

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

ALONCITA MONROE, an individual,

Plaintiff,

vs.

THE CITY OF SEATTLE, a municipal
corporation,

Defendant.

Case No.: 15-2-11126-4-SEA

**DECLARATION OF JACK SHERIDAN
IN SUPPORT OF PLAINTIFF'S
MOTION FOR NEW TRIAL**

I, JOHN P. SHERIDAN, declare under penalty of perjury under the laws of the State of Washington as follows:

1. I am the attorney of record for Plaintiffs. I am over the age of eighteen and have personal knowledge of the facts contained in this Declaration. I am competent to testify as to the facts provided below.

2. **Exhibit 1** is a true and correct copy of excerpts of Paul Jackson's trial testimony taken on the afternoon of December 6, 2016.

3. **Exhibit 2** is a true and correct copy of excerpts of Paul Jackson's trial testimony taken on the morning of December 7, 2016.

DECLARATION OF JACK SHERIDAN IN
SUPPORT OF PLAINTIFF'S MOTION FOR NEW
TRIAL - 1

THE SHERIDAN LAW FIRM, P.S.
Attorneys at Law
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104
Tel: 206-381-5949 Fax: 206-447-9206

1 4. **Exhibit 3** is a true and correct copy of excerpts of Scott Jensen’s trial testimony
2 taken on December 13, 2016.

3 5. **Exhibit 4** is a true and correct copy of excerpts of Dale Hitsman trial testimony
4 taken on December 15

5 6. **Exhibit 5** is a true and correct copy of Trial Exhibit 279 (City of Seattle offer
6 letter to Cita Monroe, dated November 6, 2012).

7 7. **Exhibit 6** is a true and correct copy of Trial Exhibit 276 (Calendar Invitation for
8 October 8, 2012).

9 8. **Exhibit 7** is a true and correct copy of Trial Exhibit 332 (Scott Jensen’s timeline
10 of events of February 8, 2013).

11 9. **Exhibit 8** is a true and correct copy of Trial Exhibit 356 (chart of telephone calls).

12 10. **Exhibit 9** is a true and correct copy of Trial Exhibit 110 (email exchange between
13 Sharon DeWitt and Paul Jackson dated December 5, 2012).

14 11. **Exhibit 10** is a true and correct copy of proposed Jury Instruction No. 17 – pretext
15 instruction.

16 12. **Exhibit 11** is a true and correct copy of Trial Exhibit 4 (Monroe’s performance
17 review dated February 21, 2001).

18 13. **Exhibit 12** is a true and correct copy of Trial Exhibit 7 (Monroe’s performance
19 review dated February 23, 2004).

20 14. **Exhibit 13** is a true and correct copy of Trial Exhibit 9 (Monroe’s performance
21 review dated February 22, 2006).

22 15. **Exhibit 14** is a true and correct copy of Trial Exhibit 10 (Monroe’s performance
23 review dated February 22, 2007).

24 16. **Exhibit 15** is a true and correct copy of Trial Exhibit 11 (Monroe’s performance
25 review dated March 12, 2009).

DECLARATION OF JACK SHERIDAN IN
SUPPORT OF PLAINTIFF’S MOTION FOR NEW
TRIAL - 2

THE SHERIDAN LAW FIRM, P.S.
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1 17. **Exhibit 16** is a true and correct copy of Trial Exhibit 12 (Monroe’s performance
2 review dated March 12, 2009).

3 18. **Exhibit 17** is a true and correct copy of unredacted Trial Exhibit 336 (Monroe’s
4 Complaint to the Professional Accountability Office, dated February 27, 2013).

5 19. **Exhibit 18** is a true and correct copy of redacted Trial Exhibit 336 (Monroe’s
6 Complaint to the Professional Accountability Office, dated February 27, 2013).

7 20. **Exhibit 19** is a true and correct copy of unredacted Trial Exhibit 339 (Monroe’s
8 Memo, dated March 3, 2013).

9 21. **Exhibit 20** is a true and correct copy of unredacted Trial Exhibit 339 (Monroe’s
10 Memo, dated March 3, 2013).

11 22. **Exhibit 21** is a true and correct copy of proposed Jury Instruction No. 3 and 4 –
12 implicit bias instructions.

13 23. **Exhibit 22** is a true and correct copy of proposed Jury Instruction No. 15 –
14 disparate treatment instruction.

15 24. **Exhibit 23** is a true and correct copy of proposed Jury Instruction No. 30 –
16 employer’s “continuing duty” to accommodate.

17 25. **Exhibit 24** is a true and correct copy of the American Bar Association’s
18 “Principles for Juries and Jury Trials” (revised 2016).

19 26. **Exhibit 25** is a true and correct copy of the Court’s Jury Instruction No. 13 –
20 disability discrimination.

21 27. **Exhibit 26** is a true and correct copy of Dr. Anthony G. Greenwald’s Report,
22 dated May 4, 2016, in *Johnson v. City of Seattle*, King County Superior Court Case No. 15-2-
23 03013-2 SEA.

24 ///

25 ///

DECLARATION OF JACK SHERIDAN IN
SUPPORT OF PLAINTIFF’S MOTION FOR NEW
TRIAL - 3

THE SHERIDAN LAW FIRM, P.S.
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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct to the best of my knowledge.

3
4 DATED this 3rd day of January, 2017.

5 SHERIDAN LAW FIRM, P.S.

6
7 By: s/Jack. Sheridan

8 Jack Sheridan, WSBA # 21473

9 Hoge Building, Suite 1200

10 705 Second Avenue

11 Seattle, WA 98104

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14 Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Melanie Kent, certify under penalty of perjury under the laws of the State of Washington, that on January 3, 2017, I electronically filed the foregoing document with the Clerk of the Court using the ECR E-Filing system, and served the following persons using the ECR E-Serve system:

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EXHIBIT 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

THE HONORABLE JOHN ERLICK, JUDGE

ALONCITA MONROE, an individual,

Plaintiff,

vs.

THE CITY OF SEATTLE, a municipal
corporation,

Defendant.

No. 15-2-11126-4 SEA

PAUL JACKSON

12-6-16

REPORTER'S TRANSCRIPT OF PROCEEDINGS HELD ON

December 6, 2016

Kevin Moll, Official Reporter, CRR, CCP

516 Third Avenue, Room C-912, Seattle, WA 98104

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A P P E A R A N C E S

For Plaintiff:

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DENISE L. ASHBAUGH
Yarmuth Wilsdon PLLC
Attorneys at Law

1 Q. It was a different time?

2 A. Yes, sir.

3 Q. Well, wait a minute. Didn't Ms. Jacobs talk to you on
4 the phone?

5 A. Ms. Jacobs talked to me on the phone, yes, sir.

6 Q. So wasn't that because Ms. Monroe had picked up the phone
7 pursuant to the loud speaker, calling her name?

8 A. Yes, sir.

9 Q. All right. So then you must have -- since you were
10 standing in a public area, knocking on the bathroom door,
11 you must have heard that loud speaker calling, saying
12 that -- saying for Ms. Monroe to pick up the phone?

13 A. There was two different scenarios, sir. What you're
14 explaining, the phone call came after, and Ms. Monroe
15 went in there to answer the phone, correct.

16 Q. So you think she actually entered the room to answer the
17 phone, as opposed to being in there?

18 A. Yes, sir.

19 Q. Did you escort her in there to answer the phone? Is that
20 your testimony?

21 A. We were sitting in the common area when the loud speaker
22 was -- over the loud speaker, there was a phone call for
23 Ms. Monroe.

24 Q. So wait a minute. So now you're saying that you're
25 sitting in the common area, there is a -- there is a page

1 that causes her to get up from the common area and go
2 into the restroom, right?

3 A. Yes, sir.

4 Q. And then you're saying, after she went into the restroom,
5 you knocked on the door?

6 A. Yes, sir?

7 Q. So you know she's going -- in your version, you know
8 she's going in to answer the phone, yet you're banging on
9 the door while you think she is on the phone; is that
10 right?

11 A. I don't know if she's on the phone, I don't know if she's
12 sitting down, I don't know what is going on.

13 Q. All right. So -- all right. So then the phone is passed
14 out to you, and you say you hear Ms. Jacobs say,
15 basically, that, look, I talked to her, she'll take the
16 test, right? You heard her say that?

17 A. That is not what I recall Ms. Jacobs saying to me.

18 Q. What do you recall her saying?

19 A. That she talked to our human resources, Evan, and that
20 Ms. Monroe will now take the test.

21 Q. Oh, okay, even better.

22 So at that moment, isn't it true that you said it's
23 too late?

24 A. No, sir.

25 Q. Well, you didn't say it was too late to take the test?

1 A. No, sir.

2 Q. All right. And you never said it was too late to take
3 the test, right?

4 A. No, sir.

5 Q. Did you give a deposition in this case?

6 A. I believe so, yes.

7 Q. All right.

8 MR. SHERIDAN: Your Honor, I'd like to publish the
9 October 3rd, 2016, deposition of Paul Jackson.

10 THE COURT: Motion to publish is granted.

11 MR. SHERIDAN: Let me pass that to the judge.

12 THE COURT: I have it. Thank you, Counsel.

13 MR. SHERIDAN: Do I have it? Thanks very much. May I
14 approach the witness?

15 THE COURT: You may, Counsel.

16 BY MR. SHERIDAN:

17 Q. I'm handing you the October 3rd, 2016, deposition that
18 you gave in this case, and go ahead and read the cover
19 there, just tell us what's the date of that deposition?

20 A. October 3rd, 2016, 10:58 a.m.

21 Q. All right. And in this deposition you were sworn to tell
22 the truth, were you not?

23 A. Yes, sir.

24 Q. All right. And did you say you would tell the truth?

25 A. Yes, sir.

1 Q. All right. Let's turn to page 82, if we can. Tell me
2 when you're there. The number's in the upper right-hand
3 corner. Got it?

4 A. Yes, sir.

5 Q. All right. So you see it says on line eight -- take a
6 look at line eight.

7 A. I do.

8 Q. I'm going to read you the question on line eight, and
9 then you give your answer.

10 "QUESTION: So you said to Ms. Jacobs over the phone
11 that it was too late for Ms. Monroe to have a fitness for
12 duty, right?"

13 And you answered? Go ahead, read.

14 A. "Yes."

15 Q. You answered yes, right?

16 A. Yes.

17 Q. So that was the truth, was it not? You told Ms. Jacobs
18 that it was too late for Ms. Monroe to take the fit for
19 duty examination?

20 A. I did not mean it that way, sir.

21 Q. You mean when you said yes in this deposition, you really
22 didn't mean yes?

23 A. Well, we continued on. We continued on, and I said that
24 I would have to go with my chain of command, my boss and
25 my human resources. That's what I said.

1 Q. You were not?

2 A. No.

3 Q. Did you receive a memo a few days later, saying that you
4 would be relieved of your responsibilities?

5 A. I did not.

6 Q. You never did?

7 A. Not that I recall, no.

8 Q. Okay. Did there come a time that you were relieved of
9 your responsibilities?

10 A. No, sir.

11 Q. Did you continue to supervise personnel?

12 A. No.

13 Q. Okay. Let's talk about that.

14 When were you relieved of your right -- your
15 responsibility to supervise personnel?

16 A. I don't recall ever being relieved of my right to
17 supervise personnel, sir.

18 Q. Well, it was taken away, wasn't it?

19 A. No, sir.

20 Q. So you were allowed to supervise personnel when it was
21 all said and done?

22 A. I don't understand the question.

23 Q. Meaning, do you deny that Ms. Rutherford took away your
24 right to -- your responsibility to supervise personnel?

25 A. I'm denying that I was told I could not supervise

table to the entry of the female restroom, so we didn't escort her, she just walked there and we could see her.

Q. To the bathroom, you mean?

A. Yes, sir, the restroom.

Q. All right. Okay. But isn't it your testimony that at some point you guys just walked away and she snuck out, right?

A. We did not walk away. We were taking calls from various people, such as our -- my human resources, my boss. Scott was talking to his boss. We didn't just walk away. Ms. Monroe asked to use the restroom, and we -- you know, Scott said that she could use it.

Q. All right. But it's true, is it not, that what actually happened is after you spoke with Ms. Jacobs, she actually exited the room and you took her badge at that time?

A. No, sir.

Q. Okay. When do you think you took the badge?

A. Once she signed the declaration form, we informed her that we were going to have to put her on paid administrative leave, and with that I escorted her to her office space. She gathered her things, I asked her to make sure that she got everything. She was sure that she had everything. She handed me a few items. She came back with me toward my office and said that she had to use the bathroom and Scott allowed her, he said go ahead.

And then she also said she wanted to call her sister and her union rep.

Q. Okay. Well, is it your testimony that at the time she went into the bathroom she already had no badge, correct?

A. Yes.

Q. It's true, is it not, that not having a badge meant she could not stay there, correct?

A. No, that's not what that means.

Q. So it's your testimony that it's okay to be there without a badge?

A. Well, we were under an examination, nobody had told her to leave, she had mentioned that she was going to call her sister, and, so, no, nobody told her to leave, and it's not against any policy for her to be there. Scott and I were there.

Q. Okay. But you put her --

A. The process wasn't complete.

Q. But you put her on admin leave, right?

A. We were talking to her about how admin leave works, the process. She had mentioned she was going to call her sister for a ride, so we were there making sure everything was okay, until she got --

Q. Tell me this: Did you or did you not put her on admin leave when she wouldn't sign the document?

A. We were telling her the process. I walked her to her

that was less than full time?

A. In 2013, less than full time?

Q. Yeah.

A. I can't -- I don't recall that. I don't know.

Q. Okay. Fair enough.

It's true, is it not, that you felt like it wasn't fair to have somebody fill that position in a noncompetitive way?

A. That's true, yes, sir.

Q. All right. Okay. And it's true, is it not, that you were told that that person was coming over as an accommodation, correct?

A. No, sir.

Q. All right. You didn't know that the person was coming over as an accommodation?

A. No, sir.

Q. All right. You didn't receive any documents to that effect, correct?

A. Not that I recall, sir.

Q. All right. Let's take a look at Exhibit 279, please.

A. Which one is that?

MR. SHERIDAN: May I assist the witness, your Honor?

THE COURT: You may.

MR. SHERIDAN: Thanks. 279. Plaintiff offers 279 as an exhibit.

Q. It says the initial expectation statement as a reference, this one is more detailed, so someone should give him our updated draft.

Why did you think someone needed to give an update to Mr. Henri McClenney?

A. It was very clear from the initial meet and greet that Evan and Henri, who were on my left, Aloncita was on my right, with some other people I didn't even know, these were the important people in the meeting that I needed to keep updated.

Q. Okay. So you felt that you needed to keep Mr. Henri McClenney updated about how she was doing?

A. I advised my human resources to do that. I don't have direct links to Mr. McClenney.

Q. Okay, got it. Okay. And then let's go up to the next one.

You write -- I'm sorry, Dale Hitsman write to you, saying, we received the -- Cita is Ms. Monroe, right?

A. That's the way I have seen her name written, yes.

Q. All right. So as of November 15th, Dale Hitsman had her personnel and supervisor file, right?

A. That's what Dale is saying here, yes.

Q. He writes that he didn't see anything that would change the expectation statement, right?

A. Right.

MR. SHERIDAN: Thank you, your Honor.

BY MR. SHERIDAN:

Q. Do you have 109, that single piece of paper in front of you, the one that we just admitted?

MR. SHERIDAN: Your Honor, number nine is probably over there in a pile. Is it okay if I give the witness a --

THE COURT: You've got it highlighted, and we need the original back because that's actually the --

MR. SHERIDAN: It's probably in those notebooks somewhere. I don't think our witness walked away with it. Did you have it just then? Is it okay if we just use the screen?

THE COURT: That's fine.

MR. SHERIDAN: We're just going to put it up on the screen, sir, just to speed this up.

BY MR. SHERIDAN:

Q. All right. So this, again, is your November 8th Email, and she is started on the 7th, right?

A. I don't know exactly the date she started.

Q. Go ahead and open 279 again. I hate to have to backtrack, but let's just do that.

A. Did you say 279?

Q. 279, yes, please. Got it?

A. Yes, sir.

Now, you were aware of that, right?

A. Yes, sir.

Q. All right. And look at the next paragraph. You wrote, "I do want to point out Aloncita has not yet informed me of her concerns, but the internal staff have -- both, Linda and Sharon, are really frustrated," right?

A. Yes, sir.

Q. That's three weeks into the training, right?

A. Yes, sir.

Q. So three weeks into the training you felt like there was already issues regarding co-workers and Ms. Monroe, right?

A. That there was concerns, yes, sir.

Q. Okay. Then let's go up to the next Email above that. And this is what your boss wrote. She wrote, "Hi, Paul, thanks for the info. Are you planning to meet with Aloncita to discuss her concerns? I think it would be good to have a conversation with her. Perhaps she can ask personnel to put her back in the hopper, because she's not comfortable with the job. You might suggest this to her, if she has concerns. That would be a great outcome."

Your boss wrote that to you, right?

A. Yes, sir.

Q. Do you have any -- was it your sense, also, that would be

Do you see that?

A. I do, sir.

Q. So December 5th, she got there on the 7th, so she's been there almost a month, right?

A. Correct, sir.

Q. And then you're writing to her about you would like to have her sit in on a safety meeting and see how our training and education coordinator, Esther, takes what we call minutes of the meeting, and that was one of the things that you had wanted to set up for her, right?

A. Yes, sir.

Q. And then she writes back to you, "I would like to schedule a meeting with you and Sharon, the sooner the better. It seems there is a lack of communication in the office. I thought I could handle the situation, but things took a turn for the worse on December 14th, at 7:04, I Emailed you a copy of Sharon's request to communicate via Email at all work-related issues.

"She informed me that I was taking too much of her time."

Do you see that?

A. I do, sir.

Q. What did you do in response to that?

A. I think as you go on you'll see what I did. I talked with Aloncita, I talked with Sharon, I gave suggestion, I

briefed my boss, I kept everybody informed, and I gauged the situation.

Q. Well, let's take a look at -- let's go up to the next one.

So then you write back to her, you say, "I will be scheduling that meeting that was about to prior to this Email, it looks like I will be able to schedule it for later today." Let's go up to the one above that.

Then you write to Ms. Rutherford, right? And to Mr. Hitsman and Mr. Chinn, right? Do you see that?

A. Yes, I do.

Q. Go ahead and read to the jury what you wrote.

A. Well, I first went to -- you stopped short, where I asked her if it was okay, if that would work for her.

Q. That's fine. Let's go --

A. And then I said to my boss, Dale, HR, and Evan, in HR, "I'll be cc'ing all of you, because I consider this a special issue and want you to know what's going on. Sorry for loading you up with Emails."

Q. Why didn't you just cc them so Ms. Monroe knows you're talking to them?

A. Because I didn't want to make it a big issue to Ms. Monroe, okay? I wanted to work through this and make sure that she was successful, and give her every opportunity.

A. I was getting concerns from my staff, yes.

Q. Meaning who?

A. Several, Davhee Enciso, Sharon DeWitt, and Linda.

Q. Who is Davhee Enciso?

A. Davhee Enciso, he was at the time a traffic signs and markings nonelectrical crew chief.

Q. Okay. All right. Let's go to the one above that, the Email above that. And she writes back to you and says, "Thanks for your Email. I meant to stop by yesterday to discuss a couple items with you here later today."

Above that you said, "Just not now, back later, tomorrow, okay."

A. Let's go to the one above that, January 23rd at 12:53. This is Mr. Chinn writing to you.

Do you see that?

A. I do, sir.

Q. And he writes, "Paul, could you compile the issues for a meeting with me and Henri," right?

A. Yes, sir.

Q. That's the ADA coordinator, right?

A. I know his name. I don't know him to be the ADA coordinator. I really have been clear about that. I don't know him to be the ADA coordinator.

Q. All right. And so did you know why there was going to be a meeting regarding -- this meeting was going to be

Q. Look at eyes.

What did you write down for eyes?

A. Glaze's.

Q. Or glass's?

A. Glazey or glassy. I remember them to be dilated.

Q. Dilated?

A. Yeah.

Q. When did you say they were dilated?

A. I just said I remember them to be. I didn't list every single thing I observed.

Q. Okay. So what you're telling us is you saw her eyes were dilated, but when you filled out the form you neglected to write dilated. You see there's a box to check right there, dilated? You didn't check that box, right?

A. I did not.

Q. But it's your testimony here today that, in fact, you now remember that it was dilated?

A. Not just now, at that time I did.

Q. Okay.

A. It was a very significant event.

Q. You mean the dilation was very significant?

A. The whole event, it was significant.

Q. Okay. All right. Now, you didn't read this to Ms. Monroe, did you?

A. I do not recall reading it to her. I recall Scott Jensen

question, "All right. Was there anything else that happened, besides walking to the copy machine and looking up?"

And you said? Go ahead and read that out loud, if you would.

A. "As I was looking at her, I was only this distance away."

Q. "About three feet?"

A. "Not even."

Q. Keep reading.

A. "Her eyes, her pupils, and, like I said, we had talked before. She just didn't answer me."

Q. "Okay. Her pupils. What about her eyes and pupils?"

Go ahead.

A. "Her eyes were very different than what I have seen in the past."

Q. "How so? Please describe."

A. "They were wide open, and she wouldn't make eye contact with me."

Q. "How do you know they were wide open, if she wouldn't make eye contact with you?"

A. "I mean, they were extremely, extremely large. They seemed -- I mean, I could see her -- if you turned sideways, I could still see her eyes."

Q. "You mean her eyes were like" -- and then you said, "like this"?

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
 COUNTY OF KING)

I, Kevin Moll, Certified Court Reporter, in and
 for the State of Washington, do hereby certify:

That to the best of my ability, the foregoing is
 a true and correct transcription of my shorthand notes
 as taken in the cause of Aloncita Monroe v. City of
 Seattle, on the date and at the time and place as shown
 on page one hereto;

That I am not a relative or employee or attorney
 or counsel of any of the parties to said action, or a
 relative or employee of any such attorney of counsel,
 and that I am not financially interested in said action
 or the outcome thereof;

Dated this 6th day of December 2016.

 KEVIN MOLL, RMR, CRR, CCP

EXHIBIT 2

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF KING

3 -----
4 ALONCITA MONROE,)

5 Plaintiff,)

6 vs.) No. 15-2-11126-4 SEA

7 CITY OF SEATTLE,) MORNING SESSION

8 Defendant.)

9 -----
10 VERBATIM REPORT OF PROCEEDINGS

11 -----
12 Heard before: The Honorable John P. Erlick

13 Date: December 7th, 2016

14 Time: 9:00 a.m.

15
16 APPEARANCES:

17
18 Jack Sheridan, Attorney at Law, on behalf
19 of the Plaintiff;

20 Joshua Johnson, Sarah Tilstra and Denise
21 Ashbaugh, Attorneys at Law, on behalf of the
22 Defendant.

23
24 Reported and Transcribed by:

25 Michael P. Townsend, Official Court Reporter

1 A. Correct.

2 Q. In the middle is Ms. Monroe's response on January
3 23rd at 12:22; correct?

4 A. Yes.

5 Q. And what was Ms. Monroe communicating to you?

6 A. She thanked me for my email and she said that she
7 meant to stop by to discuss a couple of items with me.
8 And then she asked if I was there later that day.

9 Q. And were you willing to meet with Ms. Monroe?

10 A. Yes. And I just responded with, um, "Not right now,
11 I have back to backs," meetings that means, "But I can
12 talk with you tomorrow," but -- I asked if that was
13 okay.

14 Q. And how did she respond?

15 A. "Yes. Thanks again."

16 Q. Do you recall if you had a meeting with Ms. Monroe?

17 A. Yes.

18 Q. Do you recall if Ms. Monroe ever said she needed more
19 breaks or more time to do her job?

20 A. I don't recall her saying that to me.

21 Q. Do you recall Ms. Monroe stating that she had a
22 concern or needed an accommodation based on her
23 disability?

24 A. No, I do not.

25 Q. Mr. Jackson, did concerns continue even into February

1 A. Yes, ma'am.

2 Q. And the bottom of the email string, there is an email
3 from Ms. DeWitt to Ms. Monroe and you responded. What
4 were you attempting to address in your email of
5 February 1st, 2013?

6 A. Um, what I wanted to with -- what I was trying to say
7 is, I was letting them all know that Minh Ta was asking
8 for me to review for accuracy these reports, and I
9 asked them to make sure, and Ms. Monroe and Sharon to
10 include me when they send it back to Minh Ta.

11 Q. And what was Ms. Monroe's response?

12 A. "Will do."

13 Q. Mr. Jackson, I asked in between times, but just for
14 completeness, during November, December, January, or
15 into the first part of February, did Ms. Monroe ever
16 ask for breaks or for more time away from her desk?

17 A. Not that I recall.

18 Q. Did Ms. Monroe, during that period of time, ever
19 raise a concern that her performance issues were the
20 result of anything that she was dealing with
21 personally?

22 A. No, not that I recall.

23 Q. Does Ms. Monroe ever raise a concern that her
24 performance issues were related to a condition or a
25 disability that she had?

1 A. I do know.

2 Q. Did she sign the document refusing to take the fit
3 for duty exam?

4 A. Yes.

5 Q. From your observations, did she sign it quickly?

6 A. No.

7 Q. What happened?

8 A. She was -- I couldn't see what she was writing, but
9 it seemed to be she was doodling at the bottom of the
10 page.

