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DEPT OF INDUSTRY RELATIONS
DWC/WCAB

NAME
STREET
CITY, STATE, ZIP CODE

TELEPHONE #:

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Tiffany Anderson

Applicant,

vs.

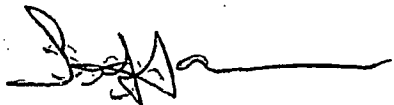
San Joaquin County
mosquito & vector control
District

Defendants.

WCAB#:

APPLICATION FOR DISCRIMINATION
BENEFITS PURSUANT TO LABOR CODE
SECTION 132(A)

See attached



8/31/2011

Tiffany Anderson
2 N Avena Avenue
Lodi, CA 95240
209-329-9523
209-625-8587

August 31, 2011

I will start from the most current acts of discrimination in regards to me and my experiences with my employer and their responses to employees who file worker's comp claims.

July 29, 2011 my union representative called me as he had received a complaint from a fellow co-worker who noticed I was excluded from fishing duties that past protocol would have included me in. You see since my return to work on Monday August 30, 2010 from my last work comp claim I have encountered nothing but discrimination from my employer.

On July 18 2011 after returning from the weekend I meekly asked my assistant manager if I could return to US Health Works as I felt like I had a bug. This bug I believed to be contracted through dirty irrigation water that contained pesticides and animal feces I believed to of have entered a open wound I had encountered on June 28, 2011. My assistant manager verbally attacked me yelling at me about being a constant problem and how I pestered my supervisor about frivolous issues. Such as the half way house that serves a s boarding house for child molester's and a rapist.

My employer has not been alone in their discrimination against me. I called a Whistle Blower hotline back in September of 2010. This call went straight to my employers attorney who informed me he was going to investigate my manager and my complaints of harassment, retaliation and blackballing. I informed the attorney that I believed I was being harassed for filing my own work comp complaint as well as serving as a witness to a fellow co workers work comp case had I been served a subpoena to appear before the courts.

My employer, the board and the attorney all thought it would be a good idea to post the Board of Trustees Meeting agenda on Tuesday October 19, 2010, my work comp number along with the illusion that I was suing the district, on the break room wall for all employees to see. Creating an atmosphere where employees feared to communicate with me and some down right refused to work with me.

Such as in the case of our newly hired Emily Diguillio-Pope. Emily was hired in the absence of my last work comp case. When I returned to work and tried to talk

to Emily she informed me she was instructed by her supervisor Brian Heine not to talk to me. Emily has stuck to her guns and a year later still does not talk to me. The first date Emily was assigned to work with me alone she went home sick, yet was well enough to appear at a company party that evening.1

As for the manager and his assistant they have discriminated against me in many ways. I have a book of documents I can provide to prove as I started writing the worst of the acts down this last year and calling them incident reports and sending them to the board.

In researching my past history with the District I noticed a pattern.

4/19/0 Date of Hire

4

6/9/04

Discharged released with chronic fatigue
6/30/2004 22 symptoms
days

Work-Comp
Exposure to
unknown
chemical

Discharged
6/30/2004 22
days released
with chronic
fatigue
symptoms

1/18/0 Evaluation by

5 Duane
Bridgewater-
Zone
assignment 7
Linden

written
1/6/2005 13
days

1/26/0 Work-Comp
Exposure-

Discharged
1/31/2005 6

released with chronic fatigue

5 Discharged days symptoms
1/31/2005 -6
days-released
with chronic
fatigue
symptoms

7/26/0 Evaluation by written
5 Duane 7/15/2005 12
Bridgewater- days
Zone
assignment 9
Island Area-
written
7/15/2005 12
days

11/1/0 Work-Comp Discharged Discharged 11/30/2005 29
5 Exposure- 11/30/2005 29 days
Discharged days
11/30/2005 29
days-Discharged
11/30/2005 29
days

