

NEWMAN, WILLIAMS, MISHKIN, CORVELEYN, WOLFE & FARERI
A PROFESSIONAL CORPORATION

BY: GERARD J. GEIGER, ESQUIRE

ATTORNEY FOR: Defendants

IDENTIFICATION NO. 44099
LAW OFFICES
712 MONROE STREET
P.O. BOX 511
STROUDSBURG, PA 18360-0511
(570) 421-9090 (voice)
(570) 424-9739 (fax)
ggeiger@newmanwilliams.com

obtained and prepared by:

www.911Dispatch.com

IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF PENNSYLVANIA

MARY T. MILLER,

No. 3:06-CV-00463

Plaintiff,

v.

(Judge Vanaskie)

MARY P. KRUZIK, etal.

JURY TRIAL DEMANDED

Defendants

**DEFENDANTS' STATEMENT OF FACTS
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

The Defendants, through their undersigned counsel, aver that the following facts are not in dispute and may be considered by the Court in support of their Motion for Summary Judgment:

<p>The Parties</p>

1. Carbon County owns and operates the Carbon County Communications Center at 1264 Emergency Lane Nesquehoning, PA 18240.

2. During the events described in the plaintiff's complaint, the defendant, Mary P. Kruzik ("Kruzik"), was the 911 manager for the Carbon County 911 Center. Complaint, ¶ 2.
3. The defendant, Gary Williams ("Williams"), was the Assistant 911 manager. Complaint, ¶ 3.
4. The defendant, Randall Smith, was the Carbon County Administrator and, in that capacity, served as the chief operating official of Carbon County. Complaint, ¶ 4.
5. The defendants, William J. O'Gurek ("O'Gurek"), Wayne Nothstein ("Nothstein") and Charles Getz ("Getz") are elected Carbon County Commissioners. Complaint, ¶ 5-7.
6. The plaintiff, Mary Miller ("Miller") was employed by Carbon County as a senior dispatcher at the 911 Communications Center. Complaint, ¶ 12.
7. Miller's immediate supervisors were 911 Manager Kruzik and 911 Assistant Manager Williams. Miller Deposition, p. 60, lines 11-12. Exhibit A, p. 16.

Duration of Employment

8. The plaintiff, Mary T. Miller, was employed by Carbon County from December 31, 1992 until her termination on September 15, 2005. Miller

Deposition, p. 12, lines 21-23 (Exhibit A, p. 10); Complaint, ¶ 12.

9. Miller was terminated from her employment by a unanimous vote of the County Commissioners on September 15, 2005. Getz Deposition, p. 18, lines 13-14 (Exhibit A, p. 2); O’Gurek deposition, p. 45, lines 11-13 (Exhibit A, p. 22); Nothstein Deposition, p. 20, lines 3-5 (Exhibit A, p. 19).

<p style="text-align: center;">Job Responsibility of a Dispatcher is to Treat Callers with Courtesy</p>
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10. The job description for a senior dispatcher in Miller’s position is attached to this statement as exhibit A, pp. 35-39.
11. The senior dispatcher job description requires that dispatchers act with a “professional attitude” which includes being courteous to callers:

42:4 I'd like you to take a look at Mary Miller Exhibit 2.

42:5 Does that document look familiar to you?

42:6 A Yes.

42:7 Q You've seen that before?

42:8 A Yes.

42:9 Q And does that summarize a document or does that

42:10 summarize the responsibilities that the County puts on a

42:11 Senior Dispatcher?

42:12 A Yes.

42:13 Q And does Paragraph No. 23 talk about having a

42:14 professional attitude?

42:15 A Yes.

42:16 Q And what is your understanding of what that

42:17 means?

42:18 A My understanding is to be professional.

42:19 Q And that includes courtesy to callers; is that

42:20 correct?

42:21 A Yes.

Miller Deposition, p. 42 lines 4-21. (Exhibit A, p. 14).

12. County Dispatchers receive regular warnings from management that dispatchers are to treat all callers with courtesy:

42:22 Q And have you received other documents from the
42:23 County warning you that -- and warning all employees that
42:24 anyone who calls the 9-1-1 line is entitled to be treated
42:25 with courtesy?

43:1 A Yes.

43:2 Q And that occurred consistently not just when
43:3 Mary Kruzik was the director.

43:4 A When Richard McGettigan was and when William
43:5 Mosier was.

43:6 Q So, you understood that that was part -- that
43:7 the County said that that was part of your job
43:8 responsibilities.

43:9 A Yes.

Miller Deposition, p. 42, line 22 to p. 43, line 9 (Exhibit A, p. 14).

13. Prior to Miller's termination, County officials received numerous complaints both from non-County employees and from coworkers about Miller's bad attitude in performing her job, her lack of courtesy in responding to emergency calls and her disruptive behavior in the workplace.

<p>Complaints from Persons Not Employed by Carbon County</p>

14. Commissioner Nothstein personally received multiple complaints from emergency services personnel about Miller's bad attitude as a dispatcher:

16:21 Q Now, did anybody ever complain to you about
16:22 Mary Miller's job performance?
16:23 A I've heard complaints, yes, from emergency
16:24 services in particular.
16:25 Q And from who specifically?
17:1 A All of them; fire, police, ambulance.
17:2 Q Can you give me some individual names?
17:3 A Not in particular. I know there was one
17:4 incident that a police officer complained. It was mostly --
17:5 and it's not job performance, it was mostly, sometimes,
17:6 attitude on the radios and what was said. In one case in
17:7 particular I can mention was telling a police officer "I
17:8 don't have my crystal ball today," and those are things that
17:9 created problems or complaints.

Nothstein Deposition at p. 16, line 21 to p. 17, line 9. (Exhibit A, p. 18).

15. The Carbon County Commissioners' office received multiple complaints from emergency services personnel about Miller's bad attitude:

19:8 ...there were
19:9 complaints about Mary Miller's job performance
that were going
19:10 into the 911 Center.
19:11 Q. When you say we, who are you referring to?
19:12 A. We. The Commissioners' Office had received calls
19:13 from different responders who found Mary's tone to be
19:14 inappropriate when operating – dispatching.

Smith Deposition, at p. 19, line 8 to line 14. (Exhibit A, p. 25).

16. On January 14, 2005, Borough of Nesquehoning Assistant Fire Chief Bob Stempa complained to the County about Miller's rude behavior in

responding to his emergency call:

56:10 Did you meet with Chief Stempa?

56:11 A. Yes, I did.

56:12 Q. And where did you meet with him?

56:13 A. In my office.

56:14 Q. And what did he tell you?

56:15 A. He came in to put his – to fill out a complaint form
56:16 on the incident.

56:17 Q. And what was generally his complaint?

56:18 A. Her attitude towards him on the radio.

Kruzik deposition, p. 56, lines 10-18. (Exhibit A, p. 6).

17. A note commemorating the complaint from Chief Stempa is attached as exhibit A, p. 57.

18. In January 2002, Miller was given a written warning for being rude to Betty Fairchild, an employee of the Carbon Crest Personal Care Home in Weatherly, Pennsylvania. Employer Warning Record, Exhibit A, p. 44.

19. As a result of that incident, Miller's supervisor at the time called Fairchild to apologize for Miller's attitude:

40:18 A I was reprimanded and Mr. McGettigan called

40:19 Betty Fairchild and apologized for the way I spoke to her

Miller deposition, p. 40, lines 18-19. (Exhibit A, p. 13).

Complaints from Carbon County Coworkers
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Dispatcher Steigerwalt

20. County dispatcher Cheryl Steigerwalt complained that Miller would scream and yell in the workplace:

9:12 It was right before I
9:13 had my thyroid surgery and I was rather ill from the
9:14 medication I had to take prior to the surgery and I was
9:15 mandated and because I was mandated I had made arrangements
9:16 for somebody to cover my next shift because I knew I'd never
9:17 make it and when she [Miller] came in she was so pissed off
because
9:18 she was going to get mandated on afternoon shifts, so she
9:19 screamed and hollered and ranted and raved and carried on
9:20 all morning.

Steigerwalt deposition, p. 9, lines 12-20. (Exhibit A, p. 27).

11:17 Q And what essentially were your complaints at
11:18 this time about Mary?
11:19 A Well, her screaming and hollering and carrying
11:20 on...

Steigerwalt deposition, p.11, lines 17-20. (Exhibit A, p. 28).

21. Steigerwalt made her complaints about Miller's bad attitude known to management:

29:15 Q. Well, let's stick with Mrs. Steigerwalt. What do you
29:16 recall
29:17 specifically were her complaints about Mrs. Miller?
29:18 A. Offhand, I don't know. Most of them dealt with
29:19 attitude.

Williams Deposition, p. 29, lines 15-19. (Exhibit A, p. 29).

Christopher Evans

22. County employee Christopher Evans complained to management that Miller

screams and has tantrums during her shift that interfere with other employees' ability to do their jobs. Exhibit A, p. 47.

Dispatcher Heinz Rausch

23. Dispatcher Heinz Rausch complained that Miller would yell on the phone and have a bad attitude towards callers:

30:6 Q. And you mentioned Heinz Rausch. What was his
30:7 complaints?

30:8 A. His complaint was putting up with her in the
morning,
30:9 with her kid and her family, and yelling on the phone and stuff
30:10 like that, and her attitude towards callers.

Williams Deposition, p. 30, lines 6-10. (Exhibit A, p. 30).

Dispatcher Justin Markell

24. On August 17, 2004, dispatcher Justin Markell sent a written complaint to management that Miller was causing morale problems in the Communications Center.

Markell's letter dated August 17, 2004 is attached as exhibit A, p. 46.

25. In his August 17, 2004 letter, Markell advised management that:
- (a) Miller accused the County of having a personal vendetta against her because she was not promoted to assistant 911 manager;
 - (b) Miller told her coworkers that she could be running the 911 Center if

she filed a labor lawsuit;

- (c) Miller is belligerent and disrespectful to emergency service providers who call the facility and has even hung up on emergency callers; and
- (d) Miller is responsible for the poor morale in the 911 Center.

Markell letter dated August 17, 2004 attached as exhibit A, p. 46.

Dispatcher Jason Helmer

26. County dispatcher Jason Helmer complained to management that Miller created a hostile work environment:

18:5 Q And what did Mr. Helmer complain to you about?

18:6 A Basically the same complaints. The hostile
18:7 work environment, always felt -- bad work conditions as far
18:8 as her yelling, her -- I mean Mary yelling at people on the
18:9 phone, yelling at people on the radio, and just an overall
18:10 hostile type of environment. It's tough to describe hostile
18:11 to you, but I just know what I felt there as being hostile.

Marzen deposition, p. 18, lines 5-11. (Exhibit A, p. 9).

27. Helmer also complained that Miller instigated arguments between County employees:

21:13 Q When you talk about animosity between

21:14 co-workers what animosity was created between co-workers as
21:15 a result of anything that Mary Miller did?

21:16 A Because it just seemed that Mary Miller was
21:17 always making an effort to pin fellow workers on each other.
21:18 That's what it seemed like the me. Like, you'd come in.
21:19 "Did you hear about this that happened? Did you hear what
21:20 this person did," and, you know, that's what created the

21:21 tension because -- and that was a lot of it right there.

Helmer deposition, p. 21, lines 13-21. (Exhibit A, p. 3).

28. Helmer stated that Miller would yell at people who called the 911 Center:

38:1 A Her attitude was pretty poor, cocky with people
38:2 on the radio and the telephone, yell at people...

Helmer deposition, p. 38, lines 1-2. (Exhibit A, p. 4).

29. On February 8, 2005, Helmer wrote a letter to management informing management that Miller criticizes her supervisor, Gary Williams to other County employees, that County employees are forced to endure Miller's "screaming, yelling, banging, degrading comments, rudeness and unprofessional attitudes" and that she is creating a hostile work environment.

Helmer letter of 2/8/05, attached as exhibit A, pp. 58-59.

Dispatcher Lee Marzen

30. County dispatcher Lee Marzen complained to management about Miller's bad attitude:

16:15 A Well, my basic complaints were the angry
16:16 attitude towards callers, the angry attitude towards
16:17 providers in the field, and hostile environment that I had
16:18 to work in.
16:19 Q Did you complain to anybody about this?
16:20 A I spoke to Mary about this, Mary Krusik.

Marzen deposition, p. 16, lines 15-20. (Exhibit A, p. 8).

31. On February 14, 2005, dispatcher Marzen reported to 911 Manager Kruzik that Miller was creating a hostile work environment at the Communications Center.

A Summary of Marzen's report to Kruzik is attached as exhibit A, p. 60.

911 Manager Mary Kruzik

32. 911 Manager Kruzik personally observed Miller's bad attitude:

23:22 Q. What were your complaints about Mrs. Miller's job
23:23 performance when you were Manager?
23:24 A. Her attitude on the telephone.
23:25 Q. When was this, exactly?
24:1 A. February, 2005.
24:2 Q. When you say by her attitude on the telephone, what
24:3 do you mean by that?
24:4 A. She was very belligerent to a woman who had
24:5 telephoned in a call from a ski slope.
24:6 Q. Did you hear the call?
24:7 A. Yes, I did.

Kruzik deposition, p. 23, line 22 to p. 24, line 7. (Exhibit A, p. 5).

33. Kruzik made numerous complaints to County Administrator Smith about Miller's bad attitude:

30:6 Q. After you got done playing the tape recording,
what
30:7 did Mary Kruzik have to say, if anything?
30:8 A. I recall her saying that it was highly inappropriate
30:9 and unacceptable for this kind of behavior to take place in the
30:10 workplace. Something to that effect.
30:11 Q. Before this time, had Mary Kruzik ever
complained to

30:12 you about Mary Miller?
30:13 A. Yes.
30:14 Q. On how many occasions?
30:15 A. Numerous.

Smith deposition, p. 30, lines 6-15. (Exhibit A, p. 26).

Dispatcher Ray Bossard

34. Dispatcher Ray Bossard complained to management that Miller's misconduct caused morale at the Communications Center to become poor:

10:16 Q What did you mean that the morale was poor
10:17 within the 9-1-1 center?
10:18 A Pretty much it was -- you just didn't want to
10:19 particularly come to work on the day shift. When I was
10:20 steady afternoon shifts I enjoyed going to work. We never
10:21 had any problems, we worked well together, but it seemed to
10:22 be that when we went to work on the day shift when Mary
10:23 Miller was there it was -- you just didn't want to work.
10:24 It was just constantly complaining.

Bossard deposition, p. 10, lines 16-24. (Exhibit A, p. 1); see also Bossard Statement, at Exhibit A, p. 63.

Assistant Manager Williams

35. Assistant 911 manager Williams reported that Miller's coworkers would leave Miller's presence for a break from her constant complaining and that Miller was disrespectful to him in front of other County employees.

Williams statement, at exhibit A, pp. 54-55.

Inadvertent Recording

36. The communications center where Miller worked as a dispatcher has a number of consoles with a phone at each console. A console similar to that which recorded Miller's conversation is depicted below:



37. When the handset on a console is picked up, the system is designed to automatically record the conversation:

28:10 Q And in April of 2005 you were aware that when
 28:11 you pick up a handset there's an automatic recording. Is
 28:12 that correct?
 28:13 A When you pick it up to make a call or to answer
 28:14 a call, yes.

28:15 Q And you were aware that there was a recording
28:16 for when you pushed the button on the radios.
28:17 A Well, yes.

Miller deposition, p. 28, lines 10-11. (Exhibit A, p. 11).

27:17 Q And was that true for all four consoles, that
27:18 as soon as you picked up the handset it starts recording?
27:19 A Yes.

Miller deposition, p. 27, lines 17-19. (Exhibit A, p. 11).

38. If the handset is not placed back on the console properly, the phone continues to record ambient room noises.
39. On Wednesday, April 13, 2005, the phone on console #4 in the control center was left off the hook and inadvertently recorded approximately 10 hours of ambient room noise. Complaint, at ¶ 14.
40. None of the defendants were present in the Communications Center when the recording was made.
41. None of the defendants caused the recording to be made and plaintiffs have no evidence to show that any of the defendants caused the recording to be made:

75:9 Q The original question I asked, though, was do
75:10 you have proof that any of the defendants that are named in
75:11 this case caused the phone to be left off the hook?
75:12 A No, I don't have -- I don't have a picture.
75:13 MR. PHILLIPS: I'll object, although it's in
75:14 some of the information she's testified to previously but
75:15 you can answer that. The word proof is kind of broad, but
75:16 go ahead.

75:17 A I don't have --
75:18 Q Well --
75:19 A I don't have a picture of anybody leaving it
75:20 off the hook intentionally, I don't have anybody saying that
75:21 so and so left it off intentionally. I know don't.

Miller deposition, p. 75, lines 9-21. (Exhibit A, p. 17).

42. The recording was made accidentally:

“... [A] handset at one of the consoles at the 911 center was
inadvertently left off the hook from approximately 9:30 p.m. on April
12, 2005 until the late morning hours on April 13, 2005.”

Complaint, exhibit “A.” Doc. 1-1, p. 1 (emphasis added).

43. Gary Williams discovered the recording on the following day during a

Quality Assurance (QA) Review:

42:10 When I was doing Q.A.’s, what
42:11 happens with Com Log is when you view certain radios, you’ll see
42:12 an – it would show console four. Console four was always there.
42:13 It didn’t make sense to me, because nobody should be there. Com
42:14 log shows only when the console is activated. When the voice log
42:15 is activated. And we only had two people on that night shift
42:16 that I knew of. That I know of. So I just investigated why that
42:17 was on. I just clicked on the channel, and that’s when I heard
42:18 Mary Miller.

Williams deposition, p. 42, line 10 to line 18. (Exhibit A, p. 32).

44. Williams’ job was to monitor dispatcher’s emergency to ensure that
dispatchers were following established Emergency Medical Dispatching
(EMD) guidelines:

38:16 the state makes each 911 center obtain to these
38:17 rules, and it’s quality assurance. You have to have at least ten

38:18 quality assurance reviews weekly. We go above and beyond, I
38:19 feel, right now.

38:20 Q. And when you say ten reviews, that's ten calls?

38:21 A. Ten calls, yes.

38:22 Q. So you would sit there and listen to ten calls and
38:23 review them for certain criteria?

38:24 A. Correct.

38:25 Q. What are you looking for when you're doing that?

39:1 What type of things are you looking at or examining?

39:2 A. We have a worksheet that we follow through emergency
39:3 medical dispatching. And we're making sure the dispatchers are
39:4 utilizing the emergency medical dispatching techniques they're
39:5 instructed to. It's policy. And we're making sure, when we have
39:6 the cards, that they're

39:7 following the cards. And each card of this checklist – or this
39:8 flip chart – has a certain amount of questions for each criteria.

39:9 We're making sure that they utilize that, and they don't sway
39:10 away from asking certain questions.

Williams deposition, p. 38, line 16 to page 39, line 10. (Exhibit A, p. 31).

45. Williams QA duties were performed pursuant to a QA program adopted by Carbon County to ensure that its 911 Communications Center consistently provided quality emergency communications services as mandated by state law. See Carbon County Quality Assurance policy, exhibit A, p. 40.

46. The Commonwealth of Pennsylvania requires that 911 Centers perform quality assurance” reviews of their dispatchers handling of 911 calls.

38:16 the state makes each 911 center obtain to these
38:17 rules, and it's quality assurance. You have to have at least ten
38:18 quality assurance reviews weekly. We go above and beyond, I
38:19 feel, right now.

38:20 Q. And when you say ten reviews, that's ten calls?

38:21 A. Ten calls, yes.

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39:3 medical dispatching. And we're making sure the dispatchers are

39:4 utilizing the emergency medical dispatching techniques they're

39:5 instructed to. It's policy. And we're making sure, when we have

39:6 the cards, that they're

39:7 following the cards. And each card of this checklist – or this

39:8 flip chart – has a certain amount of questions for each criteria.

39:9 We're making sure that they utilize that, and they don't sway

39:10 away from asking certain questions.

Williams deposition, p. 38, line 16 to p. 39, line 10. (Exhibit A, p. 31).

47. QA reviews were authorized and mandated by state law. 35 P.S. § 7011 to 7021.

48. As a dispatcher, Miller was aware that her calls were recorded and heard by her supervisors pursuant to the County's QA program:

30:14 Q Had you ever heard recordings that were made
30:15 from the console phones?

30:16 A Yes.

30:17 Q And in what context would you have heard those?

30:18 A QA calls or QA calls were played back or Mr.

30:19 McGettigan would play calls back after -- when he would QA

30:20 he would play a call back and

30:21 Q And that's Quality Assurance is QA?

30:22 A Yes.

30:23 Q So, he would play it back as a training tool?

30:24 A Yes.

30:25 Q And how frequently would that occur?

31:1 A Mr. McGettigan did QA's quite often.

31:2 Q Meaning what?

31:3 A I'm not sure. There were so many that were

31:4 regulated by, I guess, PEMA, but I'm not sure of exactly the

31:5 policies that he followed, but you would get called into his
31:6 office and he would go over calls with you and you would
31:7 sign off on them.

Miller Deposition, p. 30, line 14 to p. 31, line 7. (Exhibit A, p. 12).

49. After discovering the tape, Williams listened to it and copied a portion of the tape onto a CD.

50. Williams shared the CD with Kruzik, who also listened to the recording:

51:20 Can you tell me the
51:21 circumstances under how she had the tape played for her?
51:22 A. I played it for her.
51:23 Q. Okay. And where at?
51:24 A. At her office.
51:25 Q. So you took the tape to her office?
52:1 A. Yes.

Williams deposition, p. 51, line 20 to p. 52, line 1. (Exhibit A, p. 33).

51. Williams and Kruzik provided the CD to the County Administrator Williams and Commissioners O’Gurek, Nothstein, and Getz who listened to a portion of it:

55:9 A. Mary made or I made a CD, and we took it down to the
55:10 Commissioners.

Williams deposition, p. 55, lines 9-10. (Exhibit A, p. 34).

52. When defendants listened to the tape, they believed that the recording had been unintentionally made:

28:12 Q Did anybody tell you how the tape was created?
28:13 A Supposedly by a phone being left off the hook
28:14 or something being left open in the communications center.

28:15 Q Who told you that?
28:16 A I think it was Randy when he first brought it
28:17 to me or when Bob [sic] played the tape or something. I
28:18 think, I'm not sure.

Nothstein deposition, p. 28, line 12 to line 18. (Exhibit A, p. 20).

53. The defendants heard Miller yelling, using profanity and complaining to coworkers during the course of her shift:

27:25 Q And what did you hear as soon as you hit Play?
28:1 A We heard yelling and some profanity and
28:2 complaining. Was not the most legible.

Nothstein deposition, p. 27, line 25 to p. 28, line 2. (Exhibit A, p. 20).

54. The Commissioners instructed Kruzik to consult with the County's labor law attorney in how to handle the situation:

38:17 Q What did the county administrator specifically
38:18 tell you was the problem?
38:19 A I don't know that the county administrator told
38:20 me anything. I know that I was made aware by one of four or
38:21 five people in the room that there was a microphone
38:22 accidentally left on that morning and that when Mary Miller
38:23 came into the Comm Center that morning she was very vocal
38:24 and we listened to the tape and, again, what happened is
38:25 after we listened to the tape we instructed Mary Krusik to
39:1 contact Attorney Susanin's office to discuss whether any
39:2 action needed to be taken.

O'Gurek deposition, p. 38, line 17 to p. 39, line 2. (Exhibit A, p. 21).

55. Miller had been recorded using "extreme obscene language" in criticizing her employers with respect to an upcoming grievance hearing.

Marzen Statement, Exhibit A, p. 62.

56. Miller admitted that during the course of her employment, that she would criticize her employers to other County employees:

48:13 Q Did you criticize management to other employees
48:14 while on the job?
48:15 A I participated, yes.

Miller deposition, p. 48, lines 13-15. (Exhibit A, p. 15).

57. The Commissioners suspended Miller for 3 days based on what they heard her say on the tape.

Miller Suspension Notice, exhibit A, p. 61.

58. On June 7, 2005, Miller's attorney, John Karoly, wrote to Carbon County District Attorney Gary Dobias informing him that a telephone in the Communications Center was inadvertently left off the hook, that the phone recorded conversations of employees and that "several persons" all of whom were unidentified committed felonies under the Pennsylvania Wiretap Act for disseminating the inadvertently made recording. Complaint, exhibit A.

59. On July 24, 2005, DA Dobias informed Miller that he would not pursue criminal action against anyone. Complaint, ¶19.

60. Miller never notified the defendants of her report to the District Attorney except in the filing of this lawsuit.

61. On August 31, 2005, dispatcher Bossard reported to management his belief that Miller had mishandled a suicide call on August 31, 2005. Exhibit A, p.

67.

62. Kruzik investigated Miller's actions in handling the suicide call and determined that Miller's actions did not comply with EMD protocols:

76:18 Did you find something

76:19 to be inappropriate after you listened to the call?

76:20 A. Yes.

76:21 Q. And what was that?

76:22 A. Mrs. Miller put the caller on hold to answer a
76:23 non-emergency telephone. She didn't verify the person's
name,

76:24 phone number, address, anything about the caller. She didn't

76:25 keep the caller on the line until emergency personnel arrived on
77:1 scene.

77:2 Q. Okay. And based upon protocol, it was your
belief

77:3 that emergency personnel should have been dispatched by Mrs.
77:4 Miller?

77:5 A. Yes.

Kruzik deposition, at p. 76, line 18 to p. 77, line 5. (Exhibit A, p. 7).

63. Kruzik's investigation included asking Gary Hoffman, the Director of Communications for the Monroe County Control Center, to review Miller's actions and comment on whether her handling of the call was appropriate.

64. Hoffman sent a written report to Kruzik in which he informed her that Miller's acts put the County at risk and that if she had been employed by Monroe County, she would have been disciplined:

"...The outcome at this point we don't know for sure but from an auditing perspective should there be subsequent legal action against you, there isn't much protection for the agency that I can see.

From our agency's perspective this incident and specifically how it was handled would have resulted in the dispatcher receiving some form of disciplinary action. As to the degree, that would depend upon other circumstances since we have a progressive disciplinary policy.”

Hoffman Report, attached as exhibit A, pp. 68-69.

65. On September 2, 2005, Kruzik notified County Administrator Smith and the County Commissioners that Miller mishandled a suicide call, that she placed the caller at risk and that “corrective action” should be taken:

“In summation I am unable to find any justification for the actions of Senior Dispatcher, Mary Miller. In fact, I believe her actions and conduct were negligent and careless and the County was fortunate that her actions did not result in personal injury to the 9-1-1 caller. Her actions if properly handled would have transferred the initial caller to a health professional which would have been recorded alleviating the County of any possible liability. I believe corrective action should be taken according to the progression of the County's disciplinary policy.”

Kruzik Memo dated September 2, 2005, attached as exhibit A, pp. 65-66.

66. On September 8, 2005, Kruzik wrote a letter to Miller informing her that on August 31, 2005, she mishandled a call from a suicidal caller, that her actions put the caller at risk, that she exposed the County to liability and that she was recommending her termination.
67. Kruzik informed Smith and the Commissioners that Miller failed to follow proper EMD protocols, as follows:
- (a) She placed a suicide caller on hold;
 - (b) She failed to verify the suicide caller's name and address;

- (c) She failed to keep the suicide caller on the line;
- (d) She gave the suicide caller another number to call rather than transferring the call directly;
- (e) She failed to connect the hospital staff investigating the incident directly to the state police.

Exhibit A, pp. 65-66.

- 68. A transcript of Miller's telephone calls with the suicide caller and the Gnaden Huetten Hospital in Lehighton are attached as exhibit A, p. 70 (redacted for confidentiality reasons).
- 69. The EMD card for suicide calls which dispatchers are required to follow and which outline the method of handling suicide calls is attached as exhibit A, p. 77.
- 70. The EMD card for suicide calls includes the following instructions which Miller failed to follow:
 - (a) Keep a violent or suicidal patient on the line.
 - (b) Callers who are threatening suicide should be kept on the line until responders arrive.
 - (c) Carefully and tactfully determine the patient's exact location.

Exhibit A, p. 77.

- 71. By letter dated September 16, 2007, the Carbon County Acting Director of

Human Services notified Miller by letter that she was terminated. See Complaint, exhibit C (Doc. 1-1).

Summary of Disciplinary History

72. On January 24, 2003, Miller was given a written warning for behaving unprofessionally in a call from Betty Fairchild. Exhibit A, p. 44.
73. On August 16, 2004, Miller was given a warning for her bad attitude, her criticisms of management to co-workers, and for causing a disruption in the workplace. Exhibit A, p. 45.
74. On January 25, 2005, Miller was given a written warning for showing a total disregard for management decisions, for being disrespectful to her superiors in the presence of coworkers and for causing a disruption in the workplace. She was notified that future infractions could result in termination. Exhibit A, pp. 52-53.
75. On January 25, 2005, Miller was given a second written warning and a two-day suspension for acting in a rude and unprofessional manner in responding to an emergency call from the Blue Mt. Ski area. Exhibit A, p. 56.
76. On April 16, 2005, Miller was given a written warning and a three-day suspension for unacceptable behavior in the workplace. Exhibit A, p. 61.
77. On May 5, 2005, Miller was given a written warning for releasing inter-

department documents to unauthorized agencies without permission from management. See exhibit A, p. 64.

78. Kruzik, Williams, and Smith had no authority to suspend or terminate Miller, which was the responsibility of the County Commissioners.
79. Smith's authority as County Administrator was to enforce the policies of the County Commissioners:

6:15 Q. And can you tell me what your job duties are as Chief
6:16 Clerk/County Administrator?

6:17 A. It's primarily to enforce the policies as derived by
6:18 the County Board of Commissioners.

Smith Deposition, p. 6, lines 15-17. (Exhibit A, p. 23).

Mary Kruzik did not have the authority to terminate Miller:

13:2 What were Mrs. Kruzik's duties in the
13:3 Director's position?

13:4 A. She was to have overall responsibility to direct the
13:5 operations of the 911 Center.

13:6 Q. Did she have authority to initiate discipline?

13:7 A. Yes.

13:8 Q. Did she have authority to hire or fire?

13:9 A. No.

Smith Deposition, p. 13, lines 2-9. (Exhibit A, p. 24).

**NEWMAN, WILLIAMS, MISHKIN,
CORVELEYN, WOLFE & FARERI, P.C.**

By: /s/ Gerard J. Geiger, Esq.
Attorney I.D. No. PA 44099
Attorney for Defendants

Dated: September 1, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing document was served upon plaintiff's counsel via ECF.

