# VASHON ISLAND FIRE & RESCUE
# BOARD OF FIRE COMMISSIONERS
Minutes

**Date**: 10/02/2019
**Time**: 18:30
**Place:** 10019 SW Bank Rd, Penny Farcy Memorial Fire Training Center, Large Classroom

## REGULAR MEETING

**Present:** Brigitte Schran-Brown, Chair (recused)
Candy McCullough, Vice-Chair
Camille Staczek, Position 02
Andy Johnson, Position 01
Charles Krimmert, Fire Chief
Jojo Weller, District Secretary

Battalion Chief Cari Coll, FF Ben Davidson, HR Raechel Ehlers, Administrator Carin Bruce

**Absent:** Dave Hoffman, Position 05, Robert Larsen, Assistant Chief of Operations

**Pledge of Allegiance**

**Amendments to Agenda**

- WFCA Proxy Votes
  - Commissioner Johnson signs the form
- Special Meeting for 16 October
  - Meeting date moved to 09 October

**Appeal Hearing for Grievance 19-001**

- Chair Schran-Brown recuses herself from the hearing. She agrees with Chief Krimmert that she should not recuse herself, but the District's legal counsel had advised her to. She has turned the meeting over to Vice-Chair McCullough.
- Chair Schran-Brown exits the meeting.
- Vice-Chair McCullough:
  - Recites RCW 42.30.140 for the Executive session at the end of the hearing
    - RCW 42.30.140, which provides that the following is outside the scope of a public meeting: (4)(b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.
  - She reminds the parties that the hearing is restricted to matters and issues within the grievance. No other subject matters will be discussed.

FF Joe Wolf:

- He feels the situation leading to the grievance is a giant breakdown of communication and feels that he was not given a proper verbal warning. Instead he was given a General Order through his email which he perceived to be very vague stating "you guys need to work this out".
- There was never a face to face conversation about the problem.

- He tried to put his best foot forward in giving McCann his drawer located under the bed.
- He accidentally left his laundry out which upset Dueweke.
- He felt the situation snowballed into a he said she said situation.
- He never meant the emojis he sent to be disrespectful.
- He mentions that the communications were on their personal phones and personal emails.
- He and Dueweke have been friends for 30+ years and had ins and outs but he considered Dueweke a friend.
- He agreed to Dueweke's tote idea which he sent a text message to Ben. Everyone would put their dirty laundry in a tote and not in a drawer under the bed that is slept in. However, Dueweke and Ben didn't want to come to an agreement with him.

- Commissioner Staczek asks for clarification on how a room is shared. Her impression is that since there are not enough beds for everyone the crew shares a room/bed. When a FF comes on shift the bed is stripped ready for the next member and the member who is leaving a shift does their laundry.
  - FF Wolf
    - He makes clear to Commissioner Staczek that there is a protective sheet left on the bed for the next member. He mentions that he puts his bedding in his lower locker and his clean clothes in his upper locker. The practice was to put dirty laundry in the drawers underneath the bed.
    - Four members share a room. Each member has two lockers.
    - He washes his laundry the day before he leaves however, he has one uniform that he wears the night before that's left dirty.
    - Its common practice that there are pieces of laundry left out while the member is not on shift. For example, Dueweke leaves a towel hung on his locker to dry out while he (Dueweke) is gone.

- FF Wolf
  - He is not the only one that leaves dirty laundry while not on shift whether it is in the drawer or locker.
  - There was an email sent at the end of the year stating that each member needed to give up a couple of their drawers to the new members. Dueweke had three drawers and he had two.
  - He gave one of his drawers to McCann and decided to get a hamper to separate his dirty laundry. McCann was okay with the hamper idea. So, FF Wolf bought a small Rubbermaid hamper and brought it in which he placed out of the way in the corner.
  - In the meantime, he left for vacation for one month. The next shift he comes back on he received an oral written reprimand delivered from Munger which states that it is the second step in the process.
  - He comments to Munger that the first step never happened and there was no discussion or verbal warning. He questions how he was supposed to change his behavior without verbal communication.
  - He remarks that the problem evolved from his hamper to all his personal belongings. Dueweke took his t-shirts and shoes that were on top of his locker that was not in anyone's way, threw them on the floor, took a picture of it and sent the picture through the department email. He mentioned to Raechel and Charlie that this action was very disrespectful to him and wonders how this is not a violation of our Code of Conduct.
  - It involved a lot of issues including:
    - him producing a receipt of purchase for the hamper

        - The timing of when he brought the hamper in was in question. McCann said that he (FF Wolf) brought the hamper to work three weeks after he purchased it which he disagrees and confirms he brought it in the next shift after he purchased it.
        - He mentions that he has written document proof that he purchased the hamper, put it in his truck and brought it to the station on his next shift.
    - He attended a meeting which involved a white board of a calendar on:
        - the timeline of when the hamper was brought to the station
        - where his dirty laundry was located from shift to shift
    - His feelings are that these shouldn't matter if everyone else is leaving dirty laundry out. He can't be singled out and be expected to follow rules that no one else is following.
    - He sent an email to Ben stating that he is okay with the tote idea but everyone has to participate. He was expecting everyone to partake and get on the same page.
    - He mentioned this event to Chief Walkowski which he (FF Wolf) discloses that Chief Walkowski believed this is a breakdown of communication and is a symptom of a bigger problem and the parties involved should have been sat down in a room to resolve the issue.
    - He commented to Dueweke a few weeks before that he did not want to receive emails at home. He feels that his days off are his personal time and does not want to bring work home with him. However he continued to receive emails on his personal email and also texts on his personal phone.
    - He states that the Board has all the information on the issue.
        - Vice-Chair McCullough confirms they have information however it's hard to read several months of material and comments and that it is disheartening the circumstance has gotten this far.
    - He agrees that it is absurd how far this has gone when the District can't even afford tires or maintenance for the rigs. He guesses that Charlie has put 20-30 hours of his time into this. He acknowledges he's put at least 60 hours of his time into writing emails and the grievance which he wrote by himself and he's had three interviews with Raechel. He thinks that this has snowballed into a giant thing which could have been squashed very simply by a face to face meeting.
    - He feels that if he didn't agree to a face to face meeting then his supervisor would present a verbal warning stating that his behavior needs to change and if it happens again then he would get an oral written reprimand and then a written reprimand. He states that this is how the District has always done business; verbal warning, then an oral written and then a written written.
    - He claims that the reprimand went straight to the oral written delivered by Munger which was written up by Dueweke and there was no verbal warning. He feels that the General Order can't be considered a verbal warning which Charlie agreed in one of their meetings. Chief Krimmert changed the written reprimand in the line where Dueweke wrote down 'he was told by his captain to comply' due to Munger never telling him to comply.
    - The first time he learned that this event was escalating to a disciplinary process was through the oral written reprimand. He asked Munger if he should take his hamper out of his room and Munger's response was that he (Munger) had no problem with the hamper being in the room and that he (FF Wolf) can leave it. He (FF Wolf) feels that he has two conflicting instructions from two captains. He is being told by one captain from a shift who is "across the moon" from him to do one thing and his captain who is his supervisor is telling him it's okay to do.

- Commissioner Johnson asks if anyone made the effort to ask each other to come 20 minutes before a shift or stay 20 minutes after a shift to hash things out.
    - FF Wolf's response was no
    - Captain Munger said he did and advocated for a meeting with Josh (Dueweke). That was his reasoning to Joe to leave his stuff for a week as there was a lot of issues going on and he will talk to Josh to advocate for a meeting with everyone to hash things out. He met with Josh and explained what was going on. He went over the issues which included department and personal emails and text threads. He advocated to getting together to hash things out. The response that he received from Josh was "got it". At the next rotation of shifts he saw the written reprimand but it was not only the hamper issue which was not the issue anymore but included more items in the room.
- Vice-Chair McCullough asks how the written reprimand got to Captain Munger and if the verbal was sent in text form.
    - Captain Munger found the written reprimand in his mailbox.
    - FF Wolf said that Dueweke claims the verbal warning was the General Order that was sent via email. FF Wolf says that for three weeks the crew was busy, and he didn't open his email until the 21st or 22nd of that month. He didn't get the email from anybody since he didn't open his email due to that the crew was busy from sunup to sundown running calls and doing training. He never sat down in front of a department computer to check his email. He adds that he does all his reports on his personal computer as it's easier for him to use his Mac so therefore he rarely logs in to the department computer to look at his email. He also adds that he was gone for a month and saw that he had 400 emails.
- Vice-Chair McCullough confirms that FF Wolf doesn't check his email when he comes to work.
    - FF Wolf confirms this by saying that he doesn't right away. He checks them only if he has time, now and then.
- Commissioner Johnson asks how much time passed when Captain Dueweke sent the email to when FF Wolf had the opportunity to look at the email.
    - FF Wolf replies 'after it was said and done', after he received the written and when the issue went into investigation. That's when he went back and opened up his email and noticed that there were six emails about the hamper.
    - Captain Munger asks FF Wolf if they (Dueweke and Wolf) worked together. FF Wolf confirmed that they had two shifts together but one of the shifts Dueweke went home early.
- FF Wolf sent the timeline of the events to Bob Larsen. All the communication that he sent was missed between Bob and Chief Krimmert. Chief Krimmert told him (FF Wolf) that he didn't read his (FF Wolf's) actual email until the 22nd. FF Wolf said that it was three weeks earlier that he wrote the email. He said that Chief Krimmert got a brief overview from Raechel but mentions that his email was a simple email with pictures and it would've taken 10 minutes for Chief Krimmert to read his email to find out both sides of the story.
- Captain Munger mentions that the written was signed off by the Chief before FF Wolf had a chance to read it.
    - FF Wolf agreed and that the written was signed off by the Chief on the 22nd. FF Wolf believes that the oral reprimand was signed off after the written was written.
- FF Wolf was waiting for his email to get approved and he didn't believe that his email would get approved by the administration due to the circumstances. He says that is why Josh (Munger) said to give it a week to see how it all plays out and hopefully they will get together to talk about it. He says that two weeks go by and the Chief signs the oral, then a

