

**UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CLEVELAND DISTRICT OFFICE**

Brenda K. Murphy,	:	
	:	
Complainant	:	EEOC No.532-2007-0206-07
	:	
v.	:	
	:	
	:	Agency No. 4C-430-0060-07
JOHN E. POTTER, Postmaster General,	:	
United States Postal Service	:	
Agency	:	

**COMPLAINANT MURPHY'S RESPONSE TO AGENCY'S MOTION TO
DISMISS WITHOUT A HEARING**

I. Introduction

Complainant, Brenda K. Murphy, filed a charge of discrimination alleging race and gender discrimination based upon the Post Office's actions in taking a bid from her and awarding it to an unqualified, white male, Thomas Locke. The Agency claims that the bid was taken away only after Locke proved that he was qualified for the bid; however, the Agency has provided no evidence that Locke had the requisite window clerk experience. The Agency's best witness, John Barker, can only claim that Locke (whom Barker does not know and could not recognize) *would have worked* at the window given the position he held in 1986. The Agency's case is founded upon the unsupported assumptions of a witness with no personal knowledge of Locke's work experience.

The Agency also attempts to maintain that the decision to steal the bid from Murphy was solely governed by the collective bargaining agreement and therefore Murphy cannot maintain a claim of discrimination. Remarkably absent from the Agency's motion is any citation to the CBA that governs the situation that Murphy found herself in - a dispute over whether the senior bidder had the requisite qualifications for the bid when no documented proof of those qualifications exist. When that dispute arose,

the post office employees in charge of making a decision (Glenna Parsley, Matt Dry and others) did not refer to the CBA for guidance. They made a subjective and unprecedented determination to check clock rings and obtain written statements from other employees to verify Locke's claim. From there, they further deviated. For some reason, the decision was made not to check clock rings (Complainant requested such records from the Agency which were the subject of the Complainant's motion to compel) and to solely rely upon written statements of Locke's work history. The problem is that none of the statements relied upon prove anything concerning Locke's work history.

Having rejected the use of clock rings, having refused to provide clock ring documentation upon Complainant's discovery request, and then having relied upon meaningless written statements, the Agency is left with nothing to support stripping Murphy of the bid and unjustifiably giving the bid to Locke. Locke left the position in early July, serving less than two months in the position. He was not qualified for the position from the start. Complainant will demonstrate that the Agency's alleged nondiscriminatory reason has no support in the record and thus is a pretext for discrimination.

In support of her response, the Complainant files the depositions of Thomas Locke, Glenna Parsley and John Barker.

II. Statement of Facts

Complainant Brenda Murphy worked as a lead registry room clerk (level 6) for the United States Postal Service. In approximately March 2007, Murphy submitted her bid for the position of lead sales and services associate (Murphy affidavit at p.1).

The lead sales and service associate position required one year window experience (Parsley depo. at p. 27) which Murphy possessed.

Glenna Parsley (white female), Human Resources Specialist, had the duty of regulating the bidding system. The bidding system is computer controlled and automatically determines the senior bidder for the bid position. The senior bidder with

the requisite qualifications is awarded the bid. Thomas Locke was the senior bidder for the bid position.

Parsley initially determined that Locke did not possess the necessary window experience: "After viewing the senior person [Thomas Locke], I saw nowhere in his record that indicated that he was a window clerk. Then, so, yes, I made him ineligible. Then I made Brenda eligible" (Parsley depo at. p.14). "I determined that he didn't have window in his history, so I just assumed that he didn't have the one-year experience" (Parsley depo. at p.19).

On approximately March 28 or 29, 2007, Parsley "sent out documentation saying that Brenda was the senior [and successful] bidder" (Parsley depo. at p. 23). Parsley posted the bid award on the clerk's bid board (Murphy affidavit at p.1 located in ROI).

On the day after the bids were posted, Tom Locke called up Parsley and asked her, "Why I was passed on the bid?" (Locke depo. at p.11). According to Locke, Parsley stated that his title was manual distribution clerk, and she was not aware that he had window experience. Parsley stated in her deposition that she pulled up Locke's bid history and "I determined that he didn't have window in his history" (Parsley depo. at p.19).

The Agency puts it rather differently in its statement of "undisputed facts" - "At the time that he bid on the position, there was no official computerized record of his one year of window experience." That statement is misleading. At the time Locke bid on the position he had no window experience. Computer records of his work history go back to the time in question and reflect no window clerk experience.

Tom Locke informed Parsley that he had the one-year experience that was required of the position (Parsley depo. at p. 25). Locke put it differently in his deposition stating that he had window experience for all three years that he was a flex (Locke depo.

at p. 9). Parsley indicated that she would have to look into the clock rings to verify his claim (Locke depo. at p.9). Parsley never did this nor did she look into other documentation that would have supported his claim such as form 50's, audits, and no bid for such a position during his 21 year career.

According to Parsley, Locke gave her the names of two people that could verify that he did have the one-year experience (Parsley depo. at p. 25). Parsley could not recall the names of the witnesses (Parsley depo. at p. 26). According to Locke, he gave Parsley seven references to support his claim of one year window experience (Locke depo. at pp. 11-13). Parsley asked for witnesses to verify Locke's claim even though no policy or procedure existed within the postal system that would allow for witness testimony to overturn an awarded bid. The CBA contains no provision(s) governing such a situation. Any actions Parsley and others took at this point were beyond the purview of the CBA.

