. This again shows a lack of recognition of the quality of employees you have working for the District.

#7 - "Complaints about supervisors and employees from unknown sources brought up months and years after the fact. When complaints do come in about employees, they are usually presumed guilty before they can prove otherwise." Once an issue has been dealt with that should be the end of it. If someone has a legitimate complaint, they should be willing to come forward in an honest manner. The recent memo to the employees regarding drug use which was initiated after an anonymous phone call was an overreaction. You stated the attorney told you to have every employee be brought in and tested. You have to have more than this to go on.

#8 - "Technicians doing college accredited duties while ones zone work becomes low priority" We discussed the need for recognition that even if an employee volunteers to help on special projects their duties need to be performed in a timely manner. Their co-workers should not be expected to take up the slack.

Most of the remaining additional items from the March 25 meeting dealt mainly with negotiations. We will again try to address these at the appropriate time.

Items requested and easily rectified included; 1) Posting the Board agenda in the break room prior to the meeting so employees who may be interested in attending a session would be able to make an educated decision based on the agenda. 2) Posting the Board minutes in the break room after the meetings. 3) Posting the annual budget for employees to see. 4) Posting of monthly expenditures, in this way employees may be able to give good suggestions regarding ways to save money.

Finally, we truly need the position currently performing road side spraying to be defined. Is this or isn't this an assignment. If yes, then it needs to be open for bidding just like the open zones are. If not, then we need a clearer reason you don't feel it is. It certainly looks like an assignment.

I hope this clarifies our positions and keeps us moving in the right direction to resolving the concerns of the employees. Please contact me so we may set the meeting between the membership and the Executive Committee.

Sincerely,