

# DEPARTMENT OF CORRECTIONS WASHINGTON CORRECTIONS CENTER FOR WOMEN

MS: WP-04 • 9601 Bujacich Rd. N.W. • Gig Harbor, Washington 98332-8300

# WARNING

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sp	ecific authorization of the superintende	nt.			
CASE TOPIC:	Grievance #0503588				
CASE #:	WCCW 03-031-05				
DATE OPENED:	03-23-05				
DATE CLOSED:	04-11-05				
	sign and date at time of review or receipt				
IN OFFICE REVIEW	CASE OUT REVIEW	COPY AUTHORIZATION			



#### STATE OF WASHINGTON

#### DEPARTMENT OF CORRECTIONS

OFFICE OF CORRECTIONAL OPERATIONS WASHINGTON CORRECTIONS CENTER FOR WOMEN

P.O. Box 17, MS: WP-04 · 9601 Bujacich Rd: N.W. - Gig Harbor, WA 98335-0017

April 11, 2005

TO:

Linda Anderson

Grievance Coordinator

FROM:

Henry Keller

Correctional Investigator

SUBJECT: CASE # WCCW 03-030-05 CONTENTS

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  - Interview with A/C Cook Young, Larry
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- Attachment (A) Written statement from Offender
- Attachment (B) Written statement from A/C Cook Young, Larry.
- Packet From Linda Anderson.
  - Referral from grievance office.
  - Original grievance.
  - Investigative procedure form.
  - Notification of staff conduct/reprisal grievance form.
  - Original investigation findings by Bennie Moss, Food Manager.
  - Written statement from A/C Young.

"Working Together for SAFE Communities"

<sub>20.50</sub> = 919



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Correctional Investigator

SUBJECT:

CASE # WCCW 03-031-05 / Grievance #0503588

#### Synopsis:

On March17, 2005, Linda Anderson, Grievance Coordinator requested that the Intelligence and Investigation Unit (I&I) conduct an investigation into grievance # 0503588. Offender stated that Larry Young, Adult Correctional Cook, (A/C) has made indecent / sexual comments while a group of offenders were viewing a Victoria Secret's Magazine. She also stated in her grievance that A/C Young made a comment to her about, "Giving his wife, Arlene Scott-Young, Correctional Councilor 3 (CC3) a hard time due to a low LSI score.

#### Interview: Offender '

On March 24, 2005 at approximately 0905 hours, I conducted an interview with Offender in regards to the allegations towards A/C Young. Offender is unwilling to answer questions with any detail. Ms. Stated that it was a lingerie add, not a *Victoria Secret's* catalog that they were looking at. All she knows is afterwards afterwards began saying "this and that" about Larry but cant remember exactly what. Offender was unwilling to expand on the meaning of "this and that".

I asked Offender was ever any discussion about genitalia brought about by this add, she replied, "Not by Larry". When asked than by who? Ms. replied, "I don't remember."

"Working Together for SAFE Communities"



Ms. Stated. "It was no secret that Offender did not like Larry or Arlene because Arlene took away Offender as good-time or something like that and Larry is Arlene's husband."

End of Interview.

#### Interview: Offender

On March 24, 2005 at approximately 1000 hours I conducted an interview with Offender I asked Ms. I asked Ms. If she was present on the date and time in question. She stated yes. "The magazine was mine, it wasn't a *Victoria Secret's* catalog though, it was a "Magnum" or "Stuff" magazine." "My husband sent it to me and I'm not quit sure why, because it is a magazine for men, its full of women in skimpy clothes." I wasn't sure if he was trying to tell me something." "Like maybe I need to start working out after I have the baby." (named offender is pregnant)

I asked Offender how the magazine got to the kitchen, she stated she removed the cover and took it to work to see what the other girls thought about her husband sending it to her. I asked, who all was looking at the magazine after she took it to the kitchen? She stated three or four girls and Larry were flipping through it in the kitchen area. I asked what kind of conversations this lead to? Offender stated that people were commenting as they flipped through the magazine but she could not hear what was said as she was out in the dining area. I asked Offender that I there was any discussions regarding genitalia, she stated, "not that I heard." End of Interview.