One of the references Locke supplied was John Barker whom Locke indicated that he had worked with on the counter (Locke depo. at p.13). Barker denied ever working with Tom Locke in his deposition testimony (Barker depo. at p.9). Nor did Barker supervise him (Barker depo. at p.9). Barker went so far as to say that he could not recognize Locke if Locke were sitting in front of him.

Barker stated that a station clerk would have some duties at the window and some duties in distribution. Barker did not define how much time would be devoted to each (Barker depo. at p.11). Barker, as well as Locke, testified that clerks working the window in the mid-1980s would not have used the POS computer system that is in place now (Barker depo. at p.13). Even if Locke had the necessary window clerk experience, his experience was so dated that it did not include working on the computer system that came into existence well after his window clerk tenure ended. Such computer system experience is critical to success in the position.

According to Parsley, the witnesses to Locke's window clerk experience "provided me written statements to the fact that they did observe him, Thomas, working

the window. The one clerk verified that they had knowledge that he did work window a year" (Parsley depo. at p.27).

Parsley did remember some of the conversation she had with one witness over the phone:

Q. And do you recall what he said over the phone?

A. Just that he knew Tom Locke, and he knew that he did work the window with him. And I asked him if he could recall around the time frame, and asked that he provide a statement and he did.

Q. Did he tell you the time frame over the phone?

A. I don't recall exactly what he said.

(Parsley depo. at pp.27-28). In his verbal statement, the witness gave no specifics on the amount of time Locke spent as a window clerk. The witnesses' written statements to Parsley fare no better (the statement below gives a timeframe for their working together but no timeframe as to how long Locke spent at the window clerk position):

This statement is to certify that I worked together with Tom Locke at Lincoln Village Finance Columbus, Oh 43228 from early 1986 until June of 1987 and we were both PTF window clerks. Feel free to call me with any questions.

Parsley spoke with John Barker concerning Tom Locke's experience:

Q. And what did he relay to you concerning Mr. Locke?

A. Just that he said that he, too, was a distribution clerk. And at that time, distribution clerks, if you were a distribution clerk, you did work the window. I said, "How are you so sure?" He said, "That was the practice at that time, you worked the window. You had no choice."

Q. Do you recall anything else he said to you about Mr. Locke or his window clerk experience?

A. No.

Q. Was that pretty much the essence of the conversation, what you've related to me?

A. Pretty much.

(Parsley depo. at pp.30-31).

Barker did not indicate to her that he had worked with Locke as a clerk at the counter. Barker's memory of the conversation is rather different as he testified in his deposition under oath:

A. Well, my involvement was that personnel came to me and asked what the duties of a clerk, station clerk, were out at the stations, and I explained to them what the duties and responsibilities of the station clerk were.

Q. Personnel in the form of which individual or individuals, do you recall?

A. I really don't recall at the time.

Q. And was this a phone conversation or was this a person-to-person conversation?

A. Someone just met me in the hallway.

Q. At Twin Rivers?

A. Yes.

Q. And what was your response as to the duties and responsibilities of a station clerk?

A. What I said at the time was that anybody that worked at a station or branch operation worked as a distribution clerk and also as a window clerk.

(Barker depo. at p.7).

Barker did not provide any specifics concerning Locke's experience to Parsley. In fact, Barker had no personal knowledge of Locke's window clerk experience (Barker depo. at p.8). Barker did provide Parsley with a written statement in which he stated that Locke was a distribution clerk at Hilltop from 1986-1988. Barker admitted, however, that he didn't have access to Locke's bid history and that he could not recognize Locke in person but that he remembered someone by the name of Locke working at Hilltop (Barker depo. at p.16).

Barker's written statement was given on March 30, 2007 and read as follows:

In 1986, a *Distribution Clerks* who had Window training *would have* worked on the window. Thomas Locke's bid history indicates he was a Distribution Clerk at Hilltop and Upper Arlington from 1986 to 1988. He

qualified on Window Clerk Training April, 1986. Therefore, he has the one (1) year experience as a Window Clerk necessary to receive bid # 4870706 from posting #CK072A and will be placed pending qualification for that bid.

If an employee was a Distribution Clerk and qualified on the Window back in 1986, they would have worked at the window. This statement was provided by John Barker, Manager, Customer Service Operations.

Barker makes assumptions as to what Locke would have done if he held the position and provides no facts to verify Locke's experience. Barker has no personal knowledge of Locke's work history. The Agency refers to these statements as "documentation verifying Mr. Locke's window experience." These statements verify nothing about Locke's window experience.

Parsley understood Locke's window clerk experience to have been in 1986 (Parsley depo. at p.40). She is unaware of how the position of window clerk has changed from 1986 to the present (Parsley depo. at p.41). Parsley indicated that Locke's training record reflected that he was at Window Clerk's CAT in 1986; however, this offers no proof that Locke has a year's experience as a window clerk.

Parsley also spoke with her supervisor concerning the situation with Murphy and Locke over the position (Parsley depo. at p.33). Ultimately, Matt Dry, white male, had final authority over whether to award Locke the position (Murphy affidavit at p.2). They determined that the written statements somehow supported Locke's claim despite nothing in the statements evidencing one year of window experience. They also made the decision not to check clock rings despite Parsley's statement to Locke at the outset that these would be check to verify his claim. Ultimately, clock ring documentation would have been the final word on his window experience.

Parsley and Deanne Ballentine notified Murphy that she was not the successful bidder through a posting and via telephone voice messages the Friday following the original successful bidder posting (Parsley depo. at p. 35; Murphy affidavit).

At the end of April 2007, Locke began his training for the Lead Sales and Service Associate Position (Locke depo. at p.6).