11 Q. Did Ms. Monroe eventually request union
12 representation?

13 A. Yes.

14 Q. And was she allowed to have union representation?

15 A. Yes.

16 Q. Tell the jury what happened once she made the request
17 for union representation.

18 A. She was given the opportunity to call her union rep
19 in another room, the office next door. She came out
20 and said that she couldn't reach them.

21 Q. And then what happened?

22 A. So during this time, I'm keeping HR up to date, and
23 Scott was telling Ms. Monroe that she would have to go.

24 MR. SHERIDAN: Same objection.

25 Q. Mr. Jackson, don't say what Scott was telling Ms.

1 Q. What was your understanding of why you were doing
2 that?

3 A. That she would be on paid administrative leave.

4 Q. And after you collected her belongings, what did you
5 -- what happened next?

6 A. I went back and I was talking with HR, I believe it
7 was Dale Hitsman, giving him an update of what was
8 going on. And then, from my recollection, Ms. Monroe
9 needed to use the restroom, the bathroom, locker room.

10 Q. And so Ms. Monroe went to the locker room?

11 A. Yeah, it has all of that in there, it has a shower,
12 lockers.

13 Q. Did there come a period of time where you learned
14 that Ms. Monroe had a phone call?

15 A. Yes.

16 Q. And did you know who was on the phone with Ms.
17 Monroe?

18 A. When I learned that there was a phone call for her, I
19 did not know who was on the phone at that time.

20 Q. And when Ms. Monroe went to the locker room, did you
21 immediately follow her and knock on the door?

22 A. No.

23 Q. Approximately how long was Ms. Monroe in the locker
24 room before you went and knocked?

25 A. So as I explained, I was on the phone back and forth,

1 calls were coming in from various places, I was trying
2 to keep my boss updated at the same time. So
3 approximately seven to ten minutes.

4 Q. And after you knocked on the door, what happened?

5 A. The door flew open really fast, and Ms. Monroe put
6 the receiver out to me, the phone receiver and said,
7 "My union rep wants to talk to you."

8 Q. Did you speak with the union representative?

9 A. I did.

10 Q. And what did you say?

11 A. She explained to me that her member was ready to go
12 for the fit for duty exam at that time.

13 Q. What was your response?

14 A. I told her I could not do that unless my chain of
15 command told me to do that. She already signed the
16 declination form.

17 Q. And then what happened?

18 A. I handed the phone -- I'm sorry, she mentioned while
19 -- "Evan should be calling you, or Dale, they already
20 know."

21 Q. Okay.

22 A. And I handed the phone back to Aloncita.

23 Q. Okay. And what did you do next?

24 A. I went into my office to update my boss, and at that
25 time, I was going to call my boss, and it was either

1 A. I signed it at 10:53, I believe that says. Yes.

2 Q. The signature below that, do you recognize that?

3 A. Um, I don't -- I don't recognize the signature, but
4 the title suggests that it is Scott's.

5 Q. Okay. What's the date next to Mr. Jensen's
6 signature?

7 A. February 8th, 2013.

8 Q. And the time frame?

9 A. Um, I believe that's 12:57 -- or 11, 11:57.

10 Q. Okay. After you learned that Ms. Monroe had left the
11 facility, did you try to contact her?

12 A. No.

13 Q. Why not?

14 A. As you know, this is a long process. Ms. Monroe is
15 an adult, she's an employee of ours. We explained
16 everything that had to be done. No, I did not.

17 Q. Mr. Jackson, I want to be clear, did you ever tell
18 Ms. Monroe to leave the building?

19 A. No.

20 Q. Did you ever see Ms. Monroe after February 8th of
21 2013?

22 A. No.

23 Q. Mr. Jackson, after you met Ms. Monroe in October of
24 2012 and up through the date of this litigation, had
25 you ever heard that Ms. Monroe had anxiety?

1 bottom now, you see no subject?

2 A. I do.

3 Q. So she writes, "Paul, do I need to have Aloncita sign
4 out and back in for breaks?" And then we are going to
5 put that up for you. Okay.

6 MS. ASHBAUGH: This hasn't been --

7 THE COURT: It's not been admitted, Counsel.

8 MR. SHERIDAN: Oh, oh, I jumped right over that.
9 My apologies. Plaintiff offers Exhibit 110.

10 MS. ASHBAUGH: There is no objection, your Honor.

11 THE COURT: 110 is admitted.

12 MR. SHERIDAN: Sorry, Judge.

13 THE COURT: Please follow procedure.

14 MR. SHERIDAN: Thanks, you bet.

15 Q. Go ahead and put it up now. All right. So on
16 December 5th, Ms. DeWitt writes to you and says, "Do I
17 need to have Aloncita sign out and back in for breaks?"
18 And you wrote back on the same day, and just read to
19 the jury what you said.

20 A. "No, I don't believe you or Linda do, or am I wrong?"

21 Q. All right. Then she writes back on the same day and
22 says what?

23 A. "No, we don't. But I'm concerned that she is saying
24 she is not getting breaks."

25 Q. All right. So she expressed -- Ms. DeWitt notified

1 you on December 5th that she was concerned that
2 Aloncita Monroe was saying she was not getting breaks;
3 right?

4 A. Yes, that's between Aloncita, Sharon and Linda, yes.

5 Q. Okay. But you -- hadn't you said on your direct that
6 you had no information that she wasn't getting enough
7 breaks?

8 A. I did say that, I still stand by that.

9 Q. Okay. So you think this doesn't mean she's not
10 getting breaks?

11 A. So I met with Aloncita on a regular basis. She never
12 complained to me that she wasn't getting breaks. I
13 assumed they know their union contract, that they get
14 two fifteen-minute breaks and a half hour lunch.

15 Q. All right. So we -- you had looked at some exhibits,
16 I think 295. Let's take a look at that. And that is
17 admitted?

18 THE COURT: I'm sorry. One moment, Counsel.

19 Q. Go ahead and put that up.

20 A. 295?

21 Q. Yes, please.

22 A. Do you need this back?

23 Q. I do.

24 MR. SHERIDAN: May I retrieve that from the
25 witness? Thanks.

1 that?"

2 THE WITNESS: Sure. Once Ms. Monroe could not be
3 found, I considered her on administrative leave.

4 THE COURT: "To your knowledge, to what extent
5 did Scott Jensen know Ms. Monroe before the events on
6 February 8th?"

7 THE WITNESS: To my knowledge, not at all. Scott
8 Jensen works at SDOT, and he is on our safety and
9 health team, which is a neutral division that
10 oversees all divisions for safety and health-related
11 issues.

12 THE COURT: "In Ms. Monroe's case, on February
13 8th who decided the FFD process would be triggered?"

14 THE WITNESS: Scott Jensen. They are trained and
15 that's why I called the safety and health team. I do
16 not get to decide that on my own.

17 THE COURT: "Generally, which role or who was
18 supposed to trigger the FFD process?"

19 THE WITNESS: In our training, our safety and
20 health team is the team that triggers the fit for
21 duty exam. And I just want to say, a fit for duty
22 exam is not automatically a negative thing.

23 THE COURT: "What are the requirements to
24 initiate the FFD process?"

25 THE WITNESS: So as you know throughout the -- my

1 again if she needed assistance, if she could think of
2 any other way that she could get this task down. And
3 so yes, I did.

4 THE COURT: "Prior to Ms. Jensen -- Mr. Jensen's
5 arrival, when you witnessed Ms. Monroe's odd
6 behavior, did you ask her if anything was wrong?"

7 THE WITNESS: Not in front of everybody, I
8 didn't. And what I mean by "everybody," in front of
9 her colleagues, I did not ask. As we were walking to
10 my office, I asked her if she was okay.

11 THE COURT: "Did you observe the relationship
12 between Rafael, DeWitt and Hendricks, and could you
13 describe it?"

14 THE WITNESS: Yes, I did. As through my
15 testimony, Rafael was a TES for us for a while. He
16 worked with Linda, he worked with Sharon. Rafael was
17 a very quiet person, he did his work, and he would
18 act as a new person would. He was kind of shy at
19 first, um, Sharon and Linda were asked to do exactly
20 what we asked them to do with anybody else, gave them
21 assistance, let them know what the organization --
22 where this was, where that was, why we do what we do.
23 And he seemed to receive it well, and if he had a
24 question, he had no problem asking either one of them
25 or me.

1 THE COURT: "Who is Janet at BOA?"

2 THE WITNESS: That's just where Janet was. Janet
3 Donlin was a consultant for SDOT to do our Hansen
4 programming and our asset management which, as you
5 see with work orders and all that, it goes through a
6 Hansen program. It is a database we have and she was
7 the one who helped build that and train us to use the
8 program. So she was not an employee with SDOT, she
9 was hired as a consultant.

10 THE COURT: "Is there a policy in place that
11 requires personnel without a badge, that they need to
12 be escorted or monitored at all times?"

13 THE WITNESS: Somebody without a badge does -- it
14 is growing over time. As I have mentioned, I have
15 been there a long time, so each year, I think there
16 is more -- it grows into the world we live in now.
17 So at this point in time, yes, for sure. At that
18 time, um, I think it would depend on whatever
19 building you were in, and depending on what manager
20 was there, how serious they took the safety.

21 THE COURT: "Was Ms. Monroe the first encounter
22 that you had dealing with a position fulfilled by
23 accommodation?"

24 THE WITNESS: As I mentioned in my testimony,
25 accommodations to me, as a field operations manager,

1 is a wide variety of things. So in that context, no,
2 it's not. As a matter of fact, I have one right now
3 that I consider -- we are accommodating him. He
4 normally works from 6:00 a.m. to 3:30 p.m. He wants
5 to start his own business, so he wants to move to
6 another position so that he can work different hours.
7 We are able to make that accommodation for him. So
8 no, it is not.

9 THE COURT: "Are there reasons other than
10 accommodation that vacancies are filled that bypass
11 the vetting process?"

12 THE WITNESS: So as I explained something like
13 that, there could be -- somebody could be having
14 problems in the environment that they work in,
15 somebody could have problems where they can't get to
16 work any longer, it is too far away. So they -- the
17 north end is -- would be much more advantageous for
18 them to work at. So we try to make that
19 accommodation for them, we try to support our
20 employees the best we can.

21 THE COURT: Those are the questions from the
22 jury. Mr. Sheridan, follow-up?

23 MR. SHERIDAN: Yes, just briefly.

24 REDIRECT EXAMINATION

25 BY MR. SHERIDAN:

1 Q. "And you considered that to be abnormal in some way?"

2 And you said?

3 A. "Yes."

4 Q. "Did you ask her what she was doing and why?"

5 A. "No."

6 Q. "Why not?"

7 A. "I was just watching to see, you know, I didn't want

8 to invade or anything like that. It could have been

9 something personal, and -- which is why I wanted to

10 stay there and watch."

11 Q. All right. Now, if you will turn to page 14, please.

12 A. Yes, sir.

13 Q. Okay. All right. I'm going to begin on line 13,

14 "You were asked, but you understood that he was there

15 in the capacity of ADA coordinator. This is about

16 McClenney; correct?" And you said?

17 A. "I can't say that I did, sir."

18 Q. Then you were asked, "All right. What work -- have

19 you ever had a person come to you before that came to

20 you as an accommodation?" And you said?

21 A. "As an accommodation, I can't say that I recall,

22 mostly because of the line of work that I do."

23 Q. All right. And so back -- what's the date of this

24 deposition?

25 A. This is in October.

1 Q. Of 2016?

2 A. Correct, sir.

3 Q. On that day, you couldn't recall whether a person had
4 come to you as an accommodation?

5 A. Right.

6 MR. SHERIDAN: No further questions.

7 A. I gave you one an example of one recently that I
8 considered an accommodation.

9 THE COURT: All right. Ms. Ashbaugh?

10 RECROSS EXAMINATION

11 BY MS. ASHBAUGH:

12 Q. Mr. Jackson, you were asked with regards to the --
13 whether or not you inquired with Ms. Monroe whether she
14 was okay. And counsel showed you your deposition;
15 correct?

16 A. Yes, sir -- ma'am.

17 Q. When you were talking about whether or not you
18 inquired whether or not it was okay, that was when you
19 were sitting with her; correct?

20 A. Right.

21 Q. And didn't you testify --

22 MR. SHERIDAN: Your Honor, becoming very leading,
23 your Honor.

24 THE COURT: It is leading.

25 Q. How did you testify when -- you were responding to

1 the questions from the juror, did you ask Ms. Monroe if
2 it was okay, if she was okay? What was your response?

3 A. I have asked her several times that she was okay in
4 working there, in what we were providing, training. I
5 mean, in a really large --

6 Q. On February 8th, did you ask her if she was okay?

7 A. Yeah.

8 Q. When did you ask her if she was okay?

9 A. So I -- when she -- we were walking from the office
10 to my office.

11 MS. ASHBAUGH: I have no further questions, your
12 Honor.

13 THE COURT: All right. Thank you, Counsel. Mr.
14 Sheridan?

15 MR. SHERIDAN: Nothing further.

16 THE COURT: Are you asking this witness be
17 excused?

18 MR. SHERIDAN: We would ask to hold this witness
19 in case we need him for rebuttal.

20 THE COURT: All right. Mr. Jackson, you may step
21 down. You are subject to recall. Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: Mr. Sheridan, your next witness.

24 MR. SHERIDAN: Is Ms. Rutherford. Oh, it is Pam
25 Beltz.

EXHIBIT 3

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF KING

3 -----
4 ALONCITA MONROE,)

5 Plaintiff,)

6 vs.) No. 15-2-11126-4 SEA

7 CITY OF SEATTLE,) MORNING SESSION

8 Defendant.)

9 -----
10 VERBATIM REPORT OF PROCEEDINGS

11 -----
12 Heard before: The Honorable John P. Erlick

13 Date: December 13th, 2016,

14 Time: 9:00 a.m.

15
16 APPEARANCES:

17
18 Jack Sheridan, Attorney at Law, on behalf
19 of the Plaintiff;

20 Joshua Johnson, Sarah Tilstra and Denise
21 Ashbaugh, Attorneys at Law, on behalf of the
22 Defendant.

23
24 Reported and Transcribed by:

25 Michael P. Townsend, Official Court Reporter

1 Argumentative.

2 THE COURT: Overruled.

3 Q. Why don't you go ahead and read that to the jury.

4 A. 7-C states, "If supervisor suspects employee may have
5 an on-going, non-urgent medical condition that prevents
6 the employee from performing his or her job, consults
7 with department ADA coordinator."

8 Q. And that's what you are supposed to do if that's what
9 you thought was happening; right?

10 A. Correct.

11 Q. Okay. Go ahead, please.

12 A. On the next section it says, "If employee provides no
13 response or refuses to cooperate, cautions the employee
14 that refusal to cooperate constitutes insubordination."

15 Q. You also didn't observe her, like, swatting flies or
16 anything like that; right?

17 A. Not specifically swatting flies.

18 Q. And you didn't write anything down like that -- or
19 I'm sorry, you didn't write this, Mr. Johnson, Jackson
20 wrote this; right, the observation form?

21 A. That he was swatting flies?

22 Q. Yeah, there was nothing in there that talked about
23 her trying to -- waiving her hands over her head or
24 anything?

25 A. No, I did not see that.

- 1 A. I believe it was through Evan Chinn to Paul Jackson.
- 2 Q. You didn't hear it from Jackson; correct?
- 3 A. About?
- 4 Q. So basically, what Jackson says to you is, he gets a
5 call from Chinn saying that there has been a
6 reconsideration, she can take the test; right?
- 7 A. Correct.
- 8 Q. Okay. And that's what he tells to you -- he tells
9 you; right?
- 10 A. Correct.
- 11 Q. And by that time, she is already gone; correct?
- 12 A. That's not correct.
- 13 Q. Well, if she wasn't already gone, then, wouldn't one
14 of you have been in front of the door to make sure she
15 didn't leave?
- 16 A. No.
- 17 Q. Isn't it true that the only reason you left the door
18 unattended, the bathroom door, is because you had
19 already been done, you felt like she was gone, and that
20 was it?
- 21 A. No, we were waiting for her to come out.
- 22 Q. The reason you didn't call 911 is because you
23 accepted that she was already gone and you realized you
24 messed up by letting her go?
- 25 A. No.

1 Q. And when they came back, what did you see?

2 A. Um, I recall seeing that Paul Jackson had a badge in
3 his hands.

4 Q. And what else?

5 A. That's it.

6 Q. Was Ms. Monroe carrying anything?

7 A. I don't recall.

8 Q. Okay. Why did you understand that Ms. Monroe was
9 collecting her belongings? You wrote that in your time
10 line at 10:45, "Effective immediately, and Jackson
11 escorted her to her desk to grab belongings." How did
12 you know that that's what was happening?

13 A. That was what was communicated to Ms. Monroe.

14 Q. By whom?

15 A. Either myself or Mr. Jackson.

16 Q. And once she came back, what happened once the three
17 of you were together again?

18 A. Then we began discussing how she was going to get
19 home.

20 Q. Was that the first time you discussed that issue with
21 her?

22 A. Yes.

23 Q. And what did you say?

24 A. I communicated that we feel that she cannot safely
25 drive home, that we did not want her driving her

1 A. She had to go to the locker room because she was
2 having issues with controlling her bladder.

3 Q. Okay. Other than attending the two fact-finding
4 meetings, did you -- well, let me ask this: Why were
5 the fact finding meetings occurring?

6 MR. SHERIDAN: Objection, foundation.

7 THE COURT: Sustained.

8 Q. Do you know why the investigation was occurring?

9 A. It's part of the process, the fact findings and
10 getting the employee's account of events.

11 Q. Who did you understand to be leading the
12 investigation?

13 A. It would have been Dale Hitsman, the --

14 Q. Was Mr. Hitsman at both of those fact-finding
15 meetings?

16 A. Yes.

17 Q. Did do you anything else to assist Mr. Hitsman in his
18 investigation?

19 A. Just provided my notes.

20 Q. Okay. Did you have any role in recommending or
21 considering what discipline Ms. Monroe would receive?

22 A. No.

23 MR. JOHNSON: Okay. No further questions, Mr.
24 Jensen. Thanks.

25 THE COURT: Thank you, Mr. Johnson. Mr.

1 to review it to know if that's your sworn statement,
2 sir?

3 A. Just looking at it. Yes, that's my signature.

4 Q. You gave that statement under oath, did you not?

5 A. I believe so.

6 Q. All right. Look at page 5. You wrote, "I declare
7 under penalty of perjury that the foregoing is true and
8 correct." You wrote that; right? Page 5.

9 A. That's correct.

10 Q. All right. And then that's your signature at the
11 bottom; is it not?

12 A. Yes, that's my signature.

13 Q. All right. Now, I'm going to ask you, I want to
14 again confirm that you just told this jury that you
15 could hear Mr. Jackson across the room and you could
16 hear him say words to the effect that he needed to
17 check with the union; right? I mean, check with Mr.
18 Chinn?

19 A. Yes.

20 Q. Okay. But you said something totally inconsistent
21 under oath in this declaration, did you not? I'm going
22 to have you, if you would, would you read out loud what
23 you swore to in paragraph 15.

24 A. On which page?

25 Q. It is on page 5, paragraph 15. Begins with, "I

1 cannot." Go ahead and read that.

2 A. "Although I could not hear the words --"

3 Q. Please read louder.

4 A. "Although I could not hear the words he was saying, I
5 could hear the tone of his voice did not change during
6 the conversation."

7 Q. So that was the last sentence, I would ask you to
8 read the whole paragraph.

9 A. Paragraph 15?

10 Q. 15, please.

11 A. "I cannot recall if Mr. Jackson returned with Ms.
12 Monroe to his office or if he came back alone. At some
13 point, however, she entered the womens' locker room at
14 the traffic shop. She was there for a substantial
15 period of time. Mr. Jackson went several times to
16 check on her from there. I was in Mr Jackson's
17 office."

18 Q. Well, "From where I was," go ahead.

19 A. "From where I was in Mr. Jackson's office, I could
20 hear that Mr. Jackson, at some point, was talking
21 outside of a locker room door. Although I could not
22 hear the words he was saying, I could hear tone of his
23 voice did not change during the conversation."

24 Q. So on November 4th, 2016, it was your testimony that
25 you could not hear the words he was saying; correct?

EXHIBIT 4

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

THE HONORABLE JOHN ERLICK, JUDGE

ALONCITA MONROE, an individual,

Plaintiff,

vs.

THE CITY OF SEATTLE, a municipal
corporation,

Defendant.

No. 15-2-11126-4 SEA

DALE HITSMAN

12-15-16

REPORTER'S TRANSCRIPT OF PROCEEDINGS HELD ON

December 15, 2016

Kevin Moll, Official Reporter, CRR, CCP

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1 A. Yes, I do.

2 Q. Go ahead and put that up. Turn to the 10:43 time.

3 A. Okay.

4 Q. All right. And so you can see there that he wrote -- why
5 don't you read it. Can you read the 10:43 entry?

6 A. Sure. 10:43, employee refused FFD, stands for fit for
7 duty, signed refusal. I clearly informed her that her
8 decision cannot be reversed, and she acknowledged.

9 We informed her that she will be placed on admin leave
10 and needs to arrange a ride home.

11 Q. So did you or did you not have these notes?

12 A. I probably did.

13 Q. How come you didn't put in your report that Mr. Jensen
14 said that the decision could not be reversed?

15 A. The decision was reversed.

16 Q. But we're talking about here, isn't it true that you make
17 findings in your investigation, right?

18 A. Yes.

19 Q. You found that she intentionally refused to take the FFD,
20 right?

21 A. I reported that she failed the fit for duty by not taking
22 it, yes.

23 Q. And you knew that she had left, right?

24 A. At about noon, I knew that she left.

25 Q. All right. Is it that you didn't know, or you didn't

1 report that Mr. Jensen told her at 10:43, according to
2 his notes, that the decision could not be reversed?

3 A. I don't recall.

4 Q. You actually worked on this, you went back and forth with
5 Mr. Chinn about edits to your final report, did you not?

6 A. Correct, I did.

7 Q. You also found that she intentionally left after being
8 told not to drive, right?

9 A. Correct.

10 Q. And she had said that, basically, she drove away, and
11 then in a second interview you said she said that
12 somebody else wound up driving her, right?

13 A. Correct.

14 Q. Well, it's true, is it not, did you understand that she
15 basically left the parking lot, went a few blocks, and
16 then her sister drove her?

17 A. I don't know what she did. All I knew is that her car
18 was no longer there and she was not on the premises.

19 Q. All right. Take a look at Exhibit 78, if you would.

20 A. Okay.

21 Q. Oh, I'm sorry, go to 332. Let's go to 332 first.

22 A. Okay.

23 Q. And at 10:45, Mr. Jensen writes, "I informed Monroe that
24 she would be placed on admin leave effective immediately,
25 and Jackson escorted her to her desk to grab belongings,"

1 right?

2 A. Okay.

3 Q. Did you report that?

4 A. I don't believe so.

5 Q. Why not? Did you decide you would disagree with the
6 statement of Mr. Jensen?

7 A. No.

8 Q. Well, did you agree that -- did you put in your report
9 that she was told that you would be placed on
10 administrative leave effective immediately?

11 A. No.

12 Q. Why would you not place that in the report, if that's
13 what Mr. Jensen said?

14 A. Because the ultimate decision was reversed, and she was
15 informed that the fit for duty could continue, and we
16 were going to move forward with the fit for duty.

17 Q. And it's your testimony that she was informed that the
18 fit for duty would continue? When was she informed of
19 that?

20 A. I remember speaking with Lisa, telling her that the
21 decision has been made that the fit for duty is going to
22 be reversed and continue.

23 Q. You mean you talked to Lisa Jacobs?

24 A. Correct.

25 Q. You did not talk to Ms. Monroe, where Ms. Monroe said, "I

1 A. That's what -- yes.

2 Q. Okay. All right. Now I want you to go back and I want
3 to ask you if you recall all of the details of his
4 comments to you on that day?

5 A. No.

6 Q. All right. And I want you to look at page four, at the
7 bottom, and see if that refreshes your recollection or
8 not.

9 A. Okay.

10 Q. Did it refresh your recollection? Go ahead and read it,
11 the highlighted section.

12 A. There is no highlighted section.

13 Q. I'm sorry.

14 MR. SHERIDAN: May I point the witness where to begin
15 reading?

16 MR. JOHNSON: Your Honor, asking him to read it is not
17 appropriate. We'd object to that. It's refreshing his
18 recollection.

19 MR. SHERIDAN: Quietly, to himself, not to the jury.

20 THE COURT: That's fine.

21 THE WITNESS: Is there a better copy?

22 MR. SHERIDAN: Can you put it up on the screen? No,
23 no, not for the jury, for the witness.

24 THE COURT: That's fine.

25 THE WITNESS: Okay.

1 Q. All right. So he says, "Jackson and I presented Monroe
2 with an authorization form to sign. Monroe became
3 visibly frustrated and began to say she had been through
4 this process before, and they did not follow procedures,"
5 right?

6 A. That's what it says.

7 Q. Isn't it true that one of the things you found in your
8 investigation was that Ms. Monroe had lied about whether
9 she had been through a fitness for duty before?

10 A. I recall that she at first said she hadn't been part of
11 the fit for duty, a previous fit for duty.

12 Q. So at 10:40 you understood that she talked about her
13 prior fit for duty, right?

14 A. Correct.

15 Q. And you still made a finding that she lied?

16 A. I don't understand the question.

17 Q. Well, did you make a finding that she was not truthful
18 during her interview with Mr. Jensen?

19 A. I made -- I believe I made the finding that as a witness
20 she was not credible.

21 Q. And did you believe that she had revealed at the meeting
22 with Mr. Jensen that she had a prior fitness for duty?
23 You understood that to be true?