week later goes by and the Chief signs the written reprimand and changes the line on it with his (the Chief's) initial on the change.

- Vice-Chair McCullough asks about the communication between the captains. She asks Captain Munger to confirm that he had communication with Captain Dueweke about the verbal.
    - Captain Munger replies that if she wants to call it a verbal then sure they did communicate on it. He says it was an oral reprimand without a verbal. He was advocating for Josh (Dueweke) to get everyone to meet to work things out. He was trying to give Captain Dueweke advice to have everyone meet to work things out and Captain Dueweke's response to him was "got it".
- Vice-Chair McCullough asks Captain Munger if he shared with FF Wolf the conversation he had with Captain Dueweke about the verbal.
    - Captain Munger replies no and that FF Wolf was gone in the Philippines at that time. He adds that he and FF Wolf do not hangout together outside of work.
- Vice-Chair McCullough asked what happened when FF Wolf got back.
    - Captain Munger comments that Captain Dueweke had opportunities to engage with FF Wolf as he (Dueweke) worked with FF Wolf.
- Captain Munger remarks that he got a phone call at home during a time when he had to deal with a family issue. He told the person on the line that he doesn't have time for this today as it was low on his priority. He said that he considers the phone call almost insulting.
- Vice-Chair McCullough confirms that the written was the next step that happened after and asks Captain Munger if there was any communication between him and Captain Dueweke either by email or face to face.
    - Captain Munger replies that Joe signed off on receiving the written. This is when he told Joe to give it a week as there's more than just the hamper issue going on.
    - Joe confirms he signed for it.
    - Captain Munger adds that he mentioned to the Chief that if this is to stick in the long run and done right the Chief should look at these steps.
- Commissioner Staczek asks Captain Munger if he was representing FF Wolf during the events as his captain or union representative.
    - Captain Munger confirms that he is acting as his captain.
- Commissioner Staczek asks if this issue went to the union.
    - FF Wolf replies that he asked the union for help and they refused. The union advised him that he can pick anyone to represent him so he picked Josh (Munger) as he knew the most information and is his captain, his supervisor.
    - FF Wolf adds that the union offered to give him a template for the grievance procedure which he received the night before it was due to Chief, but Chief was kind enough to grant an extension.
- FF Wolf and Captain Munger mention that past practice was a verbal warning and then a written.
- Captain Munger said that in the past he would get emails from another captain giving him a verbal warning for someone on his (Captain Munger's) crew who was out of compliance. This gave him a chance to put it on his radar. He thought that this was the practice especially after Janice Corbin. He believes that they weren't given the right tools to do it effectively.
- Commissioner Johnson confirms with Captain Munger that this process did not follow the past practice.
    - Captain Munger replies that it did not as no one has gotten together still. It never happened, not once.

- Vice-Chair McCullough asks for confirmation that Captain Munger is not the steward for the union.
    - Captain Munger agreed and replies that he is an officer at this meeting.
- FF Wolf mentions there was communication training that the District received during the last quarterly training. There was a guest speaker who came in to talk about the different types of personalities and personality conflicts. The training points out that communication needs to be at a professional manner and handled at that level. He reiterates that he was never told by his supervisor that there was an issue, he was never given a verbal warning and that it just went straight to this. He says that when he got back from vacation, he got blindsided by this.
- Captain Munger mentions that he did not know this had been going on since January and only found out from the phone call from Captain Dueweke.
- Commissioner Johnson asks when the hamper first showed up in the room, about what month.
    - FF Wolf said in May.
    - Chief Krimmert gives the timeline as:
        - FF Wolf remembers that he brought it on May 27 which is his first shift after the purchase of the hamper on May 25.
        - FF McCann remembers first seeing it on June 20th
        - FF Davidson and Captain Dueweke remembers seeing it after FF Wolf's shifts on the 20th and 21st of June.
- Commissioner Johnson states that there's a month gap.
- FF Wolf says that was the question when they went to the meeting. Where was his dirty laundry between this and this date.
    - Commissioner Staczek asks where it was.
    - FF Wolf replies in the hamper. He mentioned again that he brought his hamper the shift after he bought it or if not that shift the shift after that and that's where he put his dirty laundry. Otherwise he hung his dirty laundry on his hook on the side of his locker. For 13 years it has never been an issue to hang uniform or jumpsuits on the side of the locker. The stacks of t-shirts and class A uniform shoes that Dueweke threw on the ground and took pictures of have been sitting up at the top of the locker for 12 years and not bothering anyone.
- Commissioner Staczek repeats that between May and June FF Wolf's laundry was in the hamper. She asks if FF Davidson or FF McCann said anything.
    - FF Wolf replies that Ben and he cross shifts as Ben's shift is after Joe's and there was never any verbal communication. They never sat down to agree that there was an issue or discussion of a solution that Captain Dueweke ordered to be resolved. It went straight to singling him out for not following a procedure. He felt like it was 50/50. He agreed to the tote idea, but they didn't want to do the tote as Ben takes his laundry home after shifts and McCann puts his dirty laundry in the bed drawer that Joe gave to him. He has issues with McCann leaving his dirty laundry in the bed drawer if there's an issue with his dirty laundry in the hamper.
- Captain Munger mentions that the limited knowledge he had at the time and the meeting with the Chief looking at this long timeline, the order was given by Dueweke to the roommates to find a solution and it ends right there. The next step was the oral reprimand. He doesn't know what happened and why it was put upon Joe when a solution was never found.
- FF Wolf reiterates that when he mentioned this to Jim (Walkowski) he (Jim) said that if this were his crew he would've taken them out even if this issue didn't happen at work, they would've talked about the issue and come up with a solution in 10 minutes. What happened

instead was an investigation, hours and hours of constant meetings, emails and texts and eye rolling emoji on his personal phone.

- Commissioner Staczek went through the SOG, the handbook and CBA and they don't correspond. She couldn't find anything about a verbal warning. She found that there's an oral warning and written reprimand stated. She mentions that it was confusing so she can see how this issue had become craziness. She thinks that there should only be one policy/book.
- Vice-Chair McCullough reminds the Board that questions are allowed and no opinions should be stated.
- Captain Munger mentions they were not on the same page and not given the tools to do their job.
- Vice-Chair McCullough asks if there are any more statements from FF Wolf or Captain Munger or questions for FF Wolf or Captain Munger.
- No other statements were made from FF Wolf or Captain Munger.
- No other questions were asked to FF Wolf or Captain Munger.