On approximately, May 12, 2007, Locke was placed in the position of Lead Sales and Service Associate (Parsley depo. at p.39).

On approximately May 14, 2007, Locke started in the position of Lead Sales and Service Associate at High Street and Fourth Avenue location (Locke depo. at p.6). On this day, he also returned to the registry room at the Citygate facility where Murphy was working (Locke deposition at p.25). In fact, he returned to the registry room at the Citygate facility on numerous occasions. Murphy was working in the registry room on these occasions and his visits there alarmed her as the registry room is a secure area and off limits to those without approved security access. Locke did not have the approved security access and entered the area on several occasions simply to harass Murphy.

In July 2007, Locke left the position of Lead Sales and Service Associate to work as a clerk in mail priority (Locke depo. at p. 5). Locke spent less than two months in the position on the whole.

On approximately May 9, 2007, Murphy filed a complaint alleging race and sex discrimination as a result of the Post Office's taking her bid from her and giving it to a unqualified white male.

Complainant did file a grievance concerning all but the discriminatory aspect of this matter but her union representative resolved the matter without her consent (see Murphy affidavit attached hereto).

IV. Argument

A. Complainant's evidence that she was treated differently than similarly situated employees and that the Agency's explanation is pretextual

(1) Complainant's claims of race and sex discrimination

To establish a prima facie case of unlawful discrimination based upon race and

age, Complainant must show that (1) she is a member of a protected class; (2) subject to an adverse employment action; (3) treated less favorably than similarly situated employees who were not members of the protected group. *McDonald Douglas v. Green*, 411 U.S. 792 (1973).

Complainant is a black female who was initially awarded the position of lead sales and services associate through the computerized bidding process but later management took the bid away from her allegedly because Locke was mistakenly passed over as he had the required experience. From the record, Complainant was a member of a protected class (black, female) and suffered an adverse employment action (denial of promotion). Management then awarded the bid to a white male who did not possess the required one year window clerk experience for the position thus treating a person outside the protected class more favorably than Complainant.

The Agency's legitimate non-discriminatory reason for taking the bid away from Complainant is that Locke did possess the one year window clerk experience and was senior to Complainant. The Agency's representative, Glenna Parsley, relied upon the written statements of John Barker, Jeff Rhomemus and Karen Ater in making the determination to strip the bid from Complainant and award it to Locke.

In his deposition statement, Locke testifies that Parsley required written statements and "clock rings" as evidence that he had the required window clerk experience for the position (Locke deposition at p.9); however, Parsley inexplicably changed her position and made her final determination without regard to clock rings and based solely upon witness statements as to Locke's experience (Parsley depo. at p.27). None of Locke's witnesses, however, provide competent statements based upon personal knowledge as to Locke's window clerk experience.

John Barker's statement

John Barker stated, "In 1986, a Distribution Clerks who had Window training **would have** worked on the window. Thomas Locke's bid history indicates he was a Distribution Clerk at Hilltop and Upper Arlington from 1986 to 1988. He qualified on Window Clerk Training April, 1986. Therefore, he has the one (1) year experience as a Window Clerk necessary to receive bid # 4870706 from posting #CK072A and will be placed pending qualification for that bid. If an employee was a Distribution Clerk and qualified on the Window back in 1986, they would have worked at the window."

Barker's statement is based upon several assumptions. He states that distribution clerks who had window training *would have worked on the window*. Previously in his deposition, Barker admitted that he did not know Thomas Locke and could not recognize him if he saw him.

Barker can only base his statement on what he believed to be standard practice at the time. He has no idea of what actually took place in Locke's case. Locke could have had window clerk training but also could have spent most of his time working in the distribution area and not at the window. Locke, himself, admits in deposition that as a manual distribution clerk he mainly worked in the distribution area of the station. Either as a manual distribution clerk or as a part-time flex he may have been assigned to the window from time to time but a claim of one year experience would require verifying clock rings. Being assigned to the window from time to time over even a three year period does not translate into a full year of window experience.

Absent from Barker's statement is any indication that he had personal knowledge of Locke's work history. Interestingly, Locke makes the claim that he worked with Barker for a time. Barker denies this.

Jeff Rhomemus' Statement

Rhomemus' statement is equally vague and inconclusive as Barker's: "This statement is to certify that I worked together with Tom Locke at Lincoln Village Finance Columbus, Oh 43228 from early 1986 until June of 1987 and we were both PTF window clerks." Rhomemus only says that he worked with Locke from early 1986 until June of 1987 (a period defined with little particularity) and that sometime in that time period they were both PTF window clerks (PTF is assumed to mean part-time flex). Why doesn't Rhomemus simply state that he was aware that Locke had one year of window experience?

Again, as set forth above, part time flex clerks were assigned to positions as needed and working the window from time to time is no evidence of one year of continuous window clerk experience. Parsley knew this when she told Locke that she needed verifying clock rings, yet Parsley never obtained those.

Karen Ater's Statement

Karen Ater's statement only provides evidence that Locke filled in on one solitary occasion at University Station on the window and provides no inkling as to whether Locke satisfied the one year window experience requirement. Somehow the Agency considers this documented proof of Locke's 365 days of window clerk experience necessary for the lead sales and services associate position.

If Parsley had merely made a good faith mistake in taking the bid away from Murphy and giving it to Locke then the Agency would not face liability; however, as Locke testified, Parsley told him that she needed to verify his experience against clock rings. She did not make a mistake and forget to review clock rings. Parsley knew that clock rings would prove his experience. Yet Parsley later relied solely upon inconclusive written statements. These statements provide no definitive proof that Locke had the required experience. The Agency cannot explain why Parsley required clock rings and

then later dropped that requirement in favor of vague statements not based upon personal knowledge.