NEWMAN, WILLIAMS, MISHKIN,
CORVELEYN, WOLFE & FARERI

By: /s/ Gerard J. Geiger, Esq.
Attorney I.D. #44099
Attorney for Defendants

Dated: September 1, 2007

<p style="text-align: right;">Page 10</p> <p>R. Bossard - Phillips 10</p> <p>1 A Mary Kruzik.</p> <p>2 Q Why don't you tell me, what were the events</p> <p>3 that led you to prepare this?</p> <p>4 A I actually didn't remember writing this, but</p> <p>5 now I do it was so long ago. I'm sorry, what was the</p> <p>6 question again?</p> <p>7 Q Okay. Can you describe for me the events that</p> <p>8 led you to compose this?</p> <p>9 A Pretty much what's written in here.</p> <p>10 Q Okay. Your reference in the last paragraph</p> <p>11 that the morale at work lately has been extremely poor --</p> <p>12 A Yes.</p> <p>13 Q -- we're talking about the time of April 13th,</p> <p>14 '05?</p> <p>15 A And prior to that.</p> <p>16 Q What did you mean that the morale was poor</p> <p>17 within the 9-1-1 center?</p> <p>18 A Pretty much it was -- you just didn't want to</p> <p>19 particularly come to work on the day shift. When I was</p> <p>20 steady afternoon shifts I enjoyed going to work. We never</p> <p>21 had any problems, we worked well together, but it seemed to</p> <p>22 be that when we went to work on the day shift when Mary</p> <p>23 Miller was there it was -- you just didn't want to work.</p> <p>24 It was just constantly complaining.</p> <p>25 Q Who was on that day shift?</p>	<p style="text-align: right;">Page 12</p> <p>R. Bossard - Phillips 12</p> <p>1 said.</p> <p>2 Q And who were those other people?</p> <p>3 A Mostly anybody that worked that shift.</p> <p>4 Q Well, who would those people be?</p> <p>5 A Lee, Jason, but -- Jason Helmer, but he</p> <p>6 actually went as far as to manipulate his schedule so he</p> <p>7 didn't have to work day shift.</p> <p>8 Q So, Lee Marzen had complained to you about</p> <p>9 Mary?</p> <p>10 A Yes.</p> <p>11 Q Jason Helmer complained to you about Mary?</p> <p>12 A Yes.</p> <p>13 Q Do you remember what Mr. Marzen's complaints</p> <p>14 were?</p> <p>15 A No.</p> <p>16 Q Do you remember what Mr. Helmer's complaints</p> <p>17 were?</p> <p>18 A No.</p> <p>19 Q Do you know if anybody ever had any complaints</p> <p>20 about your job performance for any reason?</p> <p>21 A Nobody ever said anything to me, no.</p> <p>22 Q Were you ever disciplined for any reason?</p> <p>23 A Yes.</p> <p>24 Q And when was that?</p> <p>25 A I don't remember. I know I was afternoon</p>
<p style="text-align: right;">Page 11</p> <p>R. Bossard - Phillips 11</p> <p>1 A I believe it was -- off the top of my head I</p> <p>2 can't give you a hundred percent accuracy on that, but</p> <p>3 obviously it was -- I'm guessing it was myself, Lee Marzen,</p> <p>4 Mary Miller.</p> <p>5 Q Were you a floater at that time?</p> <p>6 A Yes.</p> <p>7 Q So, you weren't always on the day shift?</p> <p>8 A No.</p> <p>9 Q And did you speak to Mary Krusik about your</p> <p>10 complaints?</p> <p>11 A Yes.</p> <p>12 Q And what did you tell her?</p> <p>13 A That I was pretty much tired of working day</p> <p>14 shifts.</p> <p>15 Q And what did she say in response?</p> <p>16 A That if I wanted to do anything I should put it</p> <p>17 in writing.</p> <p>18 Q Do you know if there was any action taken as a</p> <p>19 result of your composing this?</p> <p>20 A No.</p> <p>21 Q There was not any action?</p> <p>22 A I don't know. I'm sorry.</p> <p>23 Q Did anybody else complain to you about Mary</p> <p>24 Miller for any reason?</p> <p>25 A Yes, other people said the same thing that I</p>	<p style="text-align: right;">Page 13</p> <p>R. Bossard - Phillips 13</p> <p>1 shift, so it was before I went to float.</p> <p>2 Q Can you give me an approximate year?</p> <p>3 A Honestly, I don't remember, no.</p> <p>4 Q What was the nature of the discipline?</p> <p>5 A I was suspended for two days.</p> <p>6 Q And who was the supervisor at that time?</p> <p>7 A Mary Krusik.</p> <p>8 Q And what was the reason for the suspension?</p> <p>9 A Do I need to answer that?</p> <p>10 MR. GEIGER: Yeah. I mean, this is --</p> <p>11 A What does it have to pertain to anything?</p> <p>12 MR. GEIGER: It's not necessarily relevant,</p> <p>13 but at a deposition you can ask other questions.</p> <p>14 A If it's not relevant why do I need to answer</p> <p>15 it? It's not -- my work performance really isn't in</p> <p>16 question here, is it?</p> <p>17 Q Well, I'm entitled to ask these question.</p> <p>18 You're under subpoena, so -- if you don't want to answer it</p> <p>19 I can't instruct you to answer it, but I can file a motion</p> <p>20 in court and bring you back here --</p> <p>21 A That's fine.</p> <p>22 Q So, we'll -- you're refusing to answer those</p> <p>23 questions?</p> <p>24 A Yeah. I just don't understand what the</p> <p>25 relevance is to this thing.</p>

<p style="text-align: right;">Page 18</p> <p style="text-align: center;">C. Getz - Phillips 18</p> <p>1 Q And you, in fact, dealt with her face-to-face</p> <p>2 when this incident occurred in 1999?</p> <p>3 A Yes, I did. I think I dealt with her</p> <p>4 one-on-one at that time.</p> <p>5 Q Did you ever have any complaints about her job</p> <p>6 performance?</p> <p>7 A Other than what was sent down by Mary Krusik,</p> <p>8 that's the only time.</p> <p>9 Q But you yourself -- you in your dealings with</p> <p>10 her or other than what Mary Krusik told you did you have any</p> <p>11 complaints about how she was performing her job?</p> <p>12 A No.</p> <p>13 Q Now, you indicate you did vote to terminate</p> <p>14 Mrs. Miller from her position, correct?</p> <p>15 A Yes.</p> <p>16 Q Why was that?</p> <p>17 A Because, as Mr. O'Gurek had stated, the first</p> <p>18 incident and then think I the final statement was the</p> <p>19 telephone call that was handled as a suicide and after that</p> <p>20 we -- the recommendation was to terminate and I did vote to</p> <p>21 terminate, yes.</p> <p>22 Q Did you investigate the allegations of Mrs.</p> <p>23 Kruzik?</p> <p>24 A Did we investigate it personally?</p> <p>25 Q You or anybody that you know of initiate an</p>	<p style="text-align: right;">Page 20</p> <p style="text-align: center;">C. Getz - Phillips 20</p> <p>1 Q And that he was in possession of this tape?</p> <p>2 A Yes, he said he had that.</p> <p>3 Q Did he tell you what was on the tape?</p> <p>4 A No, he didn't say what was on it.</p> <p>5 Q Did there come a point in time when you got to</p> <p>6 listen to the tape?</p> <p>7 A Yes.</p> <p>8 Q And when was that?</p> <p>9 A That was -- I think it was in the afternoon.</p> <p>10 I remember walking into the office next to Mr. Smith, one of</p> <p>11 our secretaries. It couldn't be played on there and we had</p> <p>12 gone over to Commissioner Nothstein's office and he could</p> <p>13 play it on whatever equipment he had.</p> <p>14 Q What type of equipment did you first try?</p> <p>15 A I really don't know because I'm not into</p> <p>16 computers, so I can't really tell you that.</p> <p>17 Q Did you know the tape was going to be played?</p> <p>18 A After I was told, yes, I knew it was going to</p> <p>19 be played.</p> <p>20 Q And who told you?</p> <p>21 A Randy Smith.</p> <p>22 Q Was there a pre-arranged meeting to go listen</p> <p>23 to this tape?</p> <p>24 A No, I was -- I walked in and I was the only one</p> <p>25 there. Later on he said, "We're going to try this tape,"</p>
<p style="text-align: right;">Page 19</p> <p style="text-align: center;">C. Getz - Phillips 19</p> <p>1 investigation of whether or not there was a mishandling of</p> <p>2 the suicide call?</p> <p>3 A No, we just took what recommendation, what</p> <p>4 information we had received from Mary Krusik.</p> <p>5 Q You accepted what Mrs. Kruzik had told you.</p> <p>6 A Yes.</p> <p>7 Q Anybody else come to you and tell you anything</p> <p>8 about Mrs. Miller other than Mary Krusik?</p> <p>9 A No.</p> <p>10 Q Did there come a time when you learned of a</p> <p>11 taperecording?</p> <p>12 A Yes, there was.</p> <p>13 Q And how did you find out about it?</p> <p>14 A Well, I walked into the office and Mr. Smith</p> <p>15 said there was a recording that Mary Krusik had brought down</p> <p>16 I guess it was from the day before or the night before that</p> <p>17 they claim there was an open mike.</p> <p>18 Q When you say Mary Krusik brought down did she</p> <p>19 deliver it somewhere?</p> <p>20 A She apparently must have brought it to Randy</p> <p>21 Smith's office because I wasn't there when it was brought</p> <p>22 in.</p> <p>23 Q And how did you learn of that?</p> <p>24 A Randy, our administrator, told us that there</p> <p>25 was a tape that was brought down to him by Mary Krusik.</p>	<p style="text-align: right;">Page 21</p> <p style="text-align: center;">C. Getz - Phillips 21</p> <p>1 and I don't know where Mr. Nothstein was or Mr. O'Gurek,</p> <p>2 but I think at that time I was the only one in Mr. Smith's</p> <p>3 office and I think he had said that he talked to them</p> <p>4 because I didn't come into the office that day until the</p> <p>5 afternoon.</p> <p>6 Q Do you know when in relation to the tape was</p> <p>7 created when it was played?</p> <p>8 A What's that question?</p> <p>9 Q How soon after the tape was made it was played</p> <p>10 for you.</p> <p>11 A I was told that this tape that Randy had was</p> <p>12 from the day before.</p> <p>13 Q So, it was approximately -- okay. Did</p> <p>14 Mr. Smith tell you what was on the tape?</p> <p>15 A I can't remember if he did or not.</p> <p>16 Q Do you know if Mr. Smith had played the tape</p> <p>17 before you had listened to it?</p> <p>18 A Do I know if he had played it?</p> <p>19 Q Yes.</p> <p>20 A That I don't know.</p> <p>21 Q Who was all present when the tape was played?</p> <p>22 A It was the three commissioners, Randy Smith.</p> <p>23 Q Was Mary Kruzik present?</p> <p>24 A No. To my knowledge she was not there, then,</p> <p>25 no.</p>

<p style="text-align: right;">Page 18</p> <p style="text-align: center;">Helmer - Phillips 18</p> <p>1 them have you been continuously employed with them up to the</p> <p>2 time of the present?</p> <p>3 A Lehighton, yes, I have. Lake Harmony I had a</p> <p>4 brief time frame that I decided to resign from there and</p> <p>5 then I came back a short while later.</p> <p>6 Q And when was that time frame that you were off?</p> <p>7 A Maybe for about a year or so and I believe it</p> <p>8 was maybe 2003 to 2004 possibly, I don't know.</p> <p>9 Q So, there was approximately a break of service</p> <p>10 with the -- your employment with the Lake Harmony emergency</p> <p>11 service.</p> <p>12 A Right.</p> <p>13 Q And what was the reason for that?</p> <p>14 A Pretty much they had a change in management</p> <p>15 structure and I just didn't like some of the decisions that</p> <p>16 were being made and I decided to leave on my own terms and a</p> <p>17 while later things were taken over by other individuals and</p> <p>18 they had spoken to me about coming back and I decided to</p> <p>19 come back.</p> <p>20 Q Now, you told me some of the complaints of</p> <p>21 Mr. Bray. Did anybody other than Mr. Bray have complaints</p> <p>22 about Mary's job performance?</p> <p>23 A Well, I'll be very honest with you. Yes.</p> <p>24 Specifically what each individual person said? I don't</p> <p>25 know. I can't recall that because it seemed to be a daily</p>	<p style="text-align: right;">Page 20</p> <p style="text-align: center;">Helmer - Phillips 20</p> <p>1 list.</p> <p>2 Q Yeah, that'd be fine.</p> <p>3 A So, we have Paul Bray. Take all the current</p> <p>4 employees that probably work there -- that worked there</p> <p>5 during that time frame. Lee Marzen. Kristin.</p> <p>6 Q Who's Kristin?</p> <p>7 A Klein. Ray Bossard. Cheryl Steigerwalt.</p> <p>8 Heinz Rausch. There's some people there presently that did</p> <p>9 not work there during the time frame when Mary had worked</p> <p>10 there. I'm trying to think right now who that would have</p> <p>11 been. Mike Morgans, he wasn't working there at the time.</p> <p>12 Gary, would you be able to assist me at all?</p> <p>13 MR. GEIGER: He can't answer. If you don't</p> <p>14 remember --</p> <p>15 A Yeah, I don't remember. We're dealing with a</p> <p>16 time frame of seven years here, so trying to remember exact</p> <p>17 details, names, and statements is kind of</p> <p>18 Q Let's start with Mr. Marzen. What were</p> <p>19 Mr. Marzen's complaints about Mary to you?</p> <p>20 A Pretty much the same as everyone else. I'll be</p> <p>21 very blunt. Again, just the derogatory statements, the</p> <p>22 constant complaining that was being made and overall</p> <p>23 bringing down the morale of the workplace. His exact</p> <p>24 comments I don't know and I don't feel comfortable answering</p> <p>25 that question because I can't accurately quote him on what</p>
<p style="text-align: right;">Page 19</p> <p style="text-align: center;">Helmer - Phillips 19</p> <p>1 thing. The dramatics that played out in the work place,</p> <p>2 the things that were said, to me personally it seemed to be</p> <p>3 a consensus among the co-workers and I'm sure by the other</p> <p>4 depositions you'll gather that.</p> <p>5 Q Well, tell me who other than Mr. Bray</p> <p>6 complained about Mary Miller's job performance?</p> <p>7 A The majority of the workers there. Take the</p> <p>8 list of the employees.</p> <p>9 Q Are you saying all the employees complained</p> <p>10 about Mary Miller to you?</p> <p>11 A Primarily, yes. Maybe with the exception of a</p> <p>12 few. When I'd come into work there seemed to be a lot of</p> <p>13 animosity going on all the time. It really was bringing</p> <p>14 down the morale of the workplace and it went on for several</p> <p>15 years.</p> <p>16 Q Well, as we sit here today can you name any of</p> <p>17 these individuals and their complaints?</p> <p>18 A Not specifically, no. I'd be making inaccurate</p> <p>19 statements if I did that because I have no recollection of</p> <p>20 what each individual person said throughout the course of</p> <p>21 seven years.</p> <p>22 Q Do you have a recollection of each individual</p> <p>23 person that complained?</p> <p>24 A The people I've worked with throughout the</p> <p>25 years. Let's see. You want a list? I can probably start a</p>	<p style="text-align: right;">Page 21</p> <p style="text-align: center;">Helmer - Phillips 21</p> <p>1 was said by these people.</p> <p>2 Q My question is do you know of any complaints</p> <p>3 by Mr. Marzen to you that you can specifically recall as you</p> <p>4 sit here today?</p> <p>5 A No, not specifically, no.</p> <p>6 Q Can you recall generally comments from</p> <p>7 Mr. Marzen to you complaining about Mary Miller's job</p> <p>8 performance?</p> <p>9 A Other than the fact that -- just generalized</p> <p>10 statements of -- like I said, complaining and the animosity</p> <p>11 created between certain other employees, fellow co-workers.</p> <p>12 Other than that, no.</p> <p>13 Q When you talk about animosity between</p> <p>14 co-workers what animosity was created between co-workers as</p> <p>15 a result of anything that Mary Miller did?</p> <p>16 A Because it just seemed that Mary Miller was</p> <p>17 always making an effort to pin fellow workers on each other.</p> <p>18 That's what it seemed like the me. Like, you'd come in.</p> <p>19 "Did you hear about this that happened? Did you hear what</p> <p>20 this person did," and, you know, that's what created the</p> <p>21 tension because -- and that was a lot of it right there.</p> <p>22 Q Well, which co-workers was there any animosity</p> <p>23 between?</p> <p>24 A It seemed to me that there was a lot of</p> <p>25 animosity between shifts, for example. You know, afternoon</p>

<p style="text-align: right;">Page 38</p> <p style="text-align: center;">Helmer - Phillips 38</p> <p>1 A Her attitude was pretty poor, cocky with people 2 on the radio and the telephone, yell at people, and I 3 just -- I think maybe she was burned out, but as far as 4 being able to do her basic job, yes, I believe she was able 5 to do that.</p> <p>6 Q Was Mary Miller disciplined as a result of any 7 complaints you made against her?</p> <p>8 A As a result of any I made?</p> <p>9 Q Yes.</p> <p>10 A Not that I'm aware of, no.</p> <p>11 Q Was there any disciplinary action taken as a 12 result of this correspondence?</p> <p>13 A Not that I'm aware of. I don't know.</p> <p>14 Q Now, did anybody ever have any complaints about 15 yourself in the workplace and your job performance?</p> <p>16 A I'm sure they have, possibly. Nothing that I 17 can recall was ever stated to me, so I don't really know if 18 they did or not.</p> <p>19 Q Have you ever been disciplined for any reason?</p> <p>20 A Yes.</p> <p>21 Q And when were you disciplined?</p> <p>22 A I don't know the exact date; probably a year or 23 so ago, I guess, I received a written writeup.</p> <p>24 Q From who?</p> <p>25 A Mary Krusik.</p>	<p style="text-align: right;">Page 40</p> <p style="text-align: center;">Helmer - Phillips 40</p> <p>1 Q Did you ever have an accident outside the 2 workplace with a mountain bike?</p> <p>3 A Yes. It was before my scheduled shift, I 4 believe. I was selling a mountain bike to a fellow 5 co-worker and I wrecked a mountain bike into a sewer.</p> <p>6 Q Were you injured?</p> <p>7 A No.</p> <p>8 Q Were there any complaints as a result of that 9 accident occurring?</p> <p>10 A Not that I'm aware of.</p> <p>11 Q Did there come a time that you became aware 12 that there was a taperecording made of Mary Miller?</p> <p>13 A Yes, I did become aware of that.</p> <p>14 Q And how did you learn of it?</p> <p>15 A I believe I learned about that I think -- I'm 16 trying to recall here. Hold on one second. How I became 17 fully aware of it I really don't recall. I believe, if my 18 memory serves me correctly, I was told about it by some 19 fellow co-worker possibly. Who exactly, I don't really 20 know. I believe everybody was aware of it at some point or 21 the other that this happened.</p> <p>22 (UNDATED MARZEN STATEMENT marked for 23 identification as Helmer Exhibit No. 3.)</p> <p>24 Q I'll show you what we'll mark as Helmer No. 3 25 and ask if you have ever seen this.</p>
<p style="text-align: right;">Page 39</p> <p style="text-align: center;">Helmer - Phillips 39</p> <p>1 Q And this was 2006? 2005?</p> <p>2 A Probably around -- yeah, somewhere around 3 there.</p> <p>4 Q And what was the reason for that?</p> <p>5 A I had used a sick day and I believe it was -- 6 I worked a part-time job that day and I had a sick day that 7 I used or something and I got written up as a result of 8 that.</p> <p>9 Q Were there any complaints made of you for 10 shooting paintballs at propane tanks in the workplace?</p> <p>11 A I don't know if there was any actual complaints 12 made about that but, yes, I do recall something -- it wasn't 13 within the workplace, it was outside the workplace.</p> <p>14 Q Can you tell me what happened?</p> <p>15 A Me and a fellow co-worker were shooting 16 paintballs outside and I guess some of the paintballs struck 17 the propane tank.</p> <p>18 Q Did anybody complain about that that you're 19 aware?</p> <p>20 A If they did I don't know about it. I know 21 Mr. McGettigan during that time he became aware of it. How 22 he became aware of it I don't know, but he did.</p> <p>23 Q But you weren't disciplined as a result of any 24 of that incident?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 41</p> <p style="text-align: center;">Helmer - Phillips 41</p> <p>1 A Did I ever see this letter?</p> <p>2 Q Yes.</p> <p>3 A I've never seen this letter.</p> <p>4 Q Did you ever have a conversation with Mr. 5 Marzen about a taperecording with Mary Miller?</p> <p>6 A Not that I recall.</p> <p>7 Q You never discussed the fact that there was a 8 taperecording of comments made by Mary Miller?</p> <p>9 A To anybody? Or specifically Mr. Marzen.</p> <p>10 Q Lee Marzen.</p> <p>11 A Not that I recall can recall sitting here right 12 now. I know the taperecording -- like I said, the majority 13 of the employees were aware of it, so at some point or the 14 other I'm sure it was discussed within the workplace. When 15 or by whom I don't really accurately recall that.</p> <p>16 Q Can you tell me when you first became aware of 17 it?</p> <p>18 A I don't really recall when. Probably -- I'd 19 have to say ... two years ago maybe, I don't know.</p> <p>20 Q Do you know how you became aware of it?</p> <p>21 A Within the workplace. Fellow co-workers, 22 that's how I became aware of it. Who specifically and what 23 exactly was stated I don't really know, but I do recall 24 being made aware of it at some point.</p> <p>25 Q Do you know when the taperecording was created?</p>

Page 22

1 A. I'm sorry – with regard to –
 2 Q. Dispatching calls. Emergency calls, specifically.
 3 A. They referred to the EMD protocols and the standards
 4 put out by PEMA.
 5 Q. What I'm asking, though – did the county itself have
 6 an adopted set of policies?
 7 A. They did have a standard operating procedure in
 8 place.
 9 Q. Were they adopted on your tenure or prior to your
 10 coming on?
 11 A. They had standard operating procedures prior to me
 12 coming on. When I came on, I thought they were broad, and we
 13 decided
 14 to expand on them.
 15 Q. And what did you do to expand on them?
 16 A. I had Mr. Williams try to – well, not try to. He
 17 did. It became more detailed with the SOP's.
 18 Q. And was there a policy manual that was developed?
 19 A. Yes.
 20 Q. And that was distributed to the employees?
 21 A. Yes.
 22 Q. And do you know when that happened?
 23 A. 2005. I'm not sure what month.
 24 Q. And if I ask you a question – one of the things I
 25 didn't mention – I don't want you to guess, but you can estimate

Page 23

1 or approximate, if you need to.
 2 A. It was probably still in draft in 2005.
 3 Q. During the time – at any time that you were employed
 4 – had anybody ever complained about your job performance with the
 5 county for any reason?
 6 A. Not that I'm aware of.
 7 Q. Did you have any complaints about anybody's job
 8 performance in the 911 Center when you were there?
 9 A. As Manager or as prior to?
 10 Q. Any time.
 11 A. I never made formal complaints about anyone.
 12 Q. Did you ever have complaints about Mrs. Miller's job
 13 performance?
 14 A. As Manager.
 15 Q. Nothing prior to that time?
 16 A. It wasn't in my position to do so.
 17 Q. Well, when you were a data entry clerk or in one of
 18 your other jobs as an Interim Manager, did you ever go to anybody
 19 and complain to them?
 20 A. I didn't have much interaction with Mrs. Miller as a
 21 data entry clerk.
 22 Q. What were your complaints about Mrs. Miller's job
 23 performance when you were Manager?
 24 A. Her attitude on the telephone.
 25 Q. When was this, exactly?

Page 24

1 A. February, 2005.
 2 Q. When you say by her attitude on the telephone, what
 3 do you mean by that?
 4 A. She was very belligerent to a woman who had
 5 telephoned in a call from a ski slope.
 6 Q. Did you hear the call?
 7 A. Yes, I did.
 8 Q. And how is it you came to hear the call?
 9 A. Through quality assurance that Mr. Williams was
 10 performing.
 11 Q. And what was the nature of the call? What was it
 12 about?
 13 A. The nature of the call was for an injury at the ski
 14 slope. A person had a back injury.
 15 Q. And did somebody complain? Did the individual
 16 complain
 17 to you about the way she was treated on the call?
 18 A. No, she didn't.
 19 Q. This is something you discovered on your own?
 20 A. Through quality assurance, yes.
 21 Q. And what did you do, if anything, as a result of your
 22 listening to the call?
 23 A. I believe that Mrs. Miller was belligerent to the
 24 caller, and she made the woman feel that she was sorry she even
 25 called 911. I believe she did. And I issued a written warning.

Page 25

1 Q. Did you ever have any other complaints about Mrs.
 2 Miller's job performance?
 3 A. Do you want to know about every time I wrote her up,
 4 or were you looking for –
 5 Q. Well, I'm going to get into some of the documents
 6 that have been provided to me by your attorney. I'm just looking
 7 for your independent recollection of any complaints that you had
 8 about her job performance when she was working for you.
 9 A. I had complaints from co-workers.
 10 Q. When was the first time you received complaints from
 11 co-workers?
 12 A. I believe in July of 2004.
 13 Q. And do you recall who they were?
 14 A. Dispatchers.
 15 Q. What were their names?
 16 A. Cheryl Steigerwalt, Jason, Ray.
 17 Q. What's Jason's last name?
 18 A. Helmer.
 19 Q. And who was the other one?
 20 A. Ray Bossard.
 21 Q. And did they complain to you individually or as a
 22 group?
 23 A. Both. I've had them come to me individually and –
 24 not as a group, like, all three of them together, but sometimes
 25 two at a time.

<p style="text-align: right;">Page 54</p> <p>1 discipline against Mr. Poko?</p> <p>2 A. No.</p> <p>3 Q. Who was that?</p> <p>4 A. That would come from the Commissioners' office.</p> <p>5 Q. Were you involved in any way with his disciplinary</p> <p>6 process?</p> <p>7 A. Yes.</p> <p>8 Q. And how were you involved?</p> <p>9 A. We had a meeting at the Courthouse Annex.</p> <p>10 Q. And you say he was insubordinate to the</p> <p>11 Commissioners. What do you mean by that?</p> <p>12 A. He sent something down to them in writing. I don't</p> <p>13 know</p> <p>14 what that was.</p> <p>15 Q. Other than that instance, do you know if he was ever</p> <p>16 disciplined for anything else?</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. Did you ever speak to Mr. Poko about the substance of</p> <p>19 this correspondence?</p> <p>20 A. No.</p> <p>21 Q. Did this come to you unsolicited from Mr. Poko?</p> <p>22 A. This came from the union.</p> <p>23 Q. Mr. Tait?</p> <p>24 A. Yes. This came at a grievance hearing.</p> <p>25 Q. Is that the first time you saw it?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Her attitude on the radio towards him.</p> <p>2 Q. And can you recall specifically what that was?</p> <p>3 A. I believe he wanted her to notify – I'm not sure if</p> <p>4 it was PennDot or police. Without going back to look, I don't</p> <p>5 know.</p> <p>6 Q. Was there any disciplinary action taken as a result</p> <p>7 of this complaint?</p> <p>8 A. This was all part of the other complaint that you had</p> <p>9 from January 25th.</p> <p>10 Q. Okay. Did you meet with Chief Stempa?</p> <p>11 A. Yes, I did.</p> <p>12 Q. And where did you meet with him?</p> <p>13 A. In my office.</p> <p>14 Q. And what did he tell you?</p> <p>15 A. He came in to put his – to fill out a complaint form</p> <p>16 on the incident.</p> <p>17 Q. And what was generally his complaint?</p> <p>18 A. Her attitude towards him on the radio.</p> <p>19 Q. The Nesquehoning Borough Fire Commissioner – is that</p> <p>20 a volunteer position?</p> <p>21 A. I don't know.</p> <p>22 Q. Did you have to deal with the fire department in</p> <p>23 Nesquehoning in your capacity?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know if they had a paid or volunteer</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever speak to Mr. Poko about the substance of</p> <p>3 this?</p> <p>4 A. No.</p> <p>5 Q. Let me show you what has been marked as K-9. Is this</p> <p>6 a memo to the file?</p> <p>7 A. No, this is page two of something.</p> <p>8 Q. Okay. Do you know from looking at it what that is?</p> <p>9 A. Well, it's part of maybe a memo to a file. I mean,</p> <p>10 it's page two. I honestly –</p> <p>11 Q. Okay. And if you don't know, that's fine too. I'll</p> <p>12 show you what we have as K-10, and I'm going to ask you if you</p> <p>13 recall receiving this.</p> <p>14 A. Yes, I did.</p> <p>15 Q. And this occurred on or about January 27, 2005?</p> <p>16 A. Okay.</p> <p>17 Q. Is that accurate?</p> <p>18 A. I probably received it after January 27th.</p> <p>19 Q. Do you know Michael Kravelk?</p> <p>20 A. Michael Kravelk is, I believe, the Fire Commissioner</p> <p>21 of Nesquehoning.</p> <p>22 Q. And he was referring to a complaint against Mary</p> <p>23 Miller.</p> <p>24 A. By Assistant Chief Stempa.</p> <p>25 Q. And what was the nature of that complaint?</p>	<p style="text-align: right;">Page 57</p> <p>1 department?</p> <p>2 A. I believe it's volunteer.</p> <p>3 Q. I'm going to show you what we marked as K-11. This</p> <p>4 is captioned, Record of Discussion.</p> <p>5 A. Yes.</p> <p>6 Q. This is a document you created to the file?</p> <p>7 A. Yes. Sometimes I called them memo to file, sometimes</p> <p>8 –</p> <p>9 Q. That was my question. Is there some reason for the</p> <p>10 distinction?</p> <p>11 A. No. It could have been a long day that day. I don't</p> <p>12 remember. At the bottom, I did put end of memo, so –</p> <p>13 Q. Okay. Do you want to take a minute and just read</p> <p>14 that?</p> <p>15 A. Okay.</p> <p>16 Q. Does this memorialize a conversation you had with</p> <p>17 Gary Williams and Christopher Evans on or about February 8, 2005?</p> <p>18 A. With Jason Helmer and Chris Evans, yes.</p> <p>19 Q. Okay. And did they come in to see you together?</p> <p>20 A. Yes.</p> <p>21 Q. And it's indicated here that they told you that an</p> <p>22 unnamed dispatcher was complaining about Mary Miller. Is that</p> <p>23 what the substance of that conversation was?</p> <p>24 A. That an unnamed dispatcher had told them that she was</p> <p>25 going to try to get them in trouble.</p>

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<p>1 A. Not that I remember, no.</p> <p>2 Q. Did you ever consult with any of the county</p> <p>3 solicitors or county attorneys?</p> <p>4 ATTY. GEIGER: You mean other than me?</p> <p>5 ATTY. PHILLIPS: Other than you.</p> <p>6 A. I believe Mr. Smith called the county attorney.</p> <p>7 Q. Who was that?</p> <p>8 A. Our labor attorney, Roger Susanin.</p> <p>9 Q. Did you speak with Attorney Susanin at all?</p> <p>10 A. I may have, with Mr. Smith. Like a conference call</p> <p>11 type of thing.</p> <p>12 Q. Did you ever consult with any attorney or any</p> <p>13 official prior to producing the CD?</p> <p>14 A. No, I don't believe I did.</p> <p>15 Q. Did you ever consult with any attorney or anyone else</p> <p>16 before the CD was played for the Commissioners or anybody else?</p> <p>17 A. No.</p> <p>18 Q. I'll show you K-22. Do you recall receiving this</p> <p>19 document?</p> <p>20 A. Yes, I do.</p> <p>21 Q. This is dated August 31, 2005. At that time, did Mr.</p> <p>22 Bossard</p> <p>23 complain to you about something he overheard?</p> <p>24 A. Yes, he did.</p> <p>25 Q. And once again, did he come and complain to you, and</p>	<p>1 commit suicide, as opposed to somebody saying something like, I'm</p> <p>2 thinking about killing myself?</p> <p>3 A. A person having suicidal thoughts is thinking of</p> <p>4 committing suicide. I mean, they're having suicidal thoughts.</p> <p>5 How they do it –</p> <p>6 Q. So there was no criteria distinguishing whether or</p> <p>7 not somebody's telling you they actually have the means to commit</p> <p>8 suicide –</p> <p>9 A. We're not in the room with them. We can't make that</p> <p>10 assumption. I'm sorry. I interrupted you.</p> <p>11 Q. No, I'm just trying to say – as of August 31, 2005,</p> <p>12 it was your opinion that the protocol called for those types of</p> <p>13 calls being handled the same? Whether someone is telling you</p> <p>14 they have the means to commit suicide or threatening to commit</p> <p>15 suicide, as well as somebody just having thoughts of suicide?</p> <p>16 They would be handled identically?</p> <p>17 A. Yes.</p> <p>18 Q. And you listened to the call. Did you find something</p> <p>19 to be inappropriate after you listened to the call?</p> <p>20 A. Yes.</p> <p>21 Q. And what was that?</p> <p>22 A. Mrs. Miller put the caller on hold to answer a</p> <p>23 non-emergency telephone. She didn't verify the person's name,</p> <p>24 phone number, address, anything about the caller. She didn't</p> <p>25 keep the caller on the line until emergency personnel arrived on</p>
Page 75	Page 77
<p>1 then you asked him to put it in writing?</p> <p>2 A. He came to me and told me I should listen to a call</p> <p>3 that he felt was not handled properly.</p> <p>4 Q. And this occurred on about August 31, 2005?</p> <p>5 A. Correct.</p> <p>6 Q. And as a result, did you listen to the call?</p> <p>7 A. Yes, I did. Well, Mr. Williams listened to the call.</p> <p>8 Q. Did you listen to it?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Did you listen to it together or –</p> <p>11 A. No. Probably separately. I don't recall. I mean,</p> <p>12 sometimes he'd come in my office while it was playing and we</p> <p>13 would listen to it together. We were in separate offices, but</p> <p>14 right down the hall from each other, so –</p> <p>15 Q. Okay. And he refers to it as a suicidal call in his</p> <p>16 correspondence. Is that what he told you, too?</p> <p>17 A. Yes.</p> <p>18 Q. What were the standards and criteria of Carbon County</p> <p>19 to characterize something as a suicide call as of August, 2005?</p> <p>20 A. A person calling 911 and stating she was having</p> <p>21 thoughts of suicide.</p> <p>22 Q. Is there any degree? And by that, I mean something</p> <p>23 more</p> <p>24 serious or less serious, which would constitute a suicide? For</p> <p>25 example, you know, I've got pills, I've got a gun, I'm going to</p>	<p>1 scene.</p> <p>2 Q. Okay. And based upon protocol, it was your belief</p> <p>3 that emergency personnel should have been dispatched by Mrs.</p> <p>4 Miller?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know if they were dispatched?</p> <p>7 A. Eventually they were dispatched, yes.</p> <p>8 Q. Okay. And how did that come about?</p> <p>9 A. That came about from – let's see. That whole call.</p> <p>10 She gave the person a telephone number for the Mental Health</p> <p>11 Unit. Then Mrs. Miller called the Mental Health Unit to see if</p> <p>12 that woman had called, and they stated they were on the phone</p> <p>13 with a female, and Mrs. Miller believed that was her without</p> <p>14 verifying that. Then she hung up the call with them, and the</p> <p>15 Mental Health Unit called back and stated that they believed she</p> <p>16 needed – that police should be sent. Mrs. Miller gave her the</p> <p>17 phone number for the state police and hung up the phone. And</p> <p>18 then she herself called the state police about a suicide caller,</p> <p>19 and where it was.</p> <p>20 Q. And it was the state police that responded?</p> <p>21 A. Yes.</p> <p>22 Q. Let me show you what we'll mark as K-23 and ask you</p> <p>23 if you can identify that for me.</p> <p>24 A. Yes, I could.</p> <p>25 Q. And what did this memorialize, exactly?</p>

