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DEPT. OF INDUSTRY RELATIONS
DWC/WCAB

April 2, 2015

Attorney Sara Skolnik
Stockwell, Harris, Woolverton & Muehl
1545 River Park Drive, Suite 330
Sacramento, CA 95815-4616

Dear Ms. Skolnik:

I am in receipt of the Defendant's Initial Response letter dated September 12, 2014. I have addressed the initial requests and defendant's responses individually below.

Request #1: Pre-employment medical records at Dameron.

Plaintiff's Response: I received the medical exam reports for 4/2/04 and 4/19/04, as well as the medical clearance for respirator use. However, the records are missing essential components of a medical file. A complete medical file would also include: nurse's notes/documentation of vital signs, consent and authorization to treat, etc. Please refer to Plaintiff's Exhibit 17-A through 17-I, which documents what items are still missing.

Request #2: All records for medical encounters at Dameron.

Plaintiff's Response: I am satisfied with the documents received for dates of service 6/9/04 and 10/11/05. However, for the majority of these dates of service, I have once again received only partial records and for some dates, no records at all. (Note the 10/11/05 date of service was incorrectly listed in the defendant's response as 11/01/05; this may be why the Defendant found no record of this date of service). Please refer to Plaintiff's Exhibit 17-A through Exhibit 17-I, that documents which items are still missing.

Request #3: Copies of all DWC-1s.

Plaintiff's Response: This request has been satisfied.

Request #4: Documentation of any verbal instructions and comments between Plaintiff's employer, fellow employees, or supervisors and the Plaintiff's doctors/medical staff.

Plaintiff's Response: As offered, please provide an affidavit from your client before or at the next status hearing that there is no documentation of instructions or comments between the Plaintiff's employer, fellow employees, or supervisors and the Plaintiff's doctors/medical staff.

Request #5: All medical records, lab results, reports, evaluations, notes written or transcribed from Dameron.

Plaintiff's Response: It is not correct that I have received my entire medical file from Dameron as indicated in the Defendant's response.

In addition to the items listed in Requests #1 and #2, I am also missing documentation of six different office visits for Hepatitis A, B, and C immunizations; a TB test and the reading of the results, and a tetanus shot. I would also expect to see lab results and documentation of any prescriptions provided during these visits.

Request #6: Labels and chemical treatment records from 2000-2011, specifically the use of Formalin and other materials at the White Slough Facility along with documentation that all employees have been notified of the use of the substances.

Plaintiff's Response: The statement that I have been provided with all of the MSDS labels is false. I have received only a portion of these. Most importantly, I have NOT received MSDS labels for the products used at the White Slough Facility, despite repeated requests over a period of three years.

Please refer to the most current contract agreement between the district and NPDES. This lists all chemicals the district is licensed to use, with exception of the undisclosed list of products used at the White Slough Facility.

Per FOIA, the White Slough products need to be public, and reported to NPEDS. Federal law governs even products defined as "medicine".

- In regards to the chemical treatment records that I did receive, significant information is illegible on the records provided due to the edges of the copies being cut off, and the records for 2007 are completely missing.

The response also indicates I participated in sludge control on 1/20/04, however this is before my employment with the district even began.

Please provide me with:

1. MSDS sheets for chemicals used at the White Slough Facility 2004-2011
2. A legend showing the two digit codes and the names of chemicals they stand for.
3. Chemical Treatment Records that show the complete dates during my course of employment.

4. Purchase orders for all chemicals used, purchased, and/or stored during my course of employment.

In lieu of a ruling, if the Defendants provide an affidavit to the court stating that they did not inform or train me regarding the exposure of these chemicals, then this portion of this item will be satisfied.

- In regards to notification to all employees and the employer's refusal to provide them, I will ask the judge to rule on this issue and the purchase order request at the WCAB hearing.

Request #7: A copy of the memo from John Stroh dated 6/3/98 entitled "Employee Waste Water Handling Information Update."

Plaintiff's Response: The request for a copy of this actual document has been satisfied. However, I am seeking any further documentation that arose from this 1998 memo, which includes bargained-for safety measures. Of particular interest is the testing that was to be done by an independent third party laboratory on the properties where the chemicals were to be applied.

Please provide an affidavit from your client explaining the safety steps that they took based on this memo. Please also include all documentation, including but not limited to, safety procedures and/or laboratory tests that were implemented and/or performed as indicated in this memo.