The Agency does accurately state that in the *McDonnell-Douglas* burden shifting scheme, once an alleged nondiscriminatory reason has been articulated, the question becomes whether the proffered explanation was the true reason for the agency's action or merely a pretext for discrimination. *St. Mary's Honor Ctr. v. Hicks*, 113 S. Ct. 2742 (1993). The complainant can meet this burden through a showing that the proffered explanation is false or unworthy of belief.

In this case, the complainant has made that showing. The Agency's explanation that Locke had the requisite experience is false as it has never been proven. No documentation in the form of clock rings, bid history, or written statements based upon personal knowledge have been produced to support the Agency's explanation of why it stripped Murphy of the bid. Having demonstrated the Agency's explanation false, the Complainant has carried her burden of proving that a discriminatory reason more likely motivated the Agency.

The Agency may argue that Parsley simply made a mistake and read Locke's window experience into three separate written statements. And such an argument may in some reality be plausible. However, the Agency will not be able to explain why Locke testified that Parsley told him that she initially required clock rings verifying his window experience but later completely dropped that requirement. The Agency very well knows, as do all postal employees, that the final word on an employee's experience has to be their clock rings. Why would an employee charged with administering the bidding system inexplicably drop such a requirement?

B. Decision-makers in this case deviated from the CBA by creating their own procedures for handling the Thomas Locke Affair; therefore, this matter is outside the scope of CBA governance and proper for EEO review

The Agency can point to no provision in the CBA governing the situation where a senior bidder is able to challenge the bid award through written statements of other

employees with no personal knowledge of his work history. Parsley admits in her deposition that she made up these procedures for this particular situation:

Q: Was it in your sole determination as to whether these statements by these individuals were sufficient to make Ms. Murphy ineligible for the bid?

A: It was my decision to make Tom eligible, yes.

Q: Are there any written guidelines or policies which say you need to do this?

A: Not to my knowledge.

Q: Has a similar situation presented itself in the past?

A: No.

(Parsley depo. at pp.31-33).

Just as written statements based upon assumptions and lack of personal knowledge somehow became undeniable proof of Locke's window experience, the Agency also characterizes an employee creating new policies and procedures on the fly as acting strictly within the constraints of the Collective Bargaining Agreement; therefore, according to it, the entire case is governed by the CBA and the Complainant cannot assert a discrimination claim.

The Agency's reply brief will be highly anticipated for citations from the CBA clearly demonstrating that "the action at issue was taken directly and exclusively pursuant to the terms of the CBA," discrimination actions are governed by the CBA, and the grievance process is the sole remedy for discrimination complaints.

A commercial arbitration clause does not preclude direct, immediate access to Title VII action. *Utey v. Goldman Sachs & Co.*, 883 F.2d 184, 50 Fair Empl. Prac. Cas. (BNA) 1087, 51 Empl. Prac. Dec. (CCH) ¶ 39267 (1st Cir. 1989). Labor arbitration clause likewise operates independently of Title VII. *Alexander v. Gardner-Denver Co.*, 415 U.S. 36, 94 S. Ct. 1011, 39 L. Ed. 2d 147, 7 Fair Empl. Prac. Cas. (BNA) 81, 7 Empl. Prac. Dec. (CCH) ¶ 9148 (1974).

Furthermore, Complainant's union representative took actions outside the scope of his/her representation and therefore do not bind the Complainant. Complainant is currently seeking redress of those actions now (Murphy affidavit attached hereto).

IV. Conclusion

For the reasons stated above, the Complainant respectfully requests that the Agency's Motion for a Decision without a hearing be DENIED.

Respectfully Submitted,

/s/Andrew J. Ruzicho II

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed by regular U.S. Mail,
postage prepaid this 1st day of February, 2008 to,

Jennifer Breslin
US Postal Service
PO Box 40595
Philadelphia PA 19197-0595

/s/Andrew J. Ruzicho II

ANDREW J. RUZICHOII(0064024)

UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CLEVELAND FIELD OFFICE

- - -

BRENDA MURPHY, :

COMPLAINANT, :

vs. : Agency No.

: 4C-430-0060-07

JOHN E. POTTER, :

POSTMASTER GENERAL, :

U.S. POSTAL SERVICE, :

PS COLS, :

AGENCY.

- - -

Deposition of JOHN BARKER, a witness
 herein, called by the Plaintiff for
 cross-examination under the applicable Ohio Rules
 of Civil Procedure, taken before Michelle K.
 Douridas, a Registered Professional Reporter and
 Notary Public in and for the State of Ohio,
 pursuant to notice and agreement of counsel, at
 2323 Citygate Drive, Columbus, Ohio, commencing
 on Thursday, December 18th, 2007, at 11:58 p.m.