<p style="text-align: right;">Page 14</p> <p style="text-align: center;">L. Marzen - Phillips 14</p> <p>1 A Honestly, there was complaints. As far as</p> <p>2 being specific with you it's too far back and I try to leave</p> <p>3 things go and I thought this was a dead issue, I didn't</p> <p>4 think I'd be here two or three years later trying to give</p> <p>5 you deposition on what I said or what the arguments were or</p> <p>6 problems I had with Mary back then.</p> <p>7 Q And this confrontation that you described,</p> <p>8 when did that happen?</p> <p>9 A It happened -- I don't even know the date of</p> <p>10 the call to be honest with you. I know it was around the</p> <p>11 time that everything was going on with Mary. I know it was</p> <p>12 a cardiac arrest patient, so if we had to look back and see</p> <p>13 when this cardiac arrest call was and that's only going to</p> <p>14 narrow it down a little bit that way. As far as giving you</p> <p>15 exact date and time? I can't do that for you.</p> <p>16 Q Did you ever complain to anyone about this</p> <p>17 incident?</p> <p>18 A I didn't have to. A supervisor came in at that</p> <p>19 time and overheard the conversation.</p> <p>20 Q And who was that?</p> <p>21 A That was Mary Krusik.</p> <p>22 Q And was this in the 9-1-1 center?</p> <p>23 A Yes, it was.</p> <p>24 Q Did Mary Krusik to your knowledge do anything</p> <p>25 as a result of what she overheard?</p>	<p style="text-align: right;">Page 16</p> <p style="text-align: center;">L. Marzen - Phillips 16</p> <p>1 with it.</p> <p>2 Q Now, after you became shop steward did you have</p> <p>3 any complaints about Mary Miller's job performance?</p> <p>4 A People complained all the time, yes.</p> <p>5 Q I'm talking first about you.</p> <p>6 A Did I have any complaints?</p> <p>7 Q Yes.</p> <p>8 A Yes. I dreaded coming to work because I would</p> <p>9 always have to deal with the aggravation of working with her</p> <p>10 because of people getting yelled at on the radio, people</p> <p>11 getting yelled on the phone, and I did have complaints, yes.</p> <p>12 Q Why don't you detail for me what complaints --</p> <p>13 after you became shop steward detail for me the complaints</p> <p>14 you had about her job performance.</p> <p>15 A Well, my basic complaints were the angry</p> <p>16 attitude towards callers, the angry attitude towards</p> <p>17 providers in the field, and hostile environment that I had</p> <p>18 to work in.</p> <p>19 Q Did you complain to anybody about this?</p> <p>20 A I spoke to Mary about this, Mary Krusik.</p> <p>21 Q And approximately when did you speak to Mary</p> <p>22 Krusik?</p> <p>23 A I can't give you a time frame on that, I don't</p> <p>24 know offhand.</p> <p>25 Q Did anybody complain to you after the time that</p>
<p style="text-align: right;">Page 15</p> <p style="text-align: center;">L. Marzen - Phillips 15</p> <p>1 A As far as that, because nothing was in writing,</p> <p>2 I didn't make a formal complaint, I did speak to Mary about</p> <p>3 it and I believe -- the way Mary kept everything was when we</p> <p>4 spoke to her she put a memo to file that we spoke to her and</p> <p>5 discussed something with her, so I believe she put a</p> <p>6 discussion in there that we had a discussion about it, but I</p> <p>7 didn't put anything in formal writing to make a complaint</p> <p>8 about it.</p> <p>9 Q Prior to you becoming shop steward do you know</p> <p>10 if Mary Miller had made any complaints about your job</p> <p>11 performance for any reason?</p> <p>12 A Honestly, I don't know. Don't know and I</p> <p>13 really don't care.</p> <p>14 Q Prior to you becoming shop steward had anyone</p> <p>15 complained to you about Mary's job performance?</p> <p>16 A No. But they didn't have any right to complain</p> <p>17 to me about it because I wasn't a shop steward.</p> <p>18 Q Well, did you hear any comments to you, someone</p> <p>19 speak to you in the workplace or complain about something</p> <p>20 she did?</p> <p>21 A A lot of stuff took place outside the workplace</p> <p>22 because -- a lot of conversations from the individuals in</p> <p>23 the field had a lot of complaints, but as far as in the</p> <p>24 Comm Center itself everyone knew the problems and we didn't</p> <p>25 discuss it, we just wanted to get out of work and not deal</p>	<p style="text-align: right;">Page 17</p> <p style="text-align: center;">L. Marzen - Phillips 17</p> <p>1 you became shop steward about Mary Miller's job performance?</p> <p>2 A Everyone.</p> <p>3 Q And who would be everyone?</p> <p>4 A Pretty much all the dispatch staff that was</p> <p>5 there. I don't have specific names -- I would say the</p> <p>6 majority of the people there.</p> <p>7 Q Well, as you sit here today can you identify by</p> <p>8 name people that complained to you after you became shop</p> <p>9 steward about Mary Miller's job performance?</p> <p>10 A Probably the people that have been deposed</p> <p>11 already or -- basically people that have been deposed. You</p> <p>12 have Jason Helmer, you have Ray Bossard, Kristin Klein.</p> <p>13 Heinz Rausch mentioned things. He didn't make any</p> <p>14 complaints, but he had the shame concerns that everyone else</p> <p>15 had. Cheryl Steigerwalt and I believe Chris Evans. He's no</p> <p>16 longer a dispatcher with us.</p> <p>17 Q Do you know where Chris Evans is employed?</p> <p>18 A I believe Sacred Heart or Lehigh Valley ...</p> <p>19 Muhlenberg?</p> <p>20 Q Let's start with Mr. Helmer. How long have you</p> <p>21 known Mr. Helmer?</p> <p>22 A Probably 10 years.</p> <p>23 Q Do you know him socially?</p> <p>24 A Yes.</p> <p>25 Q Did you know him before you came on at 9-1-1?</p>

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1 A I actually brought him on board after I was
 2 dispatching. He came on a couple years after I was there.
 3 Q Did you recommend him for his position?
 4 A Yes. I gave him a reference.
 5 Q And what did Mr. Helmer complain to you about?
 6 A Basically the same complaints. The hostile
 7 work environment, always felt -- bad work conditions as far
 8 as her yelling, her -- I mean Mary yelling at people on the
 9 phone, yelling at people on the radio, and just an overall
 10 hostile type of environment. It's tough to describe hostile
 11 to you, but I just know what I felt there as being hostile.
 12 Q How about Kristin Klein? What did she complain
 13 about?
 14 A Everyone had the basic same complaints about
 15 how rude the callers were being dealt with
 16 Q As a result of any of the complaints from
 17 yourself or any of the people that you know of was Mary
 18 Krusik -- Mary Miller disciplined for any reason?
 19 A I wouldn't know that. And I still don't know
 20 that in my position today how she was dealt with.
 21 Q Did anybody ever have any complaints about your
 22 job performance for any reason? Before or after shop
 23 steward.
 24 A I don't know. I haven't -- I haven't received
 25 any calls back to the office or any kind of actions like

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1 that.
 2 Q Let me show you what we've marked as Jason
 3 Helmer's Exhibit 3 and take a look at it and see if you can
 4 identify that for me.
 5 A Yes, I recognize this.
 6 Q Is this a statement that you prepared?
 7 A Yes, it is.
 8 Q And it references an incident on April 13th,
 9 2005. Do you know if this was prepared on or about
 10 April 13, 2005?
 11 A Best recollection, yes.
 12 Q And were you asked to prepare this?
 13 A No.
 14 Q Is it something you did on your own?
 15 A As far as I recall, I did this on my own.
 16 Q And did you provide this to anybody?
 17 A I believe if anything it would have gone to
 18 Mary or -- the supervisor, either supervisor, Mary or Gary.
 19 They were my two supervisors.
 20 Q At or about the time of April 2005 what shift
 21 did you work?
 22 A I believe I was day shift that day.
 23 Q And what would day shift be?
 24 A It would have been either 7:00 to 3:00 or 8:00
 25 to 4:00 and if I was working with Mary that day it probably

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1 would have been 8:00 to 4:00.
 2 Q How long were you working those shifts
 3 typically? Was that a regular shift for you?
 4 A When Gary had left -- I was basically working
 5 a float shift prior to Gary getting his position as
 6 Assistant Manager and I was -- I would work a lot of half
 7 day shift and afternoon shifts, but then when he left I was
 8 pretty much working steady day shift which was the 8:00 to
 9 4:00 shift.
 10 Q And did you have occasion to work with Mary
 11 Miller?
 12 A I worked with her -- out of 10 days I believe
 13 four or six days out of the -- out of a 10 day rotation.
 14 Q And did you ever work with Mr. Helmer?
 15 A Yes.
 16 Q And how frequently during this time frame were
 17 you working with Mr. Helmer?
 18 A Not that often; maybe once or twice a week.
 19 Q And during this time period did you have any
 20 other jobs or positions that you held outside of Carbon
 21 County?
 22 A Yes.
 23 Q And what were they?
 24 A I was a police officer in Summit Hill and I was
 25 a police officer -- correction. I was an EMT for Jim Thorpe

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1 EMS and also Lehighton ALS. Which is a paramedic unit in
 2 Lehighton.
 3 Q Are these paid positions?
 4 A Yes, they are.
 5 Q And you held all three positions at the same
 6 time; we're talking about April 13th, '05.
 7 A Yes.
 8 Q And I'm assuming they're part-time positions,
 9 correct?
 10 A Correct.
 11 Q Why don't you tell me what you observed on
 12 April 13, 2005, that caused you to compose this?
 13 A Well, basically, while I was there at work
 14 there was some kind of conversation going on with I believe
 15 whoever was up front that day, Cheryl or Ray, that was
 16 around -- it was early in the morning, prior to 7 o'clock,
 17 believe, I can't recall exactly. There was some type of
 18 incident going on with Mary from what I understand and I
 19 can't go into too much detail, but from what I recall there
 20 was a lot of anger, a lot of yelling and carrying on,
 21 slamming of phones, and basically disgruntled over an
 22 incident that was taking place.
 23 Q Was Mary there when you arrived for your shift?
 24 A As far as I know, yes. I came -- actually, I
 25 was there early that day.

<p style="text-align: right;">Page 10</p> <p style="text-align: center;">M. Miller - Geiger 10</p> <p>1 today.</p> <p>2 Q Let me ask you, would Carbon Medical Associates</p> <p>3 have any records from the therapist from Stroudsburg?</p> <p>4 A No.</p> <p>5 Q Does the Effexor affect your ability to</p> <p>6 understand the questions that I'll be asking you today?</p> <p>7 A No.</p> <p>8 Q Does it have any side effects that you're aware</p> <p>9 of?</p> <p>10 A No.</p> <p>11 Q Do you know what dosage you are -- what dosage</p> <p>12 you have of Effexor?</p> <p>13 A 37.5 one time a day.</p> <p>14 Q Let me ask you some questions about your</p> <p>15 educational background. I understand you graduated from</p> <p>16 Panther Valley High school.</p> <p>17 A Yes, I did. 1980.</p> <p>18 Q Have you had any formal education after</p> <p>19 graduating from Panther Valley?</p> <p>20 A No.</p> <p>21 Q Could you tell me about your work history from</p> <p>22 the point when you graduated from Panther Valley High</p> <p>23 School?</p> <p>24 A I worked as a secretary for People's Life</p> <p>25 Insurance in Lansford for a brief time and then I became</p>	<p style="text-align: right;">Page 12</p> <p style="text-align: center;">M. Miller - Geiger 12</p> <p>1 dispatcher while working for Carbon County?</p> <p>2 A I did the majority of the PR, going around</p> <p>3 teaching the children at the schools how to dial 9-1-1 and</p> <p>4 went to the fair several times with the phone and did PR</p> <p>5 that way, went to schools and</p> <p>6 (EMPLOYER QUESTIONNAIRE marked for</p> <p>7 identification as M. MILLER Exhibit No. 1.)</p> <p>8 Q I'll show you, Mrs. Miller, what's marked as</p> <p>9 M. Miller Exhibit No. 1 and it's the Employer Questionnaire</p> <p>10 for your unemployment compensation and there's a reference</p> <p>11 here to a date in 1992 which I was confused about in terms</p> <p>12 of first day of employment worked.</p> <p>13 A That is when the county took over, Carbon</p> <p>14 County Telecommunications. The -- up until that point</p> <p>15 Telecommunications was operated and owned by the</p> <p>16 municipalities in Carbon County and in 1992 the county</p> <p>17 acquired Telecommunications.</p> <p>18 Q So, officially before 1992, then, were you</p> <p>19 actually a county employee?</p> <p>20 A No.</p> <p>21 Q So, technically speaking, you've only been</p> <p>22 working for Carbon County since 1992.</p> <p>23 A Technically, yes.</p> <p>24 Q Who would have been listed as your employer</p> <p>25 then prior to 1992?</p>
<p style="text-align: right;">Page 11</p> <p style="text-align: center;">M. Miller - Geiger 11</p> <p>1 employed under Carbon County Telecommunications.</p> <p>2 Q What year was that?</p> <p>3 A 1983, I believe.</p> <p>4 Q And was that different than the 9-1-1 center</p> <p>5 that you were working for in 2005?</p> <p>6 A Technically? Obviously, yes. We didn't have</p> <p>7 the technology.</p> <p>8 Q But was that the precursor to the 9-1-1 center?</p> <p>9 A Yes.</p> <p>10 Q And when you were hired in 1983 what position</p> <p>11 were you hired for?</p> <p>12 A A dispatcher.</p> <p>13 Q Did you work for Carbon County continuously</p> <p>14 from 1983 until your termination in 2005?</p> <p>15 A Yes.</p> <p>16 Q Did you have any jobs with Carbon County other</p> <p>17 than as a dispatcher?</p> <p>18 A I had additional duties that</p> <p>19 Q What additional duties did you have?</p> <p>20 A I was the TAC officer of the Pennsylvania Clean</p> <p>21 System, the Commonwealth Law Enforcement Agency Network.</p> <p>22 Q But that still fell under your duties as</p> <p>23 dispatcher?</p> <p>24 A As a senior dispatcher.</p> <p>25 Q Any other responsibilities other than as a</p>	<p style="text-align: right;">Page 13</p> <p style="text-align: center;">M. Miller - Geiger 13</p> <p>1 A The municipalities.</p> <p>2 Q How many municipalities were part of the</p> <p>3 telecommunications?</p> <p>4 A There was a representative from I believe --</p> <p>5 it's a long time ago, so I believe each municipality had a</p> <p>6 representative to the board and that the board themselves</p> <p>7 voted the chairman and vice chairman or whatever they were</p> <p>8 called at the time.</p> <p>9 Q But if we look at your tax returns for the</p> <p>10 period before 1992 who would have been listed on your W-2</p> <p>11 form as your employer?</p> <p>12 A Carbon County Telecommunications.</p> <p>13 Q That was the name of it.</p> <p>14 A Yes.</p> <p>15 Q But it was owned by the municipalities.</p> <p>16 A Yes.</p> <p>17 Q So, in your complaint when you say you worked</p> <p>18 for Carbon County for more than 23 years -- in Paragraph 12</p> <p>19 of your complaint you allege that you were continuously</p> <p>20 employed with Carbon County for a period exceeding 23 years.</p> <p>21 A I was a dispatcher for Carbon County for 23</p> <p>22 years. I dispatched in Carbon County for 23 years.</p> <p>23 Q You dispatched within Carbon County --</p> <p>24 MR. PHILLIPS: Wait for a question.</p> <p>25 Q -- but you weren't employed by Carbon County</p>

<p style="text-align: right;">Page 26</p> <p style="text-align: center;">M. Miller - Geiger 26</p> <p>1 Q And at which console did you normally work?</p> <p>2 A Console 1.</p> <p>3 Q And do you know who it was, let's say, in April</p> <p>4 of -- the time of the recording, I believe, was April 13,</p> <p>5 2005. Who was working Console 4 on that day, if you know?</p> <p>6 A From what James Tate of the union was told,</p> <p>7 Jason Helmer was on that console.</p> <p>8 Q And what shift would he have -- now, in your</p> <p>9 complaint you say that the Console No. 4 phone was left off</p> <p>10 the hook from 9:30 p.m., April 12th, to sometime in the</p> <p>11 morning on April 13. So -- and Jason was working Console</p> <p>12 No. 4 during that period of time?</p> <p>13 A That is what I was told.</p> <p>14 Q I mean, do you know that first-hand?</p> <p>15 A No, no one specifically said that to me except</p> <p>16 my -- the union representative, James Tate.</p> <p>17 Q Do you know when you started working on your</p> <p>18 shift did you see Jason before he left?</p> <p>19 A No, Jason left sometime on the 12th.</p> <p>20 Q And then you didn't come in until the 13th.</p> <p>21 A Right.</p> <p>22 Q And do you know when Jason would have left on</p> <p>23 the 12th, what his shift was?</p> <p>24 A No, I don't.</p> <p>25 Q Now, is it your understanding that for any of</p>	<p style="text-align: right;">Page 28</p> <p style="text-align: center;">M. Miller - Geiger 28</p> <p>1 Q And how would you transmit on the radio? Is</p> <p>2 there a button to press?</p> <p>3 A Yes.</p> <p>4 Q And does that button light up then to show that</p> <p>5 it's active?</p> <p>6 A Yes.</p> <p>7 Q And the recording is on as long as the button</p> <p>8 is pressed?</p> <p>9 A Yes.</p> <p>10 Q And in April of 2005 you were aware that when</p> <p>11 you pick up a handset there's an automatic recording. Is</p> <p>12 that correct?</p> <p>13 A When you pick it up to make a call or to answer</p> <p>14 a call, yes.</p> <p>15 Q And you were aware that there was a recording</p> <p>16 for when you pushed the button on the radios.</p> <p>17 A Well, yes.</p> <p>18 Q Do you remember who was working with you then</p> <p>19 on your shift on April 13 when this conversation was</p> <p>20 recorded?</p> <p>21 A I came in and I relieved Heinz Rausch who was</p> <p>22 11:00 p.m. to 7:00 a.m. Cheryl Steigerwalt was</p> <p>23 12:00 p.m. -- or a.m, I'm sorry, 12:00 a.m. to 8:00 a.m.,</p> <p>24 and when I arrived I found that Lee Marzen had come in</p> <p>25 sometime during the night. He had been scheduled to work</p>
<p style="text-align: right;">Page 27</p> <p style="text-align: center;">M. Miller - Geiger 27</p> <p>1 the four consoles that are there that when the phone is</p> <p>2 picked up and is off the hook that the recording device is</p> <p>3 immediately triggered? Is that your understanding of how it</p> <p>4 would work technically?</p> <p>5 A Yes.</p> <p>6 Q So, even if a call was not coming in, if you</p> <p>7 removed the handset off of the console it would start</p> <p>8 recording.</p> <p>9 A Yes.</p> <p>10 Q And if the handset is off of the console would</p> <p>11 you hear any kind of a beeping noise? When a phone is left</p> <p>12 off the hook sometimes you here a sound that's generated by</p> <p>13 the phone?</p> <p>14 A No. Because there would have been no phone</p> <p>15 line pushed, no open phone line. The phone receiver acted</p> <p>16 as a room bug.</p> <p>17 Q And was that true for all four consoles, that</p> <p>18 as soon as you picked up the handset it starts recording?</p> <p>19 A Yes.</p> <p>20 Q Were there any other recording devices that you</p> <p>21 were aware of within the 9-1-1 center other than the ones</p> <p>22 that were connected to the phones?</p> <p>23 A The radios. When you transmitted on the radio</p> <p>24 that recorded and when someone on the outside transmitted</p> <p>25 that, too, was recorded.</p>	<p style="text-align: right;">Page 29</p> <p style="text-align: center;">M. Miller - Geiger 29</p> <p>1 either 7:00 a.m. or 8:00 a.m. with me on the shift. There</p> <p>2 would have been three dispatchers on day shift that day and</p> <p>3 he was allowed to come in earlier.</p> <p>4 He had been on duty in the Borough of Summit</p> <p>5 Hill, he was a part-time police officer, and I'm not quite</p> <p>6 sure what time his shift ended, but he had asked permission</p> <p>7 to Gary Williams if rather than go home for two hours or</p> <p>8 whatever that he was allowed to come in and start his shift</p> <p>9 earlier than scheduled.</p> <p>10 Q So, what time did that end up being then?</p> <p>11 A I'm not sure exactly what time he arrived.</p> <p>12 He was there when I got there.</p> <p>13 Q Was John Poko also present?</p> <p>14 A Not at that time, no. He may have been on the</p> <p>15 afternoon shift of the 12th, I'm not sure. I don't know</p> <p>16 everyone that was scheduled and in the room on the 12th,</p> <p>17 I just know that Jason Helmer -- that my union representa-</p> <p>18 tive, James Tate, was told that the phone line was not hung</p> <p>19 up properly by Jason Helmer.</p> <p>20 Q Do you know, where did Mr. Tate get that</p> <p>21 information?</p> <p>22 A Someone at the county level when he was trying</p> <p>23 to defend me through my arbitration.</p> <p>24 Q Did that ever occur to you during the course of</p> <p>25 your employment where you didn't hang up the phone properly?</p>

<p style="text-align: right;">Page 30</p> <p style="text-align: center;">M. Miller - Geiger 30</p> <p>1 A No.</p> <p>2 Q Had you ever seen that before where phones were</p> <p>3 not hung up properly?</p> <p>4 A Not for the amount of time that that was, no.</p> <p>5 Q But for any period of time.</p> <p>6 A Possibly, yes.</p> <p>7 Q Were you aware of how sensitive the recording</p> <p>8 was? I mean, if -- were you given any kind of training that</p> <p>9 when you were on a particular call that -- let's say a 9-1-1</p> <p>10 call comes in. Would the recording be able to pick up room</p> <p>11 sounds that are going on behind your voice? Did anyone</p> <p>12 explain to you how sensitive those recording devices are?</p> <p>13 A I don't recall, no.</p> <p>14 Q Had you ever heard recordings that were made</p> <p>15 from the console phones?</p> <p>16 A Yes.</p> <p>17 Q And in what context would you have heard those?</p> <p>18 A QA calls or QA calls were played back or Mr.</p> <p>19 McGettigan would play calls back after -- when he would QA</p> <p>20 he would play a call back and</p> <p>21 Q And that's Quality Assurance is QA?</p> <p>22 A Yes.</p> <p>23 Q So, he would play it back as a training tool?</p> <p>24 A Yes.</p> <p>25 Q And how frequently would that occur?</p>	<p style="text-align: right;">Page 32</p> <p style="text-align: center;">M. Miller - Geiger 32</p> <p>1 Q Did you speak to James Tate about what he heard</p> <p>2 on the tape?</p> <p>3 A Yes.</p> <p>4 Q What did he tell you that he heard?</p> <p>5 A He heard that I was upset and that it was shop</p> <p>6 talk.</p> <p>7 Q What does that mean?</p> <p>8 A We were -- I was discussing that morning my</p> <p>9 circumstances, that I couldn't wait for my grievances to be</p> <p>10 heard and the truth to come out.</p> <p>11 Q What were your grievances at the time?</p> <p>12 A I had been accused of mishandling a call at the</p> <p>13 Blue Mountain Ski Resort. I was reprimanded for telling a</p> <p>14 police officer in a joking way that Mr. Marzen was in a</p> <p>15 meeting for authorized personnel. I was reprimanded for</p> <p>16 telling a fire chief that the proper police department was</p> <p>17 dispatched to a call.</p> <p>18 Q These were all grievances that were pending at</p> <p>19 the time of your recording?</p> <p>20 A Yes. Everytime that they came scheduled the</p> <p>21 county would ask for an extension.</p> <p>22 Q The Blue Mountain ski area call, what were you</p> <p>23 accused of doing there?</p> <p>24 A What had happened as far as I could recall --</p> <p>25 it was a while ago and there was so much other things going</p>
<p style="text-align: right;">Page 31</p> <p style="text-align: center;">M. Miller - Geiger 31</p> <p>1 A Mr. McGettigan did QA's quite often.</p> <p>2 Q Meaning what?</p> <p>3 A I'm not sure. There were so many that were</p> <p>4 regulated by, I guess, PEMA, but I'm not sure of exactly the</p> <p>5 policies that he followed, but you would get called into his</p> <p>6 office and he would go over calls with you and you would</p> <p>7 sign off on them.</p> <p>8 Q And when you heard those QA calls had you ever</p> <p>9 heard ambient room noises recorded on those recordings that</p> <p>10 you heard? Or conversations in the back from other</p> <p>11 dispatchers.</p> <p>12 A I don't recall.</p> <p>13 Q Have you ever heard or up until today have you</p> <p>14 ever heard the tape that you referenced in your complaint?</p> <p>15 A No.</p> <p>16 Q Do you know if your union representative has?</p> <p>17 A Yes.</p> <p>18 Q And that would have been Mr. Tate?</p> <p>19 A Mr. Tate, Nancy Cosgrove, Joan Decker, Audrey</p> <p>20 Miller. I believe the three commissioners. I was told the</p> <p>21 three commissioners, that it was played for the three</p> <p>22 commissioners.</p> <p>23 Q Who told you it was played for the</p> <p>24 commissioners?</p> <p>25 A Mary Kruzik.</p>	<p style="text-align: right;">Page 33</p> <p style="text-align: center;">M. Miller - Geiger 33</p> <p>1 on. I had received a call from Blue Mountain from a woman</p> <p>2 who wanted me to dispatch a helicopter for an unknown and I</p> <p>3 told her that I couldn't do that, that I had to know why I</p> <p>4 was sending a helicopter.</p> <p>5 While I was on the phone trying to get</p> <p>6 information from her I dispatched an ALS truck, which is an</p> <p>7 Advanced Life Support, and a basic life support truck on an</p> <p>8 unknown.</p> <p>9 I told the paramedic on the radio of the ALS</p> <p>10 truck that the caller had requested -- I believe that the</p> <p>11 caller had requested a Medivack to be dispatched and I was</p> <p>12 advised from the paramedic -- I believe it was the</p> <p>13 paramedic, I'm not sure if it was the paramedic or the</p> <p>14 driver who answered me, but said to hold off on that until</p> <p>15 they arrived and just put it on standby which I did.</p> <p>16 The woman had no information on what type of</p> <p>17 injury, what was going on, and I advised her that the next</p> <p>18 time that she calls 9-1-1 she should have more pertinent</p> <p>19 information and they reprimanded me for that.</p> <p>20 Later that afternoon the manager had called and</p> <p>21 I spoke to him. I explained my circumstances, that we</p> <p>22 cannot just put a helicopter in the air on unknowns because</p> <p>23 it's just not policy. The policy was that paramedics can</p> <p>24 ask, fire chiefs can ask, certain personnel could ask for</p> <p>25 helicopters, but not just someone answering a radio at a ski</p>

<p style="text-align: right;">Page 38</p> <p style="text-align: center;">M. Miller - Geiger 38</p> <p>1 send the state police to the accident scene and I went on 2 the radio and told him that the proper police, Nesquehoning 3 Police, were dispatched to the scene of the accident. That 4 was the end of my conversation with him. I was not rude. 5 I went on the radio, I told him exactly what had transpired, 6 that the police were dispatched to the accident. I was 7 doing my job, I was not rude. 8 Q Did he think you were rude? 9 A I guess he did, I don't know. He filed a 10 complaint. 11 Q He did file a complaint. 12 A Yes. 13 Q Claiming that you were rude. 14 A Yeah. 15 Q And what was the response of the county to that 16 complaint? 17 A I don't know, they never allowed my -- they 18 never allowed my arbitrations or my grievances to be heard. 19 Q So, were you given a warning about the Bob 20 Stempa call? 21 A Yeah. They put three or four of them on the 22 same warning. They stacked them according to what the union 23 told me. They had several of them on the same warning. 24 Q And was the Bob Stempa call in January of 2005? 25 A I guess if that's what you have. I ... guess,</p>	<p style="text-align: right;">Page 40</p> <p style="text-align: center;">M. Miller - Geiger 40</p> <p>1 for an ambulance no matter what it's for, a routine or not, 2 to use 9-1-1 because that is the way that the nursing home 3 facilities handled their calls going out. They didn't call 4 on a non-emergency line, they called on 9-1-1, and that is 5 what I had instructed Betty. Paul Bray was the person who 6 brought that to Richard McGettigan's attention. 7 Q And this was -- my records indicate it happened 8 in January of 2002. 9 A It probably did if that's what you have, sir. 10 Q And -- but was it your understanding that the 11 claim was that -- by Paul Bray then that they were blaming 12 you for having a bad attitude? 13 A Yes. 14 Q And wasn't it Gary Williams who represented you 15 with respect to that grievance? 16 A Yes. 17 Q And what was the outcome of that? 18 A I was reprimanded and Mr. McGettigan called 19 Betty Fairchild and apologized for the way I spoke to her 20 and I offered to call Betty Fairchild myself. 21 Q To do what? 22 A To apologize. 23 Q For what? 24 A For telling her to call 9-1-1 when she needed 25 an ambulance.</p>
<p style="text-align: right;">Page 39</p> <p style="text-align: center;">M. Miller - Geiger 39</p> <p>1 I don't know. 2 Q Did any other persons who were not employed by 3 the county make claims that you were rude to them in 4 handling your responsibilities as a dispatcher? 5 A I don't know, I 6 Q Did Betty Fairchild at Carbon Crest Personal 7 Care Home make any claims against you that you were rude? 8 A No, she didn't make a claim against me. What 9 had happened with that call, she had called a non-emergency 10 line for an ambulance and I was trying to determine from 11 Betty Fairchild if it was an emergency call or a non- 12 emergency call. She said it was to go right away. I said 13 to Betty, then she should have called 9-1-1 for that because 14 at that time we handled nursing home, personal care home 15 calls quite differently than you do on a 9-1-1 nursing home 16 or personal care home. 17 This all transported because Paul Bray, who 18 also was a dispatcher at the time, had instructed Betty 19 Fairchild not to call 9-1-1 for ambulances because his 20 ambulance corps, the Weatherly Ambulance Corps, covered that 21 area and this is what he had instructed her to do. 22 Now, he was a dispatcher at the time, he was a 23 9-1-1 dispatcher at the time, and he knew better than to 24 tell anyone not to call 9-1-1. 25 I had instructed Betty to call 9-1-1 next time</p>	<p style="text-align: right;">Page 41</p> <p style="text-align: center;">M. Miller - Geiger 41</p> <p>1 Q Do you feel like you've done anything contrary 2 to policy in that phone call? 3 A No. I ... I dispatched an ambulance, I 4 didn't -- as far as -- 5 Q You didn't think there was any basis for 6 apologizing. 7 A No, I would have apologized to the woman. I 8 don't remember. This was 2002. I don't know what I sounded 9 like or what I specifically said to her. If I owed the 10 woman an apology I would have given her with one and I told 11 Mr. McGettigan that. He had contacted her and apologized on 12 my behalf. 13 Q Would you agree that the county has -- 14 consistently throughout your employment with the county has 15 emphasized that all dispatchers must be courteous with 16 callers that call in? 17 A Yes. 18 Q And that's one of the essential elements of 19 your job. 20 A Yes. 21 Q And they've always told you that. 22 A They've told all of us that. 23 (JOB DESCRIPTION marked for identification as 24 M. MILLER Exhibit No. 2.) 25 Q This was part of discovery I provided to your</p>

