

Good Afternoon

It is my understanding this hearing is to be held in open session and recorded.

I am here today, at your request, to discuss alleged violations of Curry County personnel rules. My attorney has been on vacation and I have not been able to get in touch with him. His administrative assistant has advised his presence is not necessary at this time. He will be requesting a copy of this hearing upon his return if necessary.

You have identified Article 25 (C) (5) Inefficiency or incompetence, Article 25 (C) (6) Inattention to duty, tardiness, indolence, carelessness, or damage to or negligence in the care and handling of County property, Article 25(C) (10) Misconduct in the performance of employee duties and Article 25(C) (11) violation of County safe policy or department safety rules.

For those who would be like to listen to my side of what happened on April 18. (In addition to the 2 minute 'investigative' interview that occurred on July 5 with Commissioner Herzog and Anthony Pope)

I was attempting to create a unique twist for a remodel project I had been working on in the DA's office. The project had taken much more time than it should have due to constantly being called away for yet another 'emergency that needs to be taken care of right now' as directed by my liaison Commissioner Herzog. I safely created and used the machine on the preceding Friday with no issues what so ever. Contrary to rumors I was NOT doing this for personal reasons. I honestly and sincerely did not think it was a dangerous project.

All of my sample pieces along with the remains of the County microwave have been cleared and discarded. The OSHA investigation has NOT been completed and it may take another 90 days before it is done.

I have spoken to those I was aware of that were involved with saving my life that day and thanked them for their care, their knowledge and ability to do what they did.

For those who know me -- I try to go up and above in all and everything I do---as you will hear from my performance appraisal that was completed 3 days prior to my accident by Commissioner Herzog.

I received an overall rating of "EXCEEDS EXPECTATIONS" defined on the evaluation for as:

"Overall work performance is consistently above expectations and job standards. This performance enhances the achievement of departmental unit goals and objectives"

EXCEPTIONAL CATEGORIES (and I quote from the document)

"Overall work performance is consistently above expectations and job standards by an exceptional degree. This high level of performance is continually maintained."

Commissioner Herzog rated my performance as EXCEPTIONAL in each of the following categories:

QUALITY

GUIDANCE AND TRAINING--Commissioner Herzog has witnessed himself -as noted in person and stated on evaluation.

INITIATIVE

EXCEEDS EXPECTATIONS

PERFORMANCE MANAGEMENT

PLANNING AND ORGANIZATION

KNOWLEDGE

WORK HABITS--because of the lack of preventative maintenance overtime is needed.

RISK/MANAGEMENT SAFETY

QUANTITY

COOPERATION

COMMUNICATION - somewhere between Successful and Exceeds Expectations. This is an ongoing work in process.

DEPENDABILITY - Successful - limited by staffing & funding-priority of deadlines are a moving target---due to our department being told what work needs to come first today when others aren't finished.

ADAPTABILITY - Successful

Do these ratings make you think of someone who doesn't pay attention to duties? Someone that would knowingly attempt something dangerous or without purpose?

There is an inherent risk in all types of manual labor jobs, be it electrical, plumbing, building construction/renovation, ditch digging, landscaping etc.

I was hired for my extensive knowledge in the building trades, and the skills that I would bring to Curry County, for my past safety background, for my 10+ years of working for a State Correctional institution, and for my skill in creating --making something from nothing. All of these skills and knowledge have been used for the projects I have been able to complete without having to hire numerous contractors, which in turn has saved the county money--taxpayer dollars.

As we all are aware, departments are only given so much money---thus my department and I have had to create or use what we had to complete many projects for the county, using and fabricating things from 'junk'.

Redid plumbing in the jail kitchen by fabricating with what we had on hand  
Re-designed the sewer grinder and systems machine using various junk  
pieces that were available.

Fabricated jail attic HVAC with that we had to get it done

Fabricate and repair numerous leaks at Boice Cope park--which included  
potentially dangerous chlorine being dumped on the ground.

I replumbed the entire Boice Cope Park Rest rooms and showers, along with  
minimal assistance from park employee and Commissioner Herzog observing  
and learning.

Numerous plumbing problems repaired by my design and fabrication with  
available pieces at Lobster Creek.

Fabricated from JUNK (without specific permission) jail extension ladder  
security hangers.

Those projects along with many others were successfully completed.

Article 25(C) (5) Inefficiency or incompetence.

Article 25 (C)(6) Inattention to duty, tardiness, indolence(lazy), carelessness,  
or damage to or negligence in the care and handling of County property.