7/18/0 Evaluation by
6 Duane
Bridgewater-
Zone
assignment 9
Island Area-
written

7/15/2005 12
days

Here is a history and pattern I noticed while going through my personal records. I had three work-comp exposures during my employment with the district. In all three cases I broke out in severe rashes and then I was chronically sick. Because the treating physicians could only treat physical symptoms they could see with their eyes which happened to be severe rashes in all three cases I was released after the rashes were cleared up with the cortisone. As you can see some of these rashes lasted a near month. When the physical signs were gone I was then left to use my sick leave, vacation and accrued overtime to deal with the internal symptoms. But on all three evaluations given I was dinged on my abuse of sick leave. My supervisor at the time informed me his supervisor made him add those comments to my evaluation; which I believe is a violation. My supervisor then pointed out the time from which he wrote the evaluation to the time I signed it.

The discrimination I face today is isolation and blatant the District has always retaliated against their employees for filing work comp claims.

Email Correspondence Between Board President Mike Manna and me

----- Forwarded Message -----

From: tiffanyanderson <tiffanyanderson@me.com>
To: Michael Manna <zinman104@aol.com>; Tiffany Anderson <tiffanykayanderson@yahoo.com>
Cc: tiffanyanderson <tiffanyanderson@me.com>
Sent: Thu, May 19, 2011 9:46:02 PM
Subject: my success at integrating back into a hostile work environment

Dear Mike,

Just in case you wanted to know how I am doing at work I thought I'd fill you in.

This letter of acknowledgement recognizing Emily is biased because it comes from her prior landlord of less than a month ago, while putting me down passively. Who's idea is it to get rid of me and put Emily back in zone 18? John!

Emily has aligned herself with Janine and Bob as they are still a couple (supervisor subordinate in the workplace) and is openly hostile to me. I guess this makes her a team player in the eyes of management, although ignoring the ERMA training seminar concepts that were taught a few weeks ago. "Creating A Better Working Environment"

When I was on work comp John offered me one month of work in November and December of 2010 while Chris Eley was supposed to investigate my complaint against John. I asked to be removed from the locker room as Janine and Emily had already formed a tight bond. It was obvious this new employee, Emily who should have not known a thing about me or regarding my past history with the

district, disliked me from the day we met. per my request, John allowed me to change in different shifts.

When I returned to work these girls dogged. Somehow management was able to transfer the hate and hostility Janine held towards me to this new employee. Both the girls came to work late chronically. Both Janine and Emily abused their sick leave as I have been accused of doing. This is what I returned to.

December 17, 2010 Emily and I were assigned our first job assignment together. Emily had to clean the vehicle she worked in the day prior before we were to go out into the field. I was asked to clean the break room to fill in for the time I had to wait for her to finish her job assignment. Around nine when she was finished, she informed Scott Andreas she was going home sick. I believe this was an act so she wouldn't have to work with me. I believe this, due to her behavior towards me prior to this date and after. Due to this emotional insult I went to John and Eddie with Scott Andreas witnessing and asked if I could go home according to our rainy day policy. I was informed by both John and Eddie that we do not have a rainy day policy. The policy stands a day for a day. I was reassigned to inspect swimming pools in Tracy in the rain. That day I was rear ended by a woman in a parking lot. I had never been in a vehicle accident and it rattled me pretty bad. I was not sent to the doctor. I did however use my own medical care and time to be seen.

May 18 2011 was a rainy day. Many employees were allowed to leave due to the rainy day policy that didn't exist when I wanted to use it in the middle of winter, only five months ago. I requested to leave as well. I changed out of my uniform after Brian gave me permission to leave. Brian had been off work for four days and is apparently not allowed to go out into the field with me so I sat in his office and was pouring over field information I wanted to communicate to him. Brian and I are sitting at his desk. Bob is sitting right by in the same office. Eddie comes in and asks me why I am not in my uniform. I inform him I am going home. He in front of Bob informs me that I do not have enough time on the books. I asked him did you check my accrual time? He said "you bet I did" you only have 3 hours. I inform Eddie that I worked overtime a few weeks back and I know I have at least one accrual day. Eddie informs me that it hasn't been counted for yet, although it was

worked two weeks ago. Legally I know I am right, but I'm not going to argue his position and put Brian in a more uncomfortable position. We've already made Brian uncomfortable enough.