24 A. I would have to look at the notes.

25 Q. All right. Let's take a look at the 11:00 entry now.

1 A. I don't remember which portions Mr. Chinn edited.

2 Q. Why don't you read that paragraph that begins, "Jackson
3 reported."

4 A. "Jackson reported that Jacobs told him that Monroe was
5 now willing to go through the fit for duty. Jackson told
6 Jacobs and Monroe, who was there at the door, that he
7 would need to get authorization to restart the fit for
8 duty from someone in his chain of command:

9 "He then handed the phone back to Monroe, with Jacobs
10 still on the line. Jackson returned to his office, about
11 30 feet away from the locker room, where Jensen was
12 waiting. He contacted Chinn, who told him to allow her
13 to go forward with the fit for duty.

14 "Jackson informed Jensen of Chinn's decision, and
15 Jensen called the clinic and made an appointment for a
16 physician to perform the fit for duty."

17 Q. First of all, you omitted that Ms. Jacobs had said that
18 Jackson said it's too late, that's not in your report at
19 all, correct?

20 A. I don't see it in the section.

21 Q. You know it's not in -- it's not written in any page of
22 your report, correct?

23 A. I have not read the report.

24 Q. Well, you wrote it, right?

25 A. I wrote this four years ago.

1 that we asked all the pertinent questions as the story
2 seemed to evolve.

3 It's not unusual to have to go back to someone and ask
4 other questions or more clarifying questions, so it's
5 common.

6 THE COURT: Do most people choose to have union
7 representation when attending an FFD?

8 ANSWER: No. No.

9 THE COURT: Did Mr. Jackson have the authority to deny
10 Ms. Monroe the FFD?

11 THE WITNESS: Did he have the authority? No.

12 THE COURT: Could Ms. Monroe have gone to the FFD
13 without being accompanied by Mr. Jackson and/or
14 Mr. Jensen on February 8th?

15 THE WITNESS: No.

16 THE COURT: Would she have been able to take the test
17 if she went to the FFD facility with just her sister?

18 THE WITNESS: Boy, I -- I would think probably not,
19 because they would need all of the document -- the
20 release form, and that's what Scott Jensen would have.

21 THE COURT: Mr. Johnson, your witness.

22 MR. JOHNSON: No followup questions, your Honor.

23 THE COURT: Mr. Sheridan.

24 MR. SHERIDAN: Yes, briefly, if I could.

1 THE COURT: I understand, but...

2 MR. SHERIDAN: I'm sorry.

3 BY MR. SHERIDAN:

4 Q. Anything else?

5 A. No.

6 Q. All right. Look at the last paragraph. You found that
7 Monroe violated the City's drug-free workplace policy and
8 SDOT expectations of reporting to work fit for duty, free
9 of illicit drugs.

10 You made a finding she used drugs, right?

11 A. Where do you see that?

12 Q. Last paragraph, under item one. It's up on the screen.
13 Just look on the screen.

14 A. Yes, I see that.

15 Q. So you made a finding she used drugs without a urinalysis
16 test, right?

17 A. Correct.

18 Q. Two, you also said she refused to participate in the
19 fitness for duty, that was another finding, right?

20 A. Correct.

21 Q. The third finding was that you didn't believe that she
22 was credible and you believed Jackson, correct, number
23 three?

24 MR. JOHNSON: This is going well beyond the scope of
25 any juror question, your Honor.

[illegible]

I, Kevin Moll, Certified Court Reporter, in and
for the State of Washington, do hereby certify:

That to the best of my ability, the foregoing is a true and correct transcription of my shorthand notes as taken in the cause of Aloncita Monroe v. City of Seattle, on the date and at the time and place as shown on page one hereto;

That I am not a relative or employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney of counsel, and that I am not financially interested in said action or the outcome thereof;

Dated this 15th day of December 2016.

KEVIN MOLL, RMR, CRR, CCP

EXHIBIT 5



City of Seattle

Seattle Department of Transportation

Peter Hahn, Director

November 6, 2012

Aloncita Monroe
6207 S. Hazel Ct
Seattle, WA 98118

Dear Aloncita:

This letter confirms your acceptance of the job offer to transfer to the full time Administrative Specialist I-BU position in the Department of Transportation Traffic Division effective November 7, 2012.

- You will report to Paul Jackson, Traffic Manager at 4200 Airport Way South, Seattle WA. Your schedule will be Monday through Friday, 7:00 AM to 3:30 PM, with a half-hour lunch.
- Your hourly pay rate will be \$21.84, which is the top step of the Administrative Specialist I salary range, in accordance with Personnel Rule 3.1.4E.
- This position is covered by a collective bargaining unit; Local 17. You will be required to rejoin the union within 30 days of employment, and pay monthly union dues.

Your acceptance of this position marks the conclusion of our reasonable accommodation process. Based on information obtained during the accommodation process, you have no medical limitations related to your performance of this position and are able to fully perform all job functions without accommodation.

Please acknowledge your acceptance of this job offer by signing below and returning this letter to SDOT's Human Resources office during our orientation meeting on November 7, 2012. Please keep a copy for your records.

I would like to congratulate you on your transfer to SDOT. We look forward to seeing you.

Sincerely,

Shena Brim, ADA Coordinator
Seattle Department of Transportation

cc: Paul Jackson, Manager
Personnel File

I accept the position of full-time Administrative Specialist I with the Seattle Department of Transportation based on the terms and conditions stated above.

Aloncita L. Monroe 11/7/12 (per Dr. Vandenberg's letter) 11/13/12



Seattle Municipal Tower, 700 5th Avenue, Suite 3800, PO Box 34996, Seattle, WA 98124-4996

Tel: (206) 684-ROAD Tel: (206) 684-5000 Fax: (206) 684-5180

Web: www.seattle.gov/transportation

An equal opportunity employer. Accommodations for people with disabilities provided on request.

EXHIBIT 6

Subject: New Employee - ASI
Location: Sunny Jim

Start: Mon 10/8/2012 11:00 AM
End: Mon 10/8/2012 12:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Chinn, Evan
Required Attendees: Jackson, Paul; McClenney, Henri; Dawson-Milton, Angela; Brim, Shena

When: Monday, October 08, 2012 11:00 AM-12:30 PM (GMT-08:00) Pacific Time (US & Canada).
Where: Sunny Jim

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Meet and Greet with new Employee, Travel time included. Plan to meet at 11 am at Starbucks. Paul, we will see you around 11:15-11:20.
Angela will invite Ms. Monroe to attend.

EXHIBIT 7

From: Jensen, Scott
Sent: Monday, February 11, 2013 9:45 AM
To: Chinn, Evan; Maxie, Rodney; Jackson, Paul
Cc: Crawford, Lenda; Hitsman, Dale; Rutherford, Mary; Brown, Karen; Beltz, Pam
Subject: 2/8/13 Timeline FFD - A. Monroe
Attachments: AM Timeline 2-8-13.pdf

Attached is a timeline for the events at the Traffic Shop on 2/8. Feel free to contact me with any questions.

Thanks,
Scott



SCOTT JENSEN

SAFETY & HEALTH SPECIALIST
206.684.8308

2/8/13 Fit for Duty: Aloncita Monroe

Scott Jensen, SDOT Safety

8:45 AM – I received a call from Craig Dahl informing me that Paul Jackson reported a dispatcher in his office was acting strange. Dahl asked if I could go down to the Traffic Shop to assist with a possible Fit for Duty (FFD). Dahl did not know which employee was referred. I confirmed that I would head to Traffic Shop and assist.

9:05 AM – I arrive at the Traffic Shop, notice Paul Jackson is sitting inside the Dispatch office talking to the Dispatchers. I entered the office and asked Paul to step out to meet in his office. Paul stated employee, Aloncita Monroe, was behaving oddly. Specifically, she would stare at the ceiling, talk to herself, stand up and wander aimlessly in the office. **We discussed that she was a new employee (~2 months) and a recent accommodation from SPU.**

9:15 AM – Contact was made with Pam Beltz, I informed Beltz of the observations made of Monroe. Beltz mentioned she is familiar with this employee from SPU and would contact US Healthworks, provided a heads-up of a possible FFD assessment. Contact with HR is also made to find background on the accommodation and determine if behavior observed could be associated with details of her accommodation. Evan Chinn confirms that her accommodation would not restrict a FFD and to move forward with a FFD if warranted.

9:30 AM – Beltz confirmed a Doctor would be available at the 1st Ave S. US Healthworks clinic.

9:40 AM – I confirm with Chinn that a FFD observation would be initiated. Chinn notifies me that he contacted Lisa Jacobs and she was aware of the situation. Chinn provided Jacobs telephone number.

9:45 AM – Rodney Maxie, SDOT FFD Coordinator, was briefed on the situation.

10:00 AM – Jackson went to dispatch office, requested Monroe to come to his office. Meeting with Monroe began by Jackson addressing concern over her recent observed behavior (talking to herself, staring at the ceiling, wandering/pacing aimlessly around the dispatch office). I asked Monroe if she is familiar with the City Fit for Duty program and she stated she was unaware of the program. I then explained what the program was, the purpose, and process. Monroe asked why talking to herself and staring at her monitor would justify a FFD. Jackson elaborated that her behaviors are unusual and may create safety concerns for her and other staff. Jackson and I both asked if she would like to contact her Union at that point. Monroe seemed to disregard the question, providing no definite response. I provided the "Employee Acknowledgement and Medical Release" form to Monroe for review. I asked if she would like to read it or have me read it to her. Monroe requested that I read it to her. I read the form and asked if she had any questions about the information I read. Monroe did not have any questions. I again asked if should like to contact her Union. Monroe agreed this time to make Union contact. I provided Lisa Jacobs name and contact number. *(Refer to City of Seattle Fit for Duty Behavior Observation Form for employee behaviors observed during the conversation)*

10:20 AM – Monroe entered Esther Dadufalza's office to make phone call to Union. Jackson checked-in on Monroe frequently.

10:33 AM - I entered Esther's office, Monroe was holding telephone receiver but not to her ear. I asked if she made contact, Monroe said she got a hold of Laura at the front desk. Monroe stated she wanted to make another call to the Union and I agreed.

10:36 AM – I reentered Esther's office and Monroe was staring at the ceiling and the telephone receiver was laying on the desk. I asked if she completed her call and she said yes.

10:40 AM - Jackson and I presented Monroe the authorization form to sign. Monroe became visibly frustrated and began to say she had been through this process before and 'they' did not follow procedures. I asked what process and who is 'they' but Monroe would not answer. She continued to say her Doctor had her medications all messed up. We requested again that she made a decision about signing the form. She grabbed a pen and her hand moved quickly back and forth between the authorize line and refusal line. I remind Monroe that refusal may lead to discipline, up to termination. Monroe responded saying she could not go through this and signed the refusal box.

10:45 AM – I informed Monroe that she would be placed on Paid Administrative Leave effective immediately and Jackson escorted her to her desk to grab belongings. Jackson obtained her access badge. Jackson explained she needed to arrange a ride home and we could not allow her to drive her personal vehicle home. Monroe informed us that she would contact her sister and then went into the ladies restroom to make the phone call. Within approx. 5 minutes of entering the restroom, Monroe's name was paged on the shop intercom of an incoming call (Union Rep calling Monroe on Traffic line). I called Beltz notifying her of Monroe's refusal; Beltz cancelled the on-call Doctor request with US Healthworks.

11:00 AM - HR called Jackson, informed us that the Union and HR agreed to allow Monroe to reverse her decision on refusing the FFD. I called directly to US Healthworks (*Moses 206.898.6950*) and requested the on-call Doctor again. Monroe remained in the restroom on the phone. Jackson and I waited for Monroe to exit the restroom to sign the authorization form. Jackson and I checked-in on Monroe every 3-5 min.

11:49 AM – During a check-in, Jackson found that Monroe was no longer in the restroom. We searched the building and checked to see if her car was parked in the lot. Monroe could not be located and her car was not parked in the lot. It was determined the Monroe had left the facility. Nobody had witnessed Monroe leave the building.

12:10 PM – Copies of the completed FFD forms were copied and I departed the Traffic Shop.

EXHIBIT 8

Monroe Telephone Records request

EX. 356

From:
"Chinn, Evan" <evan.chinn@seattle.gov>
To:
Lisa Jacobs <lisa@pte17.org>
Cc:
"Hitsman, Dale" <dale.hitsman@seattle.gov>, "Jones, Lenee" <lenee.jones@seattle.gov>

Date:
Tue, 11 Jun 2013 16:56:20 -0700

Attachments:
Copy of Call Records Request.xlsx (46.08 kB)

Lisa,
I believe the attached satisfies the following request:
In addition, please provide the following information regarding phone calls for Feb. 8, 2013: Any information and records which show the phone calls for that day during the time period of 6:00 am -2:00 pm, (incoming and outgoing) for SDOT's Traffic Management Division at the Traffic Shop dispatch office on Airport Way South, SDOT's Human Resources Office and SDOTS Safety Office.

The yellow highlighted rows indicate calls between the numbers requested. This information was not in SDOT's control and as I mentioned to you earlier, this required work from DoIT to obtain.

Thanks for your patience as we respond to you information requests.
Evan

Document produced as native.

Date Call Initiated	Time Call Initiated	Call From Phone #	Call To Phone #	Call Direction	Call State	Type of call	Minutes
2/8/2013	8:58:00AM	206-255-7985	206-291-5991	Incoming	CL	VOICE	1
2/8/2013	9:10:00AM	206-291-5991	206-615-1120	Seattle	WA	VOICE	3
2/8/2013	9:19:00AM	206-291-5991	206-684-7959	Seattle	WA	VOICE	1
2/8/2013	9:20:00AM	206-291-5991	206-605-4324	Seattle	WA	VOICE	5
2/8/2013	9:27:00AM	206-979-6664	206-291-5991	Incoming	CL	VOICE	3
2/8/2013	9:33:00AM	206-291-5991	206-979-6664	Seattle	WA	VOICE	3
2/8/2013	9:37:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	2
2/8/2013	9:38:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	9:39:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	9:40:00AM	206-979-6664	206-291-5991	Incoming	CL	VOICE	2
2/8/2013	9:42:00AM	206-291-5991	206-605-4324	Seattle	WA	VOICE	2
2/8/2013	9:49:00AM	206-605-4324	206-291-5991	Incoming	CL	VOICE	1
2/8/2013	9:50:00AM	206-605-4324	206-291-5991	Incoming	CL	VOICE	2
2/8/2013	9:50:00AM	206-979-6664	206-291-5991	Incoming	CL	VOICE	1
2/8/2013	9:53:00AM	206-291-5991	206-280-9831	Seattle	WA	VOICE	2
2/8/2013	9:54:00AM	206-291-5991	206-250-2948	Seattle	WA	VOICE	4
2/8/2013	10:15:00AM	206-291-5991	206-250-2948	Seattle	WA	VOICE	2
2/8/2013	10:19:00AM	206-291-5991	-86	VoiceMail	CL	VOICE	2
2/8/2013	10:29:00AM	206-291-5991	206-615-1120	Seattle	WA	VOICE	2
2/8/2013	10:41:00AM	206-605-4324	206-291-5991	Incoming	CL	VOICE	2
2/8/2013	10:46:00AM	206-291-5991	206-615-1120	Seattle	WA	VOICE	3
2/8/2013	10:48:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	2
2/8/2013	10:48:00AM	206-291-5991	206-669-4432	Incoming	CL	VOICE	2
2/8/2013	10:50:00AM	206-979-6664	206-291-5991	Incoming	CL	VOICE	1
2/8/2013	10:50:00AM	206-979-6664	206-291-5991	Incoming	CL	VOICE	1
2/8/2013	10:51:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	11
2/8/2013	10:51:00AM	206-291-5991	206-669-4432	Incoming	CL	VOICE	11
2/8/2013	11:10:00AM	206-291-5991	206-280-9831	Seattle	WA	VOICE	1
2/8/2013	11:20:00AM	206-979-6664	206-669-4432	Incoming	CL	VOICE	14
2/8/2013	11:29:00AM	206-291-5991	206-605-4324	Seattle	WA	VOICE	2
2/8/2013	11:31:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	11:32:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	11:33:00AM	206-291-5991	206-979-6664	Seattle	WA	VOICE	3

Date Call Initiated	Time Call Initiated	Call From Phone #	Call To Phone #	Call Direction	Call State	Type of call	Minutes
2/8/2013	11:35:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	3
2/8/2013	11:36:00AM	206-291-5991	206-669-4432	Incoming	CL	VOICE	3
2/8/2013	11:38:00AM	206-291-5991	206-605-4324	Seattle	WA	VOICE	1
2/8/2013	11:40:00AM	206-979-6664	206-291-5991	Incoming	CL	VOICE	1
2/8/2013	11:41:00AM	206-291-5991	206-624-3651	Seattle	WA	VOICE	7
2/8/2013	11:42:00AM	206-669-4432	206-386-1139	Seattle	WA	VOICE	13
2/8/2013	11:55:00AM	206-669-4432	206-979-6664	Seattle	WA	VOICE	3
2/8/2013	11:56:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	11:57:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	11:58:00AM	206-291-5991	206-979-6664	Seattle	WA	VOICE	2
2/8/2013	11:59:00AM	206-291-5991	206-669-4432	Seattle	WA	VOICE	2
2/8/2013	11:59:00AM	206-291-5991	206-669-4432	Incoming	CL	VOICE	2
2/8/2013	12:03:00PM	206-291-5991	206-898-6950	Seattle	WA	VOICE	1
2/8/2013	12:21:00PM	206-291-5991	206-669-4432	Seattle	WA	VOICE	1
2/8/2013	12:58:00PM	206-605-4324	206-291-5991	Incoming	CL	VOICE	3
2/8/2013	1:54:00PM	206-669-4432	206-291-5991	Incoming	CL	VOICE	34
2/8/2013	1:54:00PM	206-669-4432	206-291-5991	Seattle	WA	VOICE	34
2/8/2013	3:47:00PM	206-733-9406	206-291-5991	Incoming	CL	VOICE	6

Dale Hitsman 386-0042

Evan Chinn's desk phone, 6-1139

Elisa Okamoto's desk phone, 4-3185

Paul Jackson's desk phone, 3-7103

Craig Dahl's desk phone, 4-8389

Scott Jensen's cell phone, 291-5991

Rodney Maxie's cell phone, 669-4432

Traffic Shop Dispatch phone, 6-1206

DIRECTION	START_TIME	DURATION (Seconds)	FROM_NUMBER_TYPE	TO_NUMBER_TYPE	FROM_NUMBER	FROM_PLACE
Inbound	2/8/2013 7:22	54	PN	EX	(206) 396-2786	SEATTLE
Outbound	2/8/2013 7:47	108	EX	PN	(206) 684-8389	SEATTLE
Outbound	2/8/2013 8:39	102	EX	PN	(206) 684-8389	SEATTLE
Inbound	2/8/2013 9:06	18	PN	EX	(206) 398-5000	SEATTLE
Inbound	2/8/2013 9:42	58	PN	EX	(206) 354-5060	SEATTLE SR
Outbound	2/8/2013 9:58	758	EX	PN	(206) 386-1139	SEATTLE
Inbound	2/8/2013 10:09	42	PN	EX	(206) 459-6020	SEATTLE
Inbound	2/8/2013 10:11	102	PN	EX	(206) 459-6020	SEATTLE
Outbound	2/8/2013 10:23	1028	EX	PN	(206) 684-8389	SEATTLE
Outbound	2/8/2013 10:24	46	EX	PN	(206) 684-8389	SEATTLE
Inbound	2/8/2013 10:24	48	PN	EX	(909) 206-1576	MENTONE
Outbound	2/8/2013 10:26	48	EX	PN	(206) 684-8389	SEATTLE
Inbound	2/8/2013 10:26	46	PN	EX	(909) 206-1576	MENTONE
Inbound	2/8/2013 10:28	98	PN	EX	(206) 763-2079	SEATTLE
Inbound	2/8/2013 10:33	148	PN	EX	(206) 459-6020	SEATTLE
Outbound	2/8/2013 10:33	48	EX	PN	(206) 684-8389	SEATTLE
Inbound	2/8/2013 10:33	48	PN	EX	(909) 206-1576	MENTONE
Inbound	2/8/2013 10:35	2	PN	EX	(253) 245-6702	AUBURN
Inbound	2/8/2013 10:36	4	PN	EX	(206) 423-0929	SEATTLE
Inbound	2/8/2013 10:53	90	PN	EX	(206) 979-6664	SEATTLE
Outbound	2/8/2013 10:55	208	EX	PN	(206) 386-0042	SEATTLE
Inbound	2/8/2013 10:59	1528	PN	EX	(206) 328-7321	SEATTLE
Inbound	2/8/2013 11:08	106	PN	EX	(206) 464-3939	SEATTLE
Outbound	2/8/2013 11:10	676	PN	PN	(206) 233-7103	SEATTLE AD
Inbound	2/8/2013 11:25	34	PN	EX	(206) 328-7321	SEATTLE
Inbound	2/8/2013 11:26	2	PN	EX	(206) 328-7321	SEATTLE
Inbound	2/8/2013 11:27	362	PN	EX	(206) 328-7321	SEATTLE
Inbound	2/8/2013 11:27	4	PN	EX	(206) 328-7321	SEATTLE
Inbound	2/8/2013 11:30	310	PN	EX	(206) 396-2786	SEATTLE
Inbound	2/8/2013 11:34	170	PN	EX	(206) 328-7321	SEATTLE
Inbound	2/8/2013 11:42	724	PN	EX	(206) 669-4432	SEATTLE
Outbound	2/8/2013 11:58	474	EX	PN	(206) 386-0042	SEATTLE
Inbound	2/8/2013 12:51	36	PN	EX	(206) 399-8628	SEATTLE

DIRECTION	START_TIME	DURATION (Seconds)	FROM_NUMBER_TYPE	TO_NUMBER_TYPE	FROM_NUMBER	FROM_PLACE
Inbound	2/8/2013 13:24	40	PN	EX	(360) 683-3926	PT ANGELES
Outbound	2/8/2013 13:29	184	PN	PN	(206) 233-7103	SEATTLE AD
Inbound	2/8/2013 13:32	20	PN	EX	(206) 255-7759	SEATTLE
Inbound	2/8/2013 13:32	476	PN	EX	(360) 204-8258	SILVERDALE
Inbound	2/8/2013 13:44	12	PN	EX	(253) 581-8899	TACOMA
Inbound	2/8/2013 13:45	92	PN	EX	(253) 581-8899	TACOMA
Inbound	2/8/2013 13:59	44	PN	EX	(206) 255-7759	SEATTLE
Outbound	2/8/2013 14:35	24	EX	PN	(206) 386-1206	SEATTLE
Inbound	2/8/2013 16:06	22	PN	EX	(253) 896-5252	TACOMA WRA

FROM_STATE	TO_NUMBER	TO_PLACE	TO_STATE	USAGE_SUBTYPE_ID	TOTAL_CHARGE	BILLED_AMOUNT	BILLED_DURATION
WA	6-1206			123	0	0	54
WA	(206) 295-4177	SEATTLE	WA	113	0	0	108
WA	(206) 295-4177	SEATTLE	WA	113	0	0	102
WA	3-7103			123	0	0	18
WA	6-1206			123	0	0	58
WA	(206) 328-7321	SEATTLE	WA	113	0	0	758
WA	6-1206			123	0	0	42
WA	6-1206			123	0	0	102
WA	(206) 295-4177	SEATTLE	WA	113	0	0	1028
WA	(206) 295-4177	SEATTLE	WA	113	0	0	60
CA	4-8389			123	0	0	48
WA	(206) 295-4177	SEATTLE	WA	113	0	0	60
CA	4-8389			123	0	0	46
WA	6-1206			123	0	0	98
WA	6-1206			123	0	0	148
WA	(206) 295-4177	SEATTLE	WA	113	0	0	60
CA	4-8389			123	0	0	48
WA	4-3185			123	0	0	2
WA	4-3185			123	0	0	4
WA	3-7103			123	0	0	90
WA	(206) 328-7321	SEATTLE	WA	113	0	0	208
WA	6-1206			123	0	0	1528
WA	6-1139			123	0	0	106
WA	(206) 396-0793	SEATTLE	WA	113	0	0	676
WA	6-0042			123	0	0	34
WA	6-0042			123	0	0	2
WA	4-3185			123	0	0	362
WA	6-1139			123	0	0	4
WA	6-1206			123	0	0	310
WA	6-1206			123	0	0	170
WA	6-1139			123	0	0	724
WA	(206) 328-7321	SEATTLE	WA	113	0	0	474
WA	6-1139			123	0	0	36

FROM_STATE	TO_NUMBER	TO_PLACE	TO_STATE	USAGE_SUBTYPE_ID	TOTAL_CHARGE	BILLED_AMOUNT	BILLED_DURATION
WA	6-1206			123	0	0	40
WA	(206) 396-0793	SEATTLE	WA	113	0	0	184
WA	6-1206			123	0	0	20
WA	6-1206			123	0	0	476
WA	6-1206			123	0	0	12
WA	6-1206			123	0	0	92
WA	6-1206			123	0	0	44
WA	(800) 829-9450			111	0	0	24
WA	6-0042			123	0	0	22

SWITCH_NAME	FIRST_NAME	LAST_NAME	BUILDING_NAME	FLOOR_NAME	SERVICE_NUMBER	PRIVATE_NUMBER
WOCC						
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
WOCC						
WOCC						
SMT	Evan	Chinn	EA MUNICIPAL TOWI	38	(206) 386-1139	6-1139
WOCC						
WOCC						
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
WOCC						
WOCC						
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Craig	Dahl	5TH AVE PLAZA	30	(206) 684-8389	4-8389
SMT	Elisa	Okamoto	EA MUNICIPAL TOWI	38	(206) 684-3185	4-3185
SMT	Elisa	Okamoto	EA MUNICIPAL TOWI	38	(206) 684-3185	4-3185
WOCC						
SMT	Dale	Hitsman	EA MUNICIPAL TOWI	38	(206) 386-0042	6-0042
WOCC						
SMT	Evan	Chinn	EA MUNICIPAL TOWI	38	(206) 386-1139	6-1139
WOCC						
SMT	Dale	Hitsman	EA MUNICIPAL TOWI	38	(206) 386-0042	6-0042
SMT	Dale	Hitsman	EA MUNICIPAL TOWI	38	(206) 386-0042	6-0042
SMT	Elisa	Okamoto	EA MUNICIPAL TOWI	38	(206) 684-3185	4-3185
SMT	Evan	Chinn	EA MUNICIPAL TOWI	38	(206) 386-1139	6-1139
WOCC						
WOCC						
SMT	Evan	Chinn	EA MUNICIPAL TOWI	38	(206) 386-1139	6-1139
SMT	Dale	Hitsman	EA MUNICIPAL TOWI	38	(206) 386-0042	6-0042
SMT	Evan	Chinn	EA MUNICIPAL TOWI	38	(206) 386-1139	6-1139

SWITCH_NAME	FIRST_NAME	LAST_NAME	BUILDING_NAME	FLOOR_NAME	SERVICE_NUMBER	PRIVATE_NUMBER
WOCC						
WOCC						
WOCC						
WOCC						
WOCC						
WOCC						
WOCC						
WOCC						
SMT	Dale	Hitsman	LA MUNICIPAL TOWI	38	(206) 386-0042	6-0042

EXHIBIT 9

From: DeWitt, Sharon
Sent: Wednesday, December 05, 2012 7:47 AM
To: Jackson, Paul
Subject: RE:

No we don't, but I'm concerned that she is saying she is not getting breaks.