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1 DEPOSITION OF JOHN BARKER
 2 APPEARANCES
 3 ---
 4 ANDREW RUZICHO, ESQUIRE
 RUZICHO & ASSOCIATES
 5 118 Graceland Boulevard, Suite 307
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 6 (614) 447-2365
 7 On behalf of the Complainant.
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 11 On behalf of the Agency.
 12 ALSO PRESENT:
 13 Brenda Murphy
 14 ---
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1 Thursday Afternoon Session
 2 December 18th, 2007
 3 11:58 p.m.
 4 ---
 5 STIPULATIONS
 6 It is stipulated by and between counsel
 7 for the respective parties that the deposition of
 8 JOHN BARKER, a witness herein, called by the
 9 Plaintiff under the applicable Ohio Rules of
 10 Civil Procedure, may be taken at this time in
 11 stenotype by the Notary pursuant to notice and
 12 agreement of counsel; that said deposition may
 13 thereafter be transcribed by the Notary out of
 14 the presence of the witness; that proof of the
 15 official character and qualification of the
 16 Notary is waived; that the witness may sign the
 17 transcript of his deposition before a Notary
 18 other than the Notary taking his deposition; said
 19 deposition to have the same force and effect as
 20 though signed before the Notary taking it.
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1 JOHN BARKER
 2 being by me first duly sworn, as hereinafter
 3 certified, deposes and says as follows:
 4 CROSS-EXAMINATION
 5 BY MR. RUZICHO:
 6 Q. Could you state your name for the
 7 record?
 8 A. John Barker.
 9 Q. And your current position, Mr. Barker?
 10 A. I am manager of customer service
 11 operations.
 12 Q. And how long have you been manager of
 13 customer service operations?
 14 A. Since 1993.
 15 Q. And is your office here at Citygate?
 16 A. No. It's at Twin Rivers Drive.
 17 Q. To whom do you report as manager of
 18 customer service operations?
 19 A. To the postmaster.
 20 Q. John Potter?
 21 A. No. Robin Ware, postmaster of Columbus,
 22 Ohio.
 23 Q. Okay. And in approximately March or
 24 April of this year, you became involved in a bid
 25 on a lead SSA position involving Brenda Murphy

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1 a time frame, but I'm not sure. What time frame
 2 were you talking about?
 3 A. I'm not positive. I believe it was from
 4 the mid '80s through 1990.
 5 Q. Did you have personal knowledge of
 6 Mr. Locke's window clerk experience in the
 7 mid '80s through 1990?
 8 A. Personal knowledge, no.
 9 Q. So you were basing your statement on
 10 something other than personal knowledge
 11 apparently, correct?
 12 A. I was basing my statement on the fact
 13 that I had been a window clerk.
 14 Q. So your own personal experience?
 15 A. Yeah. A station clerk, yes.
 16 Q. And you were a station clerk where?
 17 A. At -- you mean where, what station in
 18 the city?
 19 Q. Correct.
 20 A. At Whitehall station.
 21 Q. Anywhere -- any other stations?
 22 A. Livingston station.
 23 Q. Anywhere else?
 24 A. No. From that point on, I became a
 25 supervisor at the city stations, and then a

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1 and Thomas Locke, correct?
 2 A. Yes.
 3 Q. I just say "involved" in the general
 4 sense. Maybe you can explain to me what your
 5 involvement was.
 6 A. Well, my involvement was that personnel
 7 came to me and asked what the duties of a clerk,
 8 station clerk, were out at the stations, and I
 9 explained to them what the duties and
 10 responsibilities of the station clerk were.
 11 Q. Personnel in the form of which
 12 individual or individuals, do you recall?
 13 A. I really don't recall at the time.
 14 Q. And was this a phone conversation or was
 15 this a person-to-person conversation?
 16 A. Someone just met me in the hallway.
 17 Q. At Twin Rivers?
 18 A. Yes.
 19 Q. And what was your response as to the
 20 duties and responsibilities of a station clerk?
 21 A. What I said at the time was that anybody
 22 that worked at a station or branch operation
 23 worked as a distribution clerk and also as a
 24 window clerk.
 25 Q. And at the time -- you may have defined

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1 manager of the city stations.
 2 Q. Supervisor of all the city stations?
 3 A. Well, I was at probably one half of all
 4 the city stations. We moved around.
 5 Q. Okay. I was just confused, that's why I
 6 asked. So you were a supervisor of several city
 7 stations but separately?
 8 A. Yes.
 9 Q. You didn't supervise them as a group?
 10 A. No, I didn't supervise them as a group
 11 at that time.
 12 Q. And when you became a manager, you
 13 didn't manage them as a group or maybe you did?
 14 A. No, not until my current position.
 15 Q. Okay.
 16 A. I was a station manager at several
 17 individual stations throughout the city prior to
 18 being promoted as the manager of customer service
 19 operations. Then all the units fell under my
 20 jurisdiction.
 21 Q. Okay. So my understanding is you didn't
 22 work with Thomas Locke, correct?
 23 A. No. No, I did not.
 24 Q. You didn't supervise him?
 25 A. No.