Stop right here. This is my private information.

Bob Durham the man who should not even be working at the district due to his harassment and public humiliation of employees knows about my time on the books? Wait now his girlfriend in Lodi will know and the list goes on, as there is no privacy protection in our workplace.

The double standards and harassment astound me.

I go back to the locker room and put on my uniform and am thankful I have a job.

The date of my work comp hearing was scheduled at nine a.m. I put in a blue sheet requesting the district to pay for the time off. Eddie pulls my legal file with the county and attaches it to my blue sheet and hands it to Brian to look at. This document has nothing to do with my employment. It has my divorce date on it. The date my ex-husband and I filed charges against the person who molested my son. This information is given to Brian why? This is an invasion of my privacy, illegal, harassment and just morally wrong.

I could go on but I won't. It is my greatest hope that this information does not get back to my fellow employees and the cycle repeated as John has done in the past to perpetuate a hostile work environment and publicly humiliate me. These are acts that lawsuits are made of. When is it going to stop?

Sincerely,
Tiffany Anderson

Email Correspondence Between Board President Mike Manna and me

How is it going???

In a message dated 8/13/2010 4:41:04 P.M. Pacific Daylight Time, tiffanykayanderson@yahoo.com writes:

I enrolled at Humphrey's business school working towards a degree in paralegal studies. I am mid second quarter. I am educating myself so I can be informed of my rights and maybe land an office job one day.

I sent John a letter today it might be a good idea if you forward it to the board.

Take care
Tiffany Anderson
Dear John,

August 13, 2010

Dr. Murata my surgeon and physician assigned to my Workman's Comp claim, has given me a full release to return to work on Monday July 26th. I have not returned to work at your request stated on Friday July 23rd.

You are denying me the right to work.

It is illegal to retaliate against an employee for reporting illegal actions in the workplace. In my case, I would refer to the "Whistle Blowing" that resulted in an investigation by the board in November of 2009.

It is illegal to retaliate against an employee for filing a Workers Comp claim.

It is illegal to retaliate against an employee for giving testimony as a witness to another employee's Workers Comp claim.

Time limits on laws require that I take action to preserve my rights. I am asking that you follow the law and offer me reasonable accommodations or create a new job assignment for me. If you refuse to do this within 48 hours, I will be forced to pursue legal action in order to protect my rights, including filing a claim with the EEOC.

Sincerely,
Tiffany Anderson

Email Correspondence Between Board President Mike Manna and me

Incident Report

Today's date Friday June 10, 2011

Date of incident Wednesday June 8, 2011

Time 7:30 am

On Wednesday June the 8th my supervisor Brian Heine pulled me aside and informed me we needed to talk.

Brian inquired on behalf of management regarding the date Monday June 6, 2011.

Our county had an unusual weather occurrence where we had a steady rain over the weekend. Along with these factors it rained during my drive to my zone in Escalon. The roads were sloppy and congested with traffic. I parked on the north side of HWY 120 and the east side of Seidner road. I documented this on my time sheet and studied irrigation lines for South San Joaquin County

Irrigation District.

Since my employment with the district it has been a standard practice of employees to wait out a rain.

Management looked at my time sheet and then had Brian ask Morgan Bennett if it rained in Escalon, as if my judgment was off. Like I don't know the difference between the rain or the sun?

I informed Brian that Morgan's opinions of me are invalid. I also

pointed out that my whole crew, just the week prior while working at the cemetery followed the standard district rain policy

Morgan Bennett is not my supervisor but yet a pier that in 2007 physically and verbally harassed me by slamming his clipboard on the table I was sitting at and yelled ERMA at me. Morgan continued to call me ERMA for a week. This has been documented with my supervisor Brian Heine as I requested Brian to make Morgan stop his behavior. Brian was an assistant supervisor acting as our supervisor at that time. During that period of, time management advised Brian that he could not take sides between Morgan and I. Morgan's behavior defined harassment and Brian neglected along with management to protect my rights.