<p style="text-align: right;">Page 42</p> <p style="text-align: center;">M. Miller - Geiger 42</p> <p>1 attorney and I don't know if I gave you the Bates numbered</p> <p>2 documents or not. This was 95 in my responses, but this</p> <p>3 purportedly is the job description of a Senior Dispatcher</p> <p>4 and I'd like you to take a look at Mary Miller Exhibit 2.</p> <p>5 Does that document look familiar to you?</p> <p>6 A Yes.</p> <p>7 Q You've seen that before?</p> <p>8 A Yes.</p> <p>9 Q And does that summarize a document or does that</p> <p>10 summarize the responsibilities that the County puts on a</p> <p>11 Senior Dispatcher?</p> <p>12 A Yes.</p> <p>13 Q And does Paragraph No. 23 talk about having a</p> <p>14 professional attitude?</p> <p>15 A Yes.</p> <p>16 Q And what is your understanding of what that</p> <p>17 means?</p> <p>18 A My understanding is to be professional.</p> <p>19 Q And that includes courtesy to callers; is that</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q And have you received other documents from the</p> <p>23 County warning you that -- and warning all employees that</p> <p>24 anyone who calls the 9-1-1 line is entitled to be treated</p> <p>25 with courtesy?</p>	<p style="text-align: right;">Page 44</p> <p style="text-align: center;">M. Miller - Geiger 44</p> <p>1 A I don't know.</p> <p>2 Q Was it less than a half a dozen times? You</p> <p>3 have no idea.</p> <p>4 A I don't know.</p> <p>5 Q Have your co-workers, other county employees</p> <p>6 ever complained about your attitude?</p> <p>7 A Not to me.</p> <p>8 Q Do you know, have they ever complained to</p> <p>9 anyone or to any other -- to your supervisors or to any</p> <p>10 other county officials about your attitude?</p> <p>11 A I'm sure over the course of 11 years of</p> <p>12 employment with the county that my attitude was discussed.</p> <p>13 I do know that certain calls go like butter and certain</p> <p>14 calls just didn't and that's just the way the day goes</p> <p>15 sometimes at the 9-1-1 center. I know that there were</p> <p>16 employees that complained continuously of one employee and</p> <p>17 nothing was ever done.</p> <p>18 Q Who was that employee?</p> <p>19 A The employee that was always complained about</p> <p>20 was Cheryl Steigerwalt and her attitude towards callers.</p> <p>21 I know for a fact that Heinz Rausch complained about her</p> <p>22 attitude.</p> <p>23 Q Did you observe her having a bad attitude?</p> <p>24 A At times, yes.</p> <p>25 Q And what did you observe about her attitude?</p>
<p style="text-align: right;">Page 43</p> <p style="text-align: center;">M. Miller - Geiger 43</p> <p>1 A Yes.</p> <p>2 Q And that occurred consistently not just when</p> <p>3 Mary Kruzik was the director.</p> <p>4 A When Richard McGettigan was and when William</p> <p>5 Mosier was.</p> <p>6 Q So, you understood that that was part -- that</p> <p>7 the County said that that was part of your job</p> <p>8 responsibilities.</p> <p>9 A Yes.</p> <p>10 Q And is it your opinion that you have been</p> <p>11 courteous to 9-1-1 callers consistently throughout the term</p> <p>12 of your employment?</p> <p>13 A Probably not consistently.</p> <p>14 Q In what ways were you not courteous? Other</p> <p>15 than what we've just talked about.</p> <p>16 A Can I see my lawyer outside for a second,</p> <p>17 please?</p> <p>18 MR. GEIGER: Sure.</p> <p>19 MR. PHILLIPS: Sure.</p> <p>20 (Recess from 11:20 a.m. To 11:28 a.m.)</p> <p>21 Q Mrs. Miller, can you estimate for us how many</p> <p>22 times anyone at the County warned you about having a bad</p> <p>23 attitude?</p> <p>24 A I don't know.</p> <p>25 Q Was it more than a half a dozen times?</p>	<p style="text-align: right;">Page 45</p> <p style="text-align: center;">M. Miller - Geiger 45</p> <p>1 What did she say to suggest to you that she had a bad</p> <p>2 attitude?</p> <p>3 A It was the way -- Cheryl was a very good</p> <p>4 dispatcher. It was just the way Cheryl handled calls and</p> <p>5 callers and what is perceived as an attitude very well may</p> <p>6 not be. Proficient, to the point, sharp could be taken as</p> <p>7 an attitude when, in fact, it's the way that a person</p> <p>8 handles their calls.</p> <p>9 Q But did you feel that Cheryl Steigerwalt was</p> <p>10 acting in a way that was inconsistent with county policy?</p> <p>11 A I would never have complained of Cheryl, no.</p> <p>12 She got her job done.</p> <p>13 Q You thought --</p> <p>14 A Her callers weren't calling and complaining.</p> <p>15 Q You thought Cheryl was doing a good job?</p> <p>16 A I thought Cheryl did a good job, yes. Cheryl</p> <p>17 always dispatched her calls. Cheryl was a no nonsense kind</p> <p>18 of person and maybe that's how I was and perceived by people</p> <p>19 in the room as having a bad attitude.</p> <p>20 Q Do you know if other employees complained about</p> <p>21 Cheryl?</p> <p>22 A I know Heinz Rausch brought it to their</p> <p>23 attention.</p> <p>24 Q Anyone else?</p> <p>25 A Not that I -- I know they did a lot of talking</p>

<p style="text-align: right;">Page 46</p> <p style="text-align: center;">M. Miller - Geiger 46</p> <p>1 back and forth to one another. That was -- that was the 2 atmosphere of the Comm Center. It was like high school. 3 Q What do you know about employee complaints 4 about you? 5 A I never received any. Even when the union 6 asked to disclose to represent me properly no complaints 7 were ever submitted to them from employees. 8 Q Did Mary Kruzik ever talk to you about having a 9 bad attitude or about complaints by other employees? 10 A Yeah. Shortly after she started she told me 11 that employees were complaining about me and I asked her 12 who. She wouldn't tell me. She told me they were verbal 13 complaints and that they really didn't want to cause any 14 problems for themselves or for me or make the workplace 15 uncomfortable and she reprimanded me. 16 Q Do you know any specific employees who 17 complained about you? 18 A Well, now I do, but then I didn't. 19 Q You know from the discovery that I sent out? 20 A Yes. 21 Q But at the time you were terminated you weren't 22 aware that any other employees were complaining about you? 23 A No. Just the first reprimand that she gave me, 24 but I didn't know who or what they said. I was never 25 permitted to see it.</p>	<p style="text-align: right;">Page 48</p> <p style="text-align: center;">M. Miller - Geiger 48</p> <p>1 Q Did you use it with callers? 2 A No. 3 Q Did you use it with other employees? 4 A Like everyone else did, yes. 5 Q To your knowledge did any employees ever accuse 6 you of using language that they described as obscene? 7 A Until I got the discovery, no, I did not know 8 that. 9 Q Did you swear while on the job? 10 A Everyone did, yes. 11 Q Including you? 12 A Yes. 13 Q Did you criticize management to other employees 14 while on the job? 15 A I participated, yes. 16 Q What kinds of things did you say about 17 management while you were on the job? 18 A There was one procedure that I did not agree 19 with as far as -- Mary had suggested at one point that we 20 were going to blind dispatch. They were going to turn the 21 computer off on us and go back to dispatching on carts and I 22 totally disagreed with that. 23 When I was -- when I attended the CLEAN user 24 meeting in Harrisburg or Shippensburg, rather, after I was 25 assigned TAC officer I found that there were a lot of</p>
<p style="text-align: right;">Page 47</p> <p style="text-align: center;">M. Miller - Geiger 47</p> <p>1 Q So, you didn't know that Cheryl Steigerwalt 2 said that it was difficult working with you. 3 A No. 4 Q Did you -- you didn't know as of the time that 5 you quit that Ray Bossard said that if he had to keep 6 working with you he would quit his job? 7 A No. 8 Q Did anyone ever complain, any other employees 9 complain about you having tantrums while in the 9-1-1 10 center? 11 A I never knew that, no. 12 Q Did you have tantrums while in the 9-1-1 13 center? 14 A No. 15 Q The letter from John Karoly that you attached 16 to your complaint makes a reference to your use of 17 indelicate language in the recording that was made in April 18 of 2005. Do you know what he's referring to? 19 A No. At the time I did not have a clue of what 20 I said. I assumed that it had to be indelicate language 21 because no one allowed me the opportunity to ever hear the 22 tape. 23 Q Do you know if you used indelicate language in 24 April of 2005? 25 A I may have, yes.</p>	<p style="text-align: right;">Page 49</p> <p style="text-align: center;">M. Miller - Geiger 49</p> <p>1 policies that weren't being followed and procedures that 2 were required by the state police and when I came back I 3 instituted these procedures and I was prevented from 4 following those procedures and I believe at that time I 5 complained, I complained at the way I was being treated. 6 No one there ever disagreed with me. They 7 saw -- some people assisted me when they fought my 8 unemployment and they came and testified for me. Others -- 9 whether or not they agreed with me or not they never told 10 me. Cheryl had told me one time basically that this is it 11 and this is the way it's got to be and that's that, but did 12 I know that management was going to these employees and 13 asking for them to put this in writing? No, I did not. I 14 didn't know anything until discovery nor did my union. 15 Q Were you ever disrespectful to Gary Williams in 16 front of other employees? 17 A He's accused me of that, but there was a 18 completely different version which there always was. 19 Q What was your relationship like with Gary 20 Williams at the time of your termination? 21 A He was tormenting me, he was torturing me on a 22 daily basis. 23 Q Describe in what way. 24 A No matter what I would say or what I would do 25 it was wrong.</p>

<p style="text-align: right;">Page 58</p> <p style="text-align: center;">M. Miller - Geiger 58</p> <p>1 he wasn't.</p> <p>2 Q Now, Mr. Smith didn't work in the 9-1-1 center,</p> <p>3 did he?</p> <p>4 A No.</p> <p>5 Q Was he ever at the 9-1-1 center?</p> <p>6 A Yes.</p> <p>7 Q For what purpose?</p> <p>8 A He would come up for meetings or programs.</p> <p>9 Q How frequently was he at the 9-1-1 center?</p> <p>10 A Not often.</p> <p>11 Q What do you recall as to the last time you</p> <p>12 spoke to Mr. Smith before you were terminated? Do you</p> <p>13 remember when that was?</p> <p>14 A The day that he told me he was firing me.</p> <p>15 Q You think he fired you.</p> <p>16 A He told me that the county was firing me.</p> <p>17 Q Do you think it was Mr. Smith who fired you?</p> <p>18 A Well, okay. I was called on a Friday and told</p> <p>19 not to come back to work until I was called in.</p> <p>20 Q Now, before you go on, who told you that?</p> <p>21 A Mary Kruzik. She called me on a Friday</p> <p>22 afternoon. I was at my son's high school. It was his first</p> <p>23 senior football game for the year. We were feeding the boys</p> <p>24 in the cafeteria and my dad drove from Nesquehoning to the</p> <p>25 school because I had no reception on my cell phone.</p>	<p style="text-align: right;">Page 60</p> <p style="text-align: center;">M. Miller - Geiger 60</p> <p>1 fire you or did Randy Smith say, "I'm firing you on my own</p> <p>2 authority."</p> <p>3 A He said, "You will be fired on the 15th."</p> <p>4 He didn't leave there and go back to the commissioners and</p> <p>5 ask the commissioners anything. He told me right there at</p> <p>6 that table that I would be fired on the 15th.</p> <p>7 Q Did he say would was doing the firing?</p> <p>8 A "The County is going to fire you on the 15th."</p> <p>9 Q Now, I'm trying to understand Randy Smith's</p> <p>10 role. He's not your supervisor; is that right?</p> <p>11 A He's the county administrator. Mary Kruzik is</p> <p>12 my supervisor -- was my direct supervisor.</p> <p>13 Q And is it your claim that Randy Smith had the</p> <p>14 power to terminate you?</p> <p>15 MR. PHILLIPS: If you know.</p> <p>16 Q If you know. You named him as a defendant,</p> <p>17 you sued him. Are you claiming that he had the power to</p> <p>18 terminate you?</p> <p>19 A He had the power. He told me I was being</p> <p>20 fired, sir.</p> <p>21 Q Informing you and having the power are two</p> <p>22 different things. Do you know what the difference is? Do</p> <p>23 you know, did he have the authority on his own say so to</p> <p>24 fire you? If you know.</p> <p>25 A No, I don't know. I don't know that.</p>
<p style="text-align: right;">Page 59</p> <p style="text-align: center;">M. Miller - Geiger 59</p> <p>1 Q And who's your dad?</p> <p>2 A Blaise, B-l-a-i-s-e, D-i-M-i-c-e-l-i, and he</p> <p>3 came up and said that it was very important that I contact</p> <p>4 Mary Kruzik, so I went outside and I contacted Mary on the</p> <p>5 phone and she told me that I was under investigation for the</p> <p>6 mishandling of a suicide call and that I should not report</p> <p>7 to work until told so and that I was not allowed on county</p> <p>8 property. That was a Friday.</p> <p>9 Monday I believe was a holiday. I got word</p> <p>10 Tuesday, I think Tuesday to be there Thursday. I'm not</p> <p>11 sure, I don't remember the days, but when I arrived on</p> <p>12 Thursday with Jim Tate and Nancy Cosgrove we went into the</p> <p>13 conference room on the Emergency Management side.</p> <p>14 Randy Smith, Mary Kruzik, and Gary Williams sat</p> <p>15 across the table from me. Randy Smith informed me that day</p> <p>16 that I was -- would be terminated on September the 15th.</p> <p>17 I was never allowed to defend myself or to give my side of</p> <p>18 the story and at that point I didn't even have the details</p> <p>19 of the call, so I couldn't even prepare a proper defense</p> <p>20 because I wasn't allowed on county property.</p> <p>21 Q So, was it your understanding that Randy Smith</p> <p>22 had the power to fire you?</p> <p>23 A Well, he did right there. He told me I would</p> <p>24 be fired on the 15th, he fired me right there.</p> <p>25 Q Did he inform you that the County was going to</p>	<p style="text-align: right;">Page 61</p> <p style="text-align: center;">M. Miller - Geiger 61</p> <p>1 Q Do you know whether he recommended your</p> <p>2 termination?</p> <p>3 A I know Mary Kruzik recommended my termination.</p> <p>4 She wrote it in the letter.</p> <p>5 Q Do you know, did Randy Smith recommend your</p> <p>6 termination?</p> <p>7 A I don't know.</p> <p>8 Q Do you know -- in terms of the wire tap claim</p> <p>9 do you have any information to suggest that Randy Smith</p> <p>10 caused the phone on Console No. 4 to be left off the hook?</p> <p>11 A No.</p> <p>12 Q I mean, have you ever heard -- and hearsay is</p> <p>13 included -- anyone say that Randy Smith had any part in</p> <p>14 recording your conversation?</p> <p>15 A No.</p> <p>16 Q Do you know, did Randy Smith ever distribute</p> <p>17 the tape of your conversation to anyone?</p> <p>18 A At the meeting with the union, yes. He was</p> <p>19 present.</p> <p>20 Q And it was Randy Smith who gave the union the</p> <p>21 tape?</p> <p>22 A The union never received the tape. Randy Smith</p> <p>23 won't release it to the union because it doesn't fall under</p> <p>24 the guidelines of the subpoena.</p> <p>25 Q Let me ask you this. Do you know if Randy</p>

<p style="text-align: right;">Page 74</p> <p style="text-align: center;">M. Miller - Geiger 74</p> <p>1 What recording," because I would never say anything that I 2 knew wasn't being recorded on the phone, while I knew I was 3 being recorded. I would never. I've done that for 23 4 years. I would never have a conversation on a taped line 5 without knowing what I was saying, without it being what it 6 is, you know? 7 I didn't understand what she was talking about 8 and I was really confused and she proceeded to tell me that 9 a phone line was left off the hook and that they had a 10 conversation of me recorded and that she played it for the 11 three commissioners and that the commissioners decided that 12 I should be suspended over what I said. She wouldn't play 13 it for me. I begged her to play it for me. She told me she 14 was advised by the commissioners not to play it for me. I 15 sat back and I cried. 16 We talk about a lot of things that day. I 17 finally had somebody there from Human Resources and I was 18 trying to get it all out, trying to say how unfair I was 19 being treated, how Gary was treating me, what they were 20 doing to me, how they were stacking things against me. I 21 even said it in front of Audrey, that Gary told me once that 22 Commissioner Getz wanted me fired and he didn't deny it in 23 front of Audrey Miller. 24 When I was ready to leave Audrey asked me if 25 I was okay to leave and I said that I had to be because I</p>	<p style="text-align: right;">Page 76</p> <p style="text-align: center;">M. Miller - Geiger 76</p> <p>1 Q Did you ever talk to Charlie Getz about your 2 termination? 3 A I don't remember, no. 4 Q Or did you ever talk to them about the 5 recording that was made in April of 2005? 6 A I don't recall, no. I don't think I saw any of 7 them after that. 8 Q When was -- I mean, have you ever spoken to any 9 of the three commissioners during the 2005 calendar year? 10 A Oh, I talked to Commissioner O'Gurek. I had 11 gone to him through the recommendation of State 12 Representative McCall call after they were promoted and were 13 not receptive to any of my -- they were not welcoming any of 14 my ideas on the floor or anything like that. 15 Q What do you mean after they were promoted? 16 A After Mary and Gary were promoted in 2004. I 17 did see Commissioner O'Gurek at a meeting and Mary Kelshaw 18 was present. I will originally gone to State Representative 19 McCall to ask him to help me to find employment because I 20 knew I wasn't going anywhere but where I was. There was no 21 opportunity to promote, they were both very young, and they 22 were -- they didn't want to hear any of my ideas or anything 23 like that, so I had gotten to State Representative McCall. 24 He's in charge -- he was Chairman of Transportation and he 25 was -- of the turnpike, he was on the turnpike, and there</p>
<p style="text-align: right;">Page 75</p> <p style="text-align: center;">M. Miller - Geiger 75</p> <p>1 had to go home because my mother was there 'cause my mother 2 was living with me and dying and I turned around and I got 3 in my car and I went home and I stayed there until I was 4 allowed to go back to work again. 5 Q But did they tell you at that meeting how the 6 phone ended up being off the hook? 7 A No. Wouldn't tell me anything. I never knew 8 anything. 9 Q The original question I asked, though, was do 10 you have proof that any of the defendants that are named in 11 this case caused the phone to be left off the hook? 12 A No, I don't have -- I don't have a picture. 13 MR. PHILLIPS: I'll object, although it's in 14 some of the information she's testified to previously but 15 you can answer that. The word proof is kind of broad, but 16 go ahead. 17 A I don't have -- 18 Q Well -- 19 A I don't have a picture of anybody leaving it 20 off the hook intentionally, I don't have anybody saying that 21 so and so left it off intentionally. I know don't. 22 Q Now, did you have any direct conversations with 23 any of the three commissioners about your termination? 24 A No, I don't think so. I don't recall it. I 25 don't think so.</p>	<p style="text-align: right;">Page 77</p> <p style="text-align: center;">M. Miller - Geiger 77</p> <p>1 were different routes and stuff and after we talked I filled 2 out an application and he had suggested that, you know, I go 3 talk to Billy O'Gurek, Commissioner O'Gurek about, you know, 4 my ideas and clear the air. 5 Q When was this? 6 A It was after -- it was after May of 2004, but I 7 never -- I don't recall, I don't recall ever speaking to any 8 of the commissioners after I was terminated, I don't. 9 Q But -- so, during the 2005 calendar year is 10 what I asked you. You don't remember having any 11 conversation with any of the commissioners. 12 A I called Commissioner O'Gurek once on a 13 Saturday. No, that was '04, that was '04. No, I -- no, 14 I couldn't. I would have gotten in trouble for going out of 15 chain of command. That was the last thing that I would have 16 done was contact them directly. I was in enough trouble the 17 way that it was with everybody. I never would have 18 contacted any of the commissioners to say, "Please sit 19 down." I mean, there was Randy Smith who was to be the go- 20 between between the employees and the commissioners and I 21 would have never picked up the phone and got myself in more 22 trouble with them people. 23 Q My question also includes after you were 24 terminated. 25 A I don't recall. I don't recall.</p>

<p style="text-align: right;">Page 14</p> <p>W. Nothstein - Phillips 14</p> <p>1 Q And how many years, approximately, before you 2 became commissioner did you know her?</p> <p>3 A I'm not sure what year they were dispatching 4 out of the fire company when she started there, I'm not sure 5 of those years. I'd say -- I'm just guessing. Maybe 6 probably around the '80s, anyway, I'm not sure.</p> <p>7 Q Was the fire company involved with the 8 dispatcher calls at that time?</p> <p>9 A Not really, no, no.</p> <p>10 Q Before the 9-1-1 system how were the fire 11 companies dispatched to a fire?</p> <p>12 A Well, when it first started out the dispatchers 13 used to be -- most of the time it was during the day shift. 14 A lot of the police in Lehighton would take the call for our 15 area and it kept building more and more. Communications 16 started coming into Lehighton as well as in the Lansford 17 area, they had another little comm center up there. I think 18 there was one or two -- maybe only one dispatcher at that 19 time and then I think they both got up to two dispatchers, 20 I believe it was, until they finally formed a commission or 21 authority, whatever it was, telecommunications commission, 22 and they took a position up in the courthouse annex I think 23 is where they really started or moved to there and they were 24 in the courthouse annex for a while before the county 25 actually took over dispatching.</p>	<p style="text-align: right;">Page 16</p> <p>W. Nothstein - Phillips 16</p> <p>1 Q Prior to your being County Commissioner?</p> <p>2 A Correct.</p> <p>3 Q And who were the members of the Board of 4 Commissioners when you held that job?</p> <p>5 A Dean DeLong, Tom Gerhard, and John Mogilski 6 were commissioners the year I was hired in '95. There was a 7 change in '96 and it became Mogilski, Getz, and Gerhard in 8 '96.</p> <p>9 Q And why did you leave that position?</p> <p>10 A To run for county commissioner.</p> <p>11 Q And you've been commissioner since that time.</p> <p>12 A Since May, no. I didn't get elected until the 13 following year. I had to take another position until the 14 election.</p> <p>15 Q What did you do after that?</p> <p>16 A Between? I worked for an environmental 17 abatement company as a warehouse manager.</p> <p>18 Q Are you currently employed now in any other 19 position?</p> <p>20 A No.</p> <p>21 Q Now, did anybody ever complain to you about 22 Mary Miller's job performance?</p> <p>23 A I've heard complaints, yes, from emergency 24 services in particular.</p> <p>25 Q And from who specifically?</p>
<p style="text-align: right;">Page 15</p> <p>W. Nothstein - Phillips 15</p> <p>1 Q Did you ever have any training or experience in 2 dispatching emergency calls?</p> <p>3 A No, no formal training.</p> <p>4 Q Were you ever involved with the dispatch of 5 emergency calls?</p> <p>6 A Not really. I -- in my capacity as a county 7 emergency management coordinator if things got extremely 8 busy I would sometimes assist in answering calls just to 9 take some of the calls in particular when there was major 10 events such as flooding or something like that we'd get some 11 of those calls also.</p> <p>12 Q When you say emergency -- you were Emergency 13 Management Coordinator for Carbon County?</p> <p>14 A Correct.</p> <p>15 Q And what was your job?</p> <p>16 A Mostly that position in particular is the 17 planning and training, responding to, and recovery from 18 incidents.</p> <p>19 Q Was that a paid job or a volunteer position?</p> <p>20 A That was a paid position with the county.</p> <p>21 Q And how long did you hold that position?</p> <p>22 A I think it was about three years and nine 23 months or something like that.</p> <p>24 Q And approximately when was this?</p> <p>25 A From July 31st of '95 through May of '99.</p>	<p style="text-align: right;">Page 17</p> <p>W. Nothstein - Phillips 17</p> <p>1 A All of them; fire, police, ambulance.</p> <p>2 Q Can you give me some individual names?</p> <p>3 A Not in particular. I know there was one 4 incident that a police officer complained. It was mostly -- 5 and it's not job performance, it was mostly, sometimes, 6 attitude on the radios and what was said. In one case in 7 particular I can mention was telling a police officer "I 8 don't have my crystal ball today," and those are things that 9 created problems or complaints.</p> <p>10 Q As we sit here today can you name for me any 11 single individual that had a complaint about Mary Miller?</p> <p>12 A No.</p> <p>13 Q Did you have complaints about Mary Miller's job 14 performance?</p> <p>15 A No, other than items like that and being an 16 emergency responder I would have the radio on a lot and -- 17 just complaints like that, you know. Sometimes attitude a 18 little bit.</p> <p>19 Q Well --</p> <p>20 A Little snappy sometimes, I'd say.</p> <p>21 Q Well, you had complaints is your testimony?</p> <p>22 A Well, yeah. Sometimes I'd be a little 23 concerned the way she was answering the police officers in 24 particular.</p> <p>25 Q Would you give us some examples of things you</p>

<p style="text-align: right;">Page 18</p> <p style="text-align: center;">W. Nothstein - Phillips 18</p> <p>1 had complaints about -- you have to let me finish my 2 question. Give me specific examples of your complaints of 3 conduct of Mary Miller. 4 A I think at times -- I can't think of an exact 5 incident, but sometimes she would be -- I think she went 6 beyond dispatching sometimes in asking the police too many 7 questions after they were given a call. I can't remember 8 any incident offhand. 9 Q Did you take any complaints up that you had 10 with Mary Miller? 11 A Never in writing, no, I never complained in 12 writing. 13 Q Verbally? 14 A Verbally to the managers once or twice, but 15 that's all. 16 Q Who -- did you ever take it up with Mary Miller 17 herself? 18 A I don't think I have. 19 Q Any reason why not? 20 A No, I don't think so. 21 Q Now, you say you took it up with some of the 22 managers. Who did you take up your complaints about Mary 23 Miller with? 24 A I think I made mention once to Mary Krusik, I 25 may have with Richard McGettigan at one time.</p>	<p style="text-align: right;">Page 20</p> <p style="text-align: center;">W. Nothstein - Phillips 20</p> <p>1 to Richard McGettigan? 2 A I don't recall. 3 Q Now, you did vote to terminate Mrs. Miller, 4 correct? 5 A Yes, I did. 6 Q And why did you do that? 7 A Well, because of the recommendations basically 8 of the attorneys. I was present when we did meet with Dan 9 Brennan that day. I know he was there for contract 10 negotiations, I believe, and I think -- I'm not sure if that 11 was -- there was a phone call at one time with Mr. Susanin, 12 same lawfirm, that -- well within the rights to terminate or 13 there was grounds for dismissal. I forget what their 14 wording was. 15 Q Did some attorney recommend to you that Mrs. 16 Miller be terminated? 17 A I don't recall the exact wording. 18 Q Did anybody recommend to you that Mrs. Miller 19 be terminated? 20 A Yes. Mrs. Kruzik from the Comm Center. 21 Q And did you speak to Mrs. Kruzik about this? 22 A I think most of that came through the county 23 administrator. 24 Q Did you investigate any of the accusations of 25 Mrs. Kruzik against Mrs. Miller?</p>
<p style="text-align: right;">Page 19</p> <p style="text-align: center;">W. Nothstein - Phillips 19</p> <p>1 Q What did you complain about Mary Miller to 2 Mrs. Kruzik? 3 A I think it was attitude on the radio sometimes, 4 just came across -- seemed to have an attitude and just 5 didn't sound good for a dispatcher. 6 Q When you say an attitude what do you mean by 7 that exactly? 8 A Tone of voice mostly, I think. 9 Q What was wrong with her tone of voice? 10 A Well, like snapping at the -- maybe the police, 11 in particular, and frustrated maybe sometimes, I don't know. 12 Q And when did you complain to Mary Krusik about 13 this? 14 A Oh, I don't recall. 15 Q Do you know if Mary Krusik undertook any 16 disciplinary action as a result of any complaints you made? 17 A No, I don't think so. I don't think Mary -- 18 not to my knowledge. Not any of my complaints that I can 19 think of. 20 Q Did you complain to anybody other than Mary 21 Krusik? 22 A I don't think so. Well, like one time I think 23 I did complain to Richard McGettigan, but I don't recall the 24 circumstances, I really don't. 25 Q And what was your complaint about Mary Miller</p>	<p style="text-align: right;">Page 21</p> <p style="text-align: center;">W. Nothstein - Phillips 21</p> <p>1 A Only through -- I think it was mostly the 2 responsibility of the administrator who brought it back to 3 us. 4 Q Did you yourself conduct any investigation? 5 A No. 6 Q Did you talk to Mrs. Miller about the 7 accusations at all? 8 A No, I did not. 9 Q Any reason why you didn't talk to her? 10 A I just didn't feel it was protocol. It wasn't 11 protocol. I think mostly the protocol -- protocol should be 12 through Human Resources and though the county administrator 13 to the commissioners. 14 Q So, all the information that you received about 15 Mrs. Miller came from something that was told you by 16 somebody. 17 A And through the attorneys. 18 Q Let me show you what's marked as Exhibit No. 1 19 there and take a look at that and I'll ask you if you've 20 seen that before. 21 A Yeah, I recall this. 22 Q You received that correspondence? 23 A Yes. 24 Q Did you ever have occasion to talk to Mary 25 Krusik about Mrs. Miller prior to receiving that</p>