The volume of and type of work and projects I have completed in Curry  
County complete negates the insinuation that I have been either inefficient  
or incompetent. The variety and volume of projects are numerous:

Fabrication and installation of various structural issues through the county  
buildings -- courthouse, jail, Colvin building, South County

Installation of county wide camera system in almost every building

HVAC systems repaired or replaced many buildings

Roofing structural issues on many county buildings

Partial renovation of Curry County Vet Service Center

Annex generator maintenance and upkeep

Well pump electrical issues at Boice Cope Park. Main electrical panel at  
Boice Cope Park.

For the 2.5 years I have been employed by the county I have NOT  
intentionally damaged or been negligent in handling County property.

Article 25 (C) (10) Misconduct in the performance of employee duties.

In the letter I received dated July 7 "Your Commissioner Liaison  
Commissioner Herzog was not aware that it was being built or used, nor did  
you request approval for these activities falling outside your scope of work,  
which may constitute a violation of Article 25 (C)(10) misconduct in the  
performance of employee duties"

As stated earlier I was working on this project as an enhancement to the  
remodel of the District Attorney's office.

I have worked on and completed many jobs throughout the county without  
Commissioner Herzog's specific approval:

Jail oven safety latches were repaired from junk pieces in the county maintenance shop.

Designed/fabricated/repaired jail sliding door rollers

Fabricated jail attic HVAC, plumbing and electrical problems-had to work with what we had to get the job done

Replumbed jail kitchen by fabricating with what we had on hand to complete the job.

Designed/fabricated temporary dispatch center for jail (so not to lose 911 services while new flooring was being installed)which included the work stations

Designed/fabricated door locks for the jail cells from scrap metal

Jail kitchen tether system for dangerous sharps to be controlled

Repair and fabrication of ventilation system leaks

Plumbing issues that I designed and fabricated to make it work with pieces available.

Various Electric issues--jail, sheriff's office, Annex, Colvin building, SARS building

Various problems associated with plumbing and water leaks, mold, mildew and asbestos.

Designed and fabricated Fire extinguisher tool for County EOC training

Demo/design/remodel South County Bathroom

Designed, fabricated and repaired Court house roof drainage project

Fabricated and repaired hanger door, walk thru door and installed safety handrails in loft area of the SAR's building

Remodel of Colvin building juvenile section internal framing of two new door placements for security reasons was initially done by juvenile department employee and community service worker/ ontractor. This was not done correctly following required basic building code and I directed them to remove and do it the right way so that the structure was safe for use by all. Many others without the specific approval or permission of Commissioner Herzog

Finally Article (C) (11) Violation of County safety policy or department safety rules.

First I want to say that I am one of the most safety oriented guys you will ever know. I have had numerous accolades from previous employers for my continual safety practices. Getting Curry County to see all the safety violations and the efficiencies that go on here has been a tremendous hurdle in the daily performance of my job duties. I am OSHA certified, I am Safety Accident Investigator certified. I held the position of the Chair of the Safety committee for Curry County until the lack of backing and importance of the committee by the County made me resign from the position.

We have a Commissioner who was advised by me NOT to do a project It would be an OSHA violation, (reroofing a building NO safety equipment i.e. tie off, no formal training in commercial building roofing, elevated work

experience. Upon my return from funeral leave it was necessary for me to re-do the job they attempted without the proper training and knowledge. This roofing project was on the Colvin building with another county employee -- who just so happens to have a medical condition and is prone to dizziness, fainting and passing out. This also meets your definition of 'you have a duty to set a good example in the workplace and to demonstrate safety procedures to your staff in any situation'

There is a County employee that has been written up numerous times for the same violations I am being charged with and MORE. He has been given numerous last chances by the commissioners (without backing from the insurance company) He has been moved to yet another position/department and the problem ignored.

Yet another county employee has received DUI citations, in a County vehicle, on County time, and County property. He was given 'another chance' until he could retire.

All of these situations were in violation of County policies and could have resulted in harm or worse to the employees and members of the general public.

Everyone needs to know that I always did my best within the limits imposed by the Commissioners. I always have safety in mind in all of my projects, for all my co-workers, and especially for all I supervise. This has been a standard not only while employed by Curry County--- but in every job I have ever held.

I realize you have probably already made your decision regarding my employment with Curry County. Since the Curry County Personnel manual has no official corrective action plan, employment at the County is a popularity contest, it is arbitrary and capricious (sudden and unaccountable) -- and NOT uniformly applied to all employees. The winner is the one that does the most favors for those with influence.

This will always be an unfortunate accident in my life. Everyone that has ever known my work habits and abilities will know that I did not attempt this project without study and understanding to do the best job possible.

I have enjoyed most of my time working here at Curry County. My skills and abilities have contributed to making this a better place than when I started.

Thank you for the opportunity to present all of the above information and details.