Why did Morgan Bennett even know that I filed a complaint with ERMA when it did not even involve him?

Here is yet another example of management singling me out and harassing me.

What are district policies? Why are there two sets of rules?

SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT
7759 S. AIRPORT WAY, STOCKTON, CA 95206-3918
(209) 982-4675

BOARD OF TRUSTEES MEETING

AGENDA

Tuesday, October 19, 2010
1:00 P.M.

1. **CALL TO ORDER; ROLL CALL**
2. **PUBLIC COMMENT PERIOD** – This time is reserved for members of the public to address the Board of Trustees relative to matters of the San Joaquin County Mosquito & Vector Control District not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.
3. **CONSENT CALENDER**
 - a. Minutes of the September 21, 2010 regular meeting of the Board of Trustees
 - b. Expenditure and Financial reports for September 2010
 - c. District activities report for September 2010
 - d. Community Education Program report for September 2010
 - e. Manager's report
 - f. Correspondence

4. **POLICY COMMITTEE REPORT**
5. **REVIEW OF DISTRICT WEBSITE, www.simosquito.org**
6. **REQUEST FOR AUTHORIZATION TO SEEK BIDS FOR THE PURCHASE OF THREE (3), ½ TON 4X4 PICK-UP TRUCKS PER BUDGET CATEGORY 6451001**
7. **REQUEST FOR AUTHORIZATION TO CHANGE THE DATE OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES FROM DECEMBER 21 TO DECEMBER 14, 2010**

8. **CLOSED SESSION (Pursuant to CGC §54956.9)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of case: **ANDERSON, TIFFANY vs. SAN JOAQUIN COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT**, VCJPA CLAIM NUMBER VE0700184

REPORT OF CLOSED SESSION (Pursuant to CGC §54957.1)
9. **COMMENTS FROM BOARD AND STAFF ON NON-AGENDA ITEMS**
10. **OTHER BUSINESS; ANNOUNCEMENT OF FUTURE BOARD AND COMMITTEE MEETINGS**
 - a. The next regular meeting of the Board of Trustees will be 1:00 p.m. Tuesday, November 16, 2010
11. **ADJOURNMENT**

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

WORKERS' COMPENSATION APPEALS BOARD

Case No. **STK 207071**

OF APPLICATION HAS WHEN FILED, CASE NUMBER
MUST BE INDICATED REGARDING OF DATE OF INJURY

Donald Meidinger

vs.

San Joaquin County Mosquito, et al.

Claimant/Applicant

Employer/Insurance Carrier/Defendant

SUBPOENA

The People of the State of California Send Greetings to:

c/o

Tiffany Anderson

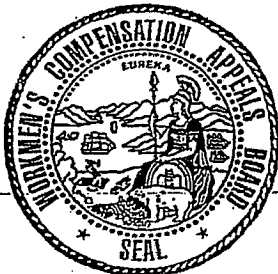
YOU ARE HEREBY COMMANDED to appear before **Worker's Compensation Appeals Board**
Workers' Compensation Judge

31 E Channel Street #344

Stockton, CA 95202-2314

on the **17** day of **May**, **20 10**, at **08:30** o'clock **A M.**, to testify in the above-entitled action.

For failure to attend as required, you may be deemed guilty of contempt and liable to pay to the parties aggrieved all losses and damages sustained thereby and forfeit one hundred dollars in addition thereto. This subpoena is issued at request of **Adam J. Stewart, Esq.**, Telephone No. **(209) 526-0522**



WORKERS' COMPENSATION APPEALS BOARD
OF THE STATE OF CALIFORNIA

Secretary, Assistant Secretary, Workers' Compensation Judge

Date **May 14**, 20 **10**

This subpoena does not apply to any member of the Highway Patrol, Sheriff's Office or city Police Department unless accompanied by notice from the Board that deposit of the witness fee has been made in accordance with Government Code 68097.2, et seq.