Chief Krimmert:

- He is disheartened on the focus on the lack of communication. He would say there was an abundance of communication. He doesn't believe that you must stand in front of someone to communicate with them.
- The Board often communicates to him via email and both seem to exchange ideas and find resolutions.
- There were plenty of emails and texts exchanged and no resolution was found.
- We all agreed that the crews should have gotten together and resolved it whether it'd be on duty or off duty, but it never happened so it did escalate.
- He admits that there was information presented tonight that was not presented during the review and there was some information presented tonight that are in contradiction, disheartening and troubling. In that regard, one of the fundamental issues, he acknowledges, the administration inherited an SOG, a CBA and employee manual shift personnel document that have contradictions. The administration and local (union) acknowledge that they will work to eliminate one of the documents to consolidate direction.
- As they review the documents, an oral warning, an oral reprimand and a verbal warning and a verbal reprimand are four names for the same thing. Providing disciplinary direction in a verbal manner. All four of those documents can be documented or undocumented.
- The phrase oral written reprimand has been used. There is no such thing as an oral written reprimand it's an oral reprimand documented. Any oral or verbal warning can be documented. When you consider that the captain filing the oral is on a ghost shift, a completely opposite shift of C shift and they would never meet, FF Wolf and Captain Dueweke, it seems even more appropriate that any necessary verbal warning would be documented since there won't be a face to face.
- In that regard, he is prepared to answer the seven obvious discrepancies that FF Wolf presented when he (FF Wolf) asked for the appeal if the Board would like him to do so.
- But generally, he offers this:
  - First, procedurally he wishes to advise and remind the Board in accordance to the CBA Local 4189 article 25.4 states that any discipline action except for oral reprimands maybe appealed through step two of the grievance process. As such all aspects of Grievance 19-01in regards to oral warnings are

irrelevant per our agreement. They're not to be grievance, they're not to be considered a component of the grievance and they're not to be considered a component of this appeal and his ruling. Contractually this matter is closed regarding oral.
        - Secondly, the grievance is specifically focused on article 25.1saying that discipline for cause is violated, specifically not to be disciplined or discharged without cause.
    - In his summary and findings there is cause. The interesting point of discussing a lack of communication was brought up however he has a large volume of negative and argumentative communications to present that are written as much as verbally. Starting with the eye rolling emoji, we all know that emojis are very interpretive and using an emoji as a means of communication is a dangerous process in it of itself. These are specific references that represent patterns of disinterest and collaboration of FF Wolf of various cross communications. Half of them are documented transactions the others are best memories of conversations.
        - "Leave me alone and I will do the same."
        - "You guys need to find more constructive ways to spend your time, let it go."
        - "This has gone way too far."
        - "No, I don't care no one is going to tell me what I can put in that room."
        - "I don't give a shit what Dueweke says about it. It's not going anywhere."
        - "You all need to stop harassing me the hamper is not going anywhere."
        - "If you have a problem with my things in the room then you may remove them when you're on shift and then you may put them back when you leave."
    - He agrees this is not in the spirit of collaboration and certainly a high level of communication. Intent and purpose are defined.
- Vice-Chair McCullough asks if those communications were emails or text messages and if they were sent to the Chief.
    - Chief replies they were in the form of text messages through the course of investigation secured communications between the various parties.
    - Captain Munger asks if these texts are from department emails and phones or personal emails and phones.
    - Chief responds that this question is both fascinating and discouraging points. If a person says they don't want to consider personal email, then you should not communicate through their personal email. He communicated to FF Wolf to his (FF Wolf's) personal email in response of FF Wolf's query and Chief apologized for doing so. But, the person cannot say that they will look at their department email when they get to them and also say not to communicate to them on their personal email and expect clarity of communication.
- Chief Krimmert
    - He adds that the greater concern is FF Wolf's defiance of authority. That's where the phrase insubordination comes up in the reprimand and the violation of intent of several categories of the District's code of conduct.
    - FF Wolf's position throughout the whole event was based on his self-interest, disregard of orders given, ignored requests and desires by his peers to find alternate solutions to the hamper.
    - It is Chief's position based on the information the documentation obtained that there was cause for disciplinary action. Hence, the written reprimand. If there's cause for disciplinary action the grievance has no merit and the District did not violate any contractual obligations.

- He believes the findings of the investigation confirm that the disciplinary action taken was appropriate and warranted. As such that his strongest possible recommendation the Board support the administration's position on the matter.
- The hamper with the dirty clothes left in it is not in question. The still pending resolution of the dispute is not in question. Disciplinary action was and continues to be appropriate for the grievance, foundational lack of cooperation and argumentative approach to the situation. In support of FF Wolf's tone and defiance which is regularly visible in his written communications and a similar non-cooperative tone which consistently presented regarding conversational engagement with FF Wolf. His failure to follow the simplest direction or engagement of meaningful and alternate solution approach is evident even when his captain directed him to work it out. His next communication with Captain Dueweke was "You're completely out of line. I suggest you retract this before it goes further."
- Though the symbol of this dispute is the hamper, it is the chain of command and the lack of respect or his engagement that minimize the level of discipline. Rank is to be respected; this is the foundational principle of our organization and the fire service. The habit of following instructions and orders is fundamentally required by the job.
- The tone of insolence and disrespect in FF Wolf's spoken and written words are unacceptable by Vashon Fire. The impotence the grievance presents to his peers and ranking officer fosters the spirit of dislike, distrust and the lack of collaboration and cooperation, elements foreign to and disruptive of our mission.
- The retraction of the discipline rendered by the Board would weaken the existing chain of command and comradery as well as add shackles to the District's fostering greater personal and organizational responsibility and accountability.

- Commissioner Johnson asks about the discrepancies and contradictions that Chief mentioned at the beginning of his discussion. He would like to know the concern that Chief Krimmert presented about discrepancies and contradictions between what Chief Krimmert originally had and what he's hearing tonight.
  - Chief Krimmert does not believe that Captain Dueweke was "pissed" he found dirty laundry in the room on May 07. Captain Dueweke said he would bag the laundry but then actually did the laundry for FF Wolf. There was no mention during the investigation of anyone hanging their towel out to dry or having laundry displayed.
- Chief Krimmert
  - There's a continuous focus on a lack of communication that the Chief does not believe to be true. The administration communicated in ad nauseam. One of the difficult parts of the investigation was coordinating all the communication to find the timeline of when things happened, when it was said, why it was said and how it was said. It was a tremendous amount of dialogue but it was not face to face.
  - When there were opportunities to have face to face Captain Dueweke overlaps with FF Davidson at shift change there's very little dialogue that was documented. FF Davidson overlaps with FF Wolf and there's no real strong documentation of them resolving a solution. FF Wolf overlaps with FF McCann and there is no real resolution there.
  - There are opportunities without doing overtime and taking a moment to have a beer and the phone was disregarded.
  - Everyone one that met with him had told him that this should not have gotten to his desk but they all allowed it to get to his desk. He contributes this with heavy heart with the argumentative attitude presented by FF Wolf which he believes supported the reprimand.

- He is being told just now that Captain Munger told FF Wolf to disregard Captain Dueweke's order and leave the hamper in place. He believes this is a whole another investigation in it of itself.
- In the course of the investigation Chief Krimmert did not know there was a holiday taken by FF Wolf, it never seemed to be a component. He believed that FF Wolf was consistently here from May 07 when the event started. On May 08, the day after FF Wolf announces he was surrendering one of his drawers to FF McCann, Captain Dueweke writes "before you bring a hamper into the room get a group consensus. If the majority is alright with it then no problem".
- He would like to note that FF Davidson and FF McCann did not take exception to the hamper they took exception to the leaving of dirty laundry in it for whoever was coming on the next shift. They were actually of the opinion until June 24 that the hamper would be communal.
- On June 24 FF Wolf was very clear that the hamper is not communal and it is his property and his property only. That solution was not acceptable to the FFs as they did not want the dirty laundry in their room during their shift.
- FF Wolf is correct to say "interested in the totes but everyone has to do it". FF Davidson wasn't interested in the tote and because of that qualifier everybody seemed to walk away from a very valid solution and nothing was done.
- He notes we still have nothing done to this day.

- Captain Munger mentions that the first meeting together, Chief Krimmert approached him and said to both FF Wolf and himself "You can leave your hamper in there. In fact leave the clothes in it". Then the Chief back tracked and changed his mind.
  - Chief Krimmert replied that he found the un-wisdom of his words and he went back to Captain Munger and told him that he will only put him (Captain Munger) in harm's way if he (Captain Munger) does that. He had to undo it as quickly as he said it.
  - Captain Munger states that the first reaction to a situation is to figure things out.
  - Chief notes that one of the difficult painful parts of this process has been the total lack of career oriented professional standard of level of communication. So the he can appreciate the first reaction is what he consented but it's not always the best reaction. He corrected himself as he was in error to give Captain Munger that counsel and had to undo as quickly as he could and he did.
  - FF Wolf also mentioned that Chief Krimmert had told him to leave his hamper in the room.
  - Chief Krimmert agreed that he did tell FF Wolf he can leave his hamper in the room but he went back to FF Wolf and said that it was a bad idea because he was in the belief to comply and then grieve. He would be violating FF Wolf's foundational rule.
- Chief Krimmert admits that he has inherited a lot of bad situations that he's working diligently to fix. He is making more mistakes than anyone at the department but he is doing it to improve the District. As painful as this course of action and ceremonies maybe he believes it's for the betterment of the District. He humbly discloses that in the 20 days he had worked on this investigation he worked far more than 20 hours.
- Captain Munger mentions that it was the breakdown that brought it to Chief Krimmert's side, over to the administration, but when he first talked to Dueweke about this he (Dueweke) went and sat down with Bob. That was the first thing he (Dueweke) did. That took it over to that side. Nothing was handled at our level and from the get go it was taken over to Bob for advice. With the events regarding Bob he recused himself so it went to Chief Krimmert but that should not have been the course of action.