#### Interview: Offender

On March 24. 2005 at approximately 1400 hours an interview was conducted with Offender I asked if she was involved in viewing the Victoria Secret's catalog. Offender I stated, "It wasn't a Victoria Secret's catalog, it was a magazine for men that Inmate I brought over." Ms I stated that Offender I handed them the magazine and asked, "why do you think my husband would send me a magazine like this?" Ms. I claims that she flipped through it and stated, "I don't know but I would be pissed if my husband sent me this." Ms I stated that A/C Young said, maybe he is telling you to get into shape after you have the baby. "That was the end of it, we all got back to work."

I asked Offender said, "No, but I know what you are talking about." "Before the magazine even came out, there was an inmate named talking about how small her boyfriend's penis was, then we all kind of started talking about sizes and shapes and stuff." I asked if A/C Young was involved in this discussion and she stated, no Larry was sitting in the corner just shaking his head. He never joined in our conversation or said a word. End of Interview.

Offender completed a statement summarizing the above. See (Attachment A)

#### Interview: Offender

On April 7, 2005 at approximately 1330 an interview was conducted with Offender via telephone from Pine Lodge Pre-release, contact was facilitated by Community Corrections Officer (CCO) Harley Farwell.

I asked Offender to recall the events that occurred on February 12, 2005 that led to the grievance that she filed against A/C Young. She stated that several girls were all sitting in the dining area and Larry was leaning up against the wall. Offender brought over a *Victoria Secret's* magazine. Everyone was flipping through the magazine making rude comments about it. When asked what kind of comments were being made, Offender stated, "They were talking about penis sizes and toys, you know that kind of stuff, and Larry didn't say a word to them about it." I asked if A/C Young was involved in the discussions about the magazine and Offender replied, "yes," but could not be exact as to what A/C Young said.

Offender claimed that A/C Young assigned her to less desirable working areas of the kitchen, areas that are usually designated for inmates just starting. Offender felt that this was retaliation for a disagreement that she had with her counselor Arlene Scott-Young, wife of A/C Young. Offender claims that Arlene Scott-Young dropped her LSI score from a 37C to a 42B for no reason. End of Interview

#### Interview: Officer Taylor, Marvin

On March 25, 2005 at approximately 1500 hours I conducted an interview with Officer Taylor, Marvin. I asked C/O Taylor if he could recall an incident in the middle of February when Offender approached him about a problem that she had with kitchen staff. C/O Taylor stated, "Yes that did occur." He said, "Offender came to me upset and I asked her what was wrong." Offender stated that she wanted a grievance form because she was going to grieve Larry in the kitchen. C/O Taylor allegedly asked what occurred and if the issue could be resolved at a different level. It is stated that she was offended by the kind of talk that was going on between other immates in the kitchen and Larry allowed it to go on. C/O Taylor stated that was upset that A/C Young did not say anything to the offenders that were talking about issues sexual in nature. C/O Taylor claims at that point he referred to Sgt. Shepard.

I asked C/O Taylor if complained of A/C Young getting involved in the sexually explicit conversation. He stated, "No, just that he supposedly didn't do anything to stop it." End of Interview.

#### Interview: Sgt. Crittenden, David

On March 28, 2005 at approximately 1215 hours I conducted an interview with Sgt. Crittenden via telephone. I asked Sgt. Crittenden if he recalled an incident in the middle of February when Offender approached him with a complaint about kitchen staff. Sgt. Crittenden stated, "Yes he did recall the incident" He stated that Offender was upset because Larry allowed Offenders in the kitchen to carry on about sexually explicit issues with out saying anything to them or putting a stop to it. Sgt Crittenden stated that he spoke with A/C Young, regarding the accusations. End of Interview.

#### Interview: Sgt. Sheppard, William

On April 01, 2005 at approximately 1500 hours, I contacted Sgt. Shepard via telephone in regards to the allegations made by Offender Sgt Shepard stated. "Offenders come to me every day with problems and complaints." "To be honest with you I really don't recall that particular incident." End of Interview.