<p style="text-align: right;">Page 26</p> <p>W. Nothstein - Phillips 26</p> <p>1 A When they brought it to me?</p> <p>2 Q Yes.</p> <p>3 A Well, yes.</p> <p>4 Q When did you first learn of this?</p> <p>5 A I think it was just when they brought it to me.</p> <p>6 Q Do you know when in relation -- when they</p> <p>7 brought it to you when the taperecording was actually made?</p> <p>8 A That I can't say with any certainty, no, I</p> <p>9 can't tell you that.</p> <p>10 Q Can you describe the tape? Was it a disc, CD?</p> <p>11 A It was a CD, yeah, regular disc that you put in</p> <p>12 in the computer.</p> <p>13 Q And you were present during the other</p> <p>14 commissioners' testimony, correct?</p> <p>15 A Yes.</p> <p>16 Q And it was attempted to be played on one piece</p> <p>17 of equipment first?</p> <p>18 A To my understanding it could not be played --</p> <p>19 I think I was called back because they could not play it on</p> <p>20 that computer for some reason. Maybe she didn't have the</p> <p>21 right program loaded or what, I don't know.</p> <p>22 Q Whose computer was that?</p> <p>23 A Kathy Lienhard, Kathy, and that was Randy's</p> <p>24 administrative assistant or secretary there and we took it</p> <p>25 and put in it my computer.</p>	<p style="text-align: right;">Page 28</p> <p>W. Nothstein - Phillips 28</p> <p>1 A We heard yelling and some profanity and</p> <p>2 complaining. Was not the most legible.</p> <p>3 Q Did -- do you know how much -- how long did you</p> <p>4 listen to the tape?</p> <p>5 A Just a few minutes, I think. I don't think we</p> <p>6 listened long.</p> <p>7 Q Do you know how much longer the tape was?</p> <p>8 A I don't think it was that long at all.</p> <p>9 Q Do you know how long was the entire length of</p> <p>10 the tape?</p> <p>11 A No, I don't, I don't recall that.</p> <p>12 Q Did anybody tell you how the tape was created?</p> <p>13 A Supposedly by a phone being left off the hook</p> <p>14 or something being left open in the communications center.</p> <p>15 Q Who told you that?</p> <p>16 A I think it was Randy when he first brought it</p> <p>17 to me or when Bob [sic] played the tape or something. I</p> <p>18 think, I'm not sure.</p> <p>19 Q Did anybody comment on the tape while it was</p> <p>20 being played?</p> <p>21 A I don't recall any comments. Everybody was</p> <p>22 listening, I think.</p> <p>23 Q Did anybody call your attention to certain</p> <p>24 portions of the tape?</p> <p>25 A I don't think so.</p>
<p style="text-align: right;">Page 27</p> <p>W. Nothstein - Phillips 27</p> <p>1 Q And when you were at the assistant's desk who</p> <p>2 was present?</p> <p>3 A I know Randy Smith was and I'm not sure who</p> <p>4 else might have been.</p> <p>5 Q You were present.</p> <p>6 A Oh, yes.</p> <p>7 Q And what was done to try and play the tape?</p> <p>8 A I don't know. She put it in her -- I didn't</p> <p>9 mess with her computer. She couldn't get it, so then I took</p> <p>10 it and put it in my computer.</p> <p>11 Q And where is your computer in relation to her</p> <p>12 computer?</p> <p>13 A About three offices down.</p> <p>14 Q Were you directed to a specific point on the</p> <p>15 tape or did you just --</p> <p>16 A No, all I had to do was hit the button and I</p> <p>17 did not have to go to a specific point to my knowledge.</p> <p>18 Q To your understanding was the tape completely</p> <p>19 played?</p> <p>20 A I don't know if we finished playing the tape or</p> <p>21 not because it was -- from what I remember it was only a few</p> <p>22 minutes and I don't recall if we played it all the way to</p> <p>23 the end or not, but I know I did not have to go to any</p> <p>24 particular point, all I had to do was hit Play.</p> <p>25 Q And what did you hear as soon as you hit Play?</p>	<p style="text-align: right;">Page 29</p> <p>W. Nothstein - Phillips 29</p> <p>1 Q Did anybody say anything after the tape was</p> <p>2 played?</p> <p>3 A No, not really.</p> <p>4 Q Do you know why you didn't listen to the tape</p> <p>5 all the way through? Was there a reason?</p> <p>6 A No need to. There was nothing other than</p> <p>7 yelling, complaining.</p> <p>8 Q Did the contents of taperecording have anything</p> <p>9 to do with your decision to terminate Mrs. Miller?</p> <p>10 A Absolutely not.</p> <p>11 Q Did you discuss the taperecording with anybody</p> <p>12 else after it was played?</p> <p>13 A I don't think so.</p> <p>14 Q Did you consult any attorneys regarding the</p> <p>15 taperecording after it was played?</p> <p>16 A I don't remember if Susanin's office was</p> <p>17 contacted or not, I don't recall.</p> <p>18 Q Do you know where the tape was placed after it</p> <p>19 was played?</p> <p>20 A No, I don't.</p> <p>21 Q Do you know who took possession of the tape?</p> <p>22 A I think -- not positive. I thought it went</p> <p>23 back to Randy Smith to my knowledge.</p> <p>24 Q Do you know where it is today?</p> <p>25 A No, I do not.</p>

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	W. O'Gurek - Phillips	38		W. O'Gurek - Phillips	40
1	A	No.	1	tape."	
2	Q	Which office?	2	Q	Did you listen to the entire tape?
3	A	Commissioner Nothstein's office.	3	A	Yes.
4	Q	Did you know they were coming to that office?	4	Q	How long was it?
5	A	No. I don't think they had plans to go to that	5	A	I don't remember, I don't remember. I remember
6		office, I think they went there because they determined that	6		listening to it and sitting in Wayne's office. I don't know
7		that's where they knew they could play the tape.	7		how long that was.
8	Q	Did you know that these people were coming to	8	Q	What kind of device was it played on?
9		meet with the commissioners for some specific reason?	9	A	It was played on a computer.
10	A	No.	10	Q	And whose computer?
11	Q	They were just there and then you found out	11	A	Commissioner Nothstein's.
12		when they were there --	12	Q	And who placed it into the computer?
13	A	My understanding is they arranged, like I had	13	A	Geez. I'm going to guess at this and say that
14		said, to come down to talk to the county administrator about	14		Wayne was seated at his desk and proceeded to put it in.
15		what Mary Krusik and Gary Williams perceived to be a	15	Q	Was it represented to you that it was played
16		problem.	16		from beginning to end?
17	Q	What did the county administrator specifically	17	A	Yes. My recollection is that whatever you do
18		tell you was the problem?	18		to start the DVD you press the key and start it and then it
19	A	I don't know that the county administrator told	19		played to the very end and then someone said, "Well, that's
20		me anything. I know that I was made aware by one of four or	20		it, that's the extent of it."
21		five people in the room that there was a microphone	21	Q	Did anybody tell you how they obtained this
22		accidentally left on that morning and that when Mary Miller	22		tape?
23		came into the Comm Center that morning she was very vocal	23	A	No.
24		and we listened to the tape and, again, what happened is	24	Q	Did you ask anybody how they obtained the tape?
25		after we listened to the tape we instructed Mary Krusik to	25	A	My understanding is that -- I didn't ask anyone
Page 39			Page 41		
	W. O'Gurek - Phillips	39		W. O'Gurek - Phillips	41
1		contact Attorney Susanin's office to discuss whether any	1		to answer your question. I didn't ask anyone, but my
2		action needed to be taken.	2		understanding is that Gary Williams in his position as the
3	Q	What did the tape look like?	3		assistant director part of his responsibilities is to do
4	A	I think it was either a CD or a -- what's the	4		qualify assurance and my understanding is that Gary Williams
5		other one?	5		was reviewing the dispatching of that day and Gary pointed
6		MR. GEIGER: DVD.	6		it out to Mary Krusik.
7	A	DVD or CD, and that was the problem. I think	7	Q	And do you know when the quality assurance took
8		the first time when they came down to play it they were	8		place, when he was doing that in relation to when the tape
9		playing it in an office next to where Mr. Smith's desk is	9		was actually recorded?
10		and they couldn't play it and then they took it to	10	A	My guess would only be that it took place
11		Commissioner Nothstein's to play it and I think it was a DVD	11		during the morning that it happened. If I recall, Mary
12		that it was on and I'm sure you guys know what it was on,	12		Miller had been working day shift that day and that this
13		I don't.	13		took place at the outset of the day and that then later in
14	Q	Who brought the tape to the courthouse?	14		the day the arrangement was made for Mary Krusik and Gary
15	A	I didn't see that happen. I can tell you I was	15		Williams to come down to see Randy Smith about that, what
16		told that Mary Krusik and Gary Williams were bringing it	16		they perceived to be a problem.
17		down to talk to Administrator Smith about Mary Krusik's	17	Q	Did anybody represent to you prior to your
18		[sic] actions and conduct that morning.	18		listening to the tape what you were going to hear? Did they
19	Q	And this was Randall Smith who told this to	19		tell you what you were going to hear?
20		you?	20	A	No.
21	A	I don't know that. I told you that it could be	21	Q	How long did it take to play the tape from
22		one of four people. It could have been Wayne, it could have	22		beginning to end?
23		been Mary Krusik, it could have been Gary, it could have	23	A	I don't remember.
24		been Randall, one of the people month who were in that room	24	Q	What did you hear on the tape?
25		when he called me down to say, "We want to you hear this	25	A	Well, I heard Mary -- I don't know how I would

<p style="text-align: right;">Page 42</p> <p style="text-align: center;">W. O'Gurek - Phillips 42</p> <p>1 describe it, but she was loud and vociferous and making</p> <p>2 comments about the commissioners, making comments about the</p> <p>3 operation of the center, and things of that nature.</p> <p>4 Q What specifically did she say that you can</p> <p>5 recall?</p> <p>6 A I can't recall.</p> <p>7 Q And what did Mary Krusik or anybody else that</p> <p>8 was present in the room indicate to you was their objection</p> <p>9 with those statements?</p> <p>10 A Well, if I remember correctly, Mary Krusik and</p> <p>11 Gary Williams had indicated that it was unacceptable</p> <p>12 behavior of Mary Miller in the Comm Center and, accordingly,</p> <p>13 the commissioners instructed them to take the tape and play</p> <p>14 it and consult with Attorney Susanin's office to determine</p> <p>15 if what they felt to be unacceptable behavior was, in fact,</p> <p>16 that.</p> <p>17 Q Did any of the employees at the 9-1-1 center</p> <p>18 complain about her conduct that was recorded on that tape?</p> <p>19 A Not to me.</p> <p>20 Q Did anybody indicate to you that they had</p> <p>21 received complaints from employees regarding what was said</p> <p>22 on that tape?</p> <p>23 A Not to me they did not.</p> <p>24 Q Were you present in the room when they set the</p> <p>25 tape up and then began to play it?</p>	<p style="text-align: right;">Page 44</p> <p style="text-align: center;">W. O'Gurek - Phillips 44</p> <p>1 Q Did they tell you how long the mike had been</p> <p>2 on?</p> <p>3 A No.</p> <p>4 Q Did you ask them how long it had been on?</p> <p>5 A No.</p> <p>6 Q Do you know, when they started the tape was it</p> <p>7 preset to a particular place?</p> <p>8 A I don't know that. I can say that it started</p> <p>9 at Mary's dissertation or whatever you want to call it.</p> <p>10 Q Did you consult with your solicitor or anybody</p> <p>11 else before you listened to the tape?</p> <p>12 A No.</p> <p>13 Q Did you consult with your solicitor or any</p> <p>14 other attorney after you listened to the tape?</p> <p>15 A No.</p> <p>16 MR. GEIGER: Well, he obviously -- I'm</p> <p>17 defending the case.</p> <p>18 MR. PHILLIPS: Okay.</p> <p>19 Q Well, other than Attorney Geiger did you seek</p> <p>20 an opinion from anyone regarding the legality of playing the</p> <p>21 tape or the creation of the tape?</p> <p>22 A No, I did not.</p> <p>23 Q Do you know if any of the other solicitors,</p> <p>24 any of the other commissioners did?</p> <p>25 A I don't know.</p>
<p style="text-align: right;">Page 43</p> <p style="text-align: center;">W. O'Gurek - Phillips 43</p> <p>1 A I can recall us all being in the room and I can</p> <p>2 recall Commissioner Nothstein at his desk at the computer</p> <p>3 which is behind his desk and playing it. Now, how that was</p> <p>4 set up -- I don't think it required any setting up. He</p> <p>5 certainly has the setup there for a lot of other things that</p> <p>6 he needs for his line of work and I guess setup would mean</p> <p>7 putting a disc in or DVD in or whatever it's called. I did</p> <p>8 not see it actually go in, I didn't see any prompts on the</p> <p>9 screen. I remember walking in and the tape beginning to</p> <p>10 play after, apparently, someone prompting it.</p> <p>11 Q Did you ask anybody how they obtained the tape?</p> <p>12 A No.</p> <p>13 Q Did anybody tell you how they obtained the</p> <p>14 tape?</p> <p>15 A No.</p> <p>16 Q You made reference to the fact that you believe</p> <p>17 there was an inadvertent microphone left open.</p> <p>18 A Mm-hmm.</p> <p>19 Q Did somebody tell you that?</p> <p>20 A Yes.</p> <p>21 Q Who told you that?</p> <p>22 A I would say either Mary or Gary, one or the</p> <p>23 other in their preface to us about what we were about to</p> <p>24 hear. It was indicated to us that that mike was on and that</p> <p>25 Mary began the workday and that that episode took place.</p>	<p style="text-align: right;">Page 45</p> <p style="text-align: center;">W. O'Gurek - Phillips 45</p> <p>1 Q Do you know if the taperecording was ever</p> <p>2 transcribed?</p> <p>3 A I don't know that.</p> <p>4 Q Do you know if any copies of the tape were ever</p> <p>5 made?</p> <p>6 A I don't know that as well.</p> <p>7 Q Now, you voted to terminate Mary Miller; is</p> <p>8 that correct?</p> <p>9 A Yes.</p> <p>10 Q And why did you vote to terminate Mary Miller?</p> <p>11 A I voted to terminate Mary Miller on the</p> <p>12 recommendation of the 9-1-1 director after consultation with</p> <p>13 Attorney Susanin's office.</p> <p>14 Q And why was it your consulting Attorney</p> <p>15 Susanin's office?</p> <p>16 A Well, I can tell you that in personnel issues,</p> <p>17 in all personnel issues whether it's the Comm Center or</p> <p>18 otherwise where we have potential personnel actions whether</p> <p>19 it would be suspension, dismissal or otherwise it has been</p> <p>20 the practice of this board of commissioners to seek legal</p> <p>21 advice.</p> <p>22 Q Was your reason for terminating Mary Miller</p> <p>23 based solely upon the information provided to you by the</p> <p>24 director?</p> <p>25 A Yes.</p>

Page 6	Page 8
<p>1 Q. And how long you been licensed?</p> <p>2 A. Oh, gee. I was grandfathered in, so I've been</p> <p>3 licensed since licensing came into effect.</p> <p>4 Q. Do you still practice as a social worker, currently?</p> <p>5 A. I still maintain a license in social work.</p> <p>6 Q. Okay. But do you maintain a practice in conjunction</p> <p>7 with your county employment?</p> <p>8 A. I just discontinued a small private practice Friday</p> <p>9 of last week.</p> <p>10 Q. Okay. And where did you have that – maintain that?</p> <p>11 A. I had an office in my home.</p> <p>12 Q. Now, currently, with the county, do you have an immediate</p> <p>13 supervisor other than the County Commissioners?</p> <p>14 A. No, I report directly to the Commissioners.</p> <p>15 Q. And can you tell me what your job duties are as Chief</p> <p>16 Clerk/County Administrator?</p> <p>17 A. It's primarily to enforce the policies as derived by</p> <p>18 the County Board of Commissioners.</p> <p>19 Q. Do all the department heads report to you?</p> <p>20 A. Only those departments that are directly under the</p> <p>21 auspices of the County Commissioners.</p> <p>22 Q. Okay. Do they report to you with regard to budgeting</p> <p>23 issues?</p> <p>24 A. They do.</p> <p>25 Q. Do the departments prepare their own budgets?</p>	<p>1 Q. Attend any of his political functions?</p> <p>2 A. I have not.</p> <p>3 Q. Do you know Commissioner Getz?</p> <p>4 A. I do.</p> <p>5 Q. And how long have you known him?</p> <p>6 A. I've known him much longer. My family and his family</p> <p>7 both grew up in a rural Carbon County, so I've known him</p> <p>8 indirectly for a long time.</p> <p>9 Q. Can you estimate for me how long you've known</p> <p>10 Commissioner Getz?</p> <p>11 A. Oh, gee. I'd say fifteen years.</p> <p>12 Q. Okay. Is he a personal friend of yours, someone you</p> <p>13 socialize with?</p> <p>14 A. No.</p> <p>15 Q. Ever contribute to any of his campaigns?</p> <p>16 A. I have not.</p> <p>17 Q. Attend any of his political functions?</p> <p>18 A. I have not.</p> <p>19 Q. And how about Commissioner Nothstein? Do you know</p> <p>20 him at all?</p> <p>21 A. Yes, I do.</p> <p>22 Q. And how long have you known him?</p> <p>23 A. I knew him upon joining the county, because he was</p> <p>24 the Emergency Management Director at that time, so I had working</p> <p>25 relationships with him. And since he's been Commissioner, of</p>
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<p>1 A. Preliminarily, yes.</p> <p>2 Q. Does the emergency center report -- their Director --</p> <p>3 report to you?</p> <p>4 A. Yes.</p> <p>5 Q. And is it fair to say the chain of command would be</p> <p>6 the Director of the 911 Center, yourself, and then the County</p> <p>7 Commissioners?</p> <p>8 A. That's true.</p> <p>9 Q. Okay. Now, do you know Commissioner O'Gurek?</p> <p>10 A. I do.</p> <p>11 Q. If I'm pronouncing that right. And how long have you</p> <p>12 known him?</p> <p>13 A. I knew him casually when he was the Prothonotary in the</p> <p>14 county, and when he became Commissioner, I've known him much more</p> <p>15 closely because I worked directly under him.</p> <p>16 Q. Did he vote to hire you to your current position?</p> <p>17 A. He was not in office when I was originally hired.</p> <p>18 Q. Who were the Commissioners at that time?</p> <p>19 A. They were John McGilsky, Charles Getz, and Tom</p> <p>20 Gerhardt.</p> <p>21 Q. Okay. Do you know Commissioner O'Gurek socially at</p> <p>22 all? Is he a personal friend of yours?</p> <p>23 A. We don't see each other outside of work.</p> <p>24 Q. Okay. Ever contributed to any of his campaigns?</p> <p>25 A. I have not.</p>	<p>1 course, I work under him, as well.</p> <p>2 Q. Ever contribute to any of his campaigns?</p> <p>3 A. I have not.</p> <p>4 Q. Attend any of his political functions?</p> <p>5 A. I have not.</p> <p>6 Q. Do you have a subordinate staff that's assigned</p> <p>7 directly to you? Clerical staff?</p> <p>8 A. Yes.</p> <p>9 Q. How many people work for you?</p> <p>10 A. I have an Assistant Chief Clerk whose name is Eloise</p> <p>11 Varner, and I have a secretary, Kathleen Leinhard.</p> <p>12 Q. Have you ever been a member of the collective</p> <p>13 bargaining unit for any reason?</p> <p>14 A. No.</p> <p>15 Q. In your capacity as Chief Clerk, are you involved in</p> <p>16 the negotiations with the union?</p> <p>17 A. I am.</p> <p>18 Q. It's my understanding, AFSCME is the collective</p> <p>19 bargaining unit representative?</p> <p>20 A. For the 911 Center, yes. There's other bargaining</p> <p>21 units.</p> <p>22 Q. Other than AFSCME?</p> <p>23 A. Yes.</p> <p>24 Q. Who else is?</p> <p>25 A. Pennsylvania Nurses Association, PNA, and the</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. During the course of your employment, did anybody 2 ever complain about Mr. Williams' job performance to you for any 3 reason? 4 A. No. Just one issue with manner of dress when he was 5 a 911 operator. 6 Q. What was the issue with his manner of dress? 7 A. He made the front page of the local newspaper wearing 8 a tank top. And we brought it to Mr. Williams' attention. 9 Q. What time frame was that? 10 A. Oh, gee. That must have been about 1999 maybe. I'm 11 guessing. 12 Q. Did you ever have any complaints about Mr. Williams' 13 job performance? 14 A. No. 15 Q. Do you know Mary Miller, who's seated here today? 16 A. Yes, I do. 17 Q. How long have you known Mary? 18 A. Since August of 1998. 19 Q. And what was her capacity when you came on board? 20 A. Mary was a 911 operator. 21 Q. Did you ever have any contact with her at that time 22 for any reason? 23 A. Yes. 24 Q. And what would that be? 25 A. There was a charge of sexual harassment made by Mary Miller</p>	<p style="text-align: right;">Page 20</p> <p>1 yourself, about her job performance? 2 A. Only upon being part of the process to review complaints did I 3 see that some complaints seemed to be founded. Some complaints 4 perhaps were not. 5 Q. And which ones did you believe to be founded? 6 A. Of course, the matters that were brought to 7 disciplinary action, I felt were founded. 8 Q. Were you directly involved in any disciplinary action 9 for Mrs. Miller? 10 A. I was involved in the investigative aspect, yes. 11 Q. Okay. And when you say investigative aspect, can you 12 expand on that – what that means? 13 A. If there's a complaint, we – you know, the Director 14 begins an investigation, and then oftentimes a Director will ask 15 for guidance as to how to complete an investigation. 16 Q. Can you identify for me a particular complaint that 17 caused you to initiate an investigation against Mrs. Miller? 18 A. Well, one was the call from the ski slope, where we 19 had two ambulances en route to the same incident. 20 Q. How did that come to your attention? 21 A. By way of the Director. 22 Q. Mrs. Kruzik? 23 A. I believe it was. 24 Q. And what was her complaint about that call? 25 A. I believe the result was having two ambulance</p>
<p style="text-align: right;">Page 19</p> <p>1 against her 911 Director at the time. 2 Q. And this was Mr. Kuhns? 3 A. That's correct. 4 Q. And he was terminated as a result of that? 5 A. He was. 6 Q. Did anybody ever complain to you about Mary Miller's 7 job performance? 8 A. Not directly, but we were knowing there were 9 complaints about Mary Miller's job performance that were going 10 into the 911 Center. 11 Q. When you say we, who are you referring to? 12 A. We. The Commissioners' Office had received calls 13 from different responders who found Mary's tone to be 14 inappropriate when operating – dispatching. 15 Q. Did anybody complain directly to you about it? 16 A. Not directly to me. 17 Q. Okay. Do you know who they would have complained to? 18 A. Complaints would have gone to the Commissioners, 19 would have gone to the Director. The Director would have been 20 McGettigan, the Director would have been Kruzik, the Director 21 would have been Williams. 22 Q. Did you individually have any complaints about Mary 23 Miller's job performance? 24 A. I did not get direct complaints. 25 Q. I'm asking – did you have any complaints? You,</p>	<p style="text-align: right;">Page 21</p> <p>1 services, instead of one, racing to the site of an incident. I 2 believe that was it. 3 Correct me if I'm wrong. 4 Q. And what if anything did you do about that? 5 A. Me personally? 6 Q. Yes. 7 A. I was part of the investigative end of things, 8 advising the Director on how to conduct the investigation, and 9 fielding the recommendation. 10 Q. What was done as part of the investigation? 11 A. I didn't complete the investigation myself. I 12 believe it would have been Mary Kruzik to determine just the 13 appropriateness of the management in which the call was handled. 14 Q. What did you do as part of the investigation? Direct 15 people to make inquiries, did you do interviews? 16 A. I did not conduct the interviews. I was mostly 17 receiving information from Mary, who was conducting the 18 investigation. 19 Q. What was the conclusion of that investigation? 20 A. There was a recommendation for a suspension. 21 Q. And when was this? 22 A. I'm not sure. 23 Q. And was it Mary Kruzik that made that recommendation? 24 A. I believe it was. 25 Q. And was Mrs. Miller suspended?</p>

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<p>1 A. Not to me, no.</p> <p>2 Q. Did any of these individuals go to anybody other than</p> <p>3 yourself and make complaint about what Mary Miller was saying on</p> <p>4 that tape?</p> <p>5 A. I'm not certain.</p> <p>6 Q. After you got done playing the tape recording, what</p> <p>7 did Mary Kruzik have to say, if anything?</p> <p>8 A. I recall her saying that it was highly inappropriate</p> <p>9 and unacceptable for this kind of behavior to take place in the</p> <p>10 workplace. Something to that effect.</p> <p>11 Q. Before this time, had Mary Kruzik ever complained to</p> <p>12 you about Mary Miller?</p> <p>13 A. Yes.</p> <p>14 Q. On how many occasions?</p> <p>15 A. Numerous.</p> <p>16 Q. And as a result, at that point was a determination</p> <p>17 made to</p> <p>18 suspend or terminate Mrs. Miller?</p> <p>19 A. No.</p> <p>20 Q. Was there ultimately a determination to suspend and</p> <p>21 terminate Mrs. Miller?</p> <p>22 A. Ultimately, yes.</p> <p>23 Q. Okay. And when was that?</p> <p>24 A. That was as a result of the mishandling of the</p> <p>25 suicide call.</p>	<p>1 A. Shortly thereafter.</p> <p>2 Q. Okay. And did you schedule time to specifically go</p> <p>3 listen to this tape with Mrs. Kruzik?</p> <p>4 A. Yes, I did.</p> <p>5 Q. Anybody else present?</p> <p>6 A. No.</p> <p>7 Q. And who played the tape?</p> <p>8 A. She did.</p> <p>9 Q. Do you know if this was the DVD tape or this</p> <p>10 cartridge that we were talking about?</p> <p>11 A. I believe it's the original version. The cartridge.</p> <p>12 Q. Okay. Did you ever inquire of anyone how this tape</p> <p>13 was created?</p> <p>14 A. Yes.</p> <p>15 Q. And who did you inquire?</p> <p>16 A. As part of the investigation, we wanted to know how</p> <p>17 this conversation was recorded.</p> <p>18 Q. So who did you inquire as to how it was recorded?</p> <p>19 A. I dealt directly with Mary Kruzik.</p> <p>20 Q. Anybody else?</p> <p>21 A. I did not conduct the investigation.</p> <p>22 Q. Who did?</p> <p>23 A. Mary Kruzik. I guided her and counseled her and</p> <p>24 advised her, but I did not do it myself.</p> <p>25 Q. Other than Mary Kruzik, did you get information</p>
Page 31	Page 33
<p>1 Q. Was there any decision to undertake any discipline</p> <p>2 because of the tape recording?</p> <p>3 A. Because of what we had heard on the –</p> <p>4 Q. Yes.</p> <p>5 A. Yes, there was a suspension that came out of that.</p> <p>6 Q. And when did that happen?</p> <p>7 A. Shortly after the event took place.</p> <p>8 Q. And was that recommended by anybody?</p> <p>9 A. The Director of the 911 Center.</p> <p>10 Q. That was Mary Kruzik?</p> <p>11 A. Correct.</p> <p>12 Q. Now, you went to the 911 Center to listen to the</p> <p>13 other tape, is that correct?</p> <p>14 A. I tried to listen to other portions of the tape.</p> <p>15 Q. And when you say other, is this –</p> <p>16 A. That would have been copied on the DVD.</p> <p>17 Q. Okay. So we're still dealing with the same DVD? Or</p> <p>18 this cartridge?</p> <p>19 A. No. I'm working off the desk of Mary Kruzik. She would have</p> <p>20 – it would be off the cartridge.</p> <p>21 Q. And when did you go to listen to the tape?</p> <p>22 A. As part of the investigation, when it was actively</p> <p>23 going on.</p> <p>24 Q. When in relation to the meeting that you had where it</p> <p>25 was played for the Commissioners? How soon?</p>	<p>1 pertaining to the recording of the tape from anyone else?</p> <p>2 A. No.</p> <p>3 Q. Did you talk to Gary Williams about how the tape was</p> <p>4 recorded?</p> <p>5 A. As part of the investigation, we all talked about how</p> <p>6 this recording would have taken place.</p> <p>7 Q. Okay. When did you talk about it?</p> <p>8 A. During the course of the investigation.</p> <p>9 Q. Well, how long did the investigation last?</p> <p>10 A. Well, when we have a complaint of this nature, we</p> <p>11 begin investigation immediately. I would believe that this</p> <p>12 investigation took a matter of two or three days. That's my</p> <p>13 recollection.</p> <p>14 Q. Who was conducting this investigation, other than</p> <p>15 yourself and Mary Kruzik?</p> <p>16 A. Well, I was not conducting the investigation. Mary</p> <p>17 Kruzik was leading the investigation.</p> <p>18 Q. What exactly was it that she was doing?</p> <p>19 A. Gathering information from the tape, reproducing it</p> <p>20 so it could be heard, getting statements from co-workers.</p> <p>21 Q. When you say reproducing it so it could be heard, what did</p> <p>22 that involve exactly?</p> <p>23 A. To the DVD. You burned a disc, basically.</p> <p>24 Q. Okay. Were there any other reproductions of the</p> <p>25 tape?</p>

<p style="text-align: right;">Page 6</p> <p style="text-align: center;">Steigerwalt - Phillips 6</p> <p>1 Q Who was your supervisor prior to Gary?</p> <p>2 A Mary Kruzik.</p> <p>3 Q And prior to Mary Kruzik anybody else?</p> <p>4 A Yeah, Dick McGettigan.</p> <p>5 Q Anybody before Mr. McGettigan?</p> <p>6 A No.</p> <p>7 Q Have your duties ever changed in your job?</p> <p>8 A No.</p> <p>9 Q Did you have a particular location that you</p> <p>10 were seated in the 9-1-1 center?</p> <p>11 A No. It depended on which shift you worked.</p> <p>12 Q Did you have a particular shift?</p> <p>13 A No, I -- it depended. Sometimes I was</p> <p>14 afternoon shift, then I went to float and worked all the</p> <p>15 shifts, and then I went to night shift.</p> <p>16 Q How often would that vary?</p> <p>17 A Well, whenever an opening came up and if you</p> <p>18 moved a position you moved, so</p> <p>19 Q What I'm asking basically is would you be on a</p> <p>20 night shift for a period of a year or would it vary week to</p> <p>21 week or month to month?</p> <p>22 A It depended on what job you had. When I</p> <p>23 started I was hired as afternoon. When a float position</p> <p>24 opened up I applied for that and filled the float position</p> <p>25 and when a night position opened up I applied for that and</p>	<p style="text-align: right;">Page 8</p> <p style="text-align: center;">Steigerwalt - Phillips 8</p> <p>1 Q Now, you know Mary Miller?</p> <p>2 A Yes.</p> <p>3 Q And how long have you known Mary?</p> <p>4 A Since I started at the Comm Center.</p> <p>5 Q And did you work on shifts with Mary?</p> <p>6 A Yes, when I was a float.</p> <p>7 Q How frequently would you work with Mary?</p> <p>8 A Oh, god, I have no idea. Our schedules varied</p> <p>9 every week.</p> <p>10 Q And you know Mr. Williams who is here today,</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q And approximately how long has he been your</p> <p>14 supervisor?</p> <p>15 A A year? I'm not even sure.</p> <p>16 Q Did you work with Mr. Williams before he was</p> <p>17 your supervisor?</p> <p>18 A Occasionally.</p> <p>19 Q What did he do at that time?</p> <p>20 A He was a dispatcher.</p> <p>21 Q Now, did Mr. Williams ever have any complaints</p> <p>22 to you about Mrs. Miller for any reason?</p> <p>23 A No.</p> <p>24 Q Did you ever have any complaints about Mrs.</p> <p>25 Miller?</p>
<p style="text-align: right;">Page 7</p> <p style="text-align: center;">Steigerwalt - Phillips 7</p> <p>1 filled the night position.</p> <p>2 Q Were you always at the same location you're at</p> <p>3 now as far as the 9-1-1 center?</p> <p>4 A Same building, yes.</p> <p>5 Q Are you a member of the collective bargaining</p> <p>6 unit?</p> <p>7 A Yes.</p> <p>8 Q Have you ever filed any grievances against the</p> <p>9 county for any reason?</p> <p>10 A Not that I can remember.</p> <p>11 Q Have you ever been disciplined for any reason</p> <p>12 in your job?</p> <p>13 A We get Q&A'd.</p> <p>14 Q What do you mean by that?</p> <p>15 A Where they listen to calls and then they'll</p> <p>16 write up what they heard and kind of grade you on it.</p> <p>17 Q But has the county ever indicated to you that</p> <p>18 you've been disciplined or warned you for the violation of</p> <p>19 any protocol of any kind?</p> <p>20 A No, just for sick leave. I've been out sick</p> <p>21 and you get -- you go through different stages with the sick</p> <p>22 leave, but</p> <p>23 Q Did the county do something because of sick</p> <p>24 leave?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 9</p> <p style="text-align: center;">Steigerwalt - Phillips 9</p> <p>1 A I guess occasionally, yeah.</p> <p>2 Q And what were those complaints?</p> <p>3 A Not really complaints, I guess, so much as</p> <p>4 sometimes she got a little excitable.</p> <p>5 Q I want to show you what we'll mark as</p> <p>6 Exhibit 1.</p> <p>7 A I have to get my glasses out.</p> <p>8 (HANDWRITTEN STATEMENT dated 8-16-04 marked for</p> <p>9 identification as Steigerwalt Exhibit No. 1.)</p> <p>10 A Yeah.</p> <p>11 Q Can you identify this for me, what this is?</p> <p>12 A Yeah, I remember this. It was right before I</p> <p>13 had my thyroid surgery and I was rather ill from the</p> <p>14 medication I had to take prior to the surgery and I was</p> <p>15 mandated and because I was mandated I had made arrangements</p> <p>16 for somebody to cover my next shift because I knew I'd never</p> <p>17 make it and when she came in she was so pissed off because</p> <p>18 she was going to get mandated on afternoon shifts, so she</p> <p>19 screamed and hollered and ranted and raved and carried on</p> <p>20 all morning.</p> <p>21 Q When you say mandated what does that mean</p> <p>22 exactly?</p> <p>23 A We have to stay because nobody is relieving us.</p> <p>24 Q You'd have to work another shift?</p> <p>25 A Yeah, so I worked a night shift and then I had</p>