- Chief Krimmert asks, wouldn't I want a captain to go to a senior officer for counsel? No action was taken by Chief Larsen, counsel was offered. As a matter of fact he knows the position the administration took after the counsel was given. It was that we (the administration) do not want and the union does not want us upstairs. If you want us to become landlords it's going to be a painful process. He would challenge Captain Munger to say, I (Captain Munger) would not think that (counsel from a senior officer) a bad thing.

- Captain Munger remembers Chief Krimmert asking him what dealing with it at your level meant. That's part of the tools that we don't have to define that.
- Chief Krimmert replies that in their conversation he acknowledges one of the reasons that he thought this had to go at continuum is this is only the surface of the problems. There are many problems in place. Chief Krimmert discloses FF Wolf cited that Captain Dueweke was not reproached for throwing his clothes on the ground, though he doubts that Captain Dueweke threw FF Wolf's clothes on the ground; however Captain Dueweke was dealt with and has been talked to regarding that matter.
    - FF Wolf asked if it was a verbal warning that Captain Dueweke was given or if it went straight to a written reprimand and if this is how we (District) are going to conduct business from now on.
    - Chief Krimmert notes that he takes exception to FF Wolf's insinuation. He states per our employee manual shift personnel (he reads it directly from the manual) "In the event that discipline is necessary any combination of the following types of disciplinary action maybe used depending on the particular situation: oral warning, written reprimand, disciplinary probation, suspension and dismissal." The phrase he understands from progressive discipline does imply that you would have to up the steps before you can get to the serious levels but we are at the reprimand level. The oral level is just "you should've known better".
    - FF Wolf reiterates his question as there was a code of conduct violation by Captain Dueweke for throwing his stuff on the floor. Rather than you (Chief Krimmert) talking to him and given him a verbal warning was there an actual written oral reprimand that was put in his file for a year?
    - Chief Krimmert replies, no, that oral warning was not documented.
    - FF Wolf states that Captain Dueweke was given a different disciplinary process than him.
    - Chief Krimmert replies that no he did not as he did not choose to document it. Just like others, often not every oral reprimand given in this District is documented.
    - Captain Munger just referenced that he gets oral reprimands all the time that are simply here's a heads-up should this escalate. They were never documented.
    - FF Wolf mentions that he was never told that he was getting any kind of warning other than just straight to this. He was told by one captain one thing and then told by another captain that he can't do it, one is his immediate supervisor. He expects to be talked to by his immediate supervisor to tell him that there's an issue and how to go about it to deal with it. Having a face to face and talking about it like normal human beings and not being blindsided and put in his file for a year. That is why he took exception to the oral written reprimand and he knows it's not grieve-able. When he wrote that email he didn't think that Chief Krimmert would sign off on the administration review portion which is the portion to approve that.
    - Captain Munger reiterates that his first interaction with Captain Dueweke was letting Captain Munger know to give FF Wolf the written reprimand, have him read and sign it. That was his introduction to whole thing. Otherwise he heard nothing it wasn't even on his radar. It would be great to be better informed.

- FF Wolf adds that this is setting a precedence of how we are going to conduct business in the future. He admits yes, part of his written communication was "hey, you guys should be finding more constructive use of your time" which he still believes to be true to this day. All the other stuff like "I don't give a shit what Dueweke thinks" and all that was hear say. It was never written down. It was a conversation that he and McCann had and he doesn't remember it going like that. He doesn't remember saying stuff like that and he doesn't think that he would say something like that. That would jeopardize.... he knows it's a code of conduct violation. You're taking his (McCann) words against mine, his (McCann) word of when he brought his hamper in. He thinks that all his written communications were straight forward and yes he was frustrated that Dueweke was still sending him emails after he asked him not to send him emails at home. Specifically asked not to send him emails about insignificant stuff. He said important stuff and OT you can contact him but he doesn't want to be bothered at home on his days off in his peaceful time about stuff at work. If he (Captain Dueweke) wants to talk he asked him to use his department email but the very next day he gets the email that Dueweke wrote forwarded by Ben. Nobody's respecting the fact that he does not want to communicate at home. He mentions that if people text him on his personal phone, off duty, he may say he doesn't like it and say to find better use of your time. He doesn't want to deal with it and to talk to him at work. He reiterates that he shouldn't have to deal with insignificant issues off duty. He has to set a boundary of where he is dealing with all these issues. He says that the issue isn't really the hamper and that it's a symptom of a bigger problem of miscommunication of the constant ability to throw each other under the bus. There are a lot of cogs in the wheel, personal history of back and forth from different times we threw each other under the bus, a constant cycle that goes on. If we can break that down, go back to the basic level and say that this is a miscommunication and talk about it like normal human beings. That's the foundation of relationships. Chief Walkowski mentions to him that the way he (Chief Walkowski) establishes relationships is he goes in and talks to people. The department doesn't have that between certain shifts, instead there's he said this about you then the rumor mill starts. There's a lot of that going on.
- Commissioner Staczek asks how this can be stopped.
    - FF Wolf responds to break it down and start communicating. If there's an issue it shouldn't be going down to administration you guys need to work this out on a basic level. This is my (Captain Munger) on my shift. If I'm doing something wrong he expects to hear from his supervisor "hey this is what you're doing wrong you need to change it". If he doesn't change then he would get an oral written reprimand. That's how we've done practice over the past. Instead he was given a general order. It's 50/50 whether we want the totes or not. Three weeks later he gets a write up. We're not communicating. He was never told to remove his hamper from the room; this is your verbal warning. He was never told it. In fact, he was told by his supervisor that he could keep his hamper in the room, give it a week, we need to clean this up and talk about this. Which he thought was a great solution. It never happened.
- Chief Krimmert responds that the impetus of the whole event is "before you bring a hamper into our room get a group consensus". That's in writing from Captain Dueweke on May 08 to FF Wolf.
    - FF Wolf confirms that it was written to him sent to his personal phone on his day off. FF Wolf admits that he sent an eye rolling emoji as it was and insignificant issue sent on his day off.
- Chief Krimmert responds, we can't say our lack of ability to communicate sucks and then when we communicate you can't say you can't do it on my home phone when there's

communications to you on your District email on the 7th, 9th, 12th, and 22nd that you don't see until the 22nd because you don't open your District email. Pick a path.

- FF Wolf asks if there's a policy that says he has to open his email. He said he looked for it and he couldn't find one.
    - Vice-Chair McCullough comments there probably will be (a policy) if there isn't (one).
- Vice-Chair McCullough states that FF Wolf was informed and asks for clarification from FF Wolf that he doesn't take the communication from Dueweke because it was to his personal phone.
    - FF Wolf responds he took that communication and viewed it as an insignificant issue and we're just going to deal with it. All he sent was an eye rolling emoji because this is what we're dealing with at work. We've got all these issues and we're arguing over my hamper. He just got back from the Philippines.
    - Chief Krimmert states that we are not arguing over a hamper, we're saying before you bring the hamper in. In theory this is a little less than 21 days before FF Wolf bought the hamper. Just saying, before you bring the hamper in. It seems to him that's a simple request.
    - Vice-Chair McCullough asks if that was sent through text, Chief Krimmert confirmed it was sent through text and FF Wolf confirms it was sent as text.
    - Vice-Chair McCullough asks "and then"
    - Chief Krimmert replies and then there is the eye rolling emoji.
    - FF Wolf states that there was nothing said. Nothing said by Captain Dueweke like "ok, we're going to this and we're going to do this". Then he (Captain Dueweke) comes up with the tote idea and he agreed with the idea.
    - Chief Krimmert asks FF Wolf, "What was said by you?"
    - FF Wolf replies he sent an eye rolling emoji because he didn't want to deal with it off duty.
    - Chief Krimmert asks him if he dealt with it on duty.
    - FF Wolf said "no we didn't and that's the problem is we didn't deal with this on duty". This is in my personal time he's dealing with these insignificant issues on his days off.
    - Commissioner Johnson asks FF Wolf for clarification of what was done when he got to work after that initial.
    - FF Wolf said nothing was done at work. This was all off duty on personal emails and personal text threads. Ben sent him a personal text saying "hey as long as the hamper is empty at the end of your shift…." He (FF Wolf) agreed with the tote idea and it's all documented but everybody has to do it. He doesn't see the difference of having his dirty laundry in the hamper that's made for dirty laundry and having it in a drawer in our bed or having it hanging up on a hook or even having it in your locker.
    - Captain Munger asks FF Wolf if he said no to the totes.
    - FF Wolf said he agreed to it. It was 50/50. He sent out an email to Raechel of totes that fit in the lockers and he was willing to pick them up for everybody. Dueweke sent an email back saying he didn't like the totes and going with different totes that he (Dueweke) wanted. It's like I want this he wants that/I don't want you to put your dirty laundry there. I don't want to deal with that. This was all a giant miscommunication.
- Vice-Chair McCullough remarks that this clarifies that communication is lacking or perceived to be lacking when it happens often.