#### Interview: A/C Larry Young

On April 06, 2005 at approximately 1100 hours an interview was conducted with A/C Larry Young. A/C Young reviewed the statement he submitted on March 14, 2005 (Attachment B) and stated that he would like it to stand. A/C Young did add that he never involved himself in any type of sexual conversation with the offenders.

When Offender brought the magazine from her unit, handed it to Offender and asked, "Why do you think my husband would send me a magazine like this?" A/C Young stated that he did glance at the magazine and say, "Maybe he wants you to get into shape after you have the baby." The statement was not said nor perceived in a malicious manner. Young stated that the magazine incident and the sexual discussion between offenders were two entirely different occurrences. A/C Young claims that he directed the offenders involved in the conversation back to work. End of Interview.

#### Interview: Sgt. Ahmu, Kathleen

On April 8, 2005 at approximately 1630 I conducted an interview wit Sgt Ahmu. She was unable to recall a recent incident were an offender made complaints about kitchen staff. **End of Interview.** 

#### **Conclusion:**

A review of the kitchen roster for February 12, 2005 indicates that Offender was not assigned to work kitchen detail, therefore not present on that date.

The viewing of the magazine in question and the sexually explicit conversations by offenders appear to be two separate incidents occurring at different times. Grievance #0503588 initiated by Offender indicates that these were simultaneous occurrences with one stemming from the other. Testimony of the above staff and offenders indicate that A/C Young did view the magazine however no evidence supports that he made sexual comments about the magazine or otherwise. At this time the allegations of A/C Young partaking in conversations of a sexual nature with offenders are unsubstantiated and unfounded.

Statement of Larry D. Young March 14, 2005 RE: I/M

I Larry Young am responding to the statements made by Offender

as assigned to work in the MSC food service. On her first week of work, I assigned I/M of the dish room, an area that all offenders are assigned to work during their shift. I/M tated she could not work in the dish room because her shoulder hurt and she was unable to perform the task and she had an HSR. I called the Clinic to verify if she had an HSR. I was told by clinic staff that I/M for her shoulder or work restrictions to limit work in food service. I placed I/M the dish room to work for her shift. During the course of her work in the dish room I/M became visibly upset of being assigned to the task. She later stated to Sgt. Crittenden and C/O Taylor that I (A/C Cook Young) was harassing her and picking on her. The following week Sgt. Crittenden and C/O Taylor stated to me that I/M stated I was sexual harassing her and making sexually inappropriate comments to offenders, I/M stated that she overheard me talking sexually to other offenders while working in the kitchen. At no time did I make sexual comments or references to any offenders or staff. The kitchen workers were on break and started to talk about sex, at that time I told the whole crew to cut that talk out and not discuss inappropriate matters while at work.

It should also be noted that I/M started making this inappropriate statements after receiving her LSI-R score from her then counselor, Arlene Scott-Young. I/M stated that once Ms. Scott-Young left WCCW for a new job she would get out of the kitchen and not have to work as she did not like A/C Young.

A/C \ S

ATTACHMENT (R) Page Loi L

ATTACHMENT (A) Page Lof & was there on both woodgatad or occusions when Harry was supposed to have a conversation w/ us about genital sizes. That we not true at all.

A girl named was Valking about her boyfriends genus size to about 3 1) ins and the conversation lasted, about 2 minutes. Kurry was sotting ever in the Corner and never once did he respond to buy conversation He didn't say a word. He just shook his head at use. The other incident a girl named receved a magazine her husband in the mail and it was full it women in Bythingsuits and She worked Harry and I why we thought her husband would send her a magazine like 4his?? We 400K the magazine and If lipped through it and I said; the sent me a magazine like this and darry said, maybe has telling with that he want 5,926

#### Keller, Henry A.

From: K

Kelly, Kelly M.

Sent:

Tuesday, March 22, 2005 8:58 AM

To:

Keller, Henry A.

Subject: FW: griev

FYI....

----Original Message-----From: Anderson, Linda A.

Sent: Tuesday, March 22, 2005 7:25 AM

To: Moss, Bennie R

Cc: Garbitt, Eddie L.; Kelly, Kelly M.

Subject: griev.

The staff conduct griev, that you have been working on ... i/m

log id 0503588 that I referred back for

further investigation has been reassigned to the 1 & 1 office.

