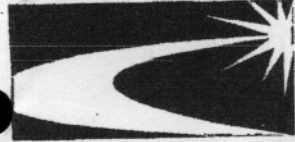


LOCAL 1021



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Stronger Together

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President

Crawford Johnson
Region A

Tom Popenuck
Region B

Gary Jimenez
Region C

Larry Bradshaw
Region D

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- Erika Watkins
- Jim Wise

HAND DELIVERED

January 15, 2014

BOARD OF SUPERVISORS

JAN 15 2014

RECEIVED

San Joaquin County Board of Supervisors
44 N. San Joaquin Street
Stockton, CA 95202

Re: Notice of Formal Complaint Against the Department of Public Works Utility Department Management & Public Works Management et.al. – Violation of MOU Section 1.3. Employee Rights – Employee Relations

SJC BOARD OF SUPERVISORS
COMMUNICATIONS # 2
Category GG
Board Meeting Date 1/28/14

Dear Board of Supervisors:

This shall serve as a formal Union Complaint filed pursuant to the above referenced violation and section of the Trades, Labor, and Institutional Bargaining Unit (I) Memorandum of Understanding. As noted in MOU Section 1.3. Employee's Rights – Employer-Employee Relations, "The Union or any employee or group of employees who has a complaint regarding the exercise of rights under this provision may file charges in writing with the Board of Supervisors and serve the charged party in accordance with Section 13 of the Employer-Employee Relations Policy."

- **Charge: Violation of MOU Section 1.3. Employee Rights-Employer Relations; Sub. Sec. (b) "The right to be free from interference, intimidation, restraint, coercion, discrimination, or reprisal on the part of the County, other employees or employee organizations with respect to his/her membership or non-membership in any employee organization or with respect to any lawful activity."**

Violation of MOU Section 1.3. Employee Rights – Employee Relations

During the term of Dereck Lee's, Utility Worker II, employment with the San Joaquin County Public Works Department, he has

Executive Board Budget & Finance Committee

- Theresa Breakfield Kathryn Cavness Tina Diep Richard Greenwood
- Doug Marr Julie Meyers Peggy La Rossa Paul Little Nadeen Roach

4226 Coronado Ave. • Stockton, CA 95204-2328 • 209-461-7720 • Fax 209-461-0574
Service Employees International Union CtW, CLC • www.seiu1021.org

San Joaquin County Board of Supervisors

Re: Notice of Formal Complaint Against the Department of Public Works Utility Department Management & Public Works Management et.al. – Violation of MOU Section 1.3. Employee Rights – Employee Relations

January 15, 2014

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As an egregious act of retaliation, Supervisor Ron Rall went directly to workers after the workers had amicably resolved the provoked dispute between themselves and requested that the situation be written up on incident reports and Ron Rall initiated a "Violence in the Work Place" complaint against Mr. Lee.

It should also be noted that this incident took place in August 2013 and Mr. Lee was notified by Mr. Rall around November 11. At this time Dereck told Mr. Rall he wanted to be represented by his union in any further discussions concerning the matter. The matter was left alone for seven weeks that held over 31 working days. It resurfaced when Dereck met with Deputy Director Jim Stone, on December 30, 2013 with his Union representative concerning other matters of retaliation over OSHA being called on Aug 5 2013. Mr. Stone informed Dereck that he was conducting an investigation into this incident being reported as a Violence in the Workplace Complaint filed against him. According to County policy, any Violence in the Workplace Complaint should have been filed within 24 hours of the incident.

2. In another incident of retaliation, Mr. Lee was given the assignment to check the chlorination levels in the north county water wells. Mr. Lee found that there was no chlorination in multiple wells and that they were left untreated.

In this event, the constituents in all of the districts were not provided warnings to not drink the water. No effort was made to test the water or flush the untreated water from the systems.

Instead, Dereck Lee, in a Tailgate meeting, was subjected to being the person who found the problem and made to be the person who caused this problem for other workers in the Utility Department.

3. Falsifying constituent incident report and manipulated facts to discriminate and retaliate against Mr. Lee to place him in a negligent of duty situation to discipline him.

On Wednesday, January 8, 2013, there was a service call done related to a sewer back up in a home. Co-workers Don Stockall and Dereck Lee reported to the call. In conducting their work, it was determined that the backup was due to a clog inside the constituents home and this was reported to the resident by Don Stockall and that a plumber would have to be hired by the

San Joaquin County Board of Supervisors

Re: Notice of Formal Complaint Against the Department of Public Works Utility Department
Management & Public Works Management et.al. – Violation of MOU Section 1.3. Employee
Rights – Employee Relations

January 15, 2014

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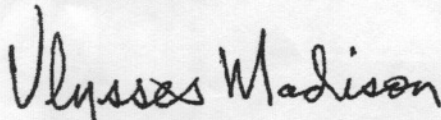
by Mr. Lee that there is equipment that exists that can be broken down and brought into these locations that he raised as being difficult to gain access by the proper equipment.

Mr. Lee was informed after this discussion that he was being investigated for a frivolous and untimely charge of Violence in the Workplace.

These and other acts committed against Dereck Lee for raising lawful safety concerns and required accountability by the State of California and other regulatory agencies has caused his supervisors to harass, intimidate, retaliate, and create an extremely hostile and intimidating work environment for Dereck Lee which must cease and desist immediately.

Because of the severity of working condition violations, known intent to conduct work in violation of Cal OSHA and regulatory agency lawful requirements, and the health and safety of workers and San Joaquin County constituents being compromised, San Joaquin County Public Works Department Management MUST be held accountable.

Sincerely,



Ulysses Madison
Field Representative



Dereck Lee, Grievant