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<p>1 Q. Was there a point later in time that you 2 worked with Mr. Locke or supervised him? 3 A. No. 4 Q. And so it sounds like you're basing your 5 statement as to the duties of a station clerk 6 based on your experience as a station clerk and 7 your experience as a supervisor and manager? 8 A. Yes. 9 Q. And it sounds like, correct me if I'm 10 wrong, you're making the assumption that your 11 experience would be similar to the experience of 12 other station clerks in different stations that 13 you didn't happen to work at? 14 A. Yes. 15 Q. And you mentioned that personnel came to 16 you at the Twin Rivers Drive office, asked you 17 this particular question. Did you have any other 18 contact concerning this situation involving 19 Thomas Locke, Brenda Murphy? 20 A. I had a conversation with Bob 21 Springsteen, who was the chief steward for the 22 APWU, and also with Mike Schmidt, the president 23 of the APWU. 24 Q. Were these separate conversations? 25 A. Yes.</p>	<p>1 MR. RUZICHO: I'm sorry. I 2 misunderstood. 3 MS. BRESLIN: That's all right. 4 Q. And can you relate that conversation you 5 had with Mr. Schmidt? 6 A. Well, Mike asked me what did station 7 clerks do at that time. I told him that 8 basically in the mornings either you worked the 9 box mail or you distributed mail around to the 10 carriers. And once you got finished with that, 11 then you rotated up to the window and worked the 12 window for the remainder of your tour. 13 Q. What tours did station clerks work at 14 the time? I assume they didn't work all three 15 tours. 16 A. No. The station clerks began somewhere 17 around 4:00 in the morning, some of them. The 18 others began -- there was sporadic begin tours. 19 The box clerk normally came in at 4:00 in the 20 morning. The other clerks normally came in from 21 seven to 9:00. 22 Q. And they'd work an eight-hour shift? 23 A. Yes. 24 Q. So the tours didn't correspond with the 25 tours at a plant, for example?</p>
Page 11	Page
<p>1 Q. Were they face-to-face? 2 A. Yes. 3 Q. When did you talk with Bob 4 Springsteen? 5 A. The actual date I don't know, but he saw 6 me downtown and he asked me the same general 7 question that personnel asked. 8 Q. And did you give -- what was your 9 answer? 10 A. Well, my answer was that if he worked at 11 a city station, he performed the duties of both a 12 distribution clerk, which was in back, and a 13 window clerk. 14 Q. And let me ask you, so I'm clear on 15 that, those duties were all part of the station 16 clerk position? 17 A. Yes. 18 Q. So you'd be working all those duties at 19 the same time? 20 A. Right. 21 Q. And Mr. Schmidt, you spoke with him. 22 Was that after you spoke with Mr. Springsteen? 23 A. Yes. 24 MS. BRESLIN: I'm sorry. Just for the 25 record, it's S-c-h-m-i-d-t.</p>	<p>1 A. Oh, no. 2 Q. How has a -- well, I guess at the time 3 in the mid '80s there wasn't a position known as 4 a window clerk position, am I correct in assuming 5 that? 6 A. Not just strictly a window clerk 7 position, no. 8 Q. They'd be known as a station clerk? 9 A. Yes. 10 Q. How, if you can tell me, has a station 11 clerk's duties at a window changed from, I guess, 12 around the mid '80s to the present position of a 13 window clerk? 14 A. Well, I'm not proficient on that, but 15 the only thing I would see that changed is just 16 being more dependant on the computers now, you 17 know, the POS system. 18 Q. And that stands for Postal Operating 19 System? 20 A. I don't know the exact termination 21 (sic). I'm sorry. 22 Q. Okay. And you gave a written statement 23 in approximately March of 2007, correct? 24 A. Yes. 25 Q. And do you recall how you came to give</p>

Page 14

1 this statement? Did someone approach you?
 2 A. Someone from personnel. I don't
 3 remember who it was at the time, but they had
 4 asked me about the statement that I had given
 5 them in the hallway, and that's how the written
 6 statement came about.
 7 Q. It sounds like, from your testimony, the
 8 same person that approached you at Twin Rivers
 9 with the question about duties of a station clerk
 10 also requested a written statement from you?
 11 A. Yeah, I believe so, yes.
 12 Q. And you don't recall who that person
 13 was?
 14 A. You know, I'm basically in and out of
 15 personnel all the time. I'm not sure. It could
 16 have been one of -- it would have been one of
 17 three people. It would have been Matt Dry, DeAnn
 18 Ballentine or Sandy Burkhart. Those are the
 19 people that I normally work with. You know, I
 20 have to be honest, I don't remember which one
 21 did.
 22 Q. I'll ask this then, you don't remember
 23 it to be Glenna Parsley?
 24 A. I don't --
 25 Q. Can we eliminate her?

Page 15

1 MS. BRESLIN: If you recall.
 2 A. Well, I don't know that I can eliminate
 3 her. I did have some dealings with her as well.
 4 I'm just not sure who came to me.
 5 Q. Did you have dealings with Glenna
 6 Parsley on this particular matter?
 7 A. I don't really know who I dealt with.
 8 Q. Okay. So when you say you had dealings
 9 with Glenna Parsley, it could have been on
 10 personnel matters in general, not this particular
 11 matter?
 12 A. Well, basically in my position, I take
 13 and deal with not only the APWU but the NALC, the
 14 carriers. You know, I deal with clerks and
 15 carriers at city stations. I'm always going to
 16 them.
 17 Normally when a manager would call me
 18 and tell me, "John, they didn't post my bid," so
 19 on and so forth, then I would go to personnel to
 20 find out what happened to the bid.
 21 I remember at that time Glenna was doing
 22 something with bids or had been assigned to that,
 23 but mostly I deal with carrier bids, because
 24 there's more carriers in the station than clerks.
 25 You know, I know I had dealings with

Page

1 her, but, you know, on a specific bid, I'm not
 2 going to remember really.
 3 (Thereupon Exhibit 7 was marked.)
 4 BY MR. RUZICHO:
 5 Q. I'll show you what I've marked as
 6 Exhibit 7.
 7 A. Okay.
 8 MS. BRESLIN: Exhibit 7 of the ROI.
 9 Q. And is that a copy of your written
 10 statement, Mr. Barker?
 11 A. Yes.
 12 Q. And you mentioned that Mr. Locke's bid
 13 history indicates he was a distribution clerk at
 14 Hilltop in Arlington from '86 to '88, correct?
 15 A. Uh-huh.
 16 Q. Did you have -- I assume you had access
 17 to his bid history when you wrote this statement
 18 or immediately prior thereto?
 19 A. No, I didn't.
 20 Q. Okay. Well, I guess, then, how did you
 21 make the statement that his bid history indicated
 22 he was a distribution clerk at Hilltop in
 23 Arlington from '86 to '88?
 24 A. Well, I wouldn't know Mr. Locke if he
 25 was sitting right across from me.