Please give that office all the paperwork and summary of what you have done, asap., thank you



#### STAFF CONDUCT GRIEVANCE QUEJA POR LA CONDUCTA DEL PERSONAL

NAME: NOMBRE:	LAST APELLIDO	FIRST PRIMER NOMBRE	MIDDLE 200 NOMBRE	DOC NUMBER NUMERO DOC	FACILITY/ FACILIDAD	UNIT/CELL UNIDAD/CELDA
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PART B - LEVEL II RESPONSE / PARTE B RESPUESTA 200 NIVEL

GRIEVANCE COORDINATOR SIGNATURE FIRMA DE COORDINADOR DE QUEJAS

> SUPERINTENDENT, WORK RELEASE SUPERVISOR, FIELD ADMINISTRATOR SIGNATURE FIRMA DEL SUPERINTENDENTE, SUPERVISOR DEL CENTRO DE LIBERTAD PAR TRABAJAR, ADMINISTRADOR DE LA OFICINA SUCURSAL

GRIEVANT SIGNATURE

FIRMA DE QUEJANTE

DATE

DATE

**FECHA** 

You may appeal this response by submitting a written appeal to the coordinator within two (2) working days from date this response was received.

Ud. puede apelar esta respuesta al someter una apelación por escrito al coordinador dentro de dos (2) días de trebajo de la fecha en que esta respuesta fue

DATE

**FECHA** 

DOC 05-170 E/S (Rev. 10/2000) POL

4. GRIEVANCE COORDINATOR - COORDINADOR DE QUEJAS

#### INVESTIGATIVE PROCEDURE

Please investigate the attached Grievance. Superintendent Stewart wants your response to contain two things: First, she wants a complete written report of your investigation with conclusions. Second, she wants a brief summarized proposed response to the Grievance which can be used as an answer to the grievant.

Include the following elements in your investigation report:

- 1. Name of investigator.
- 2. If a Staff Conduct, have the staff sign the Notification of Staff Conduct (Form DOC 20-303)
- 3. Interview grievant and staff member(s)-mentioned.
- 4. Names of persons interviewed and date of interviews.
- 5. Synopsis of interviews.
- 6. Citation of documents consulted (policy number, WAC, RCW, etc.)
- 7. Evidence found to substantiate or refute the grievant's claim.
- 8. Conclusions of the investigator.
- 9. Action taken if any as supervisor towards staff based on investigation, i.e., counseled, letter of reprimand.
- 10. Signature of investigator and date.
- 11. Return investigation report to Grievance Coordinator by date noted.

Write your investigation report and proposed response as though you were testifying in Court. The first sentence of your repot should begin as follows: On (date. (your name and title), conducted this investigation and reports: "Briefly and in summary form report results of your investigation with conclusions."

If you have any questions, please contact me.

Thank you,

Linda Anderson, Correctional Specialist Ext. 246

LA/kss Revised 08/17/00

#### HOW TO PROCESS

#### "NOTIFICATION OF STAFF CONDUCT/REPRISAL GRIEVANCE FORM"

(Notification to Involved Staff)

The assigned investigator informs the staff member of his/her right to be notified of the outcome of the Staff Conduct Grievance /Reprisal and if appealed, Level III. The staff being grieved completes section 2 of the form (DOC 20-303 Notification of Staff Conduct/Reprisal Grievance form), by marking one of the two check boxes, indicating whether they want to be notified as to the results of the grievance/appeal, their signature and date of signing. The investigation staff returns all three pages of the form to the Grievance Coordinator with the investigation. The Grievance Coordinator, once the investigation is signed off by the Superintendent/designee, sends a copy of the marked results to the staff requesting this information with the appropriate checked box marked.

### **GRIEVANCE**

I,Bennie Moss,F/M 1 at WCCW. conducted an interview with I/M concerning the alleged misconduct of A/C Larry Young on 2-12-05

I/M states that she, Mr. Young and the rest of the offender workers were all sitting in the dining area of the M.S.C. kitchen looking through a Victoria SECRET catalog when one of the offenders brought up the fact that she was once a phone sex operator. I/M states that the conversation progressed into a discussion about penis and vaginal size, with Mr. Young making comparison to some of the photos in the catalog

I/M proceeded to give me names of offenders present that might be potential witnesses to the conversation, also staff that she spoke with immediately after her shift ended. I spoke with the person's who's names I was given.