FOR INJURIES OCCURRING ON OR AFTER JANUARY 1, 1990 AND BEFORE JANUARY 1, 1994:

If no Application for Adjudication of Claim has been filed, a declaration under penalty of perjury that the Employee's Claim for Workers' Compensation Benefits (Form DWC-1) has been filed pursuant to Labor Code Section 5401 must be executed properly.

[SUBPOENA INVALID WITHOUT DECLARATION]

CHRISTOPHER K. ELEY

Attorney-at-Law

A Professional Corporation.

343 East Main Street, Suite 710 • Stockton, California 95202

Telephone: (209) 466-8511 • Facsimile: (209) 466-6340 • Email: eleylaw@gmail.com

September 14, 2010

Tiffany Anderson
2 North Avena Street
Lodi, CA 95242

Dear Ms. Anderson:


Mike Manna sent to me your e-mail dated September 5, 2010, regarding your employment at the District. In your correspondence you state that you wish your employee file to be expunged; you make some statements about employer-employee relations and ask for a meeting with members of the Board of Trustees.

Regarding expunging your employee file, I am not sure exactly what you are referring to. Are you asking for the District to remove your past performance evaluations? If an employee is unhappy with a performance evaluation, the employee can submit their own response. This needs to be shortly after receiving the evaluation. The time to submit any such response for the evaluation performed in February 2009 has long passed. Moreover, I am informed that your overall evaluation was 'satisfactory' at that time. There is an earlier performance evaluation completed for 2008. I believe that you did write a response to that evaluation. I am not aware of any other matters in the personnel file that would reflect on your performance as an employee.

Your correspondence also states that it is illegal to retaliate against an employee for certain protected actions, i.e., A) reporting of workplace wrong doing, B) filing a worker compensation claim or, C) giving testimony in a worker's compensation hearing. Your statements of the law are generally correct. If you have evidence to show that there has been retaliation against you based on any three of those actions, you may either contact management at the District, or I am available to receive facts which support any claim of retaliation. Finally, there are state and federal agencies which would consider such a claim.

With regard to your request for a meeting with some of the Trustees, I would advise my client against that at this time. The day to day operations of the District, including the review of performance evaluations, are up to District Management. The Board does not become involved unless there is some grievable issue which has not been resolved at the earlier steps in the grievance process. Additionally, the individual Trustees are not in a position to act alone, but can only act as members of the Board. Thus, please do not send your employment issues to the Trustees individually. If you believe that you have a grievance against the District, you should contact your employee representative to discuss the matter.

Sincerely,



Christopher K. Eley

CKE: pjd
Cc: SJCMVCD

Proof Of Service By Mail

I declare that:

I am (resident of/employed in) the county of San Joaquin California. I am over the age of eighteen years, my (business/residence) address is:

2 N. Avena Avenue Lodi CA 95240

On 8/31/2011, I served the attached DOR on the

parties in said case, by placing a true copy thereof enclosed in a

sealed envelope with postage thereon fully paid, in the United State mail at

Stockton CA addressed as follows

Madden Zie Dawson ATMS P.O. Box 269120 Sacramento CA 95826
3 Stockwell Harris woolerton & Muehl 1545 River Park Drive suite 330
Sacramento CA 95815
WCA B 31 E Channel St. #344 Stockton CA 95202

I declare under penalty of perjury under the laws of the State of California that the

foregoing is true and correct, and that this declaration was executed on

(date) 8/31/2011, at Stockton California.

Type or print name Tiffany Anderson

Signature [Handwritten Signature]

Proof Of Service By Mail

I declare that:

I am (resident of/ employed in) the county of San Joaquin California. I am over the age of eighteen years, my (business/residence) address is:
2 N Avena Avenue Lodi CA 95240

On 8/31/2011, I served the attached 132(a) Petition on the SJ County M&VCD in said case, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully paid, in the United State mail at

Stockton CA addressed as follows 7759 S Airport

WCAB 31 E Channel Street #344 Stockton CA 95202
SJCM&VCD 7759 S Airport Way Stockton CA 95206

Stockton CA 95206

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on

(date) 8/31/2011, at Stockton California.

Type or print name Tiffany Anderson

Signature [Handwritten Signature]