Page

1 I do remember the name at Upper
 2 Arlington station. That was basically what I
 3 told personnel at the time. I was a box clerk
 4 and then ended up being a T-6 clerk. And the
 5 name Tom Locke I remember and I associated with
 6 Upper Arlington station. The person I don't
 7 know, but I did remember the name.
 8 Q. Okay. And we had talked about the
 9 duties of a station clerk earlier. Mr. Locke was
 10 apparently a distribution clerk with window
 11 training, according to your statement. How does
 12 that differ from a station clerk, if at all?
 13 A. I don't understand your question.
 14 Q. My question is basically concerning my
 15 lack of understanding concerning these different
 16 positions.
 17 You had talked about the duties of a
 18 station clerk, which would have included, I think
 19 your testimony was, duties as a window clerk and
 20 duties as the distribution clerk.
 21 A. Uh-huh.
 22 Q. And I'm just looking at your statement
 23 and you say that Mr. Locke was a distribution
 24 clerk with window training. Is there any
 25 difference between that statement and the duties

Page 18

1 of a station clerk?
 2 A. Well, let me try and answer your
 3 question. The jobs and positions at stations, at
 4 some stations, have changed now.
 5 Q. Uh-huh.
 6 A. Okay. They didn't change until
 7 basically the post office started going to some
 8 detached units.
 9 Back in the '70s, the '80s, the first
 10 couple of years of the '90s, there weren't any
 11 detached units. They were all basically you had
 12 the carrier operation and the clerk operation in
 13 the same building.
 14 You know, with having the carrier
 15 operation and the clerk operation in the same
 16 building, you were both a window clerk and a
 17 distribution clerk.
 18 It wasn't until they started having
 19 detached units, you know, that with the finance
 20 unit being separate from the carrier unit did
 21 they start making distinctions as to strictly a
 22 window clerk versus strictly a distribution
 23 clerk.
 24 Q. Okay.
 25 A. You know, so I -- does that --

Page

1 Murphy was involved in this.
 2 Q. Had you met her prior to March of
 3 2007?
 4 A. Oh, yeah, I've known Brenda.
 5 Q. Has she worked for you or with you?
 6 A. Yes, she did.
 7 Q. Okay. How so?
 8 A. Well, the main post office is one of the
 9 offices under my area of responsibility, and
 10 Brenda was a T-6 at the main post office.
 11 Q. Being Twin Rivers Drive?
 12 A. Yes.
 13 Q. And did you directly supervise her?
 14 A. No, I didn't.
 15 Q. Okay. But you were in the line of
 16 supervision of Ms. Murphy?
 17 A. Her immediate supervisor and manager
 18 answered to me.
 19 Q. Okay. And that person's name was, if
 20 you recall?
 21 MR. MURPHY: There was a few.
 22 A. There was several.
 23 Q. Okay. At the time that someone from
 24 personnel approached you concerning this
 25 situation, did they also apprise you that

Page 19

1 Q. Kind of.
 2 A. Okay.
 3 Q. In -- by your testimony, it doesn't
 4 appear that you had any conversations with Thomas
 5 Locke concerning this situation involving the bid
 6 on the lead SSA.
 7 A. I've never met Thomas Locke.
 8 Q. And thus, you've never had conversations
 9 with him about this?
 10 A. No, I haven't.
 11 Q. Okay. Do you know if there is a
 12 prerequisite for lead SSA position of window
 13 clerk experience within the five years prior to
 14 bidding upon a lead SSA position?
 15 A. I don't know anything about any five
 16 years. I know that you have to have had window
 17 clerk experience for one year, one year of window
 18 clerk experience, prior to becoming a lead SSA.
 19 Q. And that window clerk experience, in
 20 your understanding, could occur at any time in
 21 someone's tenure with the postal service?
 22 A. Yes.
 23 Q. Did you have any discussions with Brenda
 24 Murphy concerning this situation?
 25 A. No. I didn't even know that Brenda

Page

1 originally Ms. Murphy was awarded the position
 2 and then it was deemed that Mr. Locke was awarded
 3 the position because it was determined he had the
 4 window clerk experience?
 5 A. No, they did not, not at that time.
 6 Q. You learned that some time later?
 7 A. Uh-huh.
 8 Q. Approximately when did you become aware
 9 of that?
 10 A. I believe it was in a conversation with
 11 Bob Springsteen.
 12 Q. Okay. Same one we referred to before?
 13 A. Yes.
 14 Q. And you're not exactly sure when that
 15 was, but it was after -- was it after someone
 16 from personnel came to you to ask you about the
 17 duties of the station clerk?
 18 A. I know it was after me signing this.
 19 Q. Okay. And signing this, you're
 20 referring to Exhibit 7, your March 30th, 2007
 21 written statement?
 22 A. Yes.
 23 Q. And were you the only one involved in
 24 generating that statement?
 25 A. Yes, I would have been the only

Page 22

1 person.
 2 Q. And did you type it up?
 3 A. No.
 4 Q. You had somebody else type it up for
 5 you?
 6 A. Personnel, yes.
 7 Q. But you provided them with the substance
 8 of the statement?
 9 A. Yes.
 10 Q. Do you remember to whom you provided
 11 that information?
 12 MS. BRESLIN: Asked and answered. Go
 13 ahead.
 14 A. No. All I can do is identify the three
 15 or four people, you know, that normally I conduct
 16 business with in personnel.
 17 Q. Okay.
 18 A. No, I don't. I didn't realize it was a
 19 big issue at the time.
 20 Q. Okay.
 21 MR. RUZICHO: I'm going to take a break
 22 for a few moments. My client and I will just
 23 have a little discussion to see what else I have
 24 for you, and we'll be back in just a second.
 25 THE WITNESS: All right.