<p style="text-align: right;">Page 10</p> <p>Steigerwalt - Phillips 10</p> <p>1 to work a day shift.</p> <p>2 Q And how did you learn of that?</p> <p>3 A I don't remember. Somebody must have called in</p> <p>4 and called off.</p> <p>5 Q Do you know who was all present when this</p> <p>6 occurred?</p> <p>7 A When -- the yelling and screaming?</p> <p>8 Q When -- who was on the shift that you were</p> <p>9 mandated to stay?</p> <p>10 A Oh, I don't know. It was me and whoever I was</p> <p>11 working with at the time, but it was my relief that wasn't</p> <p>12 coming in, so I had to stay. I don't even remember who I</p> <p>13 worked with.</p> <p>14 Q If you look at the last page of the statement</p> <p>15 it's dated August 16th, 2004. Was that the time you</p> <p>16 prepared this?</p> <p>17 A Yeah, it probably was about then because I had</p> <p>18 my surgery then; August.</p> <p>19 Q You had your surgery, I'm sorry, before this or</p> <p>20 right after this?</p> <p>21 A This was right before my surgery.</p> <p>22 Q And at this time was -- who was your</p> <p>23 supervisor?</p> <p>24 A I have no idea. Probably Mary.</p> <p>25 Q Did anybody ask you to prepare a statement?</p>	<p style="text-align: right;">Page 12</p> <p>Steigerwalt - Phillips 12</p> <p>1 A I would have no idea.</p> <p>2 Q Other than this incident can you identify me</p> <p>3 any other specific instances where you had complained about</p> <p>4 Mary's job performance?</p> <p>5 A Not that I can think of. I couldn't tell you</p> <p>6 what I had for dinner two days ago.</p> <p>7 Q You have to let me finish my question. My</p> <p>8 question was on any particular occasion did you have a</p> <p>9 specific complaint about Mary's job performance?</p> <p>10 A Not that I can remember.</p> <p>11 Q Did you work with anyone that ever complained</p> <p>12 to you about Mary's job performance?</p> <p>13 A Not that I remember.</p> <p>14 Q Do you know if anybody had made any complaints</p> <p>15 about your job performance, co-workers, things of that ...?</p> <p>16 A It's possible. I couldn't tell you.</p> <p>17 Q Can you tell me where you -- did you have to do</p> <p>18 any training for the 9-1-1 center?</p> <p>19 A Yep.</p> <p>20 Q What's your educational background? Where did</p> <p>21 you go to school?</p> <p>22 A I graduated from Neshaminy High School and I</p> <p>23 went to Lehigh County Community College and got my</p> <p>24 Bachelor's and then I went to Lafayette College and I'm</p> <p>25 about three classes short of my Bachelor's degree. I got my</p>
<p style="text-align: right;">Page 11</p> <p>Steigerwalt - Phillips 11</p> <p>1 A No.</p> <p>2 Q This is something you did on your own?</p> <p>3 A Yeah.</p> <p>4 Q And there's a little --</p> <p>5 A I was very upset.</p> <p>6 Q There's a little Received stamp on the front.</p> <p>7 A Okay.</p> <p>8 Q Do you know who placed that on the</p> <p>9 A No, I don't.</p> <p>10 Q Did you give this to somebody?</p> <p>11 A Yeah, I would have turned it in to my</p> <p>12 supervisor.</p> <p>13 Q Did you speak to her about your complaints</p> <p>14 verbally?</p> <p>15 A Probably, yeah, I would imagine. I don't</p> <p>16 remember.</p> <p>17 Q And what essentially were your complaints at</p> <p>18 this time about Mary?</p> <p>19 A Well, her screaming and hollering and carrying</p> <p>20 on, I remember, but</p> <p>21 Q Did any anybody else complain about having been</p> <p>22 mandated?</p> <p>23 A I don't know if anybody else got mandated.</p> <p>24 Q Was there any action taken that you're aware of</p> <p>25 against Mary as a result of this statement?</p>	<p style="text-align: right;">Page 13</p> <p>Steigerwalt - Phillips 13</p> <p>1 Associate's from the community college.</p> <p>2 Q And can you tell me what type of courses or</p> <p>3 training you had for the 9-1-1 center?</p> <p>4 A Carbon gives you about 200 hours of training</p> <p>5 and you have APCO training and EMD training.</p> <p>6 Q At the 9-1-1 center where you work did you have</p> <p>7 like a series of cards, EMD cards that you work from?</p> <p>8 A Yes.</p> <p>9 Q And how are they configured? Where are the</p> <p>10 cards at?</p> <p>11 A They sit right at each console.</p> <p>12 Q And is there a name for them?</p> <p>13 A They're just our Emergency Medical Dispatch</p> <p>14 cards.</p> <p>15 Q And what type of information is on those cards?</p> <p>16 A It depends on what you're looking up. You look</p> <p>17 up whatever the caller calls in for and then it takes you</p> <p>18 through step by step what you have to ask them and it gives</p> <p>19 you -- you know, go to this if the answer is this or go to</p> <p>20 this if the answer is that and you just follow what the</p> <p>21 cards tell you.</p> <p>22 Q Each card would have, like, a different type of</p> <p>23 call that would be coming in?</p> <p>24 A Right. It depends on what medical call came in</p> <p>25 what card you turned to.</p>

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<p>1 Q. And you received that position?</p> <p>2 A. March of '04, I believe it was.</p> <p>3 Q. And you were hired for that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know if anybody else applied for that job?</p> <p>6 A. I don't know.</p> <p>7 Q. During the time that – any time you knew Mary Kruzik</p> <p>8 – did anybody have any complaints about Mrs. Kruzik's job</p> <p>9 performance?</p> <p>10 A. Not that I'm aware of.</p> <p>11 Q. Did you ever have any complaints about Mrs. Kruzik's</p> <p>12 job performance?</p> <p>13 ATTY. GEIGER: During that time frame?</p> <p>14 ATTY. PHILLIPS: At any time.</p> <p>15 A. No.</p> <p>16 Q. Never had any complaints about the way Mrs. Kruzik</p> <p>17 performed her job?</p> <p>18 A. No.</p> <p>19 Q. Now, do you know if Mrs. Kruzik had any complaints</p> <p>20 about Mary Miller's job performance?</p> <p>21 A. What do you mean by that?</p> <p>22 Q. Complaints about the way Mrs. Miller was performing</p> <p>23 her job?</p> <p>24 A. No.</p> <p>25 Q. Mrs. Kruzik never, to your knowledge, complained</p>	<p>1 Administrator?</p> <p>2 A. I don't know.</p> <p>3 Q. Did you ever deal with him in any other capacity</p> <p>4 other than Administrator during your employment?</p> <p>5 A. No.</p> <p>6 Q. Do you know of anybody that ever complained about Mr.</p> <p>7 Smith's job performance?</p> <p>8 A. No.</p> <p>9 Q. Did you ever have any complaints about Mr. Smith's</p> <p>10 job performance?</p> <p>11 A. No.</p> <p>12 Q. Do you know if Mr. Smith ever complained about the</p> <p>13 job performance of Mrs. Miller for any reason?</p> <p>14 A. No.</p> <p>15 Q. During the time – the whole course of your employment, from</p> <p>16 dispatcher up to the time of your administrative job – has</p> <p>17 anybody come to you and complained about Mary Miller's job</p> <p>18 performance?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Who would that be?</p> <p>21 A. Well, even when I was a dispatcher. Her fellow</p> <p>22 co-workers would approach.</p> <p>23 Q. Can you give me a time frame?</p> <p>24 A. When the union was there. It was during the union</p> <p>25 time, about 1999. In that neighborhood.</p>
Page 27	Page 29
<p>1 about the way Mrs. Miller performed her job?</p> <p>2 A. I don't know how you mean. Like, when are you</p> <p>3 talking about? When I was Assistant and issues came up?</p> <p>4 Q. At any time. Do you know of any complaints that have</p> <p>5 been made by Mrs. Kruzik about Mrs. Miller, for any reason?</p> <p>6 A. No.</p> <p>7 Q. Now, you know Mr. Williams, who is seated here today,</p> <p>8 correct?</p> <p>9 A. I'm Mr. Williams.</p> <p>10 Q. Not Mr. Williams. Mr. Smith. Sorry about that.</p> <p>11 A. Yes, I do.</p> <p>12 Q. And how long have you known Mr. Smith?</p> <p>13 A. A couple years now.</p> <p>14 Q. And what is his current job title with the County?</p> <p>15 A. County Administrator.</p> <p>16 Q. In your current position, do you report to Mr. Smith</p> <p>17 on occasion?</p> <p>18 A. Yes, I do.</p> <p>19 Q. What types of things do you have to report to Mr.</p> <p>20 Smith?</p> <p>21 A. Stuff that I may be looking at to purchase. I will</p> <p>22 get on the horn with Mr. Smith and ask him if it may be</p> <p>23 obtainable. Questions about maybe a contract that may come</p> <p>24 through.</p> <p>25 Q. And how long has Mr. Smith been the County</p>	<p>1 Q. Okay. And Mary was a dispatcher at that time?</p> <p>2 A. That's correct.</p> <p>3 Q. And you were a dispatcher?</p> <p>4 A. Correct. I was her partner.</p> <p>5 Q. And were you Shop Steward then?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Who complained to you at that time?</p> <p>8 A. There was a lot. Cheryl Steigerwalt, Jason Helmer,</p> <p>9 Chris Evans, Lee Marzen. Heinz Rausch.</p> <p>10 Q. Let's start with Cheryl Steigerwalt. What was her</p> <p>11 complaint about Mrs. Miller?</p> <p>12 A. I don't know, to be specific. Most of them were</p> <p>13 about her attitude, and how can the union deal with her, and put</p> <p>14 her maybe in a different department.</p> <p>15 Q. Well, let's stick with Mrs. Steigerwalt. What do you</p> <p>16 recall</p> <p>17 specifically were her complaints about Mrs. Miller?</p> <p>18 A. Offhand, I don't know. Most of them dealt with</p> <p>19 attitude.</p> <p>20 Q. Was there a formal complaint of some sort made? A</p> <p>21 written complaint?</p> <p>22 A. Towards the end, they were starting to be written,</p> <p>23 yes.</p> <p>24 Q. Okay. And were they being brought to you?</p> <p>25 A. They were brought to me. I was giving them to Jim</p>

<p style="text-align: right;">Page 30</p> <p>1 Tait and Theresa D'Andrea. Theresa D'Andrea was the President of 2 the union. 3 Q. Do you know if anybody was soliciting or requesting 4 written complaints from these people? 5 A. No sir. 6 Q. And you mentioned Heinz Rausch. What was his 7 complaints? 8 A. His complaint was putting up with her in the morning, 9 with her kid and her family, and yelling on the phone and stuff 10 like that, and her attitude towards callers. 11 Q. Is this still the same time frame? Around 1999? 12 A. Yes. That's when it started, yes. 13 Q. Who else? 14 A. Jason Helmer. 15 Q. What were his complaints? 16 A. To be specific, I don't know. 17 Q. Were they occurring in 1999? 18 A. And so forth, yes. 19 Q. When you say and so forth – 20 A. To 2004. 1999 to 2004 time frame. 21 Q. So you're saying that Cheryl Steigerwalt, Heinz 22 Rausch and Jason Helmer complained from 1999 until 2004? 23 A. It was in that neighborhood. I don't know, like, 24 when it started. It could have started with one. I'm just 25 saying what was on the plate.</p>	<p style="text-align: right;">Page 32</p> <p>1 Steigerwalt? 2 A. Yes. 3 Q. And who was that? 4 A. Let's see. Jason Helmer. 5 Q. Okay. The same Jason Helmer that was complaining 6 about Mary Miller? 7 A. Correct. 8 Q. What was his complaint about Cheryl Steigerwalt? 9 A. He got tired of her getting off phone lines and – 10 going off on the caller, basically. But not on the phone line. 11 She would hang up the phone, and then she would go off. 12 Q. When you say go off – 13 A. Why is the person calling here. They don't need 911, 14 and what not. 15 Q. Okay. And about what time frame was this? 16 A. 1999 to 2004. To pick a date, I don't know. 17 Q. And was she disciplined for this for any reason? 18 A. No. 19 Q. Did he make any written complaints about Cheryl 20 Steigerwalt? 21 A. No. 22 Q. Did Mrs. Steigerwalt complain about anybody else to 23 you? 24 A. No. 25 Q. Did she complain about Mr. Helmer for any reason?</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Other than those three individuals, anybody else? 2 A. Chris Evans. 3 Q. And what were his complaints? 4 A. To be specific, I don't know. 5 Q. And the same time frame? 1999 up to around 2004? 6 A. Yes. 7 Q. Anybody else? 8 A. Lee Marzen. Same thing. 9 Q. Anybody else? 10 A. That's – I believe that's it. 11 Q. And you say you obtained written statements that were 12 given to you? 13 A. Yes. 14 Q. And you in turn gave them to Mr. Tait? 15 A. Yes. 16 Q. And what time frame was this? 17 A. That was basically at the end. 2003. 18 Q. Do you know if Mrs. Miller was disciplined as a 19 result of any of these complaints? 20 A. No. 21 Q. Do you know if Mrs. Miller was disciplined for any 22 other reason during the time that you were employed there? 23 A. No. It was my job to keep her out of trouble. Keep 24 the employees out of trouble, which I believe I did. 25 Q. Now, did anybody ever complain to you about Cheryl</p>	<p style="text-align: right;">Page 33</p> <p>1 A. No. 2 Q. Did anybody ever complain to you about Heinz Rausch? 3 A. No. 4 Q. Anybody else complain to you about Jason Helmer? 5 A. No. 6 Q. Anybody complain to you about Lee Marzen? 7 A. No. 8 Q. And anybody complain to you about Chris Evans? 9 A. No. 10 Q. During your tenure with 911, did the technology 11 change? 12 A. Yes, it did. 13 Q. When you were first employed, how would an emergency 14 call come in? 15 A. Regular phone. Ten digit line. 16 Q. Okay. And what would you do? 17 A. Dispatch police, fire, ambulance, or the appropriate 18 entity. 19 Q. You called the police department? 20 A. Radio. 21 Q. Or you would be at the police department? Are you 22 still 23 in, like, a central location? 24 A. Yes, we're in a central location. Two consoles. I'm 25 going back when – at the Courthouse Annex. We had two consoles.</p>

<p style="text-align: right;">Page 38</p> <p>1 that differ somewhat?</p> <p>2 A. It's basically the same. How I view them right now</p> <p>3 as</p> <p>4 totally different – both machines were operated off both phone</p> <p>5 lines. Your radios – your certain radios – whether it be police,</p> <p>6 police one, police two, police three channels, broken down by</p> <p>7 fire, also, radios. Any radio that we had at the center was</p> <p>8 through either Com Log or right now through my Nice system. So</p> <p>9 each phone, each radio was recorded.</p> <p>10 Q. Okay. Now, would you have occasion to listen to</p> <p>11 these recordings for any reason?</p> <p>12 A. Yes.</p> <p>13 Q. And when would you have occasion to listen to them?</p> <p>14 A. Quality assurance.</p> <p>15 Q. What is quality assurance, exactly?</p> <p>16 A. Well, the state makes each 911 center obtain to these</p> <p>17 rules, and it's quality assurance. You have to have at least ten</p> <p>18 quality assurance reviews weekly. We go above and beyond, I</p> <p>19 feel, right now.</p> <p>20 Q. And when you say ten reviews, that's ten calls?</p> <p>21 A. Ten calls, yes.</p> <p>22 Q. So you would sit there and listen to ten calls and</p> <p>23 review them for certain criteria?</p> <p>24 A. Correct.</p> <p>25 Q. What are you looking for when you're doing that?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And how long did you do that?</p> <p>2 A. Since 1994. Since the management position.</p> <p>3 Q. Anybody do that with you? Did you have anybody help</p> <p>4 you with your quality assurance reviews?</p> <p>5 A. No.</p> <p>6 Q. And who would you report to with your quality</p> <p>7 assurance reviews?</p> <p>8 A. Mary Kruzik.</p> <p>9 Q. Now, did there come a point in time that there was a</p> <p>10 tape recording of Mary Miller in which she was alleged to make</p> <p>11 certain comments about the Commissioners or other people?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And did such a tape recording exist?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And did you know about it?</p> <p>16 A. Yes.</p> <p>17 Q. And how did you first learn of its existence?</p> <p>18 A. I'm the one who came across it. What happened was I</p> <p>19 usually was doing quality assurance checks on Mondays, Wednesdays</p> <p>20 and Fridays. This particular Wednesday, I came into work, and I</p> <p>21 seen console three or console four – what happened was, when I'd</p> <p>22 bring up the com log – and how to explain it to you is – I would</p> <p>23 see a line of transmissions. And this console should not have</p> <p>24 been in operation at this time, for this substantial amount of</p> <p>25 time. I happened to click on it, and that's when I heard Mary</p>
<p style="text-align: right;">Page 39</p> <p>1 What type of things are you looking at or examining?</p> <p>2 A. We have a worksheet that we follow through emergency</p> <p>3 medical dispatching. And we're making sure the dispatchers are</p> <p>4 utilizing the emergency medical dispatching techniques they're</p> <p>5 instructed to. It's policy. And we're making sure, when we have</p> <p>6 the cards, that they're</p> <p>7 following the cards. And each card of this checklist – or this</p> <p>8 flip chart – has a certain amount of questions for each criteria.</p> <p>9 We're making sure that they utilize that, and they don't sway</p> <p>10 away from asking certain questions.</p> <p>11 Q. And who does the quality assurance currently for the</p> <p>12 county?</p> <p>13 A. Currently?</p> <p>14 Q. Yes.</p> <p>15 A. Mr. Marzen does it right now.</p> <p>16 Q. And how long has he been doing that?</p> <p>17 A. Approximately one month, I gave it to him, ago.</p> <p>18 Q. And as a result of his review, does he provide you</p> <p>19 with a written report about what he heard?</p> <p>20 A. Yes. Well, it wouldn't be written. He'll come back</p> <p>21 to my office, and then if there's a problem, he'll tell me about</p> <p>22 it. I instruct him what to do with it right now.</p> <p>23 Q. Before Mr. Marzen, who was doing the quality</p> <p>24 assurance reviews?</p> <p>25 A. I was.</p>	<p style="text-align: right;">Page 41</p> <p>1 Miller.</p> <p>2 Q. Okay. How many consoles were in existence at that</p> <p>3 point?</p> <p>4 A. Four.</p> <p>5 Q. And what date are we talking about? If you recall,</p> <p>6 was it April? Do you have a specific date?</p> <p>7 A. It was in April.</p> <p>8 Q. Do you recall a specific date?</p> <p>9 A. Offhand, I don't. I don't know.</p> <p>10 Q. And you had come to work on that particular day?</p> <p>11 A. Yes.</p> <p>12 Q. And what time do you usually come to work?</p> <p>13 A. Eight o'clock.</p> <p>14 Q. And were you there at eight o'clock that day?</p> <p>15 A. Yes. Before eight, yes.</p> <p>16 Q. And who was working there when you came in?</p> <p>17 A. I don't know.</p> <p>18 Q. Did anybody speak to you or make any comments about</p> <p>19 Mary Miller on that morning?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Did anybody complain to you or tell you that Mary</p> <p>22 Miller had said something the day previous?</p> <p>23 A. No.</p> <p>24 Q. Okay. And this was a Wednesday?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 10</p> <p>1 Teamsters, who represent corrections officers at our prison.</p> <p>2 Q. Do you have a solicitor assigned to you specifically</p> <p>3 dealing with labor relations?</p> <p>4 A. We have an outside counsel that we engage.</p> <p>5 Q. And who's that?</p> <p>6 A. That's Roger Susanin. He's part of a firm out of</p> <p>7 Valley Forge.</p> <p>8 Q. And do you have an AFSCME representative that you</p> <p>9 have to deal with in your capacity as Chief Clerk?</p> <p>10 A. Yes.</p> <p>11 Q. And who is that?</p> <p>12 A. It would be the business agent, Jim Tait.</p> <p>13 Q. And how long have you known Mr. Tait?</p> <p>14 A. Since I joined the county.</p> <p>15 Q. Was he always the business agent in your tenure?</p> <p>16 A. That's right.</p> <p>17 Q. Okay. Now, did you know Mary Kruzik?</p> <p>18 A. Yes.</p> <p>19 Q. And how long have you known Mary Kruzik?</p> <p>20 A. I've known her, I guess, as long as I've been with</p> <p>21 the county because of her working at the 911 Center.</p> <p>22 Q. What was her capacity at the center when you first</p> <p>23 came on?</p> <p>24 A. I believe it was Administrative Secretary, I believe.</p> <p>25 Q. And for what reason, if any, did you come in contact</p>	<p style="text-align: right;">Page 12</p> <p>1 County solicit applications?</p> <p>2 A. I think the word was out that the job was open.</p> <p>3 Q. Okay. And who would receive the applications?</p> <p>4 A. Human Resources. At certain times, people just hand</p> <p>5 an application to me, or a Commissioner, but it would eventually</p> <p>6 go for processing through Human Resources.</p> <p>7 Q. Can you tell me how many people applied for that</p> <p>8 position?</p> <p>9 A. I don't know.</p> <p>10 Q. Were you involved as far as doing any interviews with</p> <p>11 these individuals?</p> <p>12 A. I was not.</p> <p>13 Q. Do you know if anybody did interviews with these</p> <p>14 individuals?</p> <p>15 A. I'm not certain.</p> <p>16 Q. Were you aware of Mary Kruzik's background and</p> <p>17 experience at the time she was hired?</p> <p>18 A. Yes.</p> <p>19 Q. What was that?</p> <p>20 A. Well, she had come up through the ranks as the</p> <p>21 Administrative Secretary, I believe it was called, and the</p> <p>22 Assistant to Dick McGettigan. And upon his departure, she was</p> <p>23 promoted to his position as Director.</p> <p>24 Q. Do you know her background as far as college</p> <p>25 education?</p>
<p style="text-align: right;">Page 11</p> <p>1 with her, at that point?</p> <p>2 A. It was minimal. I dealt mostly with the Director.</p> <p>3 Q. Okay. And she was promoted into the Director's job?</p> <p>4 A. Eventually, yes.</p> <p>5 Q. Was she promoted into the Assistant Manager's job</p> <p>6 while you were there?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Was she recommended to that promotion by</p> <p>9 anyone that you are aware of?</p> <p>10 A. Into the Assistant's position? I think it was the</p> <p>11 recommendation of the Commissioners.</p> <p>12 Q. Okay. Did you recommend her to that position?</p> <p>13 A. It wouldn't have been my position to make that</p> <p>14 recommendation.</p> <p>15 Q. Okay. And when she was promoted to the Director's job, did</p> <p>16 anybody recommend that she be promoted to that position?</p> <p>17 A. Yes. Yes.</p> <p>18 Q. And who was that?</p> <p>19 A. I was part of the process to review applicants, and</p> <p>20 she was recommended.</p> <p>21 Q. And did you advertise for that position?</p> <p>22 A. I don't believe we did.</p> <p>23 Q. You received applications, however?</p> <p>24 A. Yes.</p> <p>25 Q. Did you solicit applications from people? Did the</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Offhand, I do not know.</p> <p>2 Q. Okay. What were Mrs. Kruzik's duties in the</p> <p>3 Director's position?</p> <p>4 A. She was to have overall responsibility to direct the</p> <p>5 operations of the 911 Center.</p> <p>6 Q. Did she have authority to initiate discipline?</p> <p>7 A. Yes.</p> <p>8 Q. Did she have authority to hire or fire?</p> <p>9 A. No.</p> <p>10 Q. And if a determination was to occur, what was the</p> <p>11 procedure for that, as you understood it?</p> <p>12 A. Well, whatever the circumstance was, it would need to</p> <p>13 be investigated. Depending upon the outcome of the</p> <p>14 investigation, she would make a recommendation, and the</p> <p>15 recommendation would be considered by the Commissioners.</p> <p>16 Q. Did anybody in your tenure ever complain about Mary Kruzik's</p> <p>17 job performance?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Did you ever have any complaints about Mary Kruzik's</p> <p>20 job performance?</p> <p>21 A. I spoke with her about her manner in which she</p> <p>22 wouldn't allow a person to finish their comment before she</p> <p>23 interrupted them.</p> <p>24 Q. And when did that happen?</p> <p>25 A. We'd be meeting with the Commissioners, or a periodic</p>

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1 Q. And when you do your quality assurance reviews, do
 2 you make or generate any written reports to anyone?
 3 A. Yes. To the dispatchers.
 4 Q. And you mentioned there was an open console. Who had
 5 been operating that console?
 6 A. Jason Helmer.
 7 Q. Was he there when you arrived?
 8 A. I don't know.
 9 Q. How did you know it was an open console?
 10 A. How can I explain it? When I was doing Q.A.'s, what
 11 happens with Com Log is when you view certain radios, you'll see
 12 an – it would show console four. Console four was always there.
 13 It didn't make sense to me, because nobody should be there. Com
 14 log shows only when the console is activated. When the voice log
 15 is activated. And we only had two people on that night shift
 16 that I knew of. That I know of. So I just investigated why that
 17 was on. I just clicked on the channel, and that's when I heard
 18 Mary Miller.
 19 Q. And who were on the night shift?
 20 A. It turned out to be – it was Heinz Rausch. I
 21 definitely know it was Heinz. And I believe it was Cheryl, also.
 22 Q. Mary Miller also?
 23 A. No. She was dayshift.
 24 Q. Now, you said that you noticed this was on an
 25 unusually long time. How can you tell how long it had been on?

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1 A. You just keep going back and see where it started.
 2 Q. How can you tell where it started?
 3 A. Well, when there was an interruption from another
 4 console, to answer the phone lines. It would just disappear.
 5 When you hang up the phone, it would disappear. That's not what
 6 was happening with this console. It was just constantly open.
 7 Q. It just keeps recording?
 8 A. Correct. It recorded.
 9 Q. So if I hang up the phone, then it just stops?
 10 A. Correct. If you hang up properly, that's correct.
 11 Q. So do you know how long this had been recording?
 12 A. Approximately 8:30 the night before.
 13 Q. So approximately twelve hours?
 14 A. Correct.
 15 Q. And where did you go to listen to the tape for
 16 quality assurance?
 17 A. I had it in my office.
 18 Q. When you say you had it – you had the disc or a
 19 machine?
 20 A. I had it in the Manager's office. That's where I
 21 went to do Q.A.
 22 Q. And when you do Q.A., what do you do? You take the
 23 disc, you take the machine, or – I don't know.
 24 A. There was a computer set up. I insert a disc, if I
 25 was going to record it. But everything was set up, because it

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1 was the same day, basically. I remember that. So everything was
 2 there on my computer screen. I just brought it up. There was a
 3 program for it, to get into the com log.
 4 Q. Okay. Can you tell what time we were talking about
 5 on the tape? Did you know that if someone is speaking, you know
 6 that it's 9:15 on that particular day?
 7 A. Yes, correct. There was times there, yes.
 8 Q. Can you rewind and fast forward?
 9 A. Yes.
 10 Q. How is that function done?
 11 A. Offhand, I don't remember. It was a different system than I
 12 have now.
 13 Q. Okay. And this is a flat CD?
 14 A. No. They were in a square packet. The CD was
 15 installed inside it. It was manufactured by Com Log. We had to
 16 order it through them if we needed more.
 17 Q. And how much capacity, as far as playing time, can
 18 you record on one of these?
 19 A. We were initializing tapes. It would hold
 20 approximately maybe two months of recorded time per unit.
 21 Q. If you wanted to call up a particular day and time on
 22 it, did you have the capacity to do that?
 23 A. Well, for that time that's allotted on the CD, yes.
 24 Q. But if I want to go back a day before –
 25 A. Yes.

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1 Q. – at nine o'clock, I can go back to Tuesday at nine
 2 o'clock?
 3 A. That's correct.
 4 Q. And you'd be able to hear what's going on?
 5 A. That's correct.
 6 Q. So you took the – is there a name for it? Is it a
 7 cartridge, CD?
 8 A. Cartridge. CD cartridge.
 9 Q. And you log this into your computer. What kind of
 10 computer do you have?
 11 A. I think it was just a dump terminal in the boss's office that
 12 we were utilizing at the time. A dump terminal.
 13 Q. What's that?
 14 A. A big – not the flat screen. The big fat ones. A
 15 dump terminal.
 16 Q. And about what time did you load the tape in?
 17 A. I'd say approximately ten in the morning.
 18 Q. This was about two hours after you arrived?
 19 A. Yes.
 20 Q. Does that terminal – does that still exist? Is that
 21 still there?
 22 A. No.
 23 Q. Do you know where it is?
 24 A. No.
 25 Q. And you logged it on, and what did you hear?