From: Jackson, Paul
Sent: Wednesday, December 05, 2012 7:46 AM
To: DeWitt, Sharon
Subject: RE:

No, I don't believe you or Linda do or am I wrong?

From: DeWitt, Sharon
Sent: Wednesday, December 05, 2012 7:17 AM
To: Jackson, Paul
Subject:

Paul,

Do I need to have Aloncita sign out and back in for breaks?

EXHIBIT 10

INSTRUCTION NO. ____

(PROPOSED) INSTRUCTION NO. 17

You may find that the plaintiff's disability was a substantial factor in the defendant's decision terminate the plaintiff if it has been proved that the defendant' stated reasons for the decision is not the real reasons, but is a pretext to hide disability and/or gender discrimination.

EXHIBIT 11

Employee Performance Review Form

Employee

NAME (Last, first, MI): Monroe, Aloncita Review Date: 2-26-01
(please print)

Work Unit: UST Org # WS360 Review Period: From 11/22/00 To 2/26/01

Date of Last SPU Review: Assigned to Solidwaste Sys Team

Occasion for Review: ☐ Regular Cycle

☐ Special

Review Cycle:

☐ Probationary Employee

☒ Regular Employee

☐ 3 month

☒ Annual

☐ 6 month

☐ Other

☐ 9 month

☐ 12 month

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a world-class workforce."*

Seattle
 Public
 Utilities

EMPLOYEE PERFORMANCE REVIEW FORM

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
TECHNICAL SKILLS	- Exceptional level of technical skill - Serves as trainer		- Competently performs routine and new tasks - Steadily improves skills - Proficient with required tools to perform job		- Can not apply basic skills - Fails to improve skills - Fails to demonstrate proficiency
Competency; Proficiency; Specific Technical Skills <i>Dist. unit EOC tasks</i> <i>Prepare a CV/resume</i> <i>Make a plan</i> <i>Call a car</i> <i>CMC pages</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

*Writes, handles writing material
Tasks typically for a person in word*

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
JOB SPECIFIC TASKS					
<i>Member</i> <i>Director</i> <i>Call a car</i> <i>E-mail</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

Good for job in maintaining a car. Not really a car as the car is to be used at the time of the day

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
RESULTS	- Gets great deal accomplished quicker and far better than expected - Anticipates problems and finds solutions that work - Develops innovative ways to accomplish tasks		- Consistently accomplishes tasks on time - Uses good judgement and takes proactive measures to make decisions - Readily takes initiative - Plans and prioritizes effectively - Is reliable		- Fails to get tasks done on time - Needs direct supervision for most tasks - Attendance is sporadic or unreliable without required notice or explanation - Quality of work is unacceptable - Lacks initiative - Unable to plan or prioritize effectively
Problem Solving; Decision-Making; Accomplishing Tasks; Planning; Initiative; Quality of work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
TEAMWORK	- Inspires cooperation and progress from team members - Excels at accepting and offering team direction - Actively involves other team members as a group in team decision making - Always remains positive and cooperative		- Contributes creative ideas and efforts toward strengthening the team - Supports others' efforts and meets personal commitments to team - Collaborates with team members to accomplish team tasks and goals		- Creates conflict in work unit - Unwilling to work with others and puts self above team - Displays rude behavior to co-workers - Complains and criticizes work of others and other work units - Does not exchange useful information with co-workers and supervisor
Contributes to team building and team work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

Working with a lot of people in a lot of different ways

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
CUSTOMER SERVICE Provides exceptional customer service to all City and SPU customers	<ul style="list-style-type: none"> - Makes extra effort to keep customer informed and updated on issues which affect their situation - Proactive in keeping on top of actions being taken to handle a customer's concern to ensure a solution is reached - Promotes understanding of exceptional customer service within work group <input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> - Uses respectful, courteous manner when dealing with customers - Is responsive and timely in dealing with customers - Follows through with the customer's concern until solution is confirmed - Able to diffuse tense situations - Provides customers with accurate and detailed information <input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> - Does not take ownership of customer issue - Makes little effort to seek out alternative facts or solutions to resolve customer concern - Provides customer with inaccurate information and does not take initiative to correct action <input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

Very good with customers

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
SAFETY Contributes to and promotes a safe work environment	<ul style="list-style-type: none"> - Suggests improvements in safety rules and procedures which reduce accidents and injuries - Makes effort beyond that required by position to be informed on safety related practices, rules and procedures - Makes co-workers safety-conscious <input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> - Knows and follows SPU safety procedures - Uses safe work practices and takes precautions to prevent personal injury on the job - Practices healthy ergonomics and body mechanics - Observes posted safety rules and follows safety procedures established for work being done - Helps co-workers learn and follow safe working practices and procedures - Contacts safety officer and notifies supervisor of on the job injury or accident - Operates equipment in a safe manner - Takes appropriate action for resolving safety concerns promptly <input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> - Uses equipment, materials in an unsafe manner - Uses improper lifting/body mechanics techniques - Does not use issued safety equipment - Tolerates unsafe practices or hazards in the work place - Makes fun of employees' concerns about safety - Unacceptable behavior creates unsafe working conditions <input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
PERSONAL LEADERSHIP & DEVELOPMENT Diversity; Working Relationships; Communication; Personal and professional growth; Interpersonal skills	<ul style="list-style-type: none"> - Exceptional communicator - Talented mentor - Recognized by co-workers and others as an outstanding leader - Model contributor to unit cohesiveness and morale - Excels in striving to improve personal and professional skills of self and others <input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> - Clear, timely communicator - Works to have positive working relationships with co-workers and others - Treats others with respect and fairness - Does not condone bias, harassment, or disrespectful actions toward self and others - Supports SPU Work Principles and Organizational Values - Seeks to improve and develop new skills for professional and personal growth - Demonstrates an appreciation of the value for diversity of people in the workforce <input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> - Inadequate communicator - Lacks interest in having positive working relationships - Fails to demonstrate the SPU Work Principles or Organizational Values - Lacks ability or interest to set or achieve goals - Fails to develop and learn new skills - Demonstrates little or no interest in attending scheduled training or participate in other opportunities when requested - Tolerates disrespectful actions, harassment, unfairness, bias toward self and others <input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

*Personnel Manager 2.0
Very good with customers*

Employee Comments:

Supervisor Rater Comments:

Employee provides back up to Reception area,
and SW Services. Cita is always willing
to help out without complaining. She works who
she is needed.

Management Reviewer Comments:

PERFORMANCE-BASED TRAINING

☐

Required (1 & 2 rating)

☐

Optional (3 - 5 rating)

Writing class

Lab. writing skills + Resume writing

Employee Signature
(Does not indicate employee agreement)

Ronita K. Monroel

Title:

SPU

Date:

2/26/01

Supervisor/Rater

Frank A. Rios

Title:

Date:

Management Reviewer

N. K. NATH
Fm. P. Coz Sen.

Title:

Date:

3.12.2001

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EXHIBIT 12

(8)

Monroe, Aloncita

Plaintiff Exhibit 7

Employee Performance Review Form Employee

NAME (Last, first, MI):

Aloncita Monroe
(please print)

Review Date:

2-23-2004

Work Unit:

Commercial UST

Org # WS 360

Review Period: From 1-01-03 To 12-31-03

Date of Last SPU Review: _____

Occasion for Review:

☒

Regular Cycle

☐

Special

Review Cycle:

☐

Probationary Employee

☒

Regular Employee

☐

3 month

☐

6 month

☐

9 month

☐

12 month

☒

Annual

☐

Other

RECEIVED

SEATTLE PUBLIC UTILITIES

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a world-class workforce."*

Seattle
 Public
Utilities

MONROE000078

EMPLOYEE PERFORMANCE REVIEW FORM

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
TECHNICAL SKILLS Competency; Proficiency; Specific Technical Skills Banner CCSS mail systems MS Office Office supplies Groupwise	<ul style="list-style-type: none"> - Exceptional level of technical skill - Serves as trainer 		<ul style="list-style-type: none"> - Competently performs routine and new tasks - Steadily improves skills - Proficient with required tools to perform job 		<ul style="list-style-type: none"> - Can not apply basic skills - Fails to improve skills - Fails to demonstrate proficiency
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

Has basic skills; looks for opportunities to enhance skills; helped create and successfully implement office supplies for Branch

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
JOB SPECIFIC TASKS Reception Data entry Bill sorting					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

performs the assignments effectively

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
RESULTS Problem Solving; Decision-Making; Accomplishing Tasks; Planning; Initiative; Quality of work	<ul style="list-style-type: none"> - Gets great deal accomplished quicker and far better than expected - Anticipates problems and finds solutions that work - Develops innovative ways to accomplish tasks 		<ul style="list-style-type: none"> - Consistently accomplishes tasks on time - Uses good judgement and takes proactive measures to make decisions - Readily takes initiative - Plans and prioritizes effectively - Is reliable 		<ul style="list-style-type: none"> - Fails to get tasks done on time - Needs direct supervision for most tasks - Attendance is sporadic or unreliable without required notice or explanation - Quality of work is unacceptable - Lacks initiative - Unable to plan or prioritize effectively
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

made efforts to solve problems as they occurred; most work for others outside Commercial for 2003;

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STAN- DARD	3 MEETS STANDARD	2 BELOW STAN- DARD	1 UNACCEPTABLE
TEAMWORK Contributes to team building and team work	<ul style="list-style-type: none"> - Inspires cooperation and progress from team members - Excels at accepting and offering team direction - Actively involves other team members as a group in team decision making - Always remains positive and cooperative 		<ul style="list-style-type: none"> - Contributes creative ideas and efforts toward strengthening the team - Supports others' efforts and meets personal commitments to team - Collaborates with team members to accomplish team tasks and goals 		<ul style="list-style-type: none"> - Creates conflict in work unit - Unwilling to work with others and puts self above team - Displays rude behavior to co-workers - Complains and criticizes work of others and other work units - Does not exchange useful information with co-workers and supervisor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4)

supported the Admin. team-building effort with Sarah & Linda; supported the manager's effort to re-organize the workloads

MONROE000079

Employee Comments:

Supervisor Rater Comments: *make diligent effort to stay positive in the face of several distractions. Can be a valuable team member, understands the value of teamwork.*

Management Reviewer Comments:

PERFORMANCE-BASED TRAINING

☐

Required (1 & 2 rating)

☐

Optional (3 - 5 rating)

- Groupwise scheduled
- Excel, access

Employee Signature:

(Does not indicate employee agreement)

Title:

Date:

Supervisor/Rater:

Bernie O'Malley

Title:

Utilities Mgr II

Date:

2-23-2004

Management Reviewer:

Paul M. Hopple

Title:

DIRECTOR - L&T

Date:

2/29/2004

"We bring world-class utility services to our community."

MONROE000080

EXHIBIT 13

Employee Performance Review Form Employee

RECEIVED

MAR 31 2006

SEATTLE PUBLIC UTILITIES
HUMAN RESOURCES

Name: (Last, first, MI): <u>Monroe Aloncita</u>		Review Date: <u>2/22/06</u>	
Work Unit: <u>Customer Response Correspondence</u>		Org # <u>103340</u> Employee ID:	
Review Period: From <u>1/31/05</u> To <u>1/31/06</u>		Date of Last SPU Review: <u>1/31/05</u>	
Occasion for Review:	Regular Cycle: <input checked="" type="checkbox"/>	Review Cycle:	Probationary <input type="checkbox"/>
	Special: <input type="checkbox"/>		3 Month <input type="checkbox"/>
			6 Month <input type="checkbox"/>
			9 Month <input type="checkbox"/>
			12 Month <input type="checkbox"/>
		Regular Employee: <input checked="" type="checkbox"/>	
		Annual <input checked="" type="checkbox"/>	
		Other <input type="checkbox"/>	

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a world-class workforce."

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EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TECHNICAL SKILLS	- Exceptional level of technical skill - Serves as a trainer		- Competently performs routine and new tasks - Steadily improves skills - Proficient with required tools to perform job		- Cannot apply basic skills - Fails to improve skills - Fails to demonstrate proficiency
Competency; Proficiency; Specific Technical Skills					
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
JOB SPECIFIC TASKS					
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
RESULTS	- Gets great deal accomplished quicker and far better than expected - Anticipates problems and finds solutions that work - Develops innovative ways to accomplish tasks		- Consistently accomplishes tasks on time - Uses good judgment and takes proactive measures to make decisions - Readily takes initiative - Plans and prioritizes effectively - Is reliable		- Fails to get tasks done in time - Needs direct supervision for most tasks - Attendance is sporadic or unreliable without required notice or explanation - Quality of work is unacceptable - Lacks initiative - Unable to plan or prioritize effectively
Problem Solving; Decision-Making; Accomplishing Tasks; Planning; Initiative; Quality of Work					
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TEAMWORK	<ul style="list-style-type: none"> - Inspires cooperation and progress from team members - Excels at accepting and offering team direction - Actively involves other team members as a group in team decision making - Always remains positive and cooperative 		<ul style="list-style-type: none"> - Contributes creative ideas and efforts toward strengthening the team - Supports other's efforts and meets personal commitments to learn - Collaborates with team members to accomplish team tasks and goals 		<ul style="list-style-type: none"> - Creates conflict in work unit - Unwilling to work with others and puts self above team - Displays rude behavior to co-workers and other work units - Complains and criticizes work of others and other work units - Does not exchange useful information with co-workers and supervisors
Contributes to team Building and team work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
CUSTOMER SERVICE	<ul style="list-style-type: none"> - Makes extra effort to keep customer informed and updated on issues which affect their situation - Proactive in keeping on top of actions being taken to handle a customer's concern to ensure solution is reached - Promotes understanding of exceptional customer service within work group 		<ul style="list-style-type: none"> - Uses respectful courteous manner when dealing with customers - Is responsive and timely in dealing with customers - Follows through with the customer's concern until solution is confirmed - Able to diffuse tense situations - Provides customers with accurate and detailed information 		<ul style="list-style-type: none"> - Does not take ownership of customer issue - Makes little effort to seek out alternative facts or solutions to resolve customer concern - Provides customer with inaccurate information and does not take initiative to correct action
Provides exceptional Customer service to all City and SPU customers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
PERSONAL LEADERSHIP DEVELOPMENT	<ul style="list-style-type: none"> - Exceptional communicator - Talented mentor - Recognized by coworkers and others as an outstanding leader - Model contributor to unit cohesiveness and morale - Excels in trying to improve personal and professional skills of self and others 		<ul style="list-style-type: none"> - Clear, timely communicator - Works to have positive working relationships with co-workers and others - Treats others with respect and fairness - Does not condone bias, harassment, or disrespectful actions toward self and others - Supports SPU Work Principles and Organizational Values - Seeks to improve and develop new skills for professional and personal growth - Demonstrates an appreciation of the value for diversity of people in the workplace 		<ul style="list-style-type: none"> - Inadequate communicator - Lacks interest in having positive working relationships - Fails to demonstrate the SPU work principles or organizational values - Lacks ability or interest to set or achieve goals - Fails to develop and learn new skills - Demonstrates little or no interest in attending scheduled training or participate in other opportunities when requested - Tolerates disrespectful actions, harassment, unfairness, bias toward self and others
Diversity; Working Relationships; Communication; Personal and Professional growth; Interpersonal skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

not really applicable, Cita is not in a leadership role or in many situations where leadership is tested. She does comply to guidelines and procedures very well & gets along well with everyone. Cita has done a lot of

EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
SAFETY	<ul style="list-style-type: none"> - Suggests improvements in safety rules and procedures which reduce accidents and injuries - Makes an effort beyond that required by position to be informed on safety related practices, rules and procedures - Makes co-workers safety conscious 		<ul style="list-style-type: none"> - Knows and follows SPU safety procedures - Uses safe work practices and takes precautions to prevent personal injury on the job - Practices healthy ergonomics and body mechanics - Observes posted safety rules and follows safety procedures established for work being done - Helps coworkers learn and follow safe working practices and procedures - Contacts safety officer and notifies supervisor of on the job injury or accident - Operates equipment in a safe manner - Takes appropriate action for resolving safety concerns promptly 		<ul style="list-style-type: none"> - Uses equipment, materials in an unsafe manner - Uses improper lifting/body mechanics techniques - Does not use issued safety equipment - Tolerates unsafe practices or hazards in the work place - Makes fun of employees' concerns about safety - Unacceptable behavior creates unsafe working conditions
Contributes to and promotes a safe work environment					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2-4): *I see steady improvement. Cita does well with assigned tasks. She is very good about reporting her time and communicating*

Employee comments: *any deviations in her shift or duties*

Supervisor Rater Comments:

Manager Reviewer Comments:

EMPLOYEE PERFORMANCE REVIEW (Employee)

Employee Development Plan

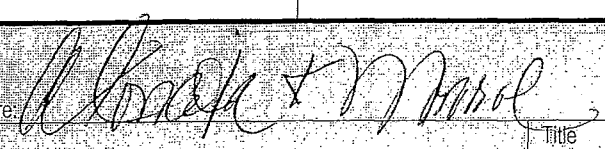
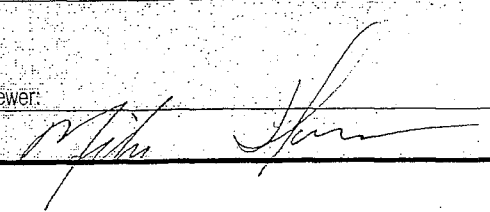
As an organization that values the development of employees, an Employee Development and Career Development Plans are REQUIRED for all Seattle Public Utilities' employees. Complete page six to identify training that will support the SPU performance competencies. This plan is required for competencies rated as below standard or unacceptable, a 1 or 2 rating.

Development Need Describe the specific skills to be addressed	Training Options Describe the training(s) that will address the development need. For a listing of training options, please refer to the HR Training inweb site at: http://spuweb/HRTraining/default.htm	Estimated Completion Date
Technical Skills	would like to shadow Sam in escrow estimate	
Job Specific	would like to cross train in other correspondence duties	
Results		
Teamwork		
Customer Service		
Safety		
Personal Leadership Development		
(for supervisors/lead personnel only:) Leadership		
(for supervisors/lead personnel only:) Performance Coaching		
(for supervisors/lead personnel only:) Management Skills		

EMPLOYEE PERFORMANCE REVIEW (Employee)

Career Development Plan

As an organization that values the development of employees, a Career Development plan is REQUIRED for all employees.

Overall Career Goal:		
Goals:	Action Steps/Comments/Updates	Estimated Completion Date
Scheduler - Muni Courts	✓ info training needed - possible job research	June 30
	Shadowing - considers Career Quest	3/31
Long Term	Cita is seeking degree in Criminal Justice	
Employee Signature: 	Title	Date: 2/27/06
Supervisor/Rater: Ora L. Scott	Mgr	Date: 2/23/06
Management Reviewer: 	Title: Director	Date: 3/13/06

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EXHIBIT 14

Employee Performance Review Form Employee

Name: (Last, first, MI): <i>Monroe, Alonita</i>		Review Date: <i>2/22/07</i>	
Work Unit: Utilities Service Center		Org #: WS340	Employee ID:
Review Period: From 2/22/06 To 2/22/07		Date of Last SPU Review: 2/22/06	
Occasion for Review:	Regular Cycle: <input checked="" type="checkbox"/>	Review Cycle:	Probationary <input type="checkbox"/>
	Special: <input type="checkbox"/>		3 Month <input type="checkbox"/>
			6 Month <input type="checkbox"/>
			9 Month <input type="checkbox"/>
			12 Month <input type="checkbox"/>
		Regular Employee: <input checked="" type="checkbox"/>	
		Annual <input checked="" type="checkbox"/>	
		Other <input type="checkbox"/>	

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a world-class workforce."**

Seattle
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EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TECHNICAL SKILLS	<ul style="list-style-type: none"> - Exceptional level of technical skill - Serves as a trainer 		<ul style="list-style-type: none"> - Competently performs routine and new tasks - Steadily improves skills - Proficient with required tools to perform job 		<ul style="list-style-type: none"> - Cannot apply basic skills - Fails to improve skills - Fails to demonstrate proficiency
Competency; Proficiency; Specific Technical Skills					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
JOB SPECIFIC TASKS					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
RESULTS	<ul style="list-style-type: none"> - Gets great deal accomplished quicker and far better than expected - Anticipates problems and finds solutions that work - Develops innovative ways to accomplish tasks 		<ul style="list-style-type: none"> - Consistently accomplishes tasks on time - Uses good judgment and takes proactive measures to make decisions - Readily takes initiative - Plans and prioritizes effectively - Is reliable 		<ul style="list-style-type: none"> - Fails to get tasks done in time - Needs direct supervision for most tasks - Attendance is sporadic or unreliable without required notice or explanation - Quality of work is unacceptable - Lacks initiative - Unable to plan or prioritize effectively
Problem Solving; Decision-Making; Accomplishing Tasks; Planning; Initiative; Quality of Work					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

over 200 hrs of sick time taken, 105 hours without pay.

EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TEAMWORK	<ul style="list-style-type: none"> - Inspires cooperation and progress from team members - Excels at accepting and offering team direction - Actively involves other team members as a group in team decision making - Always remains positive and cooperative 		<ul style="list-style-type: none"> - Contributes creative ideas and efforts toward strengthening the team - Supports other's efforts and meets personal commitments to learn - Collaborates with team members to accomplish team tasks and goals 		<ul style="list-style-type: none"> - Creates conflict in work unit - Unwilling to work with others and puts self above team - Displays rude behavior to co-workers and other work units - Complains and criticizes work of others and other work units - Does not exchange useful information with co-workers and supervisors
Contributes to team Building and team work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

Cita has become a positive force on the team. She is willing to help others within her job capacity. Cita gets along well with others and takes an active role in team activities, meetings, events.

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
CUSTOMER SERVICE	<ul style="list-style-type: none"> - Makes extra effort to keep customer informed and updated on issues which affect their situation - Proactive in keeping on top of actions being taken to handle a customer's concern to ensure solution is reached - Promotes understanding of exceptional customer service within work group 		<ul style="list-style-type: none"> - Uses respectful courteous manner when dealing with customers - Is responsive and timely in dealing with customers - Follows through with the customer's concern until solution is confirmed - Able to diffuse tense situations - Provides customers with accurate and detailed information 		<ul style="list-style-type: none"> - Does not take ownership of customer issue - Makes little effort to seek out alternative facts or solutions to resolve customer concern - Provides customer with inaccurate information and does not take initiative to correct action
Provides exceptional Customer service to all City and SPU customers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

Cita's customers are internal. She does what is asked of her without pushback. If she is not clear about instructions she will ask me.

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
PERSONAL LEADERSHIP DEVELOPMENT	<ul style="list-style-type: none"> - Exceptional communicator - Talented mentor - Recognized by coworkers and others as an outstanding leader - Model contributor to unit cohesiveness and morale - Excels in trying to improve personal and professional skills of self and others 		<ul style="list-style-type: none"> - Clear, timely communicator - Works to have positive working relationships with co-workers and others - Treats others with respect and fairness - Does not condone bias, harassment, or disrespectful actions toward self and others - Supports SPU Work Principles and Organizational Values - Seeks to improve and develop new skills for professional and personal growth - Demonstrates an appreciation of the value for diversity of people in the workplace 		<ul style="list-style-type: none"> - Inadequate communicator - Lacks interest in having positive working relationships - Fails to demonstrate the SPU work principles or organizational values - Lacks ability or interest to set or achieve goals - Fails to develop and learn new skills - Demonstrates little or no interest in attending scheduled training or participate in other opportunities when requested - Tolerates disrespectful actions, harassment, unfairness, bias toward self and others
Diversity; Working Relationships; Communication; Personal and Professional growth; Interpersonal skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

Cita has taken several courses in communication, computers and personal development. She enrolled in night school through Career Quest and completed a typing course. She has set goals for more classes in the future.

EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
SAFETY	<ul style="list-style-type: none"> - Suggests improvements in safety rules and procedures which reduce accidents and injuries - Makes an effort beyond that required by position to be informed on safety related practices, rules and procedures - Makes co-workers safety conscious 		<ul style="list-style-type: none"> - Knows and follows SPU safety procedures - Uses safe work practices and takes precautions to prevent personal injury on the job - Practices healthy ergonomics and body mechanics - Observes posted safety rules and follows safety procedures established for work being done - Helps coworkers learn and follow safe working practices and procedures - Contacts safety officer and notifies supervisor of on the job injury or accident - Operates equipment in a safe manner - Takes appropriate action for resolving safety concerns promptly 		<ul style="list-style-type: none"> - Uses equipment, materials in an unsafe manner - Uses improper lifting/body mechanics techniques - Does not use issued safety equipment - Tolerates unsafe practices or hazards in the work place - Makes fun of employees' concerns about safety - Unacceptable behavior creates unsafe working conditions
Contributes to and promotes a safe work environment					
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments (Required for ratings of 5 or 1; optional for 2 - 4):					
Employee comments:					
Supervisor Rater Comments:					
Manager Reviewer Comments:					

EMPLOYEE PERFORMANCE REVIEW (Employee)

Employee Development Plan

As an organization that values the development of employees, an Employee Development and Career Development Plans are REQUIRED for all Seattle Public Utilities' employees. Complete page six to identify training that will support the SPU performance competencies. This plan is required for competencies rated as below standard or unacceptable, a 1 or 2 rating.

Development Need Describe the specific skills to be addressed	Training Options Describe the training(s) that will address the development need. For a listing of training options, please refer to the HR Training in web site at: http://spuweb/HRTraining/default.htm	Estimated Completion Date
Technical Skills		
Job Specific	Learn Escrow Estimating Bill Calculations.	2007 May
Results		
Teamwork		
Customer Service		
Safety		
Personal Leadership Development	B-I-G Conferences F.A.C.E.S "	2007
(for supervisors/lead personnel only) Leadership	Continued evening courses through Career Quest & TAP	2007
(for supervisors/lead personnel only) Performance Coaching		
(for supervisors/lead personnel only) Management Skills		

EMPLOYEE PERFORMANCE REVIEW (Employee)

Career Development Plan

As an organization that values the development of employees, a Career Development plan is REQUIRED for all employees.

Overall Career Goal:		
Goals:	Action Steps/Comments/Updates	Estimated Completion Date
Employee Signature: <i>David K. Moore</i>	<i>Admin Spec I</i>	<i>2/22/07</i>
Supervisor/Rater: <i>Dea L. Scott</i>	<i>mgr I</i>	<i>2/22/07</i>
Management Reviewer: <i>Mike Hanna</i>	<i>Director</i>	<i>3/6/07</i>

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EXHIBIT 15

Employee Performance Review Form Employee

Name: (Last, first, MI): Monroe, Aloncita		Review Date: 3/12/2008	
Work Unit: Customer Response	Org #: WS340	Employee ID: 30013861	
Review Period: From 3/01/2007	To 2/29/2008	Date of Last SPU Review: 3/2007	
Occasion for Review:	Regular Cycle: X Special: <input type="checkbox"/>	Review Cycle:	Regular Employee: X
		Probationary <input type="checkbox"/>	
		3 Month <input type="checkbox"/>	
		6 Month <input type="checkbox"/>	Annual X
		9 Month <input type="checkbox"/>	
		12 Month <input type="checkbox"/>	Other <input type="checkbox"/>

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EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TECHNICAL SKILLS	- Exceptional level of technical skill - Serves as a trainer		- Competently performs routine and new tasks - Steadily improves skills - Proficient with required tools to perform job		- Cannot apply basic skills - Fails to improve skills - Fails to demonstrate proficiency
Competency; Proficiency; Specific Technical Skills					
		<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
JOB SPECIFIC TASKS					
		<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
RESULTS	- Gets great deal accomplished quicker and far better than expected - Anticipates problems and finds solutions that work - Develops innovative ways to accomplish tasks		- Consistently accomplishes tasks on time - Uses good judgment and takes proactive measures to make decisions - Readily takes initiative - Plans and prioritizes effectively - Is reliable		- Fails to get tasks done in time - Needs direct supervision for most tasks - Attendance is sporadic or unreliable without required notice or explanation - Quality of work is unacceptable - Lacks initiative - Unable to plan or prioritize effectively
Problem Solving; Decision-Making; Accomplishing Tasks; Planning; Initiative; Quality of Work					
		<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TEAMWORK Contributes to team Building and team work	<ul style="list-style-type: none"> - Inspires cooperation and progress from team members - Excels at accepting and offering team direction - Actively involves other team members as a group in team decision making - Always remains positive and cooperative - Actively addresses, promotes and contributes to teamwork across and within multi racial and multi cultural groups 	X	<ul style="list-style-type: none"> - Contributes creative ideas and efforts toward strengthening the team - Supports other's efforts and meets personal commitments to learn - Collaborates with team members to accomplish team tasks and goals - Supports efforts to build teamwork across Multicultural and multiracial groups 		<ul style="list-style-type: none"> - Creates conflict in work unit - Unwilling to work with others and puts self above team - Displays rude behavior to co workers and other work units - Complains and criticizes work of others and other work units - Does not exchange useful information with co-workers and supervisors - Does not interact effectively as a team member within or across multicultural/multiracial groups
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
CUSTOMER SERVICE Provides exceptional Customer service to all City and SPU customers	<ul style="list-style-type: none"> - Makes extra effort to keep customer informed and updated on issues which affect their situation - Proactive in keeping on top of actions being taken to handle a customer's concern to ensure solution is reached - Promotes understanding of exceptional customer service within work group - Strongly advocates for all customers and includes the RSJ Central Concerns of workforce equity, economic equity, immigrant services, public engagement and capacity building in serving customers 		<ul style="list-style-type: none"> - Uses respectful courteous manner when dealing with customers - Is responsive and timely in dealing with customers - Follows through with the customer's concern until solution is confirmed - Able to diffuse tense situations - Provides customers with accurate and detailed information - Considers all customers and includes the RSJ Central Concerns of workforce equity, economic equity, immigrant services, public engagement and capacity building in serving customers 	X	<ul style="list-style-type: none"> - Does not take ownership of customer issue - Makes little effort to seek out alter-native facts or solutions to resolve customer concern - Provides customer with inaccurate information and does not take initiative to correct action - Does not interact with all customers or include the RSJ Central Concerns of workforce equity, economic equity, immigrant services, public engagement and capacity building in serving customers
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
PERSONAL LEADERSHIP DEVELOPMENT	<ul style="list-style-type: none"> - Exceptional communicator - Talented mentor - Recognized by coworkers and 		<ul style="list-style-type: none"> - Clear, timely communicator - Works to have positive working relationships with co-workers and 		<ul style="list-style-type: none"> - Inadequate communicator - Lacks interest in having positive working relationships

EMPLOYEE PERFORMANCE REVIEW (Employee)

Cultural Versatility; Working Relationships; Communication; Personal and Professional growth; Interpersonal skills	<ul style="list-style-type: none"> - others as an outstanding leader - Model contributor to unit cohesiveness and morale - Excels in trying to improve personal and professional skills of self and others - Outstanding effort to communicate, effectively and be inclusive with co-workers from multicultural/multi racial backgrounds - Excels in improving cultural versatility skills by seeking out additional training and education opportunities that go beyond required training. - Ability to easily adapt to other's communication and personality styles. - Actively participates in programs and initiatives that promote Diversity, Race and Social Justice and Environmental Justice Service Equity goals of SPU 		<ul style="list-style-type: none"> - others - Treats others with respect and fairness - Does not condone bias, harassment, or disrespectful actions toward self and others - Supports SPU Work Principles and Organizational Values - Seeks to improve and develop new skills for professional and personal growth - Demonstrates an appreciation of the value for diversity of people in the workplace - Seeks to improve cultural versatility skills - Supports SPU's goals related to Diversity programs, RSJ Initiative and the EJSE work activities - Recognizes and attempts to adapt to other's communication and personality styles 		<ul style="list-style-type: none"> - Fails to demonstrate the SPU work principles or organizational values - Lacks ability or interest to set or achieve goals - Fails to develop and learn new skills - Demonstrates little or no interest in attending scheduled training or participate in other opportunities when requested - Tolerates disrespectful actions, harassment, unfairness, bias toward self and others - Does not improve cultural versatility skills. - Unaware of or unable to adapt to other's personality and communication styles - Unfamiliar with or Does not support SPU's goals related to Diversity, RSJ or EJSE
		<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
SAFETY Contributes to and promotes a safe work environment	<ul style="list-style-type: none"> - Suggests improvements in safety rules and procedures which reduce accidents and injuries - Makes an effort beyond that required by position to be informed on safety related practices, rules and procedures - Makes co-workers safety conscious 		<ul style="list-style-type: none"> - Knows and follows SPU safety procedures - Uses safe work practices and takes precautions to prevent personal injury on the job - Practices healthy ergonomics and body mechanics - Observes posted safety rules and follows safety procedures established for work being done - Helps coworkers learn and follow safe working practices and procedures - Contacts safety officer and notifies supervisor of on the job injury or accident - Operates equipment in a safe manner - Takes appropriate action for resolving safety concerns promptly 		<ul style="list-style-type: none"> - Uses equipment, materials in an unsafe manner - Uses improper lifting/body mechanics techniques - Does not use issued safety equipment - Tolerates unsafe practices or hazards in the work place - Makes fun of employees' concerns about safety - Unacceptable behavior creates unsafe working conditions
		<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

EMPLOYEE PERFORMANCE REVIEW (Employee)

Employee comments:

Supervisor Rater Comments:

Manager Reviewer Comments:

EMPLOYEE PERFORMANCE REVIEW (Employee)

Employee Development Plan

As an organization that values the development of employees, an Employee Development and Career Development Plans are REQUIRED for all Seattle Public Utilities' employees. Complete page six to identify training that will support the SPU performance competencies. This plan is required for competencies rated as below standard or unacceptable, a 1 or 2 rating.

Development Need Describe the specific skills to be addressed	Training Options Describe the training(s) that will address the development need. For a listing of training options, please refer to the HR Training inweb site at: http://spuweb/HRTraining/default.htm	Estimated Completion Date
Technical Skills		
Job Specific		
Results		
Teamwork		
Customer Service		
Safety		
Personal Leadership Development		
(for supervisors/lead personnel only:) Leadership		
(for supervisors/lead personnel only:) Performance Coaching		
(for supervisors/lead personnel only:) Management Skills		

EMPLOYEE PERFORMANCE REVIEW (Employee)

Career Development Plan

As an organization that values the development of employees, a Career Development plan is REQUIRED for all employees.

Overall Career Goal:		
Goals:	Action Steps/Comments/Updates	Estimated Completion Date
Criminal Justice Program	continue with courses	Ongoing
Computer courses	word, spreadsheet	Ongoing
Housing/Zoning inspections	Job Shadowing	July 08 Ongoing
Employee Signature: <i>Don Scott</i>	Title: <i>mgr</i>	Date: <i>3/12/08</i>
Supervisor/Rater: <i>Brian D. Moore</i>	Title: <i>Admin</i>	Date: <i>3/12/08</i>
Management Reviewer: <i>Mike</i>	Title: <i>Director</i>	Date: <i>3/18/08</i>

"We bring world-class utility services to our community"

EXHIBIT 16

Employee Performance Review Form Employee

Name: (Last, first, MI): Aloncita Monroe		Review Date: 3/12/2009	
Work Unit: Customer Response		Org #: WS340	Employee ID: 30013861
Review Period: From	3/01/2008	To	2/29/2009
		Date of Last SPU Review:	3/2008
Occasion for Review:	Regular Cycle: <input checked="" type="checkbox"/>	Review Cycle:	Probationary <input type="checkbox"/>
	Special: <input type="checkbox"/>		3 Month <input type="checkbox"/>
			6 Month <input type="checkbox"/>
			9 Month <input type="checkbox"/>
			12 Month <input type="checkbox"/>
		Regular Employee:	<input checked="" type="checkbox"/>
		Annual	<input checked="" type="checkbox"/>
		Other	<input type="checkbox"/>

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a world-class workforce."**

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EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD		4 ABOVE STAN- DARD	3 MEETS STANDARD		2 BELOW STAN- DARD	1 UNACCEPTABLE	
TECHNICAL SKILLS	- Exceptional level of technical skill - Serves as a trainer			- Competently performs routine and new tasks - Steadily improves skills - Proficient with required tools to perform job			- Cannot apply basic skills - Fails to improve skills - Fails to demonstrate proficiency	
Competency; Proficiency; Specific Technical Skills								
		<input type="checkbox"/>			X	<input type="checkbox"/>		<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD		4 ABOVE STAN- DARD	3 MEETS STANDARD		2 BELOW STAN- DARD	1 UNACCEPTABLE	
JOB SPECIFIC TASKS								
		<input type="checkbox"/>			X	<input type="checkbox"/>		<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
RESULTS	<ul style="list-style-type: none"> - Gets great deal accomplished quicker and far better than expected - Anticipates problems and finds solutions that work - Develops innovative ways to accomplish tasks 		<ul style="list-style-type: none"> - Consistently accomplishes tasks on time - Uses good judgment and takes proactive measures to make decisions - Readily takes initiative - Plans and prioritizes effectively - Is reliable 		<ul style="list-style-type: none"> - Fails to get tasks done in time - Needs direct supervision for most tasks - Attendance is sporadic or unreliable without required notice or explanation - Quality of work is unacceptable - Lacks initiative - Unable to plan or prioritize effectively
Problem Solving; Decision-Making; Accomplishing Tasks; Planning; Initiative; Quality of Work	<input type="checkbox"/>	<input type="checkbox"/>		X	<input type="checkbox"/>
					<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

EMPLOYEE PERFORMANCE REVIEW (Employee)

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
TEAMWORK Contributes to team Building and team work	- Inspires cooperation and progress from team members - Excels at accepting and offering team direction - Actively involves other team members as a group in team decision making - Always remains positive and cooperative - Actively addresses, promotes and contributes to teamwork across and within multi racial and multi cultural groups	X	- Contributes creative ideas and efforts toward strengthening the team - Supports other's efforts and meets personal commitments to learn - Collaborates with team members to accomplish team tasks and goals - Supports efforts to build teamwork across Multicultural and multiracial groups		- Creates conflict in work unit - Unwilling to work with others and puts self above team - Displays rude behavior to co workers and other work units - Complains and criticizes work of others and other work units - Does not exchange useful information with co-workers and supervisors - Does not interact effectively as a team member within or across multicultural/multiracial groups
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
CUSTOMER SERVICE Provides exceptional Customer service to all City and SPU customers	- Makes extra effort to keep customer informed and updated on issues which affect their situation - Proactive in keeping on top of actions being taken to handle a customer's concern to ensure solution is reached - Promotes understanding of exceptional customer service within work group - Strongly advocates for all customers and includes the RSJ Central Concerns of workforce equity, economic equity, immigrant services, public engagement and capacity building in serving customers		- Uses respectful courteous manner when dealing with customers - Is responsive and timely in dealing with customers - Follows through with the customer's concern until solution is confirmed - Able to diffuse tense situations - Provides customers with accurate and detailed information - Considers all customers and includes the RSJ Central Concerns of workforce equity, economic equity, immigrant services, public engagement and capacity building in serving customers	X	- Does not take ownership of customer issue - Makes little effort to seek out alternative facts or solutions to resolve customer concern - Provides customer with inaccurate information and does not take initiative to correct action - Does not interact with all customers or include the RSJ Central Concerns of workforce equity, economic equity, immigrant services, public engagement and capacity building in serving customers
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
PERSONAL LEADERSHIP DEVELOPMENT	- Exceptional communicator - Talented mentor - Recognized by coworkers and		- Clear, timely communicator - Works to have positive working relationships with co-workers and		- Inadequate communicator - Lacks interest in having positive working relationships

EMPLOYEE PERFORMANCE REVIEW (Employee)

Cultural Versatility; Working Relationships; Communication; Personal and Professional growth; Interpersonal skills	<ul style="list-style-type: none"> - others as an outstanding leader - Model contributor to unit cohesiveness and morale - Excels in trying to improve personal and professional skills of self and others - Outstanding effort to communicate, effectively and be inclusive with co-workers from multicultural/multi racial backgrounds - Excels in improving cultural versatility skills by seeking out additional training and education opportunities that go beyond required training. - Ability to easily adapt to other's communication and personality styles. - Actively participates in programs and initiatives that promote Diversity, Race and Social Justice and Environmental Justice Service Equity goals of SPU 			<ul style="list-style-type: none"> - others - Treats others with respect and fairness - Does not condone bias, harassment, or disrespectful actions toward self and others - Supports SPU Work Principles and Organizational Values - Seeks to improve and develop new skills for professional and personal growth - Demonstrates an appreciation of the value for diversity of people in the workplace - Seeks to improve cultural versatility skills - Supports SPU's goals related to Diversity programs, RSJ Initiative and the EJSE work activities - Recognizes and attempts to adapt to other's communication and personality styles 			<ul style="list-style-type: none"> - Fails to demonstrate the SPU work principles or organizational values - Lacks ability or interest to set or achieve goals - Fails to develop and learn new skills - Demonstrates little or no interest in attending scheduled training or participate in other opportunities when requested - Tolerates disrespectful actions, harassment, unfairness, bias toward self and others - Does not improve cultural versatility skills. - Unaware of or unable to adapt to other's personality and communication styles - Unfamiliar with or Does not support SPU's goals related to Diversity, RSJ or EJSE 		
			X				<input type="checkbox"/>		<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

PERFORMANCE COMPETENCY	5 GREATLY EXCEEDS STANDARD	4 ABOVE STANDARD	3 MEETS STANDARD	2 BELOW STANDARD	1 UNACCEPTABLE
SAFETY Contributes to and promotes a safe work environment	<ul style="list-style-type: none"> - Suggests improvements in safety rules and procedures which reduce accidents and injuries - Makes an effort beyond that required by position to be informed on safety related practices, rules and procedures - Makes co-workers safety conscious 		<ul style="list-style-type: none"> - Knows and follows SPU safety procedures - Uses safe work practices and takes precautions to prevent personal injury on the job - Practices healthy ergonomics and body mechanics - Observes posted safety rules and follows safety procedures established for work being done - Helps coworkers learn and follow safe working practices and procedures - Contacts safety officer and notifies supervisor of on the job injury or accident - Operates equipment in a safe manner - Takes appropriate action for resolving safety concerns promptly 		<ul style="list-style-type: none"> - Uses equipment, materials in an unsafe manner - Uses improper lifting/body mechanics techniques - Does not use issued safety equipment - Tolerates unsafe practices or hazards in the work place - Makes fun of employees' concerns about safety - Unacceptable behavior creates unsafe working conditions
				X	<input type="checkbox"/>

Comments (Required for ratings of 5 or 1; optional for 2 - 4):

EMPLOYEE PERFORMANCE REVIEW (Employee)

Employee comments:

Supervisor Rater Comments:

Aloncita has mastered the Admin Spec I duties assigned to her. She willingly accepts assignments and carries them out without complaint. Cita keeps me informed of situations that she think may impact her duties or the teams. She is well liked and appreciated by her teammates.

Aloncita has made strides toward career development over the past year, especially seeking out and enroll in the Administrative Certificate program, she has not missed a class. Cita has also expressed an interest in training for abandoned vehicle processing.

Manager Reviewer Comments:

EMPLOYEE PERFORMANCE REVIEW (Employee)

Employee Development Plan

As an organization that values the development of employees, an Employee Development and Career Development Plans are REQUIRED for all Seattle Public Utilities' employees. Complete page six to identify training that will support the SPU performance competencies. This plan is required for competencies rated as below standard or unacceptable, a 1 or 2 rating.

Development Need Describe the specific skills to be addressed	Training Options Describe the training(s) that will address the development need. For a listing of training options, please refer to the HR Training inweb site at: http://spuweb/HRTraining/default.htm	Estimated Completion Date
Technical Skills		
Job Specific		
Results		
Teamwork		
Customer Service		
Safety		
Personal Leadership Development	Complete Admin Certificate Program	12/09
(for supervisors/lead personnel only:) Leadership		
(for supervisors/lead personnel only:) Performance Coaching		
(for supervisors/lead personnel only:) Management Skills		

EMPLOYEE PERFORMANCE REVIEW (Employee)

Career Development Plan

As an organization that values the development of employees, a Career Development plan is REQUIRED for all employees.

Overall Career Goal:		
Goals:	Action Steps/Comments/Updates	Estimated Completion Date
Criminal Justice Field	Admin Certificate prog	long term
Abandon Vehicle Training	intake and or processing	12/09
Serve on	Admin Conference Committee	This year 4/09 or
		next year
Employee Signature: <i>[Signature]</i>	Title	Date: 3/17/09
Supervisor/Rater: <i>[Signature]</i>	Title	Date: 3/13/09
Management Review: <i>Christine Ware</i>	<i>Admin Director</i>	Date: 3.17.09

"We bring world-class utility services to our community"

EXHIBIT 17

Upton, Nathan

From: Webform
 Sent: Wednesday, February 27, 2013 3:55 PM
 To: Professional Accountability, Office
 Subject: citamonroe@comcast.net

citamonroe@comcast.net
<http://www.seattle.gov/police/OPA/Complaintform.htm>

recipient: opa@seattle.gov
 subject: OPA Commendation Complaint Form Complaint
 return_url: <http://www.seattle.gov/police/opa/default.htm>
 Lastname: Monroe, akm
 Firstname: Aloncita
 middleinitial: K
 Topic: Complaint
 address: 6207 S Hazel Ct
 City: Seattle
 state: WA
 Zipcode: 98178
 homephone: 253-486-7005
 workphone: 206-386-1206
 Email: citamonroe@comcast.net
 Location: 4200 Airport Way S
 Seattle, WA 98118
 incidentDate: 2-08-201
 incidentTime: 10:15
 incidenttime2: AM
 employee: N/A
 witnesses: none
 witnessaddress:
 witnesscity:
 witnessstate: WA
 witnesszipcode:
 witnessphone:
 mediation: yes

Description: Febuary 8, 2013, Friday, Paul Jackson Jr called me to his office and stated my co-workers wanted to let him know that I was not feeling well. So, Mr Jackson decided to have me go for a Fit-for Duty exam. During this entire process Mr Jackson took this event very personal, I was humliated and intimidated and more embrassing, I felt openly raped. I ran to the ladies room to hide my shame because I had urinated on myself. During my time in the restroom Mr Jackson started banging on the restoom door so loud my union rep Lisa Jacobs who was on the phone with me heard Mr Jackson banging so loud she asked me, is that him? meaning Paul Jackson. I stated , Yes. She said let me talk with him. I passed the phone to him as he had one foot in the ladies restroom. Lisa Jacobs can verfiy how upset he was because he wanted me to come out he restroom.

I do know that Paul Jackson has a history of sexual harrassment and other sexual issues regarding females and I was advised to watch myself around him. Because of his past problems he had already gotten write-ups from mangement.

It's never ok for a man to stand at the ladies restroom and bang on the door and demand for me to come out. I couldn't believe this was happening to me. But, it did..where do I go from here ?

gender: female

ethnic: Black

ethnic_other:

certification: certification

0

EXHIBIT 18

Upton, Nathan

From: Webform
 Sent: Wednesday, February 27, 2013 3:55 PM
 To: Professional Accountability, Office
 Subject: citamonroe@comcast.net

citamonroe@comcast.net
<http://www.seattle.gov/police/OPA/Complaintform.htm>

recipient: opa@seattle.gov
 subject: OPA Commendation Complaint Form Complaint
 return_url: <http://www.seattle.gov/police/opa/default.htm>
 Lastname: Monroe, akm
 Firstname: Aloncita
 middleinitial: K
 Topic: Complaint
 address: 6207 S Hazel Ct
 City: Seattle
 state: WA
 Zipcode: 98178
 homephone: 253-486-7005
 workphone: 206-386-1206
 Email: citamonroe@comcast.net
 Location: 4200 Airport Way S
 Seattle, WA 98118
 incidentDate: 2-08-201
 incidentTime: 10:15
 incidenttime2: AM
 employee: N/A
 witnesses: none
 witnessaddress:
 witnesscity:
 witnessstate: WA
 witnesszipcode:
 witnessphone:
 mediation: yes

Description: Febuary 8, 2013, Friday, Paul Jackson Jr called me to his office and stated my co-workers wanted to let him know that I was not feeling well. So, Mr Jackson decided to have me go for a Fit-for Duty exam. During this entire process Mr Jackson took this event very personal, I was humliated and intimidated and more embrassing, I felt openly raped. I ran to the ladies room to hide my shame because I had urinated on myself. During my time in the restroom Mr Jackson started banging on the restoom door so loud my union rep Lisa Jacobs who was on the phone with me heard Mr Jackson banging so loud she asked me, is that him? meaning Paul Jackson. I stated , Yes. She said let me talk with him. I passed the phone to him as he had one foot in the ladies restroom. Lisa Jacobs can verfiy how upset he was because he wanted me to come out he restroom.