- Commissioner Staczek agrees with the Chief that there is a ton of communication, communication in writing or communication face to face, there's definitely communication.
- Vice-Chair McCullough asks both parties if there's anything else.
- Chief Krimmert offers to leave his prepared statement but he did not read it verbatim.
- Vice-Chair McCullough accepts his prepared statement.
- Vice-Chair McCullough asks again if there are any last minute additions.
- No one had anything else to say or submit

Vice-Chair McCullough:

- She announces that the Board will close for 15 minutes into Executive Session and will come back to Regular Session. The Board may or may not make a decision tonight.
- Vice-Chair McCullough states to FF Wolf that the Board will provide a written decision to him within 21 days of today. He will see something in writing. She asks him where he would like it sent to. FF Wolf replied that he would like it sent to his department email. She clarifies that the day the Board sends it will be considered the day it's received since FF Wolf may or may not be here (at the department). FF Wolf agrees its fine.
- Chief Krimmert clarifies that it's 21 days to respond not necessarily to receive.
- Weller clarifies if the hearing will be closed and if the Board is allowing more material.
- Vice-Chair McCullough confirms that the Board is closing the hearing and there will be no more information or discussion to be accepted. There will not be a rebuttal time after this. They will close to Executive session. This will be the close of the matter.

**EXECUTIVE SESSION**

The Executive Session was held pursuant to RCW 42.30.140 **which provides that the following is outside the scope of a public meeting:**

> (4)(b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

The public meeting was closed, and the Executive Session opened at 20:10. The session was extended at 20:25 for 10 more minutes by Vice-Chair McCullough. The Executive Session was closed and the public meeting opened at 20:35 for 5 more minutes by Vice-Chair McCullough. The Executive Session was closed and the public meeting opened at 21:41. A decision was made.

Motion by Vice-Chair McCullough:

> **"I make a motion that we deny the grievance based on our belief that the CBA was not violated. The verbal cannot be grieved per the CBA. The written can be grieved to this level. We did our hearing and we perceive it lack of respect for the chain of command which the Board feels critical to the functionality of a paramilitary organization. We are saddened and disheartened by the failed communications of all parties involved, the poor communications."**

**MOTION APPROVED, 3-0**

Adjourned at 20:45

*The next Regular Meeting will be on Wednesday 27 November 2019, at 18:30 at 10019 SW Bank Rd, Vashon, Penny Farcy Training Center, Large Classroom*

Approved this 13th day of November 2019

Candy McCullough, Vice-Chair

Jocelyne Weller, District Secretary

**From the Desk of the Fire Chief**

Ladies & Gentle Sir of the Board:

As I understand the purpose of this hearing we are to review the results and conclusions of my Summary & Findings to Grievance 19-001 dated September 6th 2019. For this grievance, between August 16th and September 6th I spent countless hours in an effort to understand the statements, actions and events resulting in the disciplinary actions taken against Firefighter Wolf which lead to the grievance and this hearing. I am happy to answer any questions you may have, however if I may present several larger points:

**First**:

Procedurally I wish to advise and remind the Board that in accordance with our District's Collective Bargaining Agreement with Local 4189, Article 25.4(a) states that:

"*Any disciplinary action except for oral reprimands may be appealed through Step 2 of the grievance procedure.*"

As such all aspects of Grievance 19-001's reference to and regards with/about oral warnings are irrelevant and per our Agreement are not to be grieved, are not a component of the grievance and shall not be a component of this appeal of my rulings; they are not for or under consideration here. As such I will not be focusing on any position or consideration of my findings with regards to the oral warning issues with or against Firefighter Wolf. Contractually these matters are closed.

**Second**:

The focus of the grievance as prepared by and presented by Firefighter Wolf is that Article 25.1 Discipline for Cause was violated, specifically he may:

"*... not be disciplined or discharged without cause.*"

As documented within the Summary & Findings date September 6, 2019, the investigation considered numerous documents and statements by and of those involved. They regularly represent Firefighter Wolf's nature and pattern of disinterest in collaboration as well as his disrespect of an officer and of his peers; from 'eye rolling emoji' to statements such as:

- *"Leave me alone and I will do the same."*
- *"You guys need to find more constructive ways to spend your time. Let it go."*
- *"This has gone way too far."*
- *No I don't care and no one is going to tell me what I can put in that room…*
- *I don't give a shit what Duey says about it and it's not going anywhere…*
- *You all need to stop harassing me; the hamper isn't going anywhere…*
- *"If you have a problem with my things in the room then you can remove them while you're on shift and then put them back before you leave."*

The written reprimand is focused on Firefighter Wolf's inability to successfully address the problem at hand with his peers however of equal, if not greater, concern is his defiance of authority (Insubordination), total disregard for direction given (Violation of any lawful order, directive or policy) and violation of the intent of several categories of our District's Code of Conduct. His position throughout the whole of the event was based on self-interest, the disregard of orders given and ignoring the requests and desires of his peers to find an alternate solution than the hamper. It is my position, based on the information and documentation obtained that there was cause for discipline action. As such Grievance 19-001 does not have merit and the District did not violate any contractual obligations.

**Third**:

I believe the findings of the investigation confirmed that the disciplinary actions taken was appropriate and warranted. As such it is my strongest possible recommendation that the Board support the Administration's position on this matter. The hamper or the dirty clothes left in it are not in question. The still pending resolution to the dispute is not in question. Disciplinary action was and continues to be appropriate for the grievant's foundational lack of collaboration and argumentative approach to the situation. An insubordinate tone of defiance was regularly visible in Firefighter Wolf's written communication and a similar non-cooperative tone was near consistently presented with regards to conversational engagements with Firefighter Wolf.

His failure to follow the simplest of direction or engage meaningfully in alternate solutions and/or approaches is evident; even when his captain directs him to 'work it out' his next communication to Captain Dueweke is "*You are completely out of line. I suggest you retract this before it goes any further.*"

Though the symbol of this dispute is a hamper it is the chain of command and the lack of respect or its engagement that supports the, quite frankly, minimalistic level of

discipline. Rank is to be respected; this is a foundational principle of our organization and the fire service. The habit of following instructions and orders is fundamentally required by the job. The tone of insulant and disrespect in Firefighter Wolf's spoken and written words is unacceptable by Vashon Fire. The impertinence the grievant presents to his peers and a ranking officer fosters a spirit of dislike, distrust and lack of collaboration or cooperation; elements foreign to and disruptive of our mission. The retraction of the discipline rendered, by this Board, would weaken the existing chain of command and comradery as well as add shackles to the District's fostering greater personal and organizational responsibility and accountability.

Thank you,

Charles H Krimmert, Fire Chief
**Vashon Island Fire and Rescue**

VASHON FIRE

**Chief's Summary & Response**
to
**Grievance 19-001**

**06 September 2019**

**SUMMARY**

In January 2019 the new company staffing adjustments were implemented. As a result of new shift placements it was necessary that Firefighter (FF) Davidson and FF McCann relocate to new sleeping quarters; they moved into Room 211. Also in January the existing occupants of that room, FF Wolf and Captain Dueweke, offered to remove their belongings from two of the five under bed drawers that the new residences could each have one drawer for their use. This would result in all of the regularly scheduled users having one under bed drawer and one locker/closet, with the exception of Captain Dueweke who also would have a second, the largest, under bed drawer for his use. In January Captain Dueweke surrendered a drawer to Firefighter Davidson. Four months later, in May, Firefighter Wolf surrendered one of his drawers to Firefighter McCann. This is about when a disagreement over the use of the space and the storage and/or presentation of personal property became a frustration and talking point amongst the four roommates. As the result of surrendering his second under bed drawer Firefighter Wolf's practice of storing dirty laundry in it had to be 'reinvented' and he casually advised Captain Dueweke of his intent to introduce a laundry hamper. He was asked to secure the group's consensus to insure a majority was on board with the concept.