Page 50	Page 52
<p>1 Q. Was that before you talked to Mary Kruzik?</p> <p>2 A. After. That I finished my – it was after.</p> <p>3 Q. You say you went back –</p> <p>4 A. It was after.</p> <p>5 Q. Okay. When you first talked to Mary Kruzik, what did</p> <p>6 she say to you in response to what you told her?</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know, or you don't recall?</p> <p>9 A. I don't recall what she told me.</p> <p>10 Q. When was the next time you spoke to Mary Kruzik about</p> <p>11 the tape?</p> <p>12 A. Like I said, I don't know if she was there Wednesday</p> <p>13 or not. It would be Thursday, also, I talked to her.</p> <p>14 Q. Do you know why she wasn't there, for any reason?</p> <p>15 A. I just don't recall.</p> <p>16 Q. And did you speak to her face to face the second</p> <p>17 time?</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay. Did anybody, subsequent to this time, have any</p> <p>20 conversation – other than Mary Kruzik – have any conversation</p> <p>21 with you about this tape recording?</p> <p>22 A. During what time, sir?</p> <p>23 Q. After you had played it the second time. Did the</p> <p>24 existence of this recording become known to anybody else?</p> <p>25 A. That first day, I believe it was – it's hard to</p>	<p>1 A. Yes.</p> <p>2 Q. And what did you do? Was there anybody else in her</p> <p>3 office?</p> <p>4 A. No.</p> <p>5 Q. Did she know that you were bringing this tape?</p> <p>6 A. Yes.</p> <p>7 Q. Or cartridge. I know we're referring to it as a</p> <p>8 tape. And how did you play it?</p> <p>9 A. I brought it up on the system itself, which is</p> <p>10 located in her office.</p> <p>11 Q. How do you do that?</p> <p>12 A. Same way I just told you before. It's a program you</p> <p>13 acknowledge. It comes up, and it's right there.</p> <p>14 Q. So where would the cartridge be?</p> <p>15 A. It's a – I should say it's an icon you have to click</p> <p>16 on the computer. The cartridge is out there on the 911 Center</p> <p>17 floor.</p> <p>18 Q. Okay. So you hit the icon on her computer?</p> <p>19 A. Correct. The system comes up – the program comes up.</p> <p>20 And then we click on the console that was in question.</p> <p>21 Q. And what was the starting point that you played?</p> <p>22 A. I don't know, offhand.</p> <p>23 Q. Was there a particular point that you selected that</p> <p>24 you</p> <p>25 wanted her to hear?</p>
Page 51	Page 53
<p>1 remember. It was me and Mary.</p> <p>2 Q. If you don't remember, that's fine.</p> <p>3 A. I don't know.</p> <p>4 Q. Did there come a time that the tape was played for</p> <p>5 Mary Kruzik?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And can you tell me when that was?</p> <p>8 A. If it wasn't Wednesday, then it was Friday.</p> <p>9 Q. And why would it be Friday, as opposed to Thursday?</p> <p>10 A. Well, Thursday was a busy day. We had government</p> <p>11 day, so we had all these seniors at our center. And I believe I</p> <p>12 had a meeting in the morning of that day, and then I did the</p> <p>13 presentation on Thursday afternoon for those seniors.</p> <p>14 Q. Was a time scheduled for her to come in and listen to</p> <p>15 this? Did you say, we're going to get together at ten o'clock</p> <p>16 and we'll play this tape? Something of that sort?</p> <p>17 A. If she was there Wednesday, she heard it. I don't</p> <p>18 remember if she was there or not. Thursday, I know she was not</p> <p>19 there.</p> <p>20 Q. Okay. Let's try this. Can you tell me the</p> <p>21 circumstances under how she had the tape played for her?</p> <p>22 A. I played it for her.</p> <p>23 Q. Okay. And where at?</p> <p>24 A. At her office.</p> <p>25 Q. So you took the tape to her office?</p>	<p>1 A. It was approximately 7:10 in the morning.</p> <p>2 Q. And you recall that time – 7:10 – as you sit here</p> <p>3 today?</p> <p>4 A. Yes.</p> <p>5 Q. And what did you play for Mrs. Kruzik?</p> <p>6 A. Basically what I heard, and then we just left it go</p> <p>7 on a little bit.</p> <p>8 Q. And for about how long?</p> <p>9 A. I would say approximately ten minutes, fifteen</p> <p>10 minutes.</p> <p>11 Q. Can you tell me when the recording ended? And let me</p> <p>12 explain. By that, I mean – you said you came in and you found</p> <p>13 this console. Was it still recording when you found it?</p> <p>14 A. When I located this open console, and I heard what</p> <p>15 was transpiring with Mary, I clicked – I heard what I needed to</p> <p>16 hear. I did go in the console to find out if it was still on or</p> <p>17 not, and it wasn't.</p> <p>18 Q. So by the time you discovered it and you noticed the</p> <p>19 length of time, it had been turned off at that point?</p> <p>20 A. It was off. It wasn't recording no more. I even</p> <p>21 went out to the console to check that. And what happens with our</p> <p>22 consoles – there's a light that is activated when it's off the</p> <p>23 hook, or even being used.</p> <p>24 Q. So sometime from the time that that tape started</p> <p>25 running until approximately twelve hours that it stopped, the</p>

<p style="text-align: right;">Page 54</p> <p>1 console itself had been turned off? Not by you, but by somebody?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And how long were you with Mary Kruzik,</p> <p>4 listening to</p> <p>5 the tape?</p> <p>6 A. Fifteen minutes. Ten, fifteen minutes.</p> <p>7 Q. And what did she say to you?</p> <p>8 A. I remember her saying something like, you're right.</p> <p>9 We have a problem here.</p> <p>10 Q. That's all she said?</p> <p>11 A. Pretty much.</p> <p>12 Q. And what did you say to her?</p> <p>13 A. I don't know.</p> <p>14 Q. When was the next time the tape was played?</p> <p>15 A. I don't know. I don't know.</p> <p>16 Q. Okay. Did there come a point that it was played for</p> <p>17 the County Commissioners?</p> <p>18 A. That's correct, yes.</p> <p>19 Q. Did somebody contact the County Commissioners?</p> <p>20 A. I believe my boss did, yes.</p> <p>21 Q. Did you contact the Commissioners at all?</p> <p>22 A. No.</p> <p>23 Q. You believe it was Mary?</p> <p>24 A. Yes. She was the boss.</p> <p>25 Q. Can you estimate for me, in relation to when it was</p>	<p style="text-align: right;">Page 56</p> <p>1 I don't know.</p> <p>2 Q. Are you the one that made the –</p> <p>3 A. I made the CD, yes.</p> <p>4 Q. And it could have been Mary's or your computer? You</p> <p>5 don't remember?</p> <p>6 A. I don't remember.</p> <p>7 Q. They both have the capacity to make those copies?</p> <p>8 A. Yes.</p> <p>9 Q. And when was that made?</p> <p>10 A. I made that copy on Wednesday.</p> <p>11 Q. And the CD's – do you keep them in the 911 Center?</p> <p>12 Do you have blank CD's?</p> <p>13 A. Yes, they're not in – they're in my office.</p> <p>14 Q. And what do you use those for?</p> <p>15 A. CD's?</p> <p>16 Q. Yes, the blank ones.</p> <p>17 A. Police officers want a tape of a call. If I'm</p> <p>18 subpoenaed through attorneys who need a particular call. I</p> <p>19 utilize those CD's.</p> <p>20 Q. And what portion of the tape did you create a</p> <p>21 recording of?</p> <p>22 A. At that time, probably maybe two hours. Or I'm</p> <p>23 sorry. Mary Miller's conversation. Basically from 6:30 until</p> <p>24 approximately – I don't know.</p> <p>25 Q. About a two hour time frame of Mary Miller talking?</p>
<p style="text-align: right;">Page 55</p> <p>1 played for Mary, how soon it was played for the Commissioners?</p> <p>2 A. I would probably say it was Wednesday or Friday.</p> <p>3 Probably Friday, I believe the Commissioners heard it.</p> <p>4 Q. It was all the same week?</p> <p>5 A. Yes. It was found Wednesday. Friday, they heard it.</p> <p>6 Q. And did you go to the Commissioners' office?</p> <p>7 A. Yes.</p> <p>8 Q. And who had the cartridge?</p> <p>9 A. Mary made or I made a CD, and we took it down to the</p> <p>10 Commissioners.</p> <p>11 Q. So you can copy the cartridge?</p> <p>12 A. Yes.</p> <p>13 Q. And how was that done?</p> <p>14 A. Through the computer system. Through the network.</p> <p>15 The computer is hooked up. You still have your tower, which</p> <p>16 you're able to record off of. Everything was hooked up to the</p> <p>17 com log that was inside the floor.</p> <p>18 Q. And you load a CD on the computer?</p> <p>19 A. That's correct. Your E drive.</p> <p>20 Q. Like a music type CD you would record?</p> <p>21 A. That's correct, yes.</p> <p>22 Q. And whose computer did you use?</p> <p>23 A. To make the CD?</p> <p>24 Q. Yes.</p> <p>25 A. I don't know if it was hers or mine. Or I made it.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. You didn't record the other portions of the</p> <p>3 tape?</p> <p>4 A. Not at that time, no.</p> <p>5 Q. Which leads me to believe that you did that at</p> <p>6 another time, from the way you answered. Did you make another</p> <p>7 copy?</p> <p>8 A. No.</p> <p>9 Q. So there exists only this one CD that you made to</p> <p>10 take to the Commissioners?</p> <p>11 A. I believe so.</p> <p>12 Q. And who selected the time frame that was going to be</p> <p>13 recorded?</p> <p>14 A. I did.</p> <p>15 Q. Did Mrs. Kruzik advise you at all –</p> <p>16 A. When it started. When this conversation – irate</p> <p>17 conversation started. Like I said, we were trying to see if Mary</p> <p>18 Miller was provoked in any way. Why she was acting like that.</p> <p>19 Q. What I'm asking, though – did Mrs. Kruzik tell you to</p> <p>20 record these two hours?</p> <p>21 A. When it started. Which I'm saying was around</p> <p>22 approximately 6:30 in the morning.</p> <p>23 Q. So she wanted you to start to make a recording from</p> <p>24 when it all started?</p> <p>25 A. When she started, yes.</p>

JOB DESCRIPTION

CARBON COUNTY

SENIOR DISPATCHER

Position Description

Non-Exempt

OVERALL OBJECTIVE OF JOB:

To receive 911 emergency calls, to quickly and accurately determine appropriate responses, and dispatch necessary services accordingly.

ESSENTIAL FUNCTIONS OF JOB:

1. Receives 911 emergency calls, evaluates the circumstances and provides appropriate responses quickly and accurately.
2. Follows chain of command response and posts dispatch to assure common understanding of call; provides additional assistance to responding agencies as needed, i.e. fire, police, etc.
3. Coordinates response of emergency services.
4. Provides support and resources to field outlets.
5. Provides radio communications for police, fire, EMS units and County Government.
6. Maintains confidential files and procedure records and log sheets for department maintenance.
7. Operates computer and technical equipment, and provides basic equipment maintenance.
8. Interacts daily with general public, government and public agencies, departments and field staff.
9. Enters incident information into computer files.
10. Processes various forms, reports and other department paperwork as required.
11. Keeps updated on all applicable policies, procedures and regulations regarding emergency services and related areas.
12. Monitors weather conditions.
13. Runs criminal histories, driver licenses, gun permits, etc. for County Police Agencies.
14. Oversees Alarm system, enters and maintains, new accounts and testing.
15. Reviews, maintains, and changes run cards as approved by Manager.
16. Maintains CLEAN/NCIC and reports to TAC Officer as needed.
17. Provides EMS reports monthly to EMS Council.
18. Assumes Shift Leader responsibilities in the absence of PSAP Management Personnel.
19. Quality and Assurance reviews as mandated by PEMA.
20. Performs Public Education Programs.
21. Contributes to the development of the PSAP's Standard Operating Procedures.
22. Maintenance of paper back-up system for PSAP Files.
23. Must maintain a Professional Attitude.
24. Staff training as mandated by PEMA Regulations.

SENIOR DISPATCHER

Page 2

Position Description

OTHER DUTIES OF JOB:

1. Attends training, seminars, and in-services, as required.
2. Assists in keeping office neat and orderly.
3. Performs other job-related duties as required.

SUPERVISION RECEIVED:

Receives frequent instruction and limited supervision from Manager in regard to daily work duties.

SUPERVISION GIVEN:

Acts as Shift Leader in the absence of PSAP Management Personnel.

WORKING CONDITIONS:

1. Works in adequate workspace, lighting, temperatures and ventilation.
2. Works with average indoor exposure to noise, but subject to frequent disruption and stress.
3. Normal indoor exposure to dust/dirt.
4. Continually works shifts or works on-call on an as-needed basis.

PHYSICAL/MENTAL CONDITIONS:

1. Must possess ability to record, convey and present information, explain procedures and follow instructions.
2. Must be able to sit for long periods throughout the workday, with limited periods of standing or walking. Intermittent bending, twisting, kneeling, pushing, and reaching necessary to carry out duties of job.
3. Dexterity requirements range from simple to coordinated movements of fingers/hands; feet/legs; torso necessary to carry out duties of job.
4. Light work, with occasional lifting/carrying of objects with a maximum weight of twenty pounds, i.e. files, equipment.
5. Must be able to cope with the physical and mental stress of the position.
6. Must be able to pay close attention to details and concentrate on work.
7. Must be able to mentally and physically react quickly to emergency situations.
8. Must be able to remain calm and professional in emergency situations.
9. Must be able to maintain confidentiality of department.

SENIOR DISPATCHER

Page 3

Position Description

QUALIFICATIONS:

A. EDUCATION/TRAINING:

High school diploma or equivalent, plus additional training in computers and emergency medical services or police and fire training.

B. WORK EXPERIENCE:

Minimum of 3 years as a Carbon County 911 Operator.

C. Must possess PEMA Certifications for Call Taker, Dispatcher EMA, Dispatcher Fire, Dispatcher EMS and Dispatcher Police and must meet the requirements to be re-certified every four (4) years.

D. Must possess or obtain PEMA Certification for Shift Supervisor and must meet the requirements to be re-certified every four (4) years.

E. Must be a certified Emergency Medical Dispatcher and must meet the requirements to be re-certified every two (2) years.

F. Must be certified in CPR.

G. Must possess certification in the APCO 40 Hour Dispatcher Training program and Pennsylvania approved Emergency Medical Dispatch program.

H. Must possess certification required by the Pennsylvania State Police to be a CLEAN Terminal Operator and re-certify/test every two (2) years.

I. Must maintain certification in C, D, E, F, G, and H above.

KNOWLEDGE, SKILLS AND ABILITIES REQUIRED:

- 1. Must be able to speak and understand the English language in an understandable manner in order to carry out essential job duties.**
- 2. Must possess effective communication and interpersonal skills.**
- 3. Must possess ability to function independently, have flexibility and the ability to work effectively with clients, co-workers and others.**
- 4. Must possess the technical knowledge of operating personal computers and other office and communication equipment.**
- 5. Must possess thorough knowledge of emergency medical services and ability to properly respond to emergency calls quickly and accurately.**
- 6. Must possess ability to coordinate response of emergency services and provide support to field units.**
- 7. Must possess general knowledge of office practices and procedures, including ability to maintain accurate files and record keeping.**
- 8. Must possess general knowledge and ability to provide basic routine maintenance on equipment.**

SENIOR DISPATCHER

Page 4

Position Description

KNOWLEDGE, SKILLS AND ABILITIES REQUIRED (Cont'd):

9. Must possess the knowledge to operate the Text Telephones (TTY) for the speech/hearing impaired.
10. Must possess the knowledge to revert back to the manual card system to record information in the event of a CAD system failure.
11. Must possess a working knowledge of the Geographic area of the County in order to assist emergency personnel arrival at the scene.
12. Must possess the ability to deal with multiple tasks in highly stressful situations.
13. Most importantly must possess the ability to maintain a calm demeanor at to use common sense while dealing with highly stressful situations.

I HAVE READ THE ABOVE POSITION DESCRIPTION AND FULLY UNDERSTAND THE REQUIREMENTS SET FORTH THEREIN. I HEREBY ACCEPT THE POSITION OF SENIOR DISPATCHER AND AGREE TO ABIDE BY THE REQUIREMENTS AND DUTIES SET FORTH. I WILL PERFORM ALL DUTIES AND RESPONSIBILITIES TO THE BEST OF MY ABILITY.

(Signature of Employee)

(Date)

(Signature of Supervisor)

(Date)

In compliance with the Americans with Disabilities Act, the Employer will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the Employer.

Revised 04/25/03

CARBON COUNTY
QUALITY ASSURANCE PROGRAM

§ 1. Purpose

- (a) The purpose of the Operating Procedure is to implement Section 3(a)(8) of the act (35 P.S. §7011-7021) to establish standards for performance review and quality assurance programs for Carbon County 911 emergency communications system. The quality assurance standards contained in this chapter are designed to:
- (i) Promote countywide adherence to established 911 communications center goals and procedures.
 - (ii) Facilitate the learning process for 911 communications center personnel.
 - (iii) Provide a framework for the continuous improvement of the overall operation of Carbon County 911 communications center.
- (b) These procedures will also provide the operational standards that are needed to ensure that 911 communications center consistently provide the best possible emergency communications service to the citizens of Carbon County.

§ 2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the content clearly indicates otherwise:

Act – The Public Safety emergency telephone Act (35 P.S. §§7011-7021).

Agency – The Pennsylvania Emergency Management Agency.

Call-Taking – The act of answering 911 calls from the public and obtaining the information necessary to dispatch a public safety unit, such as fire, police, medical and rescue to the reported location of the emergency.

Catastrophic loss – The loss of three or more human lives and/or property damage or loss exceeding seventy five thousand dollars.

911 Communications Center – A 911 Public Safety Answering Point or PSAP; also referred to as a remote dispatch point in this chapter. A communications center is operated by a county.

Day – refers to an actual 24-hour day, not a “working day”.

Dispatching – The act of alerting and directing the response of public safety units to the desired location.

Emergency Dispatched Calls – emergency incidents to which a 911 communications center dispatches public safety units.

Emergency Medical Dispatch Protocols – A system or program that enables patients to be assessed and treated via telephone by utilizing current accepted emergency medical dispatch standards.

Performance Appraisal – A yearly written evaluation of a telecommunicator’s job performance measured against established 911 communications center expectations and standards.

Quality Assurance Action – An action taken by a quality assurance reviewer or 911 center supervisor after the occurrence of a quality assurance review of a telecommunicator in order to correct or improve job performance deficiencies identified by the quality assurance review. The quality assurance action may require the telecommunicator to take additional training courses or instruction, be subject to a second quality assurance review process outside of the normal timeframes identified in this section, or be subject to disciplinary or other personnel actions deemed appropriate by the 911 communications center supervisor or reviewer.

Radio Activity – The act of dispatching and communicating on a public safety radio frequency.

Standard Operating Procedures – A set of policies and procedures developed and adopted by a 911 communications center to aid in directing the daily operations of the telecommunications staff.

Telecommunicator – A full-time or part-time 911 communications center call-taker or emergency dispatcher.

§ 3. Scope.

- (a) The quality assurance reviews set forth in this Operating Procedure will be employed in accordance with the time frames contained in paragraph 4. These reviews will be used to evaluate the performance of various aspects of a telecommunicator’s duties. In addition to measuring individual performance, these reviews will aid in determining whether the processes used by the telecommunicators are functionally efficient on a regular basis.

- (b) The quality assurance provisions set forth in this chapter shall apply to the Carbon County 911 communications center operating in this Commonwealth. Each county that operates a 911 communications center included in a 911 county plan shall be responsible for implementing the quality assurance provisions of this chapter as they apply to their employees.

§ 4. Timeframes and Procedures for Quality Assurance Reviews

- (a) A random sampling of 911 communications center calls will be reviewed on a recurring basis by the quality assurance reviewer to ensure compliance with the quality assurance review standards set forth in paragraph 5, as well as those outlined in the standard operating procedures of Carbon County 911 communications center. If needed, additional quality assurance reviews will be performed in order to ensure that each telecommunicator receives a minimum of one call-taking quality assurance review per month. All calls, whether voice or TDD/TTY, will be reviewed in the same manner. The quality assurance reviewer shall complete a review form for each quality assurance review. All incidents involving catastrophic loss shall be included in the quality assurance review process.
- (b) A minimum of ten call-taking quality assurance reviews shall be performed each week in 911 communications centers that dispatch, on average, 72 or less emergency dispatch calls per day. Those 91 communications centers and remote dispatch points that average more than 72 emergency dispatch calls per day shall perform a weekly quality assurance review of two percent of the total 911 calls that they process per week. The weekly quality assurance review process may assume a monthly review process to accommodate those 911 centers that may have personnel and/or scheduling constraints. However, a monthly quality assurance review process may not last for a period of time greater than 90 days without the written permission of PEMA. In addition, the minimum number of quality assurance reviews required by this subsection shall remain unchanged during such a monthly review process.
- (c) Twice a year, the quality assurance reviewer will review a segment of each telecommunicator's radio activity in order to determine adherence to the 911 communications center's or remote dispatch point's dispatch standards. At a minimum, each segment of the telecommunicator's radio activity that is monitored shall contain three emergency dispatched calls. The quality assurance reviewer will complete a quality assurance review form for each segment reviewed.
- (d) The quality assurance reviewer will be the director of Carbon County 911 communications center or a designated telecommunication supervisor. The reviewer(s) shall be at a supervisory level with a minimum of three years experience in the field of emergency telecommunications. Internal standards

shall be established to ensure that the quality assurance review process is executed with consistency and objectivity.

- (e) In order to provide optimum feedback, the date selected for a quality assurance review will not exceed five days prior to the review. Telecommunicators shall receive the results of their quality assurance review within five days of the review. Copies of each quality assurance review will be retained on file at the 911 communications center for one year. Actual transcripts or recordings of phone calls made to and from a 911 communications center or remote dispatch point are not public records pursuant to the Right to Know Act of June 21, 1957 (P.L. 390, No. 212) and shall not be included in the text of any quality assurance review.
- (f) The quality assurance reviews will be used to support the development and assessment of goals and expectations on the telecommunicator's yearly performance appraisal. The quality assurance reviews will also be used to identify areas of the telecommunicator's job performance which may require additional or supplemental training, and aid in determining whether any processes of 911 communications center or remote dispatch point require modification or change.
- (g) All telecommunicators, whether they are part-time employees of the 911 communications center or remote dispatch point, shall be subject to this quality assurance review process.
- (h) Any quality assurance actions that are initiated in response to the results of a quality assurance review will be documented and placed in the 911 communications center's or remote dispatch point's records.

§ 5. Quality Assurance Review Standards

- (a) Call-Taking (Telephone Performance): The following telecommunicator performance standards will be checked by the quality assurance reviewer during each quality assurance review:
 - (1) Answers the telephone quickly and correctly (within 10 seconds of the call, 90% of the time)
 - (2) Asks and verifies the location of the incident or emergency.
 - (3) Obtains the callback phone number from the person making the call.
 - (4) Determines the nature of the incident or emergency and selects and assigns the appropriate response to the incident.

EMPLOYEE WARNING RECORD

Employee's Name Mary Miller Clock or Payroll No. _____ Dept 211 Communications

Shift _____ Time _____ a.m. Date of Warning: January 24, 2003 p.m.

WARNING

Date of Violation January 6, 2003 Nature of Violation ☒ Substandard Work ☐ Conduct ☐ tardiness ☒ Attitude

Time of Violation 1530 hrs of ☐ Carelessness ☐ Disobedience _____

Place Violation Occurred _____

COMPANY REMARKS

Betty Fairchild, Carbon Crest Personal Care Home, called the non-emergency line at the Comm. Center and requested Weather Ambulance to transport a patient to Hazleton. She was advised to hang up and call 911. She stated that it was not an emergency, that it was a transport. Mary in a rude and abrupt manner stated she would take care of it and ended the call.

HAS EMPLOYEE BEEN WARNED PREVIOUSLY YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Form of Warning	WHEN WARNED and BY WHOM		
		1st Warning	2nd Warning	3rd Warning
	Verbal	<u>January 24, 2003</u>		
	Written			

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I have entered my version of the matter above

Employee's Signature _____ Date _____

ACTION TO BE TAKEN

Future violations will result in further disciplinary action up to and including termination.

Approved By [Signature] 911 Manager 01/24/03
Name Title Date

I have read this "warning" and understand it.
[Signature] 1/24/03
Employee's Signature Date

[Signature] 911 Manager 01/24/03
Signature of person Who prepared warning Title Date

DISTRIBUTION OF COPIES

☐ Employee
☐ Foreman or Supervisor
☐ Personnel Department
☐ Plant Manager
☐ Employee's Union Rep.

Supervisor's Signature _____ Date _____

EMPLOYEE WARNING RECORD

Employee's Name Mary Miller Clock or Payroll No. _____ Dept Communications

Shift _____ Time _____ a.m. Date of Warning: 8-16-04 p.m.

WARNING

Date of Violation on going since May _____ Nature of Violation ☐ Substandard Work ☒ Conduct ☐ tardiness ☒ Attitude

Time of Violation _____ of _____

Place Violation Occurred 911 Center Violation ☐ Carelessness ☐ Disobedience _____

COMPANY REMARKS

I have received verbal complaints from coworkers in regards to Mary Miller's attitude, personal family issues and constant complaining about management and supervisor Gary Williams. Her position as Senior dispatcher should be to act in a professional manner. Her attitude and reluctance to accept the change in management is creating a stressful and difficult atmosphere and causing a disruption in the workplace.

HAS EMPLOYEE BEEN WARNED PREVIOUSLY YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Form of Warning	WHEN WARNED and BY WHOM		
		1st Warning	2nd Warning	3rd Warning
	Verbal	08-16-04		
	Written			

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I have entered my version of the matter above

Employee's Signature Mary Miller Date 8-16-04

ACTION TO BE TAKEN

Any future violations of this nature will result in further disciplinary action

Approved By _____ Name _____ Title _____ Date _____

I have read this "warning" and understand it.		Signature of person who prepared warning <u>Mary Krueger</u>		Title <u>9-1-1 Manager</u>		Date <u>8/16/04</u>	
Employee's Signature <u>Mary Miller</u>		Date <u>8/16/04</u>		Supervisor's Signature <u>Mary Krueger</u>		Date <u>8/16/04</u>	
DISTRIBUTION OF COPIES							
Employee		Personnel Department					
Foreman or Supervisor		Plant Manager					
		Employee's Union Rep.					

To Whom it May Concern:

I am writing this letter in regards to the current morale problems here at the Carbon County Communications Center. It is my opinion that the problems the dispatchers are facing are the result of the actions of Mary Miller (Dispatcher 1). Over my tenure here Mary has on numerous occasions discussed her personal family problems while at work. Furthermore, Mary has become very agitated and sometimes has been reduced to tears over problems that have occurred at home with her family, primarily her son.

When the County of Carbon made the announcements of our current 911 center manager as well as the assistant manager, Mary made the comments to me that she felt that the County did this as a personal vendetta against her. Mary even went as far as to explain to me her opinion on how she felt that there was a conspiracy against her by the management of the 911 center and county administration she feels that this is why she currently is not the assistant 911 center manager. Mary also stated on numerous occasions to me that she has spoken to both PA state senator James Rhodes as well as PA state Representative Keith McCall in regards to the process the County of Carbon used in the hiring of the new assistant 911 center manager. She also stated to me that if she wanted to both politicians told her she could be running this place through a labor lawsuit.

Mary has also multiple times while working on a shift with me become frustrated with either emergency service providers or callers to the 911 center, to the point where she is very belligerent, disrespectful, and she has even hung up on them. Mary also seems to believe that the problems that currently are faced by the dispatchers at this 911 center are the result of whatever dispatcher is on vacation.

It is my opinion that if the problems I have brought to your attention can be corrected the operations here at the center will run a lot more smoothly, with higher dispatcher morale.

Respectfully submitted,

Justin F. Markell
Part-Time 911 Dispatcher

received
8/17/04 (mk)

To whom it may concern: This note is being written in hope to resolve an ongoing situation with a fellow coworker. There has been an ongoing situation at the 911 Center. Mary Miller on a constant basis insists that a conspiracy theory has occurred with the counties decision on the appointment of Gary Williams as Assistant Manager. Mary insists that multiple upgrades and fine tuning of procedures are ideas that have been plagiarized by management from her. She states she as well as all other employees have been spited by the position not being advertised. I personally strongly disagree with this. I feel that the day to day operations have never been better. Mary becomes very upset over this situation and makes working difficult. Another issue that arises is Mary's behavior with dealing family problems on company time, sometimes making it difficult for all employees to perform their duties to the best of their abilities. This is caused by tantrums and screaming at family on the phone. On multiple occasions full and part time employees have discussed their dislike to have to work with her, some even threatening not to work with her.

Chris Evans

Mary & Gary -

This is just to address some concerns I have about the attitude & behavior of a fellow dispatcher.

It is getting very hard to work with Mary Miller as she is constantly complaining about management. I thought she would get over it but apparently not.

On Sat Aug 14, 2004 Mary came in and found I was mandated to do a day shift and she was mandated on afternoons. She was completely off the wall, yelling and carrying on. I was quite ill at the time and really had trouble dealing with it. She was accusing management (specifically Gary) of being in on it with Ray that he called off. She swore Gary knew about it and allowed it. Then she started in about the "Know It All Book", where it was written about the Criminal History that was not done, complaining how it was phrased so everyone knew it was her. Then it was about Jared getting up too much it was his fault it was not done. Then we went on to practicing with the cards. She asked me if I knew about

received
8/16/04

U it, I said yes, Mary K made a trip in to talk to Henry and K. She asked me what I thought. I said I had some concerns about liability and she addressed it ~~and~~ and it "is no skin off my nose" if I do my dispatching off the computer or off the cards. I will be here either way. She kept going on and I told her I didn't want to hear about it.

She was just out of control about being mandated and had no regard for my health, she just felt someone should cover for her. She got me very upset that morning and made concentrating on my job difficult.

I found out later that she is remarking that I am faking about needing to have surgery and about getting sick from my pre surgery meds. She went so far as to check with Chris about my health over night and about the med I am taking.

Mary and I did not get along for months. Gary had felt at that time we needed to bury the hatchet for the sake of morale so we did. I have tried since then just to agree with her, and passify her so that I did not agitate her and become a target of her tantrums. I realize now that this did none of us any good as anything I say becomes twisted and convoluted, and she just goes behind your back.

U We have all worked shifts with her where we had to endure her carrying on on the phone with her family members. Screaming and yelling and stomping around. Then all day long we heard about it. It is very stressful.

Since the change in management she has gotten worse. Everything is a conspiracy against her. Everything! She turned my simple union questions into who knows what. Everything she hears gets twisted and turned. Gary can do nothing right. He is giving her a bad schedule, he comes up with really bad ideas and someone needs to stop him.

I talked to her, telling her we need to stop ^{all} analyzing every little thing and go with the flow or else get new jobs. She said you mean I am analyzing everything. I said yes, and you need to stop or you will end up 30'd. I had hoped that this would stop things but it hasn't. It is just getting very difficult to work and morale is going down.

I had hoped it would not come to this, I have tried to handle it on my own but it is not possible. The more I try the more

she twists everything. Being nice and pacifying her doesn't work, it either gets me in trouble or she stabs me in the back.

I hope something can be done about this before we lose the good people we have.

Thank you for your time, I know this rambles.

Debra Stuewa
Aug 16, 2007

EMPLOYEE WARNING RECORD

Employee's Name Mary Miller Clock or Payroll No. _____ Dept 911 Communications

Shift 0700 - 1500 Time 1:30 a.m. Date of Warning: 01/25/05 p.m.

WARNING

Date of Violation 01/10/05 & 01/14/05 Nature of Violation Substandard Work X Conduct tardiness X Attitude

Time of Violation 2:30 PM & 9:20 AM of

Place Violation Occurred 911 center Violation Carelessness Disobedience

COMPANY REMARKS

On 1/10/05 at approximately 2:30 PM. Mary was escorting an officer from Beaver Meadows toward the EOC looking for Lee Marzen and told the officer sarcastically that only authorized personnel could go into that meeting. (I asked Lee to join on the mapping meeting with the County GIS Manager and Mr. Chappell from Pocono GIS). She then went back to the 911 Center and complained to fellow employees that the Penn Forest addressing shouldn't be given to Lee but rather to the Senior Dispatcher.

On 1/14/05 at approximately 9:20 AM. Assistant Manager Gary Williams went to the dispatcher console in 911 Center to obtain a telephone number for Mike Hurley for a potential alarm customer. (Continued on separate piece of paper)

HAS EMPLOYEE BEEN WARNED PREVIOUSLY <u>X</u> YES <u> </u> NO	Form of Warning	WHEN WARNED and BY WHOM		
		1 st Warning	2 nd Warning	3 rd Warning
		Verbal <u>01/24/03 - R McGettigan</u>	<u>08/16/04 - M Kruzik</u>	
	Written			

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I do not agree with this discipline - I may have told officer Patterson it was a authorized personnel meeting - it was a job - As far as the discipline that I have entered my version of the matter above. It always was a Senior Dispatcher job in Dayshift. I told Lee many times to get it back so he can be a Senior Disp again.

Employee's Signature M. Miller Date 1/25/05

ACTION TO BE TAKEN

Further violation will result in further disciplinary action up to and including dismissal.

Approved By Mary Kruzik 911 Mgr 1/26/05
Name Title Date

I have read this "warning" and understand it.		Signature of person <u>Mary Kruzik</u> Title <u>911 Mgr</u> Date <u>1/26/05</u>	
Employee's Signature	Date	Who prepared warning	
DISTRIBUTION OF COPIES		Supervisor's Signature _____ Date _____	
<u> </u> Employee	<u> </u> Personnel Department		
<u> </u> Foreman or	<u> </u> Plant Manager		
<u> </u> Supervisor	<u> </u> Employee's Union Rep.		

Employee Warning/Miller, M

-2-

January 25, 2005

As Mr. Williams was leaving the 911 Center, Mary stated to fellow employees, Management shouldn't be involved in it (alarms).

Mary is showing a total disregard for management decisions and is showing complete disrespect for management in the presence of other employees. She is also showing total disrespect for her fellow employee and partner on shift.

Her attitude and conduct is causing a negative affect in the workplace.

On the morning of Friday, January 14, 2005, EMA Assistant Tanya Light advised that there was a call on their phone lines concerning a question on the County's Alarm rates. I went into the kitchen and spoke with Frank from Kovatch, and I gave him the requested information. He also asked if I had a number for someone who may install an alarm. I advised him that Hurley's out of Palmerton hooks the majority of our alarms but he could get any alarm outfit to install, just advised them he is going to be monitored by Carbon County. He asked if I could supply the number for Hurley—I put him on hold and went into the Communications Center for the information. The alarm book is between console 1 and 2, I retrieved the number and I went into the small office inside the center to see if I could grab EMA's line in their, but I was unable. As I was leaving the center I overheard Mary Miller, with John Poko and Kristin Klein present make a sarcastic comment, "Why is management looking at OUR alarm book". I proceeded and gave Frank the requested information. I felt disrespected by Mary Miller in front of other employees who I supervise and I was trying to assist the dispatchers by giving Frank the information instead of them if they would have been busy at the time.