It's never ok for a man to stand at the ladies restroom and bang on the door and demand for me to come out. I couldn't believe this was happening to me. But, it did..where do I go from here ?

gender: female

ethnic: Black

ethnic_other:

certification: certification

0

EXHIBIT 19

From: Nyenhuis, Drue
Sent: Friday, March 15, 2013 8:57 AM
To: Chinn, Evan
Subject: FW: Incident # 13-00017296
Attachments: SDOT Fit for Duty Feb 8 2015 final sent.docx

Hi Evan,

I sent this through the CSR system as well.

Drue

From: Smith, Shana
Sent: Friday, March 15, 2013 8:32 AM
To: Nyenhuis, Drue
Subject: FW: Incident # 13-00017296

Attachment

From: citamonroe@comcast.net [<mailto:citamonroe@comcast.net>]
Sent: Thursday, March 14, 2013 6:08 PM
To: Inquiry Response
Cc: Smith, Shana
Subject: Incident # 13-00017296

Hi Shana - I am sending this attachment to be included with my case number #13-00017296, if you need to contact me by phone, I can be reached at 253-486-7005.

Regards,

Aloncita Monroe

Memorandum

To: Whom it may concern
From: Aloncita Monroe
Date: March 3, 2013
Re: SDOT Fit-for-Duty on February 8, 2013

On February 8, approximately 10:15am, Paul Jackson my manager came to my desk and asked me to come to his office. I entered his office and noticed a tall male standing beside Paul's desk. Paul then proceeded to tell me with a hostile voice that several of my coworkers had observed some odd behaviors, for example, talking to myself, staring at the computer, looking up at the ceiling, pacing back & forth from my desk. Then I stated "when did all of this take place, was it a period of a month, day, hour, or what?" Then he stated, "no it was just today for a three hour period". Then, the tall male introduced himself as Scott the SDOT safety officer, and gave his spiel on how SDOT is concerned about safety for all employees and expect them to follow work place expectations.

Then, Paul with an angry voice said SDOT wants me to take a fit-for-duty exam, and I need to go at this moment. I then stated "I don't have a problem in going, but I would like my sister or my local 17 union representative to accompany me there for my well being". I became very concerned about my safety around Paul, it came to my mind of how I had been warned that he's a womanizer and a big bully. I started having hot flashes because I was becoming more fearful for my safety by breaking down of how he had asked me twice if I was married, and the numerous of times I caught him staring at me, and when I shook his hand at the time he welcomed me to the group, I had to jerk my hand away, so all of these thoughts had me so frightened that I knew I needed someone there I could trust. So, I was somewhat relieved that Paul let me call my sister, and my local 17 representative to go along with me to make sure things would be done justly and my civil rights protected. However, during this period of time, Paul then proceeded to say "it has been fifteen minutes and you would either have to go now or sign this form immediately that you refused to go", I made it perfectly clear again that I am not refusing to go, and asked "what's the urgency, it's still morning?" I got no response. Then I asked, "could we wait a few extra minutes for my sister or local 17 representative to come?" again I got no response. Then it was no doubt in my mind that something was shaky because all I wanted was someone to come along for trust reasons. Instead of him answering my questions, he put the form in front of me and said in a very hostile voice, "you are going to have to do one or the other at this moment". From fear and panic I wet my

panties; because I have never had a man the size of Paul put that much fear in me. Due to the extreme pressure I was under to sign the form I began going back and forth thinking how can I sign it against my will and not be insubordinate. I signed the form requesting union representation or my sister before I could finish writing the statement, Paul in a hostile way snatched the form away from me, saying "you cannot write on that and you are now on administrative leave".

Then, I rushed to the ladies bathroom to take care of the wet panties problem, and also feeling that I had been totally insulted, humiliated, disgraced, shamed. Then I heard my name called over the loud speaker "Aloncita pickup line 1". I picked up line 1 which is inside the ladies restroom, my local 17 representative Lisa Jacobs was on the line, as we were talking about the fit-for-duty exam, she asked me if I would go for a fit-for-duty exam, I stated "yes, if my sister or you would come with me because, I don't trust them", by the time I had conveyed that over to her, Paul Jackson was banging very loud, on the ladies restroom door, and Lisa asked "is that him?" and I said "yes". Then Lisa said, let me speak to him. Then I noticed he had one foot in the door, in which I was in the process of taking care of my wet panties problem, so I quickly handed him the phone, then I heard him say to Lisa in a loud voice "NO it's too late". Still with one foot in the ladies bathroom, he passed the phone back to me. Once I got the phone back I said to Lisa "you see what I mean?". She said "yes". And continued to say "you don't sound like it's something wrong with you to me". I said "because there's not nothing wrong". Then she said I don't understand why Paul is not willing to work with you or me, and why it's too late, because you are not saying you don't want to take the exam, but you want someone to come along that you trust". Then she said "she was going to make a call to someone in management, regarding Paul's behavior and why you cannot have someone you trust to accompany you to the exam". By then, I noticed Paul had removed his foot from the door, and I glanced out and noticed he was no longer in sight, so I came out of the restroom, then I met him around the open kitchen area, where he asked for my badge and I gave it to him. Then I asked for a copy of the signed form, because I didn't trust them, he gave me a copy and then told me to leave the premise.

Sincerely,

Aloncita Monroe

EXHIBIT 20

From: Nyenhuis, Drue
Sent: Friday, March 15, 2013 8:57 AM
To: Chinn, Evan
Subject: FW: Incident # 13-00017296
Attachments: SDOT Fit for Duty Feb 8 2015 final sent.docx

Hi Evan,

I sent this through the CSR system as well.

Drue

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Sent: Friday, March 15, 2013 8:32 AM
To: Nyenhuis, Drue
Subject: FW: Incident # 13-00017296

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Aloncita Monroe

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[REDACTED] I started having hot flashes because I was becoming more fearful for my safety [REDACTED]

[REDACTED] I knew I needed someone there I could trust. So, I was somewhat relieved that Paul let me call my sister, and my local 17 representative to go along with me to make sure things would be done justly and my civil rights protected. However, during this period of time, Paul then proceeded to say "it has been fifteen minutes and you would either have to go now or sign this form immediately that you refused to go", I made it perfectly clear again that I am not refusing to go, and asked "what's the urgency, it's still morning?" I got no response. Then I asked, "could we wait a few extra minutes for my sister or local 17 representative to come?" again I got no response. Then it was no doubt in my mind that something was shaky because all I wanted was someone to come along for trust reasons. Instead of him answering my questions, he put the form in front of me and said in a very hostile voice, "you are going to have to do one or the other at this moment". From fear and panic I wet my

panties; because I have never had a man the size of Paul put that much fear in me. Due to the extreme pressure I was under to sign the form I began going back and forth thinking how can I sign it against my will and not be insubordinate. I signed the form requesting union representation or my sister before I could finish writing the statement, Paul in a hostile way snatched the form away from me, saying "you cannot write on that and you are now on administrative leave".

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Sincerely,

Aloncita Monroe

EXHIBIT 21

(PROPOSED) INSTRUCTION NO. 3

- ▶ Take all the time you need to test what might be reflexive unconscious responses and to think carefully and consciously about the evidence.
- ▶ Focus on individual facts, don't jump to conclusions, which may often be biased by stereotypes.
- ▶ Try putting yourself in the other person's place.

1 ► Ask yourself whether your opinion of the parties or witnesses or of the case would
2 be different if the people presenting looked different, if they belonged to a different
3 group?

4 You must each decide this case individually, but you should do so only after listening
5 to and considering the opinions of the other jurors, who may have different backgrounds.
6 Working together, a fair result can be achieved.
7

1 **INSTRUCTION NO.**

2 **(PROPOSED) INSTRUCTION NO. 4**

3 As we discussed in jury selection, growing scientific research indicates each one of us
4 has “implicit biases,” or hidden feelings, perceptions, fears and stereotypes in our
5 subconscious. These hidden thoughts often impact how we remember what we see and hear,
6 and how we make important decisions. While it is difficult to control one’s subconscious
7 thoughts, being aware of these hidden biases can help counteract them. As a result, I ask you
8 to recognize that all of us may be affected by implicit biases in the decisions that we make.
9 Because you are making very important decisions in this case, I strongly encourage you to
10 critically evaluate the evidence and resist any urge to reach a verdict influenced by stereotypes,
11 generalizations, or implicit biases.
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EXHIBIT 22

1
2
3 **INSTRUCTION NO. ____**
4 **(PROPOSED) INSTRUCTION NO. 15**

5 Discrimination in employment on the disability is prohibited. The law protects persons
6 with disabilities, which includes persons who suffer depression and anxiety.

7 To establish her discrimination claim, the plaintiff has the burden of proving each of
8 the following propositions:

9 (1) That the plaintiff was terminated; and

10 (2) That the plaintiff's disability was a substantial factor in the decision to terminate the
11 plaintiff.

12 If you find from your consideration of all the evidence that each of the propositions
13 stated above has been proved, your verdict should be for the plaintiff. On the other hand, if
14 either of the propositions has not been proved, your verdict should be for the defendant.

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23 WPI 330.01 (6th ed.) (modified); RCW 49.60.205.
24
25

EXHIBIT 23

INSTRUCTION NO. ____

(PROPOSED) INSTRUCTION NO. 30

The duty to accommodate is a continuing duty that is not exhausted by one effort. Trial and error may be necessary as part of the interactive process to satisfy the employer's burden. The employer's obligation to engage in the interactive process extends beyond the first attempt at accommodation when the employee asks for a different accommodation or where the employer is aware that the initial accommodation is failing and further accommodation is needed.

If a reasonable accommodation turns out to be ineffective and the employee with a disability remains unable to perform an essential function, the employer must consider whether there would be an alternative reasonable accommodation that would not pose an undue hardship. The employer has an obligation to affirmatively take steps to help the disabled employee continue working at the existing position or attempt to find a position compatible with the limitations.

EXHIBIT 24

American Bar Association

Principles for Juries and Jury Trials

(revised 2016)

PREAMBLE

The American jury is a living institution that has played a crucial part in our democracy for more than two hundred years. The American Bar Association recognizes the legal community's ongoing need to refine and improve jury practice so that the right to jury trial is preserved and juror participation enhanced. What follows is a set of 19 Principles that define our fundamental aspirations for the management of the jury system. Each Principle is designed to express the best of current-day jury practice in light of existing legal and practical constraints. It is anticipated that over the course of the next decade jury practice will improve so that the Principles set forth will have to be updated in a manner that will draw them ever closer to the ideals to which we aspire.

GENERAL PRINCIPLES

PRINCIPLE 1– THE RIGHT TO JURY TRIAL SHALL BE PRESERVED

- A. Parties in civil matters have the right to a fair, accurate and timely jury trial in accordance with law.**
- B. Parties, including the state, have the right to a fair, accurate and timely jury trial in criminal prosecutions in which confinement in jail or prison may be imposed.**
- C. Judges and lawyers have a duty to preserve jury trial rights by using procedures that enhance the fairness of jury trials and enable jurors to determine the facts, apply the law, and reach a verdict in every jury trial.**
- D. In civil cases the right to jury trial may be waived as provided by applicable law, but waiver should neither be presumed nor required where the interests of justice demand otherwise.**
- E. With respect to criminal prosecutions:**
 - 1. A defendant’s waiver of the right to jury trial must be knowing and voluntary, joined in by the prosecutor and accepted by the court.**
 - 2. The court should not accept a waiver unless the defendant, after being advised by the court of his or her right to trial by jury and the consequences of waiver, personally waives the right to trial by jury in writing or in open court on the record.**
 - 3. A defendant may not withdraw a voluntary and knowing waiver as a matter of right, but the court, in its discretion, may permit withdrawal prior to the commencement of trial.**
 - 4. A defendant may withdraw a waiver of jury, and the prosecutor may withdraw its consent to a waiver, both as a matter of right, if there is a change of trial judge.**
- E. A quality and accessible jury system should be maintained with budget procedures that will ensure adequate, stable, long-term funding under all economic conditions.**

**PRINCIPLE 2 – CITIZENS HAVE THE RIGHT TO PARTICIPATE IN JURY SERVICE
AND THEIR SERVICE SHOULD BE FACILITATED**

- A. All persons should be eligible for jury service except those who:**
 - 1. Are less than eighteen years of age; or**
 - 2. Are not citizens of the United States; or**
 - 3. Are not residents of the jurisdiction in which they have been summoned to serve; or**
 - 4. Are not able to communicate in the English language and the court is unable to provide a satisfactory interpreter; or**
 - 5. Have been convicted of a felony and are in actual confinement or on probation, parole or other court supervision.**
- B. Eligibility for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, marital status, sexual orientation, gender identity, gender expression, or any other factor that discriminates against a cognizable group in the jurisdiction other than those set forth in A. above.**
- C. The time required of persons called for jury service should be the shortest period consistent with the needs of justice.**
 - 1. Courts should use a term of service of one day or the completion of one trial, whichever is longer.**
 - 2. Where deviation from the term of service set forth in C.1. above is deemed necessary, the court should not require a person to remain available to be selected for jury service for longer than two weeks.**
- D. Courts should respect jurors' time by calling in the minimum number deemed necessary and by minimizing their waiting time.**
 - 1. Courts should coordinate jury management and calendar management to make effective use of jurors.**
 - 2. Courts should determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of persons summoned for jury duty and the number assigned to jury panels.**
 - 3. Courts should ensure that all jurors in the courthouse waiting to be assigned to panels for the first time are assigned before any juror is assigned a second time.**

- E. Courts should provide an adequate and suitable environment for jurors, including those who require reasonable accommodation due to disability.**
- F. Persons called for jury service should receive a reasonable fee.**
 - 1. Persons called for jury service should be paid a reasonable fee that will, at a minimum, defray routine expenses such as travel, parking, meals and child-care. Courts should be encouraged to increase the amount of the fee for persons serving on lengthy trials.**
 - 2. Employers should be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.**
 - 3. Employers should be prohibited from requiring jurors to use leave or vacation time for the time spent on jury service or be required to make up the time they served.**

PRINCIPLE 3 – JURIES SHOULD HAVE 12 MEMBERS

- A. Juries in civil cases should be constituted of 12 members wherever feasible and under no circumstances fewer than six members.**
- B. Juries in criminal cases should consist of:**
 - 1. Twelve persons if a penalty of confinement for more than six months may be imposed upon conviction;**
 - 2. At least six persons if the maximum period of confinement that may be imposed upon conviction is six months or less.**
- C. At any time before verdict, the parties, with the approval of the court, may stipulate that the jury shall consist of fewer jurors than required for a full jury, but in no case fewer than six jurors. In criminal cases the court should not accept such a stipulation unless the defendant, after being advised by the court of his or her right to trial by a full jury, and the consequences of waiver, personally waives the right to a full jury either in writing or in open court on the record.**

PRINCIPLE 4 – JURY DECISIONS SHOULD BE UNANIMOUS

- A. In civil cases, jury decisions should be unanimous wherever feasible. A less-than-unanimous decision should be accepted only after jurors have deliberated for a reasonable period of time and if concurred in by at least five-sixths of the jurors. In no civil case should a decision concurred in by fewer than six jurors be accepted, except as provided in C. below.**

- B. A unanimous decision should be required in all criminal cases heard by a jury.**
- C. At any time before verdict, the parties, with the approval of the court, may stipulate to a less-than-unanimous decision. To be valid, the stipulation should be clear as to the number of concurring jurors required for the verdict. In criminal cases, the court should not accept such a stipulation unless the defendant, after being advised by the court of his or her right to a unanimous decision, personally waives that right, either in writing or in open court on the record.**

PRINCIPLE 5 – IT IS THE DUTY OF THE COURTS TO ENFORCE AND PROTECT THE RIGHTS TO JURY TRIAL AND JURY SERVICE

- A. The responsibility for administration of the jury system should be vested exclusively in the judicial branch of government.**
 - 1. All procedures concerning jury selection and service should be governed by rules and regulations promulgated by the state’s highest court or judicial council.**
 - 2. A unified jury system should be established wherever feasible in areas that have two or more courts conducting jury trials. This applies whether the courts are of the same or of differing subject matter or geographic jurisdiction.**
 - 3. Responsibility for administering the jury system should be vested in a single administrator or clerk acting under the supervision of a presiding judge of the court.**
- B. Courts should collect and analyze information regarding the performance of the jury system on a regular basis in order to ensure:**
 - 1. The representativeness and inclusiveness of the jury source list;**
 - 2. The effectiveness of qualification and summoning procedures;**
 - 3. The responsiveness of individual citizens to jury duty summonses;**
 - 4. The efficient use of jurors; and**
 - 5. The reasonableness of accommodations being provided to jurors with disabilities.**

PRINCIPLE 6 – COURTS SHOULD EDUCATE JURORS REGARDING THE ESSENTIAL ASPECTS OF A JURY TRIAL

A. Courts should provide orientation and preliminary information to persons called for jury service:

- 1. Upon initial contact prior to service;**
- 2. Upon first appearance at the courthouse; and**
- 3. Upon reporting to a courtroom for juror voir dire.**

B. Orientation programs should be:

- 1. Designed to increase jurors' understanding of the judicial system and prepare them to serve competently as jurors;**
- 2. Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials; and**
- 3. Presented, at least in part, by a judge.**

C. The court should:

- 1. Instruct the jury on implicit bias and how such bias may impact the decision making process without the juror being aware of it; and**
- 2. Encourage the jurors to resist making decisions based on personal likes or dislikes or gut feelings that may be based on attitudes toward race, national origin, gender, age, religious belief, income, occupation, disability, marital status, sexual orientation, gender identity, or gender expression.**

D. Throughout the course of the trial, the court should provide instructions to the jury in plain and understandable language.

- 1. The court should give preliminary instructions directly following empanelment of the jury that explain the jury's role, the trial procedures including note-taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles, including the elements of the charges and claims and definitions of unfamiliar legal terms.**
- 2. The court should advise jurors that once they have been selected to serve as jurors or alternates in a trial, they must consider only the applicable law and evidence presented in court, and must refrain from communicating about the case with anyone outside the jury room until the trial is over and the jury has reached a verdict. This instruction should explain that the ban on outside communication is broad, encompassing not only oral discussions in person or by phone, but also communications through e-mails, texts, Internet postings, blog postings, social media websites like Facebook or Twitter, and any other method for sharing information about the case with another**

person or gathering information about the case from another person. At the time of such instructions in civil cases, the court may inform the jurors about the permissibility of discussing the evidence among themselves as contemplated in Standard 13 F. The court should also instruct jurors that they do not themselves investigate the facts of the case, the law governing the case, or the parties, lawyers, or judges in the case. The court should explain that a juror's duties to avoid communicating about the case outside the jury room and to refrain from independent investigations about the case are extremely important, and that the court has the authority to impose serious punishment upon jurors who violate those duties.

3. The court should give such instructions during the course of the trial as are necessary to assist the jury in understanding the facts and law of the case being tried as described in Standard 13 D. 2.
4. Prior to deliberations, the court should give such instructions as are described in Standard 14 regarding the applicable law and the conduct of deliberations.

**PRINCIPLE 7 – COURTS SHOULD PROTECT JUROR PRIVACY INsofar AS
CONSISTENT WITH THE REQUIREMENTS OF JUSTICE AND THE PUBLIC
INTEREST**

- A. Juror interest in privacy must be balanced against party and public interest in court proceedings.
 1. Juror voir dire should be open and accessible for public view except as provided herein. Closing voir dire proceedings should only occur after a finding by the court that there is a threat to the safety of the jurors or evidence of attempts to intimidate or influence the jury.
 2. Requests to jurors for information should differentiate among information collected for the purpose of juror qualification, jury administration, and voir dire.
 3. Judges should ensure that jurors' privacy is reasonably protected, and that questioning is consistent with the purpose of the voir dire process.
 4. Courts should explain to jurors how the information they provide will be used, how long it will be retained, and who will have access to it.
 5. Courts should consider juror privacy concerns when choosing the method of voir dire (open questioning in court, private questioning at the bench, or a jury questionnaire) to be used to inquire about sensitive matters.
 6. Courts should inform jurors that they may provide answers to sensitive questions privately to the court, and the parties.

- 7. Jurors should be examined outside the presence of other jurors with respect to questions of prior exposure to potentially prejudicial material.**
- 8. Following jury selection and trial, the court should keep all jurors' home and business addresses and telephone numbers confidential and under seal unless good cause is shown to the court which would**

require disclosure. Original records, documents and transcripts relating to juror summoning and jury selection may be destroyed when the time for appeal has passed, or the appeal is complete, whichever is longer, provided that, in criminal proceedings, the court maintains for use by the parties and the public exact replicas (using any reliable process that ensures their integrity and preservation) of those items and devices for viewing them.

- B. Without express court permission, surveillance of jurors and prospective jurors outside the courtroom by or on behalf of a party should be prohibited.
- C. If cameras are permitted to be used in the courtroom, they should not be allowed to record or transmit images of the jurors' faces.

PRINCIPLE 8 -- INDIVIDUALS SELECTED TO SERVE ON A JURY HAVE AN ONGOING INTEREST IN COMPLETING THEIR SERVICE

During trial and deliberations, a juror should be removed only for a compelling reason. The determination that a juror should be removed should be made by the court, on the record, after an appropriate hearing.

ASSEMBLING A JURY

PRINCIPLE 9 – COURTS SHOULD CONDUCT JURY TRIALS IN THE VENUE REQUIRED BY APPLICABLE LAW OR THE INTERESTS OF JUSTICE

- A. In civil cases where a jury demand has been made, a change of venue may be granted as required by applicable law or in the interest of justice.
- B. In criminal cases, a change of venue or continuance should be granted whenever there is a substantial likelihood that, in the absence of such relief, a fair trial by an impartial jury cannot be had. A showing of actual prejudice should not be required.
- C. Courts should consider the option of trying the case in the original venue but selecting the jury from a new venue. In addition to all other considerations relevant to the selection of the new venue, consideration should be given to whether the original venue would be a better location to conduct the trial due to facilities, security, and the convenience of the victims, court staff, and parties. This should be balanced against the possible inconvenience to the jurors.

**PRINCIPLE 10 – COURTS SHOULD USE OPEN, FAIR AND FLEXIBLE
PROCEDURES TO SELECT A REPRESENTATIVE POOL OF PROSPECTIVE
JURORS**

- A. Juror source pools should be assembled so as to assure representativeness and inclusiveness.**
 - 1. The names of potential jurors should be drawn from a jury source list compiled from two or more regularly maintained source lists of persons residing in the jurisdiction. These source lists should be updated at least annually.**
 - 2. The jury source list and the assembled jury pool should be representative and inclusive of the eligible population in the jurisdiction. The source list and the assembled jury pool are representative of the population to the extent the percentages of cognizable group members on the source list and in the assembled jury pool are reasonably proportionate to the corresponding percentages in the population.**
 - 3. The court should periodically review the jury source list and the assembled jury pool for their representativeness and inclusiveness of the eligible population in the jurisdiction.**
 - 4. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list or the assembled jury pool, appropriate corrective action should be taken.**
 - 5. Jury officials should determine the qualifications of prospective jurors by questionnaire or interview, and disqualify those who fail to meet eligibility requirements.**
- B. Courts should use random selection procedures throughout the juror selection process.**
 - 1. Any selection method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection, except when a court orders an adjustment for underrepresented populations.**
 - 2. Courts should use random selection procedures in:**
 - a. Selecting persons to be summoned for jury service;**
 - b. Assigning jurors to panels;**
 - c. Calling jurors for voir dire; and**
 - d. Designating, at the outset of jury deliberations, those jurors who will serve as “regular” and as “alternate” jurors.**
 - 3. Departures from the principle of random selection are appropriate:**

- a. To exclude persons ineligible for service in accordance with basic eligibility requirements;
- b. To excuse or defer jurors in accordance with C. below;
- c. To remove jurors for cause or if challenged peremptorily in accordance with D. and E. below; or
- d. To provide jurors who have not been considered for selection with an opportunity to be considered before other jurors are considered for a second time, as provided for in Standard 2 D. 3.

C. Exemptions, excuses, and deferrals should be sparingly used.

- 1. All automatic excuses or exemptions from jury service should be eliminated.
- 2. Eligible persons who are summoned may be excused from jury service only if:
 - a. Their ability to perceive and evaluate information is so impaired that even with reasonable accommodations, they are unable to perform their duties as jurors and they are excused for this reason by a judge, provided, however, that the court shall make every effort to provide reasonable accommodations for non-English speaking jurors, including the provision of a court-approved translator, to the extent that the use of the translator does not otherwise adversely affects the efficient and fair administration of justice or the conduct of the trial; or
 - b. Their service would be an undue hardship or they have served on a jury during the two years preceding their summons and they are excused by a judge or duly authorized court official.
- 3. Deferrals of jury service to a date certain within six months should be permitted by a judge or duly authorized court official. Prospective jurors seeking to postpone their jury service to a specific date should be permitted to submit a request by telephone, mail, in person or electronically. Deferrals should be preferred to excusals whenever possible.
- 4. Requests for excuses or deferrals and their disposition should be written or otherwise made of record. Specific uniform guidelines for determining such requests should be adopted by the court.

D. Courts should use sensible and practical notification and summons procedures in assembling jurors.

- 1. The notice summoning a person to jury service should be easy to understand and answer, should specify the steps required for answering and the consequences of failing to answer, should allow for speedy and accurate eligibility screening, and should request basic background information.

2. Courts should adopt specific uniform guidelines for enforcing a summons for jury service and for monitoring failures to respond to a summons. Courts should utilize appropriate sanctions in the cases of persons who fail to respond to a jury summons.
- E. Opportunity to challenge the assembled jury pool should be afforded all parties on the ground that there has been material departure from the requirements of the law governing selection of jurors. The court should maintain demographic information as to its source lists, summonses issued, and reporting jurors.