Firefighters Davidson and McCann did not so much take exception to a hamper as to dirty laundry being left in it into someone else's shift; this point created the angst that would result in disciplinary action and a grievance. As the four primary room users are all on different shifts and the bulk of the communications regarding the problem were based on digital communication (texts and emails) with little to no face to face (actual or digital) or telephone conversations so the matter not only did not find resolution but became contentious.

**DISCIPLINARY ACTIONS & GRIEVANCE**

On July 6, 2019 Firefighter Wolf was presented an Oral Reprimand (Dated July 3, 2019) by Captain Munger at the bequest of Captain Dueweke. Firefighter Wolf acknowledged its receipt on July 6, 2019.

The oral warning defines the violations as breaches in conduct with specific reference to the Code of Conduct categories of Understanding, Respect, Disrespect & Collaboration. It also sighted Insubordination and the Violation of a Lawful Order, Directive or Policy, as defined in Policy 2022 (Discipline and Appeal / District Organization).

The accompanying communication (Email of 03 July, 2019 21:54 Subject: Disciplinary Process) specifically defined the Captain's expectation:

> *"...is that you comply with the previous solutions mentioned (empty hamper, storage bin above locker, or switch rooms) by the end of your next shift."*

Having perceived no positive address or progress of the matter at hand: on July 14th, 2019 Firefighter Wolf was presented a Written Reprimand (Dated July 12, 2019) by Captain Munger at the bequest of Captain Dueweke.

The written reprimand defines the violations as breaches in conduct with specific reference to the Code of Conduct categories of Understanding, Respect, Disrespect & Collaboration and sighted Insubordination and the Violation of a Lawful Order, Directive or Policy as defined in Policy 2022 (Discipline and Appeal / District Organization).

On August 16th, 2019 Chief Krimmert was presented, and accepted, an unexecuted Grievance dated August 8, 2019 (Assigned number 19-001) by Firefighter Wolf. The submission of this grievance was not within the timeframe defined within the CBA however FF Wolf requested, in advance of the originally understood deadline, an extension. Firefighter Wolf and Chief Krimmert mutual agreed on August 16th as a filing deadline.

Specifically the Grievance is based upon the violation of Article 25.1 of the Collective Bargaining Agreement (CBA) between Vashon Island Fire and Rescue and Local 4189 of the International Association of Firefighters. Grievance 19-001 states that the violation is not limited to Article 25.1 but makes no additional references to other Articles. Article 25.1, Discipline for Cause, reads:

> *Employees who have successfully completed the probationary period may not be disciplined or discharged without cause.*

Grievance 19-001 list ten bullet points defining arguments in opposition to the disciplinary action and specifically requests four remedially actions result from this grievance's resolution. Specifically stating:

1. *Both reprimands are removed from Firefighter Wolf's personnel file. This matter should return to the first step of discipline. Which is a* ***Verbal*** *Warning.*
2. *All members "Ordered to come up with a solution" also to be given a Verbal Warning. Not just Firefighter Wolf.*
3. *Clear expectations of what can be brought into and left/kept in sleeping quarters, and what is considered personal space. A standard should be established for all firefighters, as they are not guaranteed to be able to stay in any specific sleeping*

*quarters (Due to shift trades, overtime and debits). It is requested the standard apply to everyone.*

4. *A face to face meeting with a neutral third party is facilitated to resolve this issue and talk about how to avoid this type of discrepancy in the future.*

**INVESTGATION**

Prior to receipt of the grievance various communication had been initiated by the Administration; Human Resources established an Assessment File (19-11) and began making inquiries, compiling documentation and interviewing those involved in the situation. In further support of the file started, with the presentation of Grievance 19-001 the Administration opened a formal investigation. Additional interviews were held and the documentation secured to date expanded upon and reviewed repeatedly. An extensive amount of time was invested so as to understand the situation as well as possible and to insure a fair and appropriate resolution found.

Though a laundry hamper is the focal point of the dispute, it is by no means the central point of the disciplinary actions taken. The manners in which the matter has been addressed (or not), discussed (or not), and/or handled (or not) are the focus of the reprimands, not the hamper itself. As such it became apparent during the investigation that the conduct represented outweighed the hamper itself. In support of both reprimands' focus on attitude the Grievant's documented responses do show a lack of respect, interest or collaboration.

On May 7, 2019 the circumstance leading to this report start via two events. Captain Dueweke arrives to find a pile of Firefighter Wolf's dirty laundry loose in the room. Via texts, they communicated and after advising Firefighter Wolf he would bag them up and put them in his locker Captain Dueweke offers to wash them for him. Firefighter Wolf advises Captain Dueweke that he gave Firefighter McCann his second under bed drawer and is going to bring in a hamper for his dirty clothes. The next day (08 May 19) Captain Dueweke writes:

*"Before you bring a hamper into our room, get a group consensus. If the majority is alright with it, then no problem."*

Firefighter Wolf responses with an *"Eye Rolling Emoji"*. Via an independent text messaging string Firefighter Davidson notes his understanding that a hamper was being thought of and notes that it sounds okay to him if it is left empty. Captain Dueweke responded with a *"Thumb's up Emoji"*. There is no know further communication on the matter and Firefighter Wolf purchases a hamper on May 25th.

Again the root of the disciplinary action is a hamper yet its arrival in the room remains unclear. Firefighter Wolf believes it was introduced on May 27th, the first shift he worked after its represented purchase date of May 25th. Firefighter McCann believes it showed up on the 20th of June, and Firefighter Davidson and Captain Dueweke memories of their first encounter with the hamper are their shifts following Firefighter Wolf's shifts of June 20th & 21st. It is the hamper's presence with dirty laundry in it on June 23rd that causes Captain Dueweke to issue an email to the other three occupants. It contains the following:

*"You guys need to get together and come up with a solution you can agree upon. This is not a request this is an order."*

The above email also twice references the hamper: first stating it is to be left empty so the next on shift can use it, and, second noting that he (Dueweke) does not want hampers with dirty

laundry in them all over the room. This communication is 46 days after the request that a hamper be agreed upon by a majority before being brought into the room.

Over the 23rd and 24th (June) all three parties responded to Captain Dueweke's email and though none focused on a specific solution, the current dirty laundry holding hamper idea was not acceptable to/by Firefighters Davidson or McCann. Firefighter Wolf's response included:

*"But it seems that you have a bone to pick with me and are hyper focused on anything I do. This needs to stop. Leave me alone and I will do the same."*

Another interesting point here is that from the interviews it was suggested that members of the group were under the impression that the hamper would be communal. Firefighter Wolf is clear that it is not, it is for his clothes exclusively.

Via a text message string dated June 25th Firefighter Davidson brought up to Firefighter Wolf an opportunity to move into a less full room and Firefighter Wolf brought up totes, noting that the idea of air tight totes is fine with him but everyone has to do it. He concludes the text message with:

*"You guys need to find more constructive ways to spend your time. Let it go."*

As the four employees involved are roommates the situation and the discussion about sharing the room's furniture started in a simple enough manner. However, for the lack of progress this smallest of topics became overwhelming in its nature for the lack of agreement. In the eight weeks between the requests for a simple majority agreement on the use of the "public space" of the room, to the issuing of the oral warning, little to no constructive address of the problem can be found. To complement the lack of face to face communications there is a fair amount of digital documentation and it is the Administration's belief that an insubordinate tone of defiance are regularly visible in Firefighter Wolf written communications. Further, the same non-cooperative tone was near consistently remembered, by those interviewed, to have been a component of conversational engagements with Firefighter Wolf.