Later that day, I had to go in the equipment room to initialize tapes at the AS400. Mary Miler gave me a paper concerning Dave Klitsch's alarm information and stated, "This needs to be changed to reflect his new address. I gave that information to Kathy Brown, I assumed the books needed to be changed to reflect the new address, but it turned out to be the digitizer. The digitizer is supposed to be one of the duties of a Sr. Dispatcher, which Mary Miller was assigned to by Dick McGettigan, primarily due to most alarms are installed or updated during the daytime hours.

I now have Dave Klitsch's information, which was given back to me by Kathy Brown. She informed me that Mary Miler told her it is the digitizer that needs to be changed.

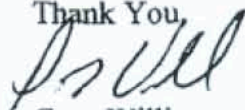
Later that morning, at my office was Tanya Light and Kristin Klein; we were discussing the morning weather. Mary Miller interrupted and arrogantly stated, "Do you want me to enter the information, because I don't know who enters them". I told her "It has to get done, you have done it in the past, the digitizer needs the updated information". Mary stepped into my office, looked at Kristin and left going through the kitchen to the restroom. Again, Mary Miller disrespected me in front of County Employee's.

Later in the day, approximately 2:15 P.M, Mary Miller approached me in front of Kathy Brown's office, stating, "I'll enter the information I just don't know who enters the alarms". I told her Sr. Dispatchers. I also, instructed her to enter the information and give step-by-step instructions to Sr. Dispatcher John Poko who was at console 2. She proceeded into the center. I then went into the center and changed what I had told her. I advised John Poko to enter the alarm and for Mary Miller to watch over and advise him if he makes a mistake so he could learn from it.

Finally the alarm is entered. Mary Miller has entered the information in the past and I feel it should be entered on dayshift since most alarms are installed or changed during these hours. All Sr. Dispatchers will know the system, in case a situation arises where we could lose a new or present customer.

Mary Miller's attitude this day was far from a professional. Her co-workers were coming out from working with her to get a break from the "constant bitching". Emergency Dispatchers do not need extra stress while they are working and Management does not need to be bad mouthed by a dispatcher in front of others. Enough is enough, 9 of her co-workers appreciated the environment we have created and we have treated all of them with respect and will continue to do so.

Thank You,



Gary Williams
January 18, 2005

EMPLOYEE WARNING RECORD

Employee's Name Mary Miller Clock or Payroll No. _____ Dept. 911 Communications
 Shift Day _____ Time 1:30 a.m. Date of Warning: January 25, 2005
 p.m.

WARNING

Date of Violation 01/09/05 & 01/14/05 Nature of Violation Substandard Work ☒ Conduct ☐ tardiness ☒ Attitude
 Time of Violation 11:44 AM & 9:51 AM
 Place Violation Occurred 911 ctr Violation Carelessness Disobedience

COMPANY REMARKS

Incident on January 9, 2005 was found doing routine Q & A. Caller was from Blue Mtn Ski Lodge. Mary was very rude and abrupt with the caller and told her next time you call make sure you have the needed information before you make the call. O.K.

Incident on January 14, 2005 was received as a complaint from Public safety personnel stating that Mary was rude and spoke with him concerning his request to contact State Police.

HAS EMPLOYEE BEEN WARNED PREVIOUSLY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Form of Warning	WHEN WARNED and BY WHOM		
		1 st Warning	2 nd Warning	3 rd Warning
		Verbal 1/24/03 - R McGettigan	8/16/04 - M Kruzik	
	Written	01/25/05 - M Kruzik		

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I do not agree with this - Q & A is used as a learning tool - since no complaint was filed & I did speak to the manager of the ski area. Since I handled the call - I did offer to apologize to the woman.
 I have entered my version of the matter above

Employee's Signature M. MillerDate 1/26/05

ACTION TO BE TAKEN

Due to the nature of the incident - 2 day unpaid suspension.

Approved By Mary Kruzik

Name

911 Mgr

Title

1/26/05

Date

I have read this "warning" and understand it.

Employee's Signature _____

Date _____

Mary KruzikSignature of person
Who prepared warning

911 Mgr

Title

1/26/05

Date

DISTRIBUTION OF COPIES

☐ Employee ☐ Personnel Department
☐ Foreman or ☐ Plant Manager
☐ Supervisor ☐ Employee's Union Rep.

Supervisor's Signature _____

Date _____



COUNTY OF CARBON

EMERGENCY SERVICES

1264 EMERGENCY LANE
NESQUEHONING, PA 18240-1802



911 Communications
(570) 325-9111
FAX: (570) 325-9121



Emergency Manager
(570) 325-3097
FAX: (570) 325-9131

Date: 14 JANUARY 2005

Complaint # 2005-001
(Assigned by 911 Center)

Complainant Name: EMA Director as asked by 1301

Address: Nesque. Fire Co. #1

Township/Borough: Nesquehoning

Telephone Number: _____

Date of Incident: 14 JANUARY 2005

Time of Incident: 0951 HRS

Nature of Incident: Altitude

Brief Summary: Bob Stamp (1307), F013 was dispatched for a possible roll-over (accident) on SE 93. At the end of incident Bob Stamp asked Dispatcher Mary Miller to advise PSP Lieutenant - there was an accident. Dispatcher MARY MILLER became rude/sarcastic with 1307 on this request

Signature Paul A. Stamp 1307

Date: 1/14/05

Result:

Founded ☐

Unfounded ☐

Complainant notified via correspondence on _____

(Date)

Commissioner's & County Administrator notified via correspondence on _____

(Date)

Involved Dispatcher(s) notified via correspondence on _____

(Date)

Tuesday, February 8, 2005

To Whom It May Concern:

This letter is being submitted to express my concern with some issues at the 9-1-1 center. After being approached by a fellow co-worker and being advised that "You guys better watch yourselves, Mary is out to get people and she brought up some things that have happened in the past." At this time I do not feel comfortable revealing my source, I do however consider them to be a very reliable source of information.

During this particular conversation it was also stated "Mary claims that Gary will not be here much longer, she has a lot of political pull because of her father." There were also some other comments that were made that solidified my sources credibility. As a result of these comments and past problems with Mary Miller, I do not feel comfortable working with her alone. Provided there is another employee working with us I have no objections to having to work with her in this situation.

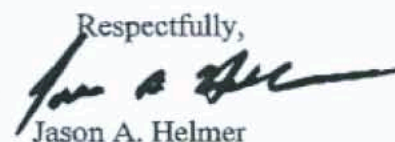
At the present time I feel that Mary is attempting to commandeer other employees to support her. Some of the tactics that she uses can be very misleading and as a result brings the entire morale of the department down. I have no desire to be the target of some false allegations resulting in my termination. It would be very easy for anyone to fabricate a false story and submit a complaint about it. In the event that I would be working alone, what proof would I have in my defense? None and then where would I turn?

These are the issues that concern me very much. As a result of prior instances, I have seen and heard how things become so twisted and false. This letter is not being submitted just to cover myself; I have concern for everyone out on that floor. At one point or another, Mary has degraded everyone in some aspect. Now that she is out to seek revenge what route will she seek next? I have already been accused of "ratting" her out to Mr. Williams as a result of some ski call? I have no recollection of any such event and in addition it is very rare that we work together. This is just one example of how easily someone can become accused.

Someone needed to step up to Mary Miller, and let her know who is the boss. Mary Kruzik and Gary have done this. I feel that certain people have basically been getting away with a lot of issues for a very long time. I am a firm believer in leading by example, what example is being set? Why should we be stereotyped and given a bad name resulting from the actions of one particular person? It is wrong and should not be tolerated. I work steady afternoon shift, and I do not like blowing my own whistle but we work differently. It is not the same environment when you work dayshift. We do not have to deal with screaming, yelling, banging, degrading comments, rudeness, and unprofessional attitudes on afternoon shift. I feel that we all work very well together to the best of our abilities. This should be uniform standard but sadly it is not.

In closing, I would like this letter to be kept on file in the event something would occur. I feel that the majority of the other employees may feel the same way about these issues. However, I think they may be intimidated to step forward and speak for what is right. If everyone were to follow the example set forth by Mary Miller, what would it be like? How can someone continue to act in the unacceptable manner that she does and then attempt to threaten someone's employment? Is this what they get for doing something right? If this is the way things are going to operate, it is a very scary situation.

Respectfully,



Jason A. Helmer

Record of Discussion

February 14, 2005

At approximately 1:15 PM on this date, Dispatcher 11 (Lee Marzen) entered my office to speak with me..

He closed my office door and stated he thought the atmosphere in the Communications Center wasn't quite right. I asked him to explain. He told me that he spoke with Gary earlier in the day and mentioned that Mary Miller was questioning him in regards to what medic trucks go where in the County. Lee told me he answered her as vaguely as he could. He stated he doesn't want to sound paranoid but with her experience, she should know the answers to those very questions and he thought she might be probing for getting him or some other dispatcher in trouble. He stated that she has done such things in the past whenever she gets in trouble herself.

I stated that he did what he thought was right and there was nothing wrong with the answers he gave.

Lee also related to me that another dispatcher told him she heard that Mary was looking to get some others in trouble. He stated that as a union steward he received a copy of a warning for her to which he returned to Audrey in Human Resources. Since Mary stated months ago that she did not feel comfortable with Lee representing her, he felt it was in Mary's best interest to return the warnings with a note to forward them to another union representative.

He told me he just wanted to go on record that he feels uncomfortable in the work environment at this time when he works with Mary.

End of memo
MK/st

EMPLOYEE WARNING RECORD

Employee's Name Mary Miller Clock or Payroll No. _____ Dept Communications

Shift _____ Time _____ a.m. Date of Warning: 04/16/05
p.m.

WARNING

Date of Violation April 13, 2005 Nature of Violation Substandard Work ☒ Conduct ☐ tardiness ☒ Attitude
Time of Violation 7:34 AM of
Place Violation Occurred 911 Center Violation Carelessness Disobedience

COMPANY REMARKS

Unacceptable behavior in the workplace.

HAS EMPLOYEE BEEN WARNED PREVIOUSLY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Form of Warning	WHEN WARNED and BY WHOM		
		1 st Warning	2 nd Warning	3 rd Warning
	Verbal	08-16-04		
	Written	01-14-05	01/25/05	

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I have entered my version of the matter above

Employee's Signature _____ Date _____

ACTION TO BE TAKEN

Three day suspension, effective immediately 04/16, 04/17 , 04/18/05. Any future violations of this nature will result in further disciplinary action up to and including dismissal.

Approved By _____ Name _____ Title _____ Date _____

I have read this "warning" and understand it.		<u>Mary Kuzik</u> 9-11 Manager 4/16/05 Signature of person Who prepared warning Title Date	
Employee's Signature _____	Date _____	<u>Mary Kuzik</u> 4/16/05 Supervisor's Signature D:	
DISTRIBUTION OF COPIES <input type="checkbox"/> Employee <input type="checkbox"/> Personnel Department <input type="checkbox"/> Foreman or <input type="checkbox"/> Plant Manager <input type="checkbox"/> Supervisor <input type="checkbox"/> Employee's Union Rep.			

To whom this may concern:

I am writing in regards to an incident that had occurred on 04-13-2005. While working the dayshift, we had been discussing the upcoming union elections. Part of the conversation had to do with an incident that I was explaining to the night shift dispatcher (Cheryl Steigerwalt), and the conversation had carried into the dispatcher that had come to work at eight am (Ray Bossard). The conversation about the election had changed when Mary Miller had stated her overall frustrations with an apparent suspension, and an upcoming grievance hearing. The casual conversation had changed, and I found myself sitting, listening to what was being stated by Mary Miller. Mary had been using extreme obscene language that seemed to carry on for quite a while.

To sum up what I had heard was that Mary Miller was not to lose the grievance hearing, and that she was going to prove that her suspension was a ploy to remove her as an employee. She had also gone on to state that a "good shop steward" (union representative) would represent anyone and not pick and chose, which to me was meant as a bit of a jab towards myself being the current union representative.

Mary had also gone on to state that Jim Tate, our representative to the AFSCME union was going to have a talk with all of the dispatchers. The information that was provided to both and Mr. Bossard was relayed to us in an anger and obscene filled manner. Neither Mr. Bossard nor I had replied or made comments to the conversation that had taken place.

Unfortunately, I do not remember the conversation verbatim, but my complete and honest recollection is listed above.

Respectfully,



Lee Marzen

To whom it may concern:

An incident occurred on 04/13/2005 which is the purpose of this letter. While arriving for my scheduled shift, 0800 to 1600 hours, Lee Marzen and Mary Miller were discussing the upcoming election for union officers. The conversation about the election had changed when Mary Miller had stated her overall frustrations with an apparent suspension, and an upcoming grievance hearing. The casual conversation had changed to a more irate one. Mary had been using foul language that seemed to carry on for sometime. I am not innocent of using such language, but it seemed to be directed towards management and a "witch hunt" to remove her from working at the Communications Center. I do not remember the entire conversation word for word, as it appeared to be another conversation that has become routine lately. Mary Miller was going on about how she is going to win the grievance hearing, prove her suspension was a plot to get rid of her, a shop steward should represent someone no matter what the situation is.

Mary went on to ask my opinion of shop steward, and I told her that if an employee makes a mistake then yes, however if an employee acts with negligence, then no, I would not help them to get out of it. Mary also in days after this, told me that Mr. Tate would like to interview me in regards to her suspension and as of yet this has not happened. Mary also gave me Mr. Tate's phone number and asked me to call him about this and I did not. If he would like to talk to me, he can contact me at work or at home.

Originally, I had some reservations about writing this letter in fear of retaliation from Mary Miller of some sort. But at this point I really don't care, because the morale at work lately has been extremely poor. I feel that the management is doing an extremely good job in making the Communications Center grow with today's technology and that management is not the problem with the morale. I truly enjoy my work, but lately I don't enjoy coming to work. Our work is stressful enough without coworkers making it harder on each other. If this type of behavior is going to be permitted by the County then perhaps I will have to rethink my employment with the County.

Respectfully,



Ray H. Bossard, Jr.
Dispatcher 32

EMPLOYEE WARNING RECORD

Employee's Name Mary Miller Clock or Payroll No. _____ Dept 911 Communications
 Shift 7:00 - 3:00 Time 11:15 a.m. Date of Warning: May 5, 2005
 p.m.

WARNING

Date of Violation 4/27/05 Nature of Violation Substandard Work ☒ Conduct tardiness Attitude
 Time of Violation approx. 2:30
 Place Violation Occurred 911 Ctr Carelessness Disobedience

COMPANY REMARKS

Senior dispatchers were given inter-department documents and Mary Miller released them to unauthorized outside agencies without disposition from a member of the management staff.

HAS EMPLOYEE BEEN WARNED PREVIOUSLY YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Form of Warning Verbal Written	WHEN WARNED and BY WHOM		
		1 st Warning	2 nd Warning	3 rd Warning
		05/05/05		

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I have entered my version of the matter above

Employee's Signature _____ Date _____

ACTION TO BE TAKEN

Approved By _____
 Name Title Date

I have read this "warning" and understand it. <u>Mtm</u> <u>5/5/05</u> Employee's Signature Date		<u>Mary Ruizik</u> <u>9-111 Manager</u> <u>5/5/05</u> Signature of person Title Date Who prepared warning	
DISTRIBUTION OF COPIES <input type="checkbox"/> Employee <input type="checkbox"/> Personnel Department <input type="checkbox"/> Foreman or <input type="checkbox"/> Plant Manager <input type="checkbox"/> Supervisor <input type="checkbox"/> Employee's Union Rep.		Supervisor's Signature _____ Date _____	



911 Communications
(570) 325-9111
FAX: (570) 325-9121



COUNTY OF CARBON

EMERGENCY SERVICES

1264 EMERGENCY LANE
NESQUEHONING, PA 18240-1802



Emergency Management
(570) 325-3097
FAX: (570) 325-9132

Memorandum

TO: Randall Smith, County Administrator/Chief Clerk
Carbon County Board of Commissioners

FROM: Mary Kruzik, 9-1-1 Manager

DATE: September 2, 2005

SUBJECT: Verbal Complaint received from Dispatcher Ray Bossard in regards to the possible mishandling of a 9-1-1 call

On August 31, 2005 Ray came to me and Gary Williams and stated that we might want to listen to a call regarding suicide threat that occurred at approximately 1310 hours. He stated that he overheard the other dispatcher on duty tell the caller to hang-up and call MHMR.

Ray wanted us to know that he was not filing a complaint but thought the call may not have been handled properly in regards to the best interest of the caller.

In reviewing the voice recording and the documents related to the call, I find the following:

1. A female telephoned 9-1-1 stating she is having suicidal thoughts and was told to dial 9-1-1 after dialing 4-1-1.
2. Dispatcher placed the (9-1-1 call) suicide threat on hold to answer a non-emergency line.
3. Dispatcher did not follow EMS dispatching procedures as she did not obtain and/or verify the callers name and phone number.
4. Dispatcher did not follow proper EMD protocols as it is stated that for a suicide threat made by a 1st party caller, keep the caller on the line until responders arrive at scene.
5. Dispatcher informs the non-emergency caller to hold because she has a suicide threat on 9-1-1 (sharing confidential information possibly violating HIPAA regulations).

Randy Smith
Carbon County Board of Commissioners

-2-

September 2, 2005

6. Gives the distraught caller another telephone number to call (Blue Mountain Health Systems, Lehighton Location) and tells the caller to ask for the Mental Health Unit instead of transferring the caller leaving our agency with no liability defense.
7. Dispatcher calls the hospital herself to see if the caller telephoned them and assumes she did.
8. Hospital telephones dispatch center, in regards to the caller. Gives the dispatcher the caller's name and type of call (suicide) and asks if the dispatcher is aware of it. Dispatcher states, yes, that we transferred the call down there. (there is no record of transferring the call, as stated above; the dispatcher gave the distraught caller, the telephone number for the caller to call herself).
9. The hospital employee informs the dispatcher that the caller hung up on them before they could get any real information and the dispatcher gives the employee the caller's phone number that the dispatchers assumes is correct.
10. The hospital employee asks the dispatcher if we should call the police and instead of transferring the call to the state police, gives the caller the phone number of the police to make the call herself. (Our dispatch center has one button transfer to all state police barracks)
11. Dispatcher then calls state police herself to tell them about the suicide call as if state police already knows about it but couldn't possibly because the dispatcher failed to notify them earlier.

Enclosed is a copy of our EMS Dispatching procedure currently in use at the 9-1-1 Center as well as the 9-1-1 voice recording, 9-1-1 transcript of voice recording, printout of incident, statement by Ray Bossard, Dispatcher 32, record of discussion with Mary Lesniak, Supervisor, Mental Health Unit, record of discussion with Jackie Grier, Unit Clerk, Mental Health Unit,

In summation I am unable to find any justification for the actions of Senior Dispatcher, Mary Miller. In fact, I believe her actions and conduct were negligent and careless and the County was fortunate that her actions did not result in personal injury to the 9-1-1 caller. Her actions if properly handled would have transferred the initial caller to a health professional which would have been recorded alleviating the County of any possible liability. I believe corrective action should be taken according to the progression of the County's disciplinary policy


MPK:st

Cc: file

August 31, 2005

On this date at approximately 13:10 hours, I overheard Dispatcher 1 on an apparent suicide call. While I was not sure of all the details of the call, I did hear the caller referred to as suicidal. The caller was disconnected by the dispatcher and referred to call MHMR by phone. That does not follow EMD protocols and is not in the best interest of the caller. With that in mind, I felt the need to refer this problem to management.

Sincerely,


Ray Bossard, Jr.
Dispatcher 32

Cc: File
Management

Monroe County Control Center

Date: September 2, 2005

To: Mary Kruzik, Carbon County Communications Center

From: Gary A. Hoffman, E.N.P., Director of Communications

Re: Telephone Call Evaluation 9/2/05

In reply to the review of the audio recording that my Quality Assurance and Training Coordinator, Ms. Susan DiFlippantonio, listened to this morning I have listed our joint comments below. However before I do that I want to include the following caveat, each 9-1-1 communications has written guidelines, policies and procedures and these policies and procedures differ from agency to agency.

Conversely, in as much as they differ in language I believe that the "intent" is the same with respect to the quality of the "product" and delivery i.e. the quality level of the dispatch service the public deserves and should receive.

Our evaluation of the incident in question is being submitted to you in response to your request however our opinions are based upon the standards set forth by our agency, and in consideration of what we have in our written guidelines. Clearly do not misinterpret this point; I'm not saying that Carbon County's are not adequate however ours are slightly different so please keep that in mind.

Our input-Overview:

- Did the call-taker follow your own agencies written dispatch policies and procedures?
- Did the call-taker follow you pre-arrival (EMS-EMD) instructions as they applied to a "suicide" call?
- Why did the call-taker have to answer the non-emergency line in the first portion of the suicide call thus requiring the suicide caller to be placed on hold?
- What was the other dispatcher in the communications center doing at the time; could they have picked up the call so that the suicide caller would not have had to be placed on hold?
- Did the other dispatcher(s) in the room know at the time that call-taker #1 was working on a suicide call?
- Did the call-taker "assume" that the information was adequate which was displayed on the ANI/ALI screen?

ghoffman@monroeco911.com

- The call-taker really did not ask for any of the caller's specific information; name, specific location, did the caller take anything or begin to induce the suicide process at all?
- We feel the call-taker should have not given the caller a phone number to call but rather transfer the caller to the hospital mental health department. The call-taker could have reduced your agency's liability exposure if they would have kept the caller on the line, brought on the mental health professional on the line, making sure they are connected then drop off the line. This transaction would then have been recorded protecting the agency, the call taker and eliminating one less step for the distraught caller.
- We feel that when the hospital called back and requested that State Police be dispatched to this incident the call-taker should not have given the nurse a phone number to call. They should have transferred them to the appropriate State Police barracks, again creating an "audit trail" reducing your liability.

Summation:

Collectively we believe the call could have been handled differently. It's obvious that the caller wanted help since she first called 4-1-1 and they referred her to 9-1-1. When she called 9-1-1 they referred her to another number, if the caller didn't want help she most likely either wouldn't have called at all or stopped with the first referral. Your current telephone premise equipment has the ability to transfer the call; the dispatcher would have better helped the caller by doing that.

The outcome at this point we don't know for sure but from an auditing perspective should there be subsequent legal action against you, there isn't much protection for the agency that I can see.

From our agency's perspective this incident and specifically how it was handled would have resulted in the dispatcher receiving some form of disciplinary action. As to the degree, that would depend upon other circumstances since we have a progressive disciplinary policy.

Understand again that is based upon our agency's standards and written call-handling policies and procedures.

ghoffman@monroecounty911.com

Mary Miller – Suicide Call

TRACK 1:

M – 911

C – Hi. I didn't want to dial this number but 4-1-1 told me to.

M – what's the problem?

C – Um, I just wanted a suicide hotline number and um, they told me they would have to put me on hold for about 20 minutes and I told them I didn't want to wait that long and they told me to dial 9-1-1. And I didn't really want to dial 9-1-1 because..

M – Well, what are you calling about suicide...what, what...are you calling for yourself or someone else?

C – for myself.

M – Ok...do you have weapons or I mean..what?

C – no, I have ways of going if I want to I just want to talk to somebody that's all.

M – Where do you live at?

C – um, 2147 [REDACTED] Circle, but I don't want cops and I don't want anybody, I just wanted to talk to somebody and...

Ringing in the background

M – hold on please, please hold.

M – Comm Center

J – Mary it's Jason. I just had that Jennifer Bollinger call..

M – You know what, you gotta hold, I have someone on the line threatening suicide. Hold on.

J – yep.

M – I can give you the number to Leighton Hospital Mental Health Unit, they can put you in touch with someone.

C – Ok, if you could give me that, that would be great.

M – 610-377-1300 and ask for the Mental Health Unit.

C – Ok, thank you. Bye.

M – mmm hmm.

TRACK 2:

- Dialing -

L.Hospital – Lehighton Campus Blue Mountain Health System

M – Mental Health Unit, please.

Operator – One moment

- on hold -

Mental Health – May I help you?

M – Yeah, this is the 911 Center calling, a female from Penn Forest Township called, she just wants to speak to a counselor..

M.H. – OK and that line was busy, I have her on the other line, and I told her to please don't hang up.

M – Ok you have her. Ok thanks.

M.H. – She's on, I hope she's still there. OK?

M – Alright I have her number if you..

M.H. – Is it 325- [REDACTED]

M – no, its 722- [REDACTED] is her number that she called me from

M.H. - Oh, well I have a number here..

M - Ok, maybe someone transferred that. It's 722- [REDACTED] is the direct number to her home.

M.H. - OK

M - Alright thank you.

M.H. - You're welcome.

TRACK 3:

M – Comm. Center

Jackie – Hi this is Jackie calling from Gnadden Hutten Hospital in Leighton on the Behavioral Health Unit.

M – mmm hmmm

J – We just got a phone call from a Mary Clancey, said she was going to kill herself.

M – mm hmmm

J - Do you know about that?

M – Yeah we transferred her down there. She didn't want the police or anything she just wanted to speak to a counselor.

J – She hung up on somebody here, so we really didn't get to speak with her. She didn't...

M – 722- [REDACTED]

J – I didn't get the phone number from her

M – I'm giving it to you

J – I did get it, OK, well then I guess...should I call the police?

M – the Fern Ridge that's who covers that area. 646...

J – Ok hold on...646

M – um..2271 and her address is 2147 [REDACTED] Circle

J – 2147 [REDACTED] Circle..

M – and I'll follow up with that also.

J – OK

M – Bye.

- Ringing -

- State Police Fern Ridge..

M – Yeah, it's the Comm. Center, ah the Hospital in regards to that woman that called, the suicide, suicidal woman. 2147 [REDACTED] Circle. She hung up on the hospital I guess they need someone to check on her.

Police – what's her phone number again?

M – 722- [REDACTED]

P – and it's 2147 [REDACTED] Circle?

M – yeah.

P – what development is that?

M- I think it's Tommincing Trails, just let me double check that. Yeah Tomincing Trails. OK?

P – Yeah.

TRACK 4:

M – Comm. Center. Hello?

P – State Police at Fern Ridge...

M – Yes

P – What was that lady's name? The suicide caller?

M – I don't know what her name was. I just could tell you what house...the phone is in, the the name of the residence that came up on the screen.

P – what was the name?

M – Hold on....Ok it came back to the James [REDACTED]...at 2147 [REDACTED] Circle 722- [REDACTED]

P – Ok.

M – Alright?

P – Ok

TRACK 5:

Carbon County Switch...

P – Oh yeah State Police Department

Operator – Yes.

P – that apparent suicide over there at [REDACTED] Circle?

Operator – uh huh.

P – everything's ok there. She wants an ambulance, she's going to sign herself in.

Operator – I'm sorry, she needs an ambulance?

P – yes.

Operator – Okidokee. Are you guys on scene or no? Are you guys on scene?

P – yes.

Operator – I'll get one out.

P – Yes.

TRACK 6:

Buzzing and beeping...

Leighton 3rd Unit. QRS5. 2147. 2-1-4-7 [REDACTED] Circle. Psychiatric emergency.

Buzzing and beeping....

Leighton 3rd Unit. QRS5. 2147. 2-1-4-7 [REDACTED] Circle. Tomincing Trails. Psychiatric emergency. State Police are on the scene. 1345.

TRACK 7:

561 is fine. 1346 received some time ago. Female wanted to commit suicide. State Police are on the scene. Request for EMS.

TRACK 8:

Ringing

Hello

Hey, what would 2147 [REDACTED] Circle be?

Uh, hang on let me get back to you. I'll give you a call right back.

OK

TRACK 9:

Yes sir..

Is it [REDACTED]?

What?

[REDACTED] is the name right?

Uh...

2147 you said.

Yeah..

Should be 197 [REDACTED]

Should be what?

[REDACTED]

197?

Yeah.

Now what the hell did I just do? Son a bitch

Jesus Christ

Jesus Christ

OK, give me the number again

Uh, 197

197

Ok Thank you.

Bye

TRACK 10:

561

We're going to Lehighton, tell Gary I'll call him back when I...this call....

TRACK 11:

- Lehighton Hospital, go ahead please.
- 561 your facilities...Room 7, she's wanting to sign herself in. ETOH large quantities. Um, she's definitely wanting to hurt herself today..PSP is about...she's acted up right now we'll be there in about 5 to 7.

1. (Suspected and ≥ 8) Is s/he violent?

2. Does s/he have a weapon? ★

3. Where is s/he now?

4. Is this a suicide attempt? ★

Near Hanging, Strangulation, or Suffocation (alert)

THREATENING SUICIDE

Carbon monoxide8

Laceration with SERIOUS hemorrhage21

Overdose23

Stab or Gunshot wound27

5. Is s/he completely awake (alert)?

a. I'm sending the paramedics (ambulance) to help you now. Stay on the line and I'll tell you exactly what to do next.

b. If it's safe to do so, observe her/him continuously (beware of being attacked).

c. If it's safe to do so, protect her/him from her/himself.

* (1st party) Keep a violent or suicidal patient on the line.

* In volatile/criminal situations, refer to applicable law enforcement protocol. ★

DLS * Link to X-1 unless:

Danger or Crime Scene X-9

Violent X-8

INEFFECTIVE BREATHING and Not alert ABC-1

LEVELS # DETERMINANT DESCRIPTORS

CODES RESPONSES MODES

D1 Not alert25-D-1

B1 Violent (police must secure)25-B-1 ★

2 THREATENING SUICIDE25-B-2 ★

3 Near hanging, strangulation, or suffocation (alert)25-B-3 ★

4 Unknown status (3rd party caller)25-B-4 ★

A1 Non-violent and non-suicidal (alert)25-A-1

For use under MPDS™ license agreement only. © 2001 Medical Priority Consultants, Inc. All rights reserved. Protected by U.S. Patents 5,857,966; 5,989,187; 6,004,266; 6,010,451; 6,053,864; 6,076,065; 6,078,894; 6,106,459		AMPDS™ v11.1, NAE-std, 010505 AMPDS™ v11.1, NAE-std, 010505	
THREATENING SUICIDE Persons who are threatening to commit suicide but have not yet done anything to harm themselves . Any person who has already harmed themselves, but is refusing help or entry, is to be coded Violent (25-B-1) and police notified.		Axioms 1. Behavioral emergency patients (at any level of consciousness) are considered to be a potential risk to themselves and others . 2. Certain serious medical problems can be confused as "just a psych problem." It would be a serious EMD error to not respond at all . These problems include insulin shock, severe blood loss, lack of oxygen, delirium tremens (DT's), overdose, liver or kidney failure, etc. 3. Certain stages of insulin shock can easily be confused with alcohol intoxication or psychiatric problems . 4. Delirium tremens (DT's) is a severe metabolic derangement that has a surprisingly high in-hospital mortality rate and should not be underestimated . 5. It is reasonable to utilize a police only response when a person is THREATENING SUICIDE (no injuries have occurred). This choice must be approved by local policy between the law enforcement and EMS-provider agencies.	
1. If the actual type of suicide attempt is determined to be overdose, carbon monoxide, stab, gunshot wound, or laceration with serious bleeding, go to and dispatch from that more specific protocol . 2. 1 st party callers who are threatening suicide should be kept on the line until responders arrive . 3. Consider call tracing if there are problems with location, identification, or information cooperation. Carefully and tactfully determine the patient's exact location . 4. Constricting or suffocating materials , such as rope, wire, or plastic bags, should be removed prior to the provision of PDIs . Care should be exercised to preserve potential crime scene evidence (i.e., the noose should be cut or loosened rather than untied).		Causes of Altered Behavior <ul style="list-style-type: none">• Alcohol intoxication• Drug abuse• Emotional and hysterical reactions• Hypovolemic shock• Medical problems and serious illnesses• Psychiatric problems• Suicide attempts and threats• Withdrawals	