PRINCIPLE 11 – COURTS SHOULD ENSURE THAT THE PROCESS USED TO EMPANEL JURORS EFFECTIVELY SERVES THE GOAL OF ASSEMBLING A FAIR AND IMPARTIAL JURY

- A. Before voir dire begins, the court and parties, through the use of appropriate questionnaires, should be provided with data pertinent to the eligibility of jurors and to matters ordinarily raised in voir dire, including such background information as is provided by prospective jurors in their responses to the questions appended to the notification and summons considered in Standard 10 D. 1.
1. In appropriate cases, the court should consider using a specialized questionnaire addressing particular issues that may arise. The court should permit the parties to submit a proposed juror questionnaire. The parties should be required to confer on the form and content of the questionnaire. If the parties cannot agree, each party should be afforded the opportunity to submit a proposed questionnaire and to comment upon any proposal submitted by another party.
 2. Jurors should be advised of the purpose of any questionnaire, how it will be used and who will have access to the information.
 3. All completed questionnaires should be provided to the parties in sufficient time before the start of voir dire to enable the parties to adequately review them before the start of that examination.
 4. After trial, jury questionnaires that are not a part of the record should be disposed of to preserve a juror's privacy, consistent with Principle 7 and the applicable law.
- B. The voir dire process should be held on the record and appropriate demographic data collected.
1. Questioning of jurors should be conducted initially by the court, and should be sufficient, at a minimum, to determine the jurors' legal qualification to serve in the case.

- 2. Following initial questioning by the court, each party should have the opportunity, under the supervision of the court and subject to reasonable time limits, to question jurors directly, both individually and as a panel. In a civil case involving multiple parties, the court should permit each separately represented party to participate meaningfully in questioning prospective jurors, subject to reasonable time limits and avoidance of repetition.**
- 3. Voir dire should be sufficient to disclose grounds for challenges for cause and to facilitate intelligent exercise of peremptory challenges.**
- 4. Where there is reason to believe that jurors have been previously exposed to information about the case, or for other reasons are likely to have preconceptions concerning it, the parties should be given liberal opportunity to question jurors individually about the existence and extent of their knowledge and preconceptions.**
- 5. It is the responsibility of the court to prevent abuse of the juror selection examination process.**

C. Challenges for cause should be available at the request of a party or at the court's own initiative.

- 1. Each jurisdiction should establish, by law, the grounds for and the standards by which a challenge for cause to a juror is sustained by the court.**
- 2. At a minimum, a challenge for cause to a juror should be sustained if the juror has an interest in the outcome of the case, may be biased for or against one of the parties, is not qualified by law to serve on a jury, has a familial relation to a participant in the trial, or may be unable or unwilling to hear the subject case fairly and impartially. There should be no limit to the number of challenges for cause.**
- 3. In ruling on a challenge for cause, the court should evaluate the juror's demeanor and substantive responses to questions. If the court determines that there is a reasonable doubt that the juror can be fair and impartial, then the court should excuse him or her from the trial. The court should make a record of the reasons for the ruling including whatever factual findings are appropriate.**

D. Peremptory challenges should be available to each of the parties.

- 1. In the courts of each state, the number of and procedure for exercising peremptory challenges should be uniform.**
- 2. The number of peremptory challenges should be sufficient, but limited to a number no larger than necessary to provide reasonable assurance of**

obtaining an unbiased jury, and to provide the parties confidence in the fairness of the jury.

3. The court should have the authority to allow additional peremptory challenges when justified.
4. Following completion of the examination of jurors, the parties should exercise their peremptory challenges by alternately striking names from the list of panel members until each side has exhausted or waived the permitted number of challenges.

E. Fair procedures should be utilized in the exercise of challenges.

1. All challenges, whether for cause or peremptory, should be exercised so that the jury panel is not aware of the nature of the challenge, the party making the challenge, or the basis of the court's ruling on the challenge.
2. After completion of the examination of jurors and the hearing and determination of all challenges for cause, the parties should be permitted to exercise their peremptory challenges as set forth in D. 4. above. A party should be permitted to exercise a peremptory challenge against a member of the panel who has been passed for cause.
3. The court should not require a party to exercise any challenges until the attorney for that party has had sufficient time to consult with the client, and in cases with multiple parties on a side, with co-parties, regarding the exercise of challenges.
4. No juror should be sworn to try the case until all challenges have been exercised or waived, at which point all jurors should be sworn as a group.

F. No party should be permitted to use peremptory challenges to dismiss a juror for constitutionally impermissible reasons.

1. It should be presumed that each party is utilizing peremptory challenges validly, without basing those challenges on constitutionally impermissible reasons.
2. A party objecting to the challenge of a juror on the grounds that the challenge has been exercised on a constitutionally impermissible basis, establishes a prima facie case of purposeful discrimination by showing that the challenge was exercised against a member of a constitutionally cognizable group; and by demonstrating that this fact, and any other relevant circumstances, raise an inference that the party challenged the juror because of the juror's membership in that group.

3. When a prima facie case of discrimination is established, the burden shifts to the party making the challenge to show a nondiscriminatory basis for the challenge.
 4. The court should evaluate the credibility of the reasons proffered by the party as a basis for the challenge. If the court finds that the reasons stated are not pretextual and otherwise constitutionally permissible and are supported by the record, the court should permit the challenge. If the court finds that the reasons for the challenge are pretextual, or otherwise constitutionally impermissible, the court should deny the challenge and, after consultation with counsel, determine whether further remedy is appropriate. The court should state on the record the reasons, including whatever factual findings are appropriate, for sustaining or overruling the challenge.
 5. When circumstances suggest that a peremptory challenge was used in a constitutionally impermissible manner, the court on its own initiative, if necessary, shall advise the parties on the record of its belief that the challenge is impermissible, and its reasons for so concluding and shall require the party exercising the challenge to make a showing under F. 3. above.
- G. The court may empanel a sufficient number of jurors to allow for one or more alternates whenever, in the court's discretion, the court believes it advisable to have such jurors available to replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties.
1. Alternate jurors shall be selected in the same manner, have the same qualifications, be subject to the same examination and challenges, and take the same oath as regular jurors.
 2. The status of jurors as regular jurors or as alternates should be determined through random selection at the time for jury deliberation.
 3. In civil cases where there are 12 or fewer jurors, all jurors, including alternates, should deliberate and vote, but in no case should more than 12 jurors deliberate and vote.
- H. Courts should limit the use of anonymous juries to compelling circumstances, such as when the safety of the jurors is an issue or when there is a finding by the court that efforts are being made to intimidate or influence the jury's decision.

CONDUCTING A JURY TRIAL

**PRINCIPLE 12 – COURTS SHOULD LIMIT THE LENGTH OF JURY TRIALS
INSOFAR AS JUSTICE ALLOWS AND JURORS SHOULD BE FULLY INFORMED OF
THE TRIAL SCHEDULE ESTABLISHED**

- A. The court, after conferring with the parties, should impose and enforce reasonable time limits on the trial or portions thereof.**
- B. Trial judges should use modern trial management techniques that eliminate unnecessary trial delay and disruption. Once begun, jury trial proceedings with jurors present should take precedence over all other court proceedings except those given priority by a specific law and those of an emergency nature.**
- C. Jurors should be informed of the trial schedule and of any necessary changes to the trial schedule at the earliest practicable time.**

**PRINCIPLE 13 – THE COURT AND PARTIES SHOULD VIGOROUSLY PROMOTE
JUROR UNDERSTANDING OF THE FACTS AND THE LAW**

- A. Jurors should be allowed to take notes during the trial.**
 - 1. Jurors should be instructed at the beginning of the trial that they are permitted, but not required, to take notes in aid of their memory of the evidence and should receive appropriate cautionary instructions on note-taking and note use. Jurors should also be instructed that after they have reached their verdict, all juror notes will be collected and destroyed.**
 - 2. Jurors should ordinarily be permitted to use their notes throughout the trial and during deliberations.**
 - 3. The court should ensure that jurors have implements for taking notes.**
 - 4. The court should collect all juror notes at the end of each trial day until the jury retires to deliberate.**
 - 5. After the jurors have returned their verdict, all juror notes should be collected and destroyed.**
- B. Jurors should, in appropriate cases, be supplied with identical trial notebooks which may include such items as the court's preliminary instructions, selected exhibits which have been ruled admissible, stipulations of the parties and other relevant materials not subject to genuine dispute.**
 - 1. At the time of distribution, the court should instruct the jurors concerning the purpose and use of their trial notebooks.**

2. During the trial, the court may permit the parties to supplement the materials contained in the notebooks with additional material that has been admitted in evidence.
 3. The trial notebooks should be available to jurors during deliberations as well as during the trial.
- C. In civil cases, jurors should, ordinarily, be permitted to submit written questions for witnesses. In deciding whether to permit jurors to submit written questions in criminal cases, the court should take into consideration the historic reasons why courts in a number of jurisdictions have discouraged juror questions and the experience in those jurisdictions that have allowed it.
1. Jurors should be instructed at the beginning of the trial concerning their ability to submit written questions for witnesses.
 2. Upon receipt of a written question, the court should make it part of the court record and disclose it to the parties outside the hearing of the jury. The parties should be given the opportunity, outside the hearing of the jury, to interpose objections and suggest modifications to the question.
 3. After ruling that a question is appropriate, the court may pose the question to the witness, or permit a party to do so, at that time or later; in so deciding, the court should consider whether the parties prefer to ask, or to have the court ask, the question. The court should modify the question to eliminate any objectionable material.
 4. After the question is answered, the parties should be given an opportunity to ask follow-up questions.
- D. The court should assist jurors where appropriate.
1. The court should not in any way indicate to the jury its personal opinion as to the facts or value of evidence by the court's rulings, conduct, or remarks during the trial.
 2. When necessary to the jurors' proper understanding of the proceedings, the court may intervene during the taking of evidence to instruct on a principle of law or the applicability of the evidence to the issues. This should be done only when the jurors cannot be effectively advised by postponing the explanation to the time of giving final instructions.
 3. The court should exercise self-restraint and preserve an atmosphere of impartiality and detachment, but may question a witness if necessary to assist the jury.
 - a. Generally, the court should not question a witness about subject

matter not raised by any party with that witness, unless the court has provided the parties an opportunity, outside the hearing of the jury, to explain the omission. If the court believes the questioning is necessary, the court should afford the parties an opportunity to develop the subject by further examination prior to its questioning of the witness.

- b. The court should instruct the jury that questions from the court, like questions from the parties, are not evidence; that only answers are evidence; that questions by the court should not be given special weight or emphasis; and the fact that the court asks a question does not reflect a view on the merits of the case or on the credibility of any witness.**

E. The court should control communications with jurors during trial.

- 1. The court should take appropriate steps ranging from admonishing the jurors to, in the rarest of circumstances, sequestration of them during trial, to ensure that the jurors will not be exposed to sources of information or opinion, or subject to influences, which might tend to affect their ability to render an impartial verdict on the evidence presented in court.**
- 2. At the outset of the case, the court should instruct the jury on the relationship between the court, the parties and the jury, ensuring that the jury understands that the parties are permitted to communicate with jurors only in open court with the opposing parties present.**
- 3. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for juror selection examination until dismissal should be in writing or on the record in open court. Each party should be informed of such communications and given the opportunity to be heard.**

F. Jurors in civil cases may be instructed that they will be permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence.

G. Parties and courts should be open to a variety of trial techniques to enhance juror comprehension of the issues including: alteration of the sequencing of expert witness testimony, mini- or interim openings and closings, and the use of computer simulations, deposition summaries and other aids.

H. In civil cases the court should seek a single, unitary trial of all issues in dispute before the same jury, unless bifurcation or severance of issues or parties is required by law or is necessary to prevent unfairness or prejudice.

I. Consistent with applicable rules of evidence and procedure, courts should encourage the presentation of live testimony.

- J. The court may empanel two or more juries for cases involving multiple parties, defendants, or claims arising out of the same transaction or cause of action, in order to reduce the number and complexity of issues that any one jury must decide. Dual juries also may be used in order to promote judicial economy by presenting otherwise duplicative evidence in a single trial.**

JURY DELIBERATIONS

PRINCIPLE 14 –THE COURT SHOULD INSTRUCT THE JURY IN PLAIN AND UNDERSTANDABLE LANGUAGE REGARDING THE APPLICABLE LAW AND THE CONDUCT OF DELIBERATIONS

- A. All instructions to the jury should be in plain and understandable language.**
- B. Jurors should be instructed with respect to the applicable law before or after the parties' final argument. Each juror should be provided with a written copy of instructions for use while the jury is being instructed and during deliberations.**
- C. Instructions for reporting the results of deliberations should be given following final argument in all cases. At that time, the court should also provide the jury with appropriate suggestions regarding the process of selecting a presiding juror and the conduct of its deliberations.**
- D. The jurors alone should select the foreperson and determine how to conduct jury deliberations.**

PRINCIPLE 15 – COURTS AND PARTIES HAVE A DUTY TO FACILITATE EFFECTIVE AND IMPARTIAL DELIBERATIONS

- A. In civil cases of appropriate complexity, and after consultation with the parties, the court should consider the desirability of a special verdict form tailored to the issues in the case. If the parties cannot agree on a special verdict form, each party should be afforded the opportunity to propose a form and to comment upon any proposal submitted by another party or fashioned by the court. The court should consider furnishing each juror with a copy of the verdict form when the jury is instructed and explaining the form as necessary.**
- B. Exhibits admitted into evidence should ordinarily be provided to the jury for use during deliberations. Jurors should be provided an exhibit index to**

facilitate their review and consideration of documentary evidence.

- C. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.**
 - 1. The court should instruct the jury on the appropriate method for asking questions during deliberations and reporting the results of its deliberations.**
 - 2. A jury should not be required to deliberate after normal working hours unless the court after consultation with the parties and the jurors determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.**
- D. When jurors submit a question during deliberations, the court, in consultation with the parties, should supply a prompt, complete and responsive answer or should explain to the jurors why it cannot do so.**
- E. A jury should be sequestered during deliberations only in the rarest of circumstances and only for the purposes of protecting the jury from threatened harm or insulating its members from improper information or influences.**
- F. When a verdict has been returned and before the jury has dispersed, the jury should be polled at the request of any party or upon the court's own motion. The poll should be conducted by the court or clerk of court asking each juror individually whether the verdict announced is his or her verdict. If the poll discloses that there is not that level of concurrence required by applicable law, the jury may be directed to retire for further deliberations or may be discharged.**

**PRINCIPLE 16 – DELIBERATING JURORS SHOULD BE OFFERED ASSISTANCE
WHEN AN APPARENT IMPASSE IS REPORTED**

- A. If the jury advises the court that it has reached an impasse in its deliberations, the court may, after consultation with the parties, inquiry the jurors in writing to determine whether and how court and the parties can assist them in their deliberative process. After receiving the jurors' response, if any, and consulting with the parties, the judge may direct that further proceedings occur as appropriate.**
- B. If it appears to the court that the jury has been unable to agree, the court may require the jury to continue its deliberations. The court should not require or threaten to require the jury to deliberate for an unreasonable length of time or for unreasonable intervals.**

- C. If there is no reasonable probability of agreement, the jury may be discharged.

POST-VERDICT ACTIVITY

PRINCIPLE 17 – TRIAL AND APPELLATE COURTS SHOULD AFFORD JURY DECISIONS THE GREATEST DEFERENCE CONSISTENT WITH LAW

Trial and appellate courts should afford jury decisions the greatest deference consistent with law.

PRINCIPLE 18 – COURTS SHOULD GIVE JURORS LEGALLY PERMISSIBLE POST-VERDICT ADVICE AND INFORMATION

- A. After the conclusion of the trial and the completion of the jurors' service, the court is encouraged to engage in discussions with the jurors. Such discussions should occur on the record and in open court with the parties having the opportunity to be present, unless all the parties agree to the court conducting these discussions differently. This standard does not prohibit incidental contact between the court and jurors after the conclusion of the trial.
- B. Under no circumstances should the court praise or criticize the verdict or state or imply an opinion on the merits of the case, or make any other statements that might prejudice a juror in future jury service.
- C. At the conclusion of the trial, the court should instruct the jurors that they have the right either to discuss or to refuse to discuss the case with anyone, including counsel or members of the press.
- D. Unless prohibited by law, the court should ordinarily permit the parties to contact jurors after their terms of jury service have expired, subject, in the court's discretion, to reasonable restrictions.
- E. Courts should inform jurors that they may ask for the assistance of the court in the event that individuals persist in questioning jurors, over their objection, about their jury service.

PRINCIPLE 19 – APPROPRIATE INQUIRIES INTO ALLEGATIONS OF JUROR MISCONDUCT SHOULD BE PROMPTLY UNDERTAKEN BY THE TRIAL COURT

A. Only under exceptional circumstances may a verdict be impeached upon information provided by jurors.

- 1. Upon an inquiry into the validity of a verdict, no evidence should be received to show the effect of any statement, conduct, event, or condition upon the mind of a juror or concerning the mental processes by which the verdict was determined.**
- 2. The limitations in A.1 above should not bar evidence concerning whether the verdict was reached by lot or contains a clerical error, or was otherwise unlawfully decided.**
- 3. A juror's testimony or affidavit may be received when it concerns:**
 - a. Whether matters not in evidence came to the attention of one or more jurors; or**
 - b. Any other misconduct for which the jurisdiction permits jurors to impeach their verdict.**

B. The court should take prompt action in response to an allegation of juror misconduct.

- 1. Upon receipt of an allegation of juror misconduct, the court should promptly inform the parties and afford them the opportunity to be heard as to whether the allegation warrants further enquiry or other judicial action.**
- 2. Parties should promptly refer an allegation of juror misconduct to the court and to all other parties in the proceeding.**
- 3. If the court determines that the allegation of juror misconduct warrants further inquiry, it should consult with the parties concerning the nature and scope of the inquiry, including:**
 - a. Which jurors should be questioned;**
 - b. Whether the court or the parties should ask the questions; and**
 - c. The substance of the questions.**
- 4. If the court ascertains that juror misconduct has occurred, it should afford the parties the opportunity to be heard as to an appropriate remedy.**
- 5. If the allegation of juror misconduct is received while the jury is deliberating, the recipient must ensure as quickly as possible that the court and counsel are informed of it, and the court should proceed as promptly as practicable to ascertain the facts and to fashion an appropriate remedy.**

This document has been revised:

On October 15, 2004, the American Jury held a National Symposium on the American Jury System at Washington and Lee University School of Law in Lexington, Virginia. The purpose of the symposium was to vet the revision and consolidation of the current ABA standards on the jury system. Symposium participants included judges, lawyers, academics, jury experts, court administrators, bar leaders and others interested in the health of our nation's jury system. The revised principles were overwhelmingly approved by the ABA House of Delegates during the ABA Midyear Meeting in February 2005.

February, 2013

RESOLVED, That the American Bar Association amends Principles 1(C) through (F), 6(C), 10(C) and 11(A) of the 2005 *Principles for Juries and Jury Trials* dated February 2013.

August 2016

RESOLVED, That the American Bar Association amends Principles 2(B) and 6 of the updated *Principles for Juries and Jury Trials* dated August 2016.

EXHIBIT 25

INSTRUCTION NO. 13

Discrimination in employment on the basis of disability is prohibited.

To establish her claim of discrimination on the basis of disability, Ms. Monroe has the burden of proving each of the following propositions:

(1) That she has a disability;

(2) That she is able to perform the essential functions of the job in question with reasonable accommodation; and

(3) That her disability was a substantial factor in Defendant's decision to terminate her.

Ms. Monroe does not have to prove that disability was the only factor or the main factor in the decision. Nor does Ms. Monroe have to prove that she would have been retained but for her disability.

If you find from your consideration of all of the evidence that each of these propositions has been proved, then your verdict should be for Ms. Monroe on this claim. On the other hand, if any of these propositions has not been proved, your verdict should be for Defendant on this claim.

EXHIBIT 26

Report of Anthony G. Greenwald, Ph.D.

Johnson et al. v. City of Seattle, *et al.*

King County Superior Court No. 15-2-03013-2 SEA

I, Dr. Anthony G. Greenwald, Ph.D., declare and state as follows based on my personal, scientific, technical, and specialized knowledge:

1. I have been retained by Plaintiffs' counsel in the above captioned case to provide expert witness testimony concerning psychological understanding of *implicit bias*.

2. I am a tenured faculty member of the University of Washington in the Department of Psychology where I have been an active member of its teaching and research faculty since 1986. As indicated in my *curriculum vitae*, attached as **Exhibit 1**, my undergraduate education was at Yale College (BA, *magna cum laude*, in 1959) and my graduate training was at Harvard University (M.A., 1961; Ph.D. in 1963). I was previously a tenured faculty member (Department of Psychology) at Ohio State University (1965-1986).

3. My areas of specialization are in social psychology, cognitive psychology, and research methodology. I have published more than 180 peer-reviewed journal articles and book chapters in these areas, including multiple publications in several of the most prominent scholarly journals of psychology (*Psychological Review*, *Psychological Bulletin*, *American Psychologist*, and *Psychological Science*), social psychology (*Journal of Personality and Social Psychology*, *Journal of Experimental Social Psychology*), and cognitive psychology (*Journal of Experimental Psychology*, *Journal of Experimental Psychology: General*, *Journal of Experimental Psychology: Learning, Memory, and Cognition*, *Journal of Experimental Psychology: Human Perception and Performance*).

(A complete listing of my publications is contained in my curriculum vitae at **Exhibit 1**.)

4. As indication of recognition within my academic disciplines, I have received eight awards for career research achievements: *The Donald T. Campbell Award* (1995)

from the Society of Personality and Social Psychology, election as *Fellow of the Society of Experimental Psychologists* (1998), the *Thomas M. Ostrom Award* (2001) from the Person Memory Interest Group (the main organization of social cognition researchers), the *Distinguished Scientist Award* (2006) from the Society of Experimental Social Psychology, election to membership in the *American Academy of Arts and Sciences* (2007), the *William James Lifetime Achievement Award* from the Association for Psychological Science (2013), the *Kurt Lewin Award* from the Society for the Psychological Study of Social Issues (2015), and election to the Washington State Academy of Sciences (2015). Each of these recognitions is for career research contributions rather than for any single piece of work. My scientific publications have been cited by other researchers over 48,000 times (source: Google Scholar¹). My articles on implicit social cognition are among the most highly cited of these articles.

5. Throughout my career I have been active on journal editorial boards, including service from 1972 to 1979 as Associate Editor and subsequently Editor of the leading international journal of Social Psychology, *Journal of Personality and Social Psychology*. I currently serve on editorial boards of four prominent journals and provide evaluative reviews for a large collection of other leading journals, including the major general scientific periodicals, *Science*, *Nature*, and *Proceedings of the National Academy of Sciences*. (I have published articles in two of those three.)

6. My specialization that bears on this case is social psychological research on implicit social cognition, which includes the study of attitudes, prejudices, and stereotypes.

¹ <https://scholar.google.com/citations?user=U24uY0AAAAAJ&hl=en>

I and my collaborators have made numerous, substantial, and highly cited original research contributions concerning these topics during the last 25 years. The identification of implicit social cognition as a distinct research area was launched in a 1995 publication by Greenwald and Banaji, which has already received 4,748 citations.²

7. My studies of implicit social cognition [cognition = thinking] focus on *implicit bias*, which is now a very widely used label (introduced in an article of mine in 1995) for a class of mental processes that function outside of conscious awareness.³ Scientific understanding of implicit bias is based on research on attitudes and stereotypes.⁴ Attitudes are evaluations of groups of people (or other social categories), and stereotypes are beliefs about traits (attributes) that are taken to be characteristic of groups or categories of people.

8. My research on implicit social cognition includes invention and development of a research method—the Implicit Association Test (“IAT”). The IAT is widely described as an “implicit” measure because it measures strength of mental associations with tests that reveal those associations without requiring respondents to be aware that they possess these associations. The IAT has been successfully used as an

² Greenwald, A. G., & Banaji, M. R. (1995). Implicit social cognition: Attitudes, self-esteem, and stereotypes. *Psychological Review*, 102, 4–27. The citation count is that reported by Google Scholar, 1 May. 2016.

³ The term “implicit bias” was first used in its current meaning by Greenwald and Banaji (1995), see Note 2 *supra*. Implicit bias has been defined in the legal context as “attitudes or stereotypes that affect our understanding, decisionmaking, and behavior, without our even realizing it”. (Kang, J., Bennett, M. W., Carbado, D. W., Casey, P., Dasgupta, N., Faigman, D. L., Godsil, R. D., Greenwald, A. G., Levinson, J. D., & Mnookin, J. L. (2012). Implicit bias in the courtroom. *UCLA Law Review*, 59, 1124–1186; see also Greenwald, A. G., & Krieger, L. H. (2006). Implicit bias: Scientific foundations. *California Law Review*, 94, 945–967.)