Agreeing to the surrender of a under bed drawer to a colleague in January FF Wolf did not do so until May. The troubles this created for his coworker were not only disregarded but two months later he states:

*"This has gone way too far. I regret ever giving you my drawer and trying to put my best foot forward."*

Eight weeks into the request to get consensus and ten days following the order of June 23rd Captain Dueweke prepares an oral reprimand for Firefighter Wolf. In the course of trying to understand this matter much emphasis has been placed on the oral reprimand and lack of a verbal warning. In address of this the CBA is silent on specifics and directs one to the Employee Manual – Shift Personnel of May 2001. It contains the following definition:

***Oral Warning**: A verbal form of disciplinary action concerning a member's failure to follow District direction or instruction.*

It also notes that any combination of disciplinary action may be taken. With regard to Policy 2022 (Discipline and Appeal / District Organization), of the District's Operations Manual, dated 23 March 2005 there is the following definition:

***Oral Reprimand**: An oral warning, usually for a minor offence and handled at the division level. The reprimand should include an explanation of violation and a request for corrective action on the part of the employee or volunteer. A letter outlining the oral reprimand will be given to the employee or volunteer and place in their personnel file.*

It is the Administrations belief that a verbal warning and an oral reprimand are equal and in that the primary participants in the exchange are on "Ghost Shifts" the presentation of a written/documented oral reprimand is no different than a verbal warning presented face to face. As defined above, all the written oral reprimand is, is a form created to serve as a *"...letter outlining the oral reprimand..."* A verbal warning and an oral reprimand are the same thing. Firefighter Wolf's response to the oral reprimand, via text messaging to Captain Dueweke on July 6th:

*"You are completely out of line. I suggest you retract this before it goes any further."*

On July 8th Firefighter Wolf and Firefighter Davidson exchanged five text messages they follow:

**FF Wolf**: *"If you do not want my hamper in the room with you. You are more than welcome to remove it. Just don't put anything in it and put it back when you leave."*
**FF Davidson**: *"I don't want it there. You know that and still you leave it in there. I should not have to move your stuff out of the room. If you are dead set on having these items in the room when you are here, you need to move them out when you leave. If I move them out and then back in when I leave than Matt and Duey will have to do the same. I understand that you are frustrated and this isn't what you want to do, but that is the group decision that has been made. It makes a lot more sense that you take care or it since you are the only one who wants these items in the room."*
**FF Wolf**: *"Eye Rolling Emoji".*
**FF Wolf**: *"I don't want dirty laundry in the beds or lockers either. I offered a solution. But everyone has to do the same thing."*
**FF Wolf**: *"I would appreciate it if you guys would stop ganging up to bully me. It needs to stop. You are now blocked on my phone. Do not email me on my days off either."*

Also on or about July 8th there was another text message exchange between Firefighter Wolf and Firefighter McCann, it ended as such:

**FF Wolf**: *"Do you know who put all the other people laundry in my hamper?"*
**FF McCann**: *"I do not"*
**FF Wolf**: *"This has gone way too far. I regret ever giving you my drawer and trying to put my best foot forward."*
**FF McCann**: *"Well I'm sorry but the drawer is rightfully mine since becoming a career member. I'm sorry you think it unfair."*
**FF Wolf**: *"Hmmm. Interesting that you feel that way. I've have both drawers for 13 years. Duey has always had 4 drawers. He should have given up his small one of his small ones."*
**FF Wolf**: *"But that's beside the point that I was trying to keep the peace and be nice and this is the thanks I get."*
**FF Wolf**: *"After all the shit I have given you too? I'm surprised but not at the same time."*

During the week of July 7th Captain Dueweke arrived at work to find dirty laundry in FF Wolf's hamper. That week, on July 12, 2019 Captain Dueweke issues a Written Reprimand with a supporting email (Subject: Disciplinary Process) both defining the corrective actions expected.

On July 16th two days after the written reprimand was received by FF Wolf, he issued an email in support of the totes with the qualifier: *"But EVERYONE has to do it."* Firefighter Davidson declines his interest or need for a tote on the following day.

On July 20th Captain Dueweke issued a follow up email to his email supporting the written reprimand noting that FF Wolf is still not in compliances.

On July 22, 2019 Mrs. Ehlers and Chief Krimmert meet with Firefighter Wolf and Captain Munger to discuss the matter. The primary focus points of the meeting were Firefighter Wolf's disagreement with the whole of the problem and the process and his request that both reprimands be voided. Firefighter Wolf was advised that the Administration was going to move forward with them and in addition to his right to grieve the matter the best course of action by FF Wolf at this time would be to fully comply with the directions given as he prepares his grievance and through the course of the defined process. The Administration understands this to be the current state of the affair today.

**FINDINGS**

From the interviews, verbal histories/memories and documentation obtained on this matter it is the Administration's position that there was cause for the disciplinary actions. As such the foundational violation of Grievance 19-001 is unfounded. Further, as the Grievance suggests other possible violations the Administration reviewed the CBA in its entirety as well as other related documents at length and can find no additional evidence of a breach in contract.

It is acknowledged that the whole matter could have been handled better. Frankly the Administration is disappointed that the matter escalated to the level it did. All of the primary parties in the course of the interviews, individually acknowledged that this matter, should have never reached the "Chief's Desk." Yet it was allowed too.

The address of several of Grievance 19-001's ten bullet points are within the previous body of this report, however to insure clarity of the Administration's position it was felt necessary that they specifically be noted and in support of the above information include additional information in the form of the quick rebuttals noted:

1. *The procedure leading to the discipline demonstrates a lack of progressive discipline. Firefighter Wolf was never given a proper verbal warning. This violates the well-established principles for progressive discipline. The verbal warning that Captain Dueweke refers to in 6/23 email states* ***"You guys need to get together and come up with a solution you can all agree upon. This is not a request this is an order."*** *This was never a direct order specifically directed at FF Wolf, but as a group. Past practice has been that a verbal warning is proceeded by the statement "This is your verbal warning" followed by an explanation of corrective action on the part of the employee. This is to clear up any miscommunication or misunderstandings.*

   There is also no requirement that a verbal warning be given before a written reprimand. It is the opinion of the Administration that an Oral Reprimand is no different from a Verbal Warning and in this case its documentation is even more applicable as the two parties do not regularly see one another. It is acknowledged that a Verbal or Oral Warning may not be documented but in this case it was. The evidence of digital documentation, though suggestive of the lack of problem solving, clearly represents a level of conflict applicable of a warning. Further the email presented with the Oral Reprimand of July 3rd (Disciplinary Process) complements the form sufficiently enough to clearly identify the problem and foundational reasoning for the action.

2. *The Email dated 6/23 from Captain Dueweke in fact did not explain to FF Wolf how he ignored a direct order as he claims in the Oral Reprimand (See Email date 6/23) and the reply to that Email in fact did not speak to FF Wolf choosing to disregard a direct order, which was also part of the Oral reprimand. (See email dated 6/24) It was simply an attempt to collaborate with roommates and come up with a solution that was fair and impartial to everyone.*

   In the course of the eight weeks from being directed to secure his roommates approval before bringing in a hamper to the receipt of the oral reprimand the nature of FF Wolf's discussions are not in the spirit of cooperation and the discipline still has merit.

3. *FF Wolf never intended any disrespect by the "eye rolling" emoji referred to in the oral reprimand. It is easy to interpret this in many ways. This was never discussed in person face to face. This happen off duty on a personal cell phone.*

   The Administration agrees that emoji's are easy to interpret in many ways. This makes them an inappropriate response or means of communication. As they can be interpreted in many ways one should not be surprised if one's emoji is not perceived as one intended it to be. Further, there was no point of value regarding duty status or device ownership found.

4. *Firefighter Wolf was given a general order along with FF Davidson and FF McCann to come up with a solution. FF Wolf in fact, did try and collaborate with roommates in email dated 6/24 and FF Davidson in text message dated 6/25. FF Wolf agrees to Captain Dueweke's "tote" idea. But states that* ***"Everybody has to do the same thing."***

   It is understood that FF Davidson was uninterested in the tote idea and it appears that for the "Everyone or No-One" qualifier this solution was not modified and it never advanced. It is the Administration's position that it is not the lack of a solution being in place that resulted in Firefighter Wolf being written up but his argumentative approach to the situation.

5. *FF Wolf is singled out from the group and given an oral reprimand by Captain Dueweke. FF Davidson and McCann receive no disciplinary action.*

   The Administration can find no similar or paralleling disparaging communications to that of FF Wolf's. It is the Administration's position that the discipline is not about the lack of a solution but the disregard of his peers represented by Firefighter Wolf's actions and communications. Again it is the Administration's position that it is not the lack of a solution being in place that resulted in Firefighter Wolf being written up but his argumentative approach to the situation and failure to follow direction.

6. *Captain Dueweke worked with FF Wolf on 6/05 and 6/22. Nothing is mentioned about a solution for the hamper. This is a clear failure in communication.*

   The Administration completely agrees and does not understand why neither party took advantage of the opportunities to discuss the matter. Further these overlaps with shift change would have further allowed FF Davidson to meet with FF Wolf and Captain Dueweke and there is no record of these meetings. However, additional points of clarification: records represent that Captain Dueweke did not work with Firefighter Wolf on the 5th or the 22nd. Firefighter Wolf & Captain Dueweke did work together on the June 4th. The two should have been able to have a face to face during morning shift change as FF Wolf got off shift on the morning or the 23rd and Captain Dueweke came on shift that

morning. Further, the dates noted are well before the matter escalated in the tone and/or behavior leading to disciplinary action; not an excuse for not discussing the problem but perhaps a reason why neither party engaged the other. As a sidebar, it appears that Captain Dueweke's emails of July 3rd, 9th & 12th all end with a phrase of the nature of *"If this communication is not clear, contact me for clarity."* There was no evidence found of the fact that this invitation was acted upon.