Request #8: A copy of the training binder titled "Agricultural and Municipal Waste Water Information."

Plaintiff's Response: The request for a copy of this document has been satisfied. However, please provide confirmation from your client that the information contained in this binder has been provided to all of my medical providers, as per our bargained-for MOU.

Request #9: A copy of safety leaflet N-8 published by the California Department of Pesticide Regulation.

Plaintiff's Response: The request for a copy of this document has been satisfied. Please provide confirmation from your client that they have reviewed this publication, and that it has been provided and reviewed by AIMS.

Request #10: Copies of documentation of Plaintiff's training and education records including her signed acknowledgement of same from her date of hire through her termination.

Plaintiff's Response: I have reviewed the records provided by the Defendant, and these trainings consisted of sitting at a desk, reading chemical labels,

then putting "X" marks on sheets of paper to indicate I had been "trained." Note: none of these pertained to chemicals used at the White Slough facility.

My request here is for documented proof that I was trained for the tasks I was actually expected to perform in the field (tasks well-beyond the job description provided). Namely, please provide the proof/detailed procedure from your clients, the Defendants, that I was specifically trained for:

1. Recognizing Exposures in the workplace
2. County Catch Basin Systems
3. Rice Fields
4. Irrigation Districts, Cycles & Practices
5. Dealing With Infectious Agents
6. Maps Learning County Regions & Zones
7. BMP Pastures & Bulls
8. Dairy Ponds and Reclaimed Waters
9. Zone Transfers & Relocations
10. Rainy Day Policy
11. Heat Stroke Training
12. Water Safety Training
13. Proper Behind-the-wheel Training Driving the spray trucks and proper use of all the gauges and switches
14. Treatment and inspections of wetlands, providing information for flying Purposes, Inspections, Reporting and Treatments
15. West Nile Virus Protocol for Protecting Employees
16. Employee injury training and procedures from exposures
17. The Personal Liability to Techs
18. Vacant homes policy and procedures for entering property
19. Night driving in unlit places
20. Dealing with hostile or dangerous people
21. Fish hatchery training, products used and tested
22. Fish capturing in the wild to bring back/harvest and raise at the White Slough facility
23. Properly treating abandoned swimming pools
24. Understanding and Complying with NPEDS requirements
25. Cold fogging chemicals for Adulthooding; Cold fogging in unfamiliar locations, dark unlit pits, seepage areas and rice fields; rural safety; recordkeeping; equipment/hand-held devices/computer use
26. Tick Reporting
27. Bee Awareness

Request #11: Copies of time sheets.

Plaintiff's Response: The request for a copy of this document has been satisfied.

As a new request, Number 12, I hereby request the date on which former-manager Stroh decided that it was a Best Management Practice to switch from teams of two employees to just one employee per vehicle.

As a new request, Number 13, I hereby request the date on which former-manager Stroh decided that it was a Best Management Practice to cease supervisors personally going into their work zones to actively manage their subordinates.

As new request, Number 14, I hereby request the date(s) on which either of the two above management decisions were taken to the Board of Directors and discussed, as either change would have been a fundamental change in how the District had operated for decades.

I would like to now address the Defendant's Reply suggesting that I am in some way harassing the opposing party. I would ask that counsel review the *Skelly* hearing that is included herein (as Exhibit 20) as a truer example of what constitutes harassment.

I'd ask you Sara, that any evidence you'd like to be considered be submitted directly to the Court. I would like to move these claims along and wish to have active judicial involvement in our discovery stage.

Sincerely,



Tiffany Anderson

Copy:

Judge McGill
WCAB
31 East Channel Street, Room 344
Stockton, CA 95202

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

I am in the County of San Joaquin, State of California. I am over the age of 18 years.
My address is 2 N. Avena Avenue, Lodi, CA 95240.

I served the foregoing document described as: Plaintiff's Letter Submitting Exhibits 1-23 dated April 2, 2015, with Enclosures on all parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mailed at Stockton, California, addressed as follows:

Attorney Sara Skolnik
Stockwell, Harris, Woolverton & Muehl
1545 River Park Drive, Suite 330
Sacramento, CA 95815-4616

I certify, under penalty of perjury, that the foregoing is true and correct.

Executed on April 2, 2015, at ~~Stockton~~ Lodi, California.

By: 

Tiffany Anderson