⁴ Greenwald and Banaji (1995), see Note 2 *supra*.

implicit measure for mental associations that underlie many stereotypes and social attitudes. My published research has included extensive study of implicit biases associated with race, ethnicity, gender, and other demographic categories.⁵

9. The psychometric properties (i.e., properties indicating conceptual validity and applied usefulness) of IAT measures have been validated with many participants in numerous laboratory and Internet research studies. Variations of the IAT have been taken more than 17 million times at the on-line educational site, <https://implicit.harvard.edu>. No method for measuring implicit biases is more widely used than the IAT. Many psychologists use the IAT as a method in their own scientific research. IAT measures have been subjected to repeated empirical testing and peer review. There exists near unanimous agreement among social psychologists as to the validity of the IAT as a method for implicit measurement of attitudes and stereotypes.⁶

⁵ E.g., Greenwald, A. G., McGhee, D. E., & Schwartz, J. K. L. (1998). Measuring individual differences in implicit cognition: The Implicit Association Test. *Journal of Personality and Social Psychology*, **74**, 1464-1480.; Nosek, B. A., Smyth, F. L., Hansen, J. J., Devos, T., Lindner, N. M., Ranganath, K. A., Smith, C. T., Olson, K. R., Chugh, D., Greenwald, A. G., & Banaji, M. (2007). Pervasiveness and correlates of implicit attitudes and stereotypes. *European Review of Social Psychology*, **18**, 36-88; Greenwald, A. G., Poehlman, T. A., Uhlmann, E., & Banaji, M. R. (2009). Understanding and using the Implicit Association Test: III. Meta-analysis of predictive validity. *Journal of Personality and Social Psychology*, **97**, 17-41; Greenwald, A. G., Smith, C. T., Sriram, N., Bar-Anan, Y., & Nosek, B. A. (2009). Race attitude measures predicted vote in the 2008 U. S. Presidential Election. *Analyses of Social Issues and Public Policy*, **9**, 241-253; Greenwald, A. G., & Pettigrew, T. F. (2014). With malice toward none and charity for some: Ingroup favoritism enables discrimination. *American Psychologist*, **69**, 669-684; Greenwald, A. G., Banaji, M. R., & Nosek, B. A. (2015). Statistically small effects of the Implicit Association Test can have societally large effects. *Journal of Personality and Social Psychology*, **108**, 553-561.

⁶ Even psychologists who have been called upon to testify in opposition to the relevance of implicit bias in specific legal actions have published evidence consistent with the IAT's validity in predicting racially discriminatory judgment and behavior, viz., Oswald, F. L., Mitchell, G., Blanton, H., Jaccard, J., & Tetlock, P. E. (2013). Predicting ethnic and racial discrimination: A meta-analysis of IAT criterion studies. *Journal of Personality and Social Psychology*, **105**, 171-192. The IAT was recognized in 2013 with the Society of Personality and Social Psychology's *Methodological Innovation Award*.

10. The concept of *implicit bias* adds to and, in domains involving race and ethnicity, supersedes previously dominant psychological conceptions of mental processes that produce discriminatory judgments and behavior. The previously dominant conceptions viewed human actors as guided solely by their openly expressed (“explicit” or consciously aware) beliefs and by their *conscious intentions* to act. In the last 20 years, scientific studies of implicit social cognition have replaced these previous conceptions by showing that human actors often lack conscious (“introspective”) awareness of knowledge that underlies both their social perceptions and the judgments that guide their actions toward others. That is, actions toward others have repeatedly been found, in recent research studies, to be based on unrecognized mental associations triggered by knowledge of the demographic categories to which others belong, including race, gender, age, ethnicity, disability status, sexual orientation, and more.

11. I base opinions rendered in this case on the results of my own research and also on my knowledge of works by other scientists who have conducted and published research relevant to the conditions of this case. I have become acquainted with the conditions of this case by reading the Complaint (dated February 5, 2015) filed by Plaintiffs’ attorneys.

12. I conclude that the findings of existing research regarding implicit bias provide a framework that can aid a judge or jury in evaluating the facts of this case, to better understand the evidence as it relates to discriminatory intent, to counteract common misconceptions concerning the character of discriminatory intent, and to determine whether Plaintiffs’ racial status provided a basis for Defendants’ actions as outlined in the

Complaint. The remainder of this declaration summarizes my opinions based on scientific research and scholarship that relate to the conditions of the case.

13. **Implicit biases are pervasive and are often observed in more than 70% of Americans, most of whom genuinely and sincerely regard themselves as lacking in biases.** Research using IAT measures finds that persons are often unaware of discrepancies between (on the one hand) their explicitly expressed—and often genuinely endorsed—egalitarian beliefs and attitudes and (on the other hand) the implicit stereotypes and attitudes that are revealed by their IAT measures. Research studies consistently find that a majority of persons who display implicitly biased associations on Implicit Association Test (IAT) measures are unaware of possessing those biases. This has been one of the most interesting, surprising, and consistent findings in the history of studies that have used the IAT to measure implicit biases.

14. In contrast to the relatively small percentages (typically less than 15%) of survey respondents who are willing to describe themselves as possessing “explicit” or “overt” racial biases, approximately 75% of research participants display implicit (sometimes called “unconscious”) biases based on African American (vs. White) race, Asian vs. American ethnicity, male vs. female gender, and other familiar demographic contrasts. These implicit biases are described in research publications as indicating “automatic preferences” (e.g., for White relative to Black Americans), or “implicit stereotypes” (e.g., associating male gender more than female gender with career).⁷

⁷ These figures are based on data from tens of thousands of respondents, as presented in Table 4 of Nosek, B. A., Smyth, F. L., Hansen, J. J., Devos, T., Lindner, N. M., Ranganath, K. A., Smith, C. T., Olson, K. R., Chugh, D., Greenwald, A. G., & Banaji, M. (2007). Pervasiveness and correlates of implicit attitudes and stereotypes. *European Review of Social Psychology*, 18, 36–88. Ottaway, S. A., Hayden, D. C., & Oakes, M. A. (2001). Implicit attitudes and racism: Effects of word familiarity and frequency on the implicit association test. *Social Cognition*, 19, 97-144;

Research also establishes that human behavior in relation to groups that are objects of implicit biases is guided less by explicit (i.e., overt, avowed) beliefs and intentions than is widely assumed. That is: (a) correlations of self-reported (i.e., overt, explicit) racial attitudes with discriminatory behavior have been observed in research to be weak; (b) in contrast, correlations of implicit racial attitudes with discriminatory behavior are statistically stronger; and (c) upon taking various of the implicit bias tests available for website visitors at <https://implicit.harvard.edu/implicit> many persons with self-expressed explicit egalitarian beliefs are unpleasantly surprised to discover that they have implicit racial preferences.⁸

15. **Implicit bias is scientifically established as a source of discriminatory judgment and decision making in personnel decisions.** There is now little doubt that implicit bias, in the form of unconscious attitudes and stereotypes, is a cause of discrimination. Numerous research studies have established that behaviors occurring in employment settings are influenced by implicit biases.⁹ Discrimination rooted in implicit biases is especially likely to occur in *subjective* evaluations of performance. When (a) personnel decisions are made in subjective, discretionary fashion and (b) non-discriminatory explanations can be rejected or are implausible, it is highly probable that observed treatment disparities in employment are caused, at least in substantial part, by

Livingston, R. W. S. (2002). Bias in the absence of malice: The phenomenon of unintentional discrimination. *Dissertation Abstracts International: Section B: The Sciences and Engineering*, 62(8-B), 3850; Axt, J. R., Ebersole, C. R., & Nosek, B. A. (2014). The rules of implicit evaluation by race, religion, and age. *Psychological Science*, 25(9), 1804-1815.

⁸ Greenwald, Poehlman, Uhlmann, & Banaji (2009), see Note 5 supra; Greenwald, Banaji, & Nosek (2015), see Note 5 supra.

⁹ See Chapter 3 and Appendixes 1 and 2 of Banaji, M. R., & Greenwald, A. G. (2013). *Blindspot: Hidden biases of good people*. New York, NY: Delacorte Press.

implicit bias associated with race, ethnicity, or gender. These implicit biases can constitute a substantial cause of disparate treatment in employment even when other non-discriminatory factors also contribute causally to the employment related decision.

16. **Implicit biases operate outside of (conscious) awareness.** Scientific definitions of implicit attitudes and implicit stereotypes characterize them as “introspectively unidentified”. In a widely cited 1995 publication Greenwald and Banaji defined *implicit attitudes* as “introspectively unidentified (or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects” (p. 8); and they defined *implicit stereotypes* as “introspectively unidentified (or inaccurately identified) traces of past experience that mediate attributions of qualities to members of a social category” (p. 15).¹⁰ These implicit influences can produce discriminatory judgments and behavior in decision makers who have no awareness that they possess any trace of intention to produce disadvantage to those who have been adversely affected by their judgments.

17. **Ingroup favoritism as a correlate of implicit bias and a contributor to discriminatory outcomes.**¹¹ It has been recognized for some time that ingroup favoritism is an important factor in producing disadvantage to (among others) racial and ethnic minorities. This is in part commonsense reasoning that an advantage for Group A over

¹⁰ Greenwald, A. G., & Banaji, M. R. (1995). Implicit social cognition: Attitudes, self-esteem, and stereotypes. *Psychological Review*, 102, 4-27. [available at: http://faculty.washington.edu/agg/pdf/Greenwald_Banaji_PsychRev_1995.OCR.pdf]

¹¹ To minimize the need for a lengthy footnote, it is noted here that the conclusions summarized in this paragraph are extensively documented in: Greenwald, A. G., & Pettigrew, T. F. (2014). With malice toward none and charity for some: Ingroup favoritism enables discrimination. *American Psychologist*, 69, 669–684. [available at: <http://faculty.washington.edu/agg/pdf/Greenwald&Pettigrew.MaliceTowardNone.AP.2014.pdf>]

Group B can be produced as much by doing something selectively beneficial to Group A as by doing something selectively detrimental to Group B. Only recently, however, has it become apparent that selective benevolence can be more potent than selective malevolence in producing discriminatory outcomes. This observation may come as a surprise because those engaging in benevolent actions toward others similar to themselves (i.e., those engaging in ingroup favoritism) will routinely be aware only of their intentions to benefit others, while not recognizing that those to whom they are not providing similar benefits are put at a relative disadvantage by these helpful actions. This happens because many people are aware only of possessing explicitly egalitarian attitudes, while remaining unaware of powerful ingroup-favoring implicit attitudes. And, even though scientific development of the concepts of implicit bias in the past 20 years is gradually entering general knowledge through college courses and media attention, the science still codified in many college texts connects occurrences of racial and ethnic discrimination much more strongly to outgroup hostility than to ingroup favoritism. Recent studies of workplace behavior make clear the extent to which demographic similarity (shared ingroup membership) of managers and employees is a factor that can produce disadvantages to those outside the ingroup.¹²

18. **Discretion-affording personnel evaluations that permit subjectivity in decision making are open to influence by implicit bias.** Personnel evaluations include assessments of merit and decisions contingent on those assessments, including performance

¹² See Greenwald and Pettigrew (op. cit.); DiTomaso, N. (2012). *The American non-dilemma: Racial inequality without racism*. New York, NY: Russell Sage Foundation; Reskin, B. F. (1998). *The realities of affirmative action in employment*. Washington, DC: American Sociological Association; Rivera, L. A. (2012). Hiring as cultural matching: The case of elite professional service firms. *American Sociological Review*, 77, 999–1022.

reviews and decisions affecting salaries, raises, promotions, and terminations. The scientific field of organizational psychology has long accepted the principle that personnel evaluations in which the evaluator has leeway (discretion) to judge merit on the basis of non-standardized *subjective* criteria allow bias to invade evaluations. In the decades since acceptance of that principle, its scientific basis has continued to grow. Available research evidence supports the conclusion that consistent avoidance of bias requires use of personnel decision-making procedures based on *objective* criteria. The next five paragraphs (§§19–23) describe prominent recent articles by economists, organizational psychologists, and legal scholars, based on their consideration of research on the roles of subjectivity and discretion in personnel decision making. The eight paragraphs after those (§§24–31) summarize the articles’ conclusions in a fashion more accessible to non-scientists. These observations support the conclusions (a) that managerial subjectivity and discretion contribute to discriminatory outcomes resulting from implicit (and possibly also explicit) biases, and (b) that validated objective evaluation procedures can effectively avoid entry of such biases into managerial decisions.

19. **Prendergast, C., & Topel, R. H. (1996). Favoritism in organizations. *Journal of Political Economy*, 104, 958–978.** Prendergast and Topel observed that the situation of unavailability of objective measures of workers’ performances arises frequently in work settings. In that situation, “firms rely on subjective judgments by supervisors. Subjectivity opens the door to favoritism, where evaluators act on personal preferences toward subordinates to favor some employees over others” (p. 958). Prendergast and Topel additionally reviewed economist-authored scholarly articles, on the basis of which they concluded that employers desiring to operate effectively will reject subjective evaluation

procedures: “an optimal response by firms will be to make compensation less sensitive to [subjective] supervisor evaluations and to use bureaucratic rules placing ‘excess’ weight on noncorruptible [i.e., objective-indicator] signals” (p. 976).

20. **Wax, A. L. (1999). Discrimination as accident. *Indiana Law Journal*, 74, 1129–1232.** In this article, legal scholar Amy Wax focuses on discrimination based on race or sex. “Supervisors and employers purport to evaluate employees according to facially neutral criteria and often strive to apply those criteria in an evenhanded way. But if they have knowledge of the race or sex of the person being evaluated (which they ordinarily do), their judgments could possibly be affected by cognitive biases that are triggered by that knowledge” (p. 1137). “But the employer will not realize that these cognitive mechanisms are at work and will be oblivious to the way in which the application of neutral performance criteria, which he is attempting to apply in good faith, is skewed by his unconscious stereotypes. Such routine distortions of seemingly benign appraisals could potentially occur at all stages of the employment relationship, affecting decisions whether to hire, promote, discipline, assign responsibility, allocate rewards and benefits, or terminate the relationship altogether. The potential for these types of cognitive mechanisms to play a role would be greatest when assessments have an important subjective component—and especially where employers are making complex, multifactorial, discretionary judgments about ongoing workplace performance.” (pp. 1137–1138).

21. **Outtz, J. L. (2005). Race discrimination cases: Common themes (Pp. 201–228). In F. J. Landy (Ed.). (2005). *Employment discrimination litigation: Behavioral, quantitative, and legal perspectives*. San Francisco, CA: Jossey-Bass.** This book chapter by organizational psychologist James Outtz deals in part with discrimination

caused by “excessive subjectivity in performance appraisals” (p. 224). As a means of avoiding excessive subjectivity, Outtz observes that “subjectivity is minimized to the extent that (1) performance ratings are linked to important job behaviors or performance objectives, (2) there are written policies governing the manner in which performance ratings are to be made, (3) there is second-level review of the ratings, and (4) there is a procedure in place for resolving ratings disputes between employees and supervisors” (p. 224).

22. **Hart, M. (2005). Subjective decisionmaking and unconscious discrimination, *Alabama Law Review*, 56, 741–791.** In this article, law professor Melissa Hart considers the legal implications of “[c]ontemporary sociological and psychological research [, which] reveals that discriminatory biases and stereotypes are pervasive, even among well-meaning people. In fact, recent studies have focused particular attention on the unconscious biases of people whose consciously held beliefs are strongly egalitarian (p. 743).¹³ “[T]he potential for unconscious stereotypes and biases to intrude into the evaluation process is greatest when subjective judgments are involved” (p. 744). “When an employer permits largely uncabined discretion to its supervisors, the risk of the pervasive operation of unconscious biases and stereotypes in decisionmaking is considerable” (p. 788).

23. **Heilman, M.E., & Haynes, M.C. (2008). Subjectivity in the appraisal process: A facilitator of gender bias in work settings. In E. Borgida & S.T. Fiske (Eds.), *Beyond common sense: Psychological science in the courtroom*. (127–156). Oxford: Blackwell Publishing.** In this article, organizational psychologists Madeline

¹³ See also ¶30 of this declaration.

Heilman and Michelle Haynes focus on subjectivity as a factor contributing to discrimination against women. As was true of the Wax article (see ¶20), the arguments in this article derive from social science research that applies generally to the manner in which stereotypes affect employment decision making. “[Subjectivity] denotes an evaluative orientation that requires inference because judgments are based primarily on outcomes and criteria that are open to interpretation” (p. 128). “[T]he greater the subjectivity, the more opportunity for *stereotype-based expectations* [emphasis added] to influence evaluative judgments” (p. 127). “Paradoxically, contexts that are devoid of features that motivate evaluators to be accurate in their judgments can actually increase reliance on stereotype-based expectations” (p. 143). “[W]hen subjectivity exists, and inference is required for making evaluative judgments, [stereotype-based] expectations are likely to exert a powerful influence on evaluative outcomes” (p. 132).

24. **Objective and subjective measures in personnel evaluation.** An “objective” personnel evaluation typically results from a procedure that involves a defined method of counting quantities that produce numbers, such as numbers of products produced, clients served, contracts negotiated, dollars earned, or questions answered correctly on a test. In contrast, for “subjective” measures, evaluative judgments result from using information about the evaluatee in ways that are left partly or entirely unspecified—these measures involve discretion. In the context of evaluating faculty members for promotion, examples of objective indicators of performance quality would be counts of articles published, citations of those publications by other scholars, research grants obtained, courses taught, students supervised, scores of students on standardized tests of

knowledge in subject areas taught by the faculty member, and faculty committees served on.

25. **By itself, the use of numbers does not suffice to classify a measure as “objective”.** Consider: “In your judgment, did Employee X exceed expectations (=3), meet expectations (=2), or fall short of expectations (=1).” This measure is conceivably “objective” if (a) the assignment of numbers is governed by well-defined criteria specifying performances that validly justify assigning the numbers 1, 2, and 3, and (b) the supervisors who make these judgments receive training to assure that they assign the numbers in ways that are consistent across different persons judging the same person and, for the same supervisor, consistent over time. In the absence of meeting these conditions, this (widely used) form of workplace performance evaluation can produce numbers that comprise largely or entirely subjective judgments. The “In your judgment . . .” opening of the rating question provides the invitation to produce a subjective, discretionary judgment.

26. **Systematic use of *valid, objective measures* avoids discriminatory effects of implicit bias.** “Validated” objective measures are those for which numerical values either (a) are understood by themselves to reflect degree of achieving desired job performances or (b) have been established through research to have reliable correlations with previously established-as-valid indicators of meritorious job performance. The virtue of using valid objective measures is twofold: First, their validation warrants confidence in being able to effectively distinguish superior from inferior performers. Second, their consistent use pre-empts decision making based on subjective criteria, thereby denying the opportunity for decision-maker subjectivity that can result in either explicit or implicit bias.

27. **Rationale for expecting subjective (discretion-affording) personnel evaluations to produce discrimination.** Perhaps the only sure way to avoid discrimination when using discretion-affording procedures for personnel decision making is to use one's discretion to opt for a randomizing device to make decisions: Although the resulting decisions won't be optimal or effective in a business sense, lottery-based decisions for hiring, raises, promotions, and terminations will surely avoid discriminatory impact. As explained in the next three paragraphs, however, when neither randomizing devices nor valid objective criteria are used, personnel decisions are likely to show discriminatory impact due to implicit bias. For example, when managers provide personnel evaluations and make personnel decisions subjectively (i.e., with discretion) without justifying those decisions in terms of objective indicators of performance, implicit attitudes and stereotypes are highly likely to be elevated to roles that they could not otherwise play as contributing factors to those judgments and actions.

28. **Influences of implicit bias on discretionary personnel decisions: Who gets stereotyped?** There exists a "default" set of demographic characteristics for "American". Someone who is identified only as American will likely be assumed also to be a person who is White, young adult, male, and able-bodied. These default characteristics are also the ones that, when encountered in a newly met person, will be *least* likely to result in the person being perceived through the lens of a stereotype. For those others who are not described by the default characteristics—including African Americans, Native Americans, Asian Americans, Hispanic Americans, women, the elderly, and the disabled—stereotypes are far richer, and many of those stereotypes are negative.¹⁴

¹⁴ These conclusions are supported in detail in Chapter 5 ("*Homo Categoricus*", pp. 72–93)

29. **Influences of implicit bias on discretionary personnel decisions: What is the consequence of being stereotyped in the workplace?** Stereotypes of most of the groups mentioned in ¶28 involve expectations that they will have relatively weak intellect and limited or no capacity for leadership. Employees in positions of responsibility who are racial or ethnic minorities may therefore often be assumed to have achieved their positions due to diversity/inclusion policies that favored them over more qualified others. As a result, persons who are members of under-represented groups may inappropriately be judged to be least worthy of hiring, promotion, or retention.¹⁵

30. **Damaging impact of implicit bias on quality of workplace interactions.**

In a sustained program of research, psychologists Samuel Gaertner and John F. Dovidio described a characteristic of many White Americans who, despite sincerely viewing

of *Blindspot: Hidden biases of good people* (Delacorte Press, 2013; authors: Mahzarin R. Banaji and Anthony G. Greenwald).

¹⁵ McCarthy, J. M., Van Iddekinge, C. H., & Campion, M. A. (2010). Are highly structured job interviews resistant to demographic similarity effects? *Personnel Psychology*, 63, 325-359; Rooth, D.-O. (2010). Automatic associations and discrimination in hiring: Real world evidence. *Labour Economics*, 17, 523-534; Agerström, J., & Rooth, D.-O. (2011). The role of automatic obesity stereotypes in real hiring discrimination. *Journal of Applied Psychology*, 96(4), 790-805; Ziegert, J. C., & Hanges, P. J. (2005). Employment discrimination: The role of implicit attitudes, motivation, and a climate for racial bias. *Journal of Applied Psychology*, 90, 554-562. Findings having to do specifically with application of disadvantaging stereotypes of Asian Americans in work settings can be found in: Berdahl, J. L., & Min, J.-A. (2012). Prescriptive stereotypes and workplace consequences for East Asians in North America. *Cultural Diversity and Ethnic Minority Psychology*, 18(2), 141-152; Ginther, D. K., Schaffer, W. T., Schnell, J. Masimore, B., Liu, F., Haak, L. L., & Kington, R. (2011). Race, Ethnicity, and NIH Research Awards. *Science*. 333, 1015-1019; Samson, F. L. (2013). Multiple group threat and malleable White attitudes towards academic merit. *Du Bois Review*, 10, 233-260; Samson, F. L. (2013). Altering public university admission standards to preserve White group position in the United States: Results from a laboratory experiment. *Comparative Education Review*, 57, 369-396; Sue, D. W., Bucceri, J., Lin, A. I., Nadal, K. L., & Torino, G. C. (2009). Racial microaggressions and the Asian American experience. *Asian American Journal of Psychology*, 5(1), 88-101; and Yan, W., & Lin, Q. (2011). What accounts for tenure of Asian American faculty? Findings from NSOPF: 04. In X. L. Rong & R. Endo (Eds.), *Research on the education of Asian and Pacific Americans. Asian American education—Identities, racial issues, and languages* (pp. 159-179). Charlotte, NC: IAP Information Age Publishing.

themselves as egalitarian, nevertheless display subtle forms of race or ethnicity bias, such as by being more ready to offer help to Whites than to equivalently help-needing African Americans or other minorities. Gaertner and Dovidio have documented how these White egalitarians are prone to interracial interactions marked by discomfort or anxiety that will prompt a desire to avoid or withdraw from the interaction.¹⁶ This discomfort occurs asymmetrically (i.e., it is experienced more by the White than by the minority participant in an interaction). As a consequence, the White's discomfort can produce unintended disadvantage to the minority participant. To illustrate: In an interaction between a White supervisor and an Asian employee, or between a White interviewer and an Asian job applicant, the White participant may feel uncomfortable, but without recognizing that implicit bias is contributing to the experience of having an awkward interview. The White participant may inappropriately attribute the lack of warmth in the interaction to some deficiency of the minority participant.

31. **Enhanced role of race and ethnicity in workplaces in which these groups are under-represented.** A long-established social psychological principle is that identifiably distinctive features of whatever kind (height, weight, hair color, age, race, ethnicity, sex, disability status) are salient (i.e., noticed and responded to) to the extent that they are infrequent in a group setting. As a consequence, attitudes and stereotypes associated with a group identity that is rendered salient by its infrequency in a work setting

¹⁶ Because this discomfort does not correspond to what is ordinarily understood as “racism”, others have preferred the alternative label of “uncomfortable egalitarianism”. Much of this history of Gaertner and Dovidio’s work is described in: Gaertner, S. L., Dovidio, J. F., Banker, B., Rust, M., Nier, J., Mottola, G., & Ward, C. M. (1997). Does racism necessarily mean anti-blackness? Aversive racism and pro-whiteness. In M. Fine, L. Powell, L. Weis, & M. Wong (eds.), *Off white* (pp. 167–178). London: Routledge.

are more likely to become active (i.e., influencing judgment and action) than in a work setting in which this group is more substantially represented. As a consequence, the likelihood that implicit attitudes and stereotypes associated with plaintiffs' race or ethnicity will influence others' judgments about and actions toward them is greater than if there were more representatives of their groups in the work setting.

32. **In summary:** Implicit biases are pervasive and are often observed in more than 70% of Americans, most of whom sincerely regard themselves as (non-prejudiced) egalitarians. Implicit bias is scientifically established as a source of discriminatory judgment and decision making in personnel decisions. Discretion-affording personnel evaluations that permit subjectivity in decision making are open to influence by implicit bias. Based upon my knowledge of social psychological research on attitudes and stereotypes, and my review of the Complaint, I believe these general principles and the opinions related to them stated in this report apply to the evaluation of the facts of this case.

33. **Postscript.** I understand that discovery is ongoing in this matter. If evidence in addition to that which I have already reviewed relevant to my opinions is discovered or produced, I reserve the right to amend this report accordingly.



Dr. Anthony G. Greenwald, Ph.D.

4 May 2016

Dated

Appendixes

Exhibit 1: Anthony G. Greenwald, curriculum vitae

Exhibit 2: Anthony G. Greenwald, prior testimony

Exhibit 3: Anthony G. Greenwald, consulting fee schedule