7. *SOG/Policy #2022 2.5, Section 2.5.1 States "An oral warning, usually for a minor offence and handled at the division level. The reprimand should include an explanation of the violation and request for corrective action on the part of the employee or volunteer. This was not handle at the division level. Never at any point was FF Wolf ordered by his Captain (Munger) to remove his hamper or personal belongings. The chain of command was not followed per the Vashon Island Code of conduct on communication. In the section Corrective Action, Captain Dueweke states what he is doing for corrective action, not the corrective action on the part of the employee.*

   The definition of the phrase "Division Level" has yet to be located within the District's Operations Manual. It is not believed that the definition supports Firefighter Wolf needing or being dependent on orders from his company officer. Being a member of C Shift does not mean the directions or orders of other captains are not to be followed or need to be confirmed by Captain Munger. The 'division level' at Vashon Fire would be at the level of the Captains, in essences the four shifts or companies make up 'the division'. The chain of command in this case is the three firefighters following the directions and orders of the ranking member, in this case a captain. The matter is not being handled at the division level for the fact that FF Wolf's email of July 7th and Grievance 19-001 elevated the whole of the problem to the Administration & Chiefs level.

8. *FF did not receive emails sent by Captain Dueweke dated 7/3, 7/9, 7-20 until 7/22. Clear and direct communication should be direct, transparent, and should be confirmed that the receiver actually received the message. At no point did Captain Munger talk to FF Wolf about any of this. This is a clear breakdown in communication, and the chain of command. This can serve as a lesson on how to do things better in the future.*

   The Administration understands that Captain Munger and Firefighter Wolf discussed this matter at length. We understand that both reprimands were presented to FF Wolf by Captain Munger. Equally the investigation acknowledged staff awareness of in-depth conversations on this matter between FF Wolf & Captain Munger. Regarding more timely digital communications, perhaps if District personnel were able to communicate with you freely via your personal address(es) and devices such delays could be limited or eliminated. As the Administration understands these email to have been sent to your District email address it has not been explored as to why you did not find the email of July 3rd upon your logging in to your work email account on the shifts of the 6th & 7th, or that of the 9th on your shifts of the 14th & 15th. Based on your shift schedule it makes sense that you would first see an email of July 20th on your shift of the 22nd.

9. *It began as just an issue with the hamper but then progressed into an issue with all FF Wolf's personal belongings. Many of which have been there for years without any issue. (On top of FF Wolf's personal locker) Again FF Wolf is singled out. Nobody else's personal belongings are an issue, just FF Wolf's. Captain Dueweke takes all of FF Wolf's personal belongings and throws them on the floor, takes a picture and sends it in an email dated 7/20. (See email dated 7/20) This is a clear violation of the Code of Conduct under*

*disrespect "We do not interact in discourteous ways. We do not ridicule others, put them down or **bully** them."*

The Administration agrees that the action of moving your personal property was questionable however it appears in reaction to the escalating disregard of the matter, it appears defiance became more important that a mutually agreeable solution. This manifests itself via the removal of the functional 'head' of the coat rack and this leads to the engagement/involvement of all of FF Wolf's personal property within public space. Also it is understood that on or about July 6th everyone's posters, pictures and/or wall hangings were removed from the room; the matter grew to be 'global' including the removal from sight of everyone's personal property from the public space, not just FF Wolf's. Regarding the closing sentence of the above bullet point, such behavior can be commonly found across FF Wolf's digital communications regularly and not only was the Administration unable to find reason to believe Firefighter Wolf was bullied, it was hard pressed to not charge him with bullying his roommates throughout the course of this matter.

10. *Vashon Island Fire and Rescue Code of Conduct on Communication states "We do our best to give each other complete, relevant, accurate information in a timely manner. We make sure that information goes up and down the chain. We explain reasons for change." The Code of Conduct also states under Collaboration "We resolve District problems internally, through the chain of command or other proper channels." This issue was brought up the chain of command before FF Wolf was ever made aware of it. Captain Dueweke involved Assistant Chief Larsen before he brought it to the attention of FF Wolf or Captain Munger. FF Wolf was never given a clear reason for change. Why he is being held to a different standard than the rest of the firefighters? It is common practice for firefighters to leave personal belongings in their rooms.*

    There is no evidence that Firefighter Wolf is being held to a different standard, in fact the review of the events strongly suggest that Firefighter Wolf is simply being asked to hold himself at the same standard as/of his peers, fellow firefighters and roommates. It is common practice for firefighters to leave personal belongings in their rooms; however, it is also common practice to do so within the mutual agreement, good graces and permission, if necessary, of ones roommates. In lieu of finding and implementing a solution mutually agreeable FF Wolf imposed his solution on everyone and worked to force them into acquiescence and silence with his wishes.

In address of the "Remedy Sought" by Grievance 19-001 specifically, the Administration supports and/or directs the following actions to be taken. Addressing the points requested in the grievance specifically:

1. *Both reprimands are removed from Firefighter Wolf's personnel file. This matter should return to the first step of discipline. Which the grievance states would be a Verbal Warning.*

    As it is defined within the Collective Bargaining Agreement an oral reprimand can not be grieved. Further, an oral reprimand is no more than the written documentation of a verbal warning which the very grievance defines to 'be in place.' As such it will be allowed to stand. With regards to the written reprimand all consideration of such presented in the Grievance are found inapplicable and it shall remain in FF Wolf's file as defined by policy.

2. *All involved parties (Firefighters McCann & Davidson) "Ordered to come up with a solution" also to be given a Verbal Warning.*

The Administration is pained that this simplest of matters has continued to be unresolved. However it is the Administration's belief that the foundation of the problem and the bulk of the disciplinary action is not based on the lack of a solution but the implement of a ruled-out solution and path. It is the hamper's use that caused the disciplinary action to be solely focused on FF Wolf and not the others. In lieu of addressing the disagreement of his path pending a mutually agreeable solution FF Wolf:

a. Repeatedly left dirty clothes in the hamper out for the next shift to accept despite their requests that he not do so.
b. Firefighter Wolf made it clear that he did not care what his roommates thought, making conversational statements to the effect of:
    i. No I don't care and no one is going to tell me what I can put in that room...
    ii. I don't give a shit what Duey says about it and it's not going anywhere...
    iii. You all need to stop harassing me; the hamper isn't going anywhere...
    iv. If you have a problem with my things in the room then you can remove them while you're on shift and then put them back before you leave...

The Administration takes no exception to the course of action that the disciplinary action is towards only FF Wolf and not all of the parties involved.

3. *Clear expectations of what can be brought into, and left/kept, in sleeping quarters, and what is considered personal space. A standard should be established for all firefighters, as they are not guaranteed to be able to stay in any specific sleeping quarters (Due to shift trades, overtime and debits). It is requested the standard apply to everyone.*

   The Administration is unopposed to, and supportive of, the idea that clear expectations of what can be brought into and left/kept in sleeping quarters, and what is considered personal space be established. However, it is the Administration's position that this is a realm of responsibility best left to the users of the Duty Quarters, subject to the chain of command. Traditionally the District, beyond cleanliness and maintenance aspects, has not defined or dictated how those using the living quarters shall 'go about their business.'

4. *A face to face meeting with a neutral third party is facilitated to resolve this issue and talk about how to avoid this type of discrepancy in the future.*

   The Administration is unopposed to, and supportive of, the idea that the four roommates meet to resolve their problems with, or without, a neutral third party as the roommates see fit. However, one of the four roommates is a ranking firefighter and ultimately has authority over the others in the event of conflict on such matters. If a firefighter objects to a ranking officer's decision or order, the firefighter is expected to obey and then submit his complaint up the chain of command in a professional manner. Insolence and insubordination cannot be allowed in our organization.

In additional to the findings, directions and/or recommendations given above the District encourages all of the parties involved to hone their knowledge and skills at communicating in more positive and successful manners. In support of this the District will continue to work to foster such communication skills as it has started. Also the District asks that Firefighter Wolf and Captain Dueweke meet with Chief Krimmert within a month of the close of this matter.

The underlying evidence of disrespect, lack of collaboration, lack of cooperation and lack of teamwork are concerning and noteworthy. However, at this time, it is the Administration's position that the above recommendations are appropriate to the events, circumstances and nature of the situation.

Conclusion of Report

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