I/M said conversation never took place

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Sgt. Ahmu, said I/M never spoke with her concerning this issue

Sgt. Sheppard, said he had no idea what I was talking about.

Bennie Mess

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Sgt. Ahmu, said I/M never spoke with her concerning this issue

Sgt. Sheppard, said he had no idea what I was talking about.

After speaking with persons who's names I was given, I find there is no evidence to substantiate I/M accusation.

A/C Young was spoken too and given a letter of warning. A copy of this letter will be placed in his working file.

A/C Larry Young 3-15-05

A/C YOUNG, it was alleged that some offenders on your work shift between the hours of 13:00 and 19:30 had a victoria secret catalog in the department. From some of the photos, an inappropriate conversation insued. One of the ladies that was suppose to have been there states that she became highly offended.

At this time I cannot say if this is true or not but whether or not it is, there is to be no magazines, papers, books or anything that is not job related brought into the work area. Anyone caught with such items should be delt with immediately

It is my expecation that you would not condone such behavior.

I, Bennie Moss F/MZ at W.C.CW. Conducted in interview With I/M Concerning The alledged Misconduct of A/C Larry young on 2-12-05 Mp state that she, Mr. Young and the rest Of the offender Werkers Were all setting around in the dencing are of the M.S.C. Retiher When one of the offenders brought up the fact that she use to do phone get. She states that they also had a - Victoria Secret Catalog. She also states that the Conversation progressed into a discussion about Penes and Vaniga size, With Mr. young making Comparison to some of the Pictures Photos in the The Conversation these turned to an incident that secured buttered to my and "Type In Frereided to your me names of ether Offenders Present that Tright be Patential Wilnesses to the Conversation and also stop that she spoke with immediately after his shift and Fortels I spoke with the Persons Where Mames & Wasquen says Conversation never took Place says: 11. 11 11 77 11 11 11 11 Sgt. amen said mo never spoke with hu Concerning this issue \_ 934

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by Mr. Vickus and that she need to reassess

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to appeal: Ms young suggested she go to

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Team, Where it has been since

6 K Sqt. amen initially

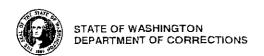
Statement of Larry D. Young March 14, 2005 RE: I/M

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A/C do S



#### NOTIFICATION OF STAFF CONDUCT / REPRISAL GRIEVANCE (Notification to Involved Staff)

		SECTION I - TO ASSIGNED INVESTIGATOR	
Attach	ed is grievanc	e number <u>0503568</u> , which alleges misconduct and/or reprisal by  A/C LARRY FORM	
STAFF ME	MBER NAME (PLEASI	PRINT	
to be r comple	otified of the f	RVIEW WITH THE STAFF MEMBER, inform the staff member that he/she has the right inal determination of the grievance at Level II and (if appealed) at Level III by I below. Upon completion of Section II, the investigator shall return this form to the or.	
	SEC	TION II - NOTIFICATION OF FINAL DETERMINATION	
	<u> </u>		
	STAFF SIGNATU	DATE 03-14-05	
		SECTION III - LEVEL II / LEVEL III DETERMINATION	
The investiga  LEVEL II  RESPONSE (Check one)	LEVEL III RESPONSE (Check one)	legations of this grievance has been completed. The findings are:	
		No evidence of misconduct/reprisal was found.	
		Evidence of procedural error was found but not misconduct/reprisal. Corrective action will be/has been taken outside of the grievance procedure	
	Employee misconduct/reprisal was established. Corrective action will be/hataken outside of the grievance procedure.		
	S: AT LEVEL	II—Grievance Coordinator AT LEVEL III—Grievance Coordinator	
GRIEVANCE COOK	DINATUR SIGNATURE	DATE GRIEVANCE COORDINATOR SIGNATURE DATE	

Distribution: Top Copy-Staff Member, Second Copy-Staff Member, Third Copy-Grievance Coordinator

1. STAFF MEMBER