Page 23

1 (Discussion off the record.)
 2 MR. RUZICHO: At this time, I have no
 3 further questions. Counsel for the Agency may
 4 have some. I don't know.
 5 MS. BRESLIN: No questions.
 6 MR. RUZICHO: Okay. Thanks for your
 7 time, Mr. Barker.
 8 THE WITNESS: Okay. Thank you.
 9 MR. RUZICHO: I appreciate it.
 10 - - -
 11 Thereupon, at 12:27 p.m. on Thursday,
 12 December 18th, 2007, the deposition was
 13 concluded.
 14 - - -
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Page

1 CERTIFICATE
 2 STATE OF OHIO :
 3 SS:
 4 COUNTY OF LICKING :
 5 I, JOHN BARKER, do hereby certify
 6 that I have read the foregoing transcript of my
 7 deposition given on December 18th, 2007; that
 8 together with the correction page attached hereto
 9 noting changes in form or substance, if any, it
 10 is true and correct.
 11
 12 _____
 13 JOHN BARKER
 14
 15 I do hereby certify that the foregoing
 16 transcript of the deposition of JOHN BARKER was
 17 submitted to the witness for reading and signing;
 18 that after he had stated to the undersigned
 19 Notary Public that he had read and examined his
 20 deposition, he signed the same in my presence on
 21 the ____ day of _____, 2008.
 22
 23 _____
 24 NOTARY PUBLIC-STATE OF OHIO
 25
 26 My Commission Expires:
 27 _____
 28 - - -

Page

1 CERTIFICATE
 2 STATE OF OHIO :
 3 SS:
 4 COUNTY OF LICKING :
 5 I, Michelle K. Douridas, a Registered
 6 Professional Reporter and Notary Public in and
 7 for the State of Ohio, duly commissioned and
 8 qualified, do hereby certify that the within
 9 named JOHN BARKER was by me first duly sworn to
 10 testify to the truth, the whole truth, and
 11 nothing but the truth in the cause aforesaid;
 12 that the deposition then given by him was by me
 13 reduced to stenotype in the presence of said
 14 witness; that the foregoing is a true and correct
 15 transcript of the deposition so given by him;
 16 that the deposition was taken at the time and
 17 place in the caption specified and was completed
 18 without adjournment; and that I am in no way
 19 related to or employed by any attorney or party
 20 hereto, or financially interested in the action,
 21 and I am not, nor is the court reporting firm
 22 with which I am affiliated, under a contract as
 23 defined in Civil Rule 28(D).
 24 IN WITNESS WHEREOF, I have hereunto set
 25 my hand and affixed my seal of office at
 26 Pataskala, Ohio, on this 23rd day of January,
 27 2008.
 28
 29 _____
 30 MICHELLE K. DOURIDAS, RPR
 31 NOTARY PUBLIC-STATE OF OHIO
 32
 33 My Commission Expires: July 16th, 2008.
 34
 35

UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CLEVELAND FIELD OFFICE

- - -

BRENDA MURPHY, :

COMPLAINANT, :

vs. : Agency No.

: 4C-430-0060-07

JOHN E. POTTER, :

POSTMASTER GENERAL, :

U.S. POSTAL SERVICE, :

PS COLS, :

AGENCY.

- - -

Deposition of GLENNA PARSLEY, a witness

herein, called by the Plaintiff for

cross-examination under the applicable Ohio Rules

of Civil Procedure, taken before Michelle K.

Douridas, a Registered Professional Reporter and

Notary Public in and for the State of Ohio,

pursuant to notice and agreement of counsel, at

2323 Citygate Drive, Columbus, Ohio, commencing

on Thursday, December 18th, 2007, at 10:27 a.m.

- - -

Page 2

1 DEPOSITION OF GLENNA PARSLEY
 2 APPEARANCES
 3 ---
 4 ANDREW RUZICHO, ESQUIRE
 RUZICHO & ASSOCIATES
 5 118 Graceland Boulevard, Suite 307
 Columbus, Ohio 43214
 (614) 447-2365
 6 On behalf of the Complainant.
 7 JENNIFER BRESLIN, ESQUIRE
 8 615 Chestnut Street
 P.O. Box 40595
 9 Philadelphia, Pennsylvania 19197
 (215) 931-5091
 10 On behalf of the Agency.
 11 ALSO PRESENT:
 12 Brenda Murphy
 13 ---
 14
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1 DEPOSITION OF GLENNA PARSLEY
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1 Thursday Morning Session
 2 December 18th, 2007
 3 10:27 a.m.
 4 ---
 5 STIPULATIONS
 6 It is stipulated by and between counsel
 7 for the respective parties that the deposition of
 8 GLENNA PARSLEY, a witness herein, called by the
 9 Plaintiff under the applicable Ohio Rules of
 10 Civil Procedure, may be taken at this time in
 11 stenotype by the Notary pursuant to notice and
 12 agreement of counsel; that said deposition may
 13 thereafter be transcribed by the Notary out of
 14 the presence of the witness; that proof of the
 15 official character and qualification of the
 16 Notary is waived; that the witness may sign the
 17 transcript of her deposition before a Notary
 18 other than the Notary taking her deposition; said
 19 deposition to have the same force and effect as
 20 though signed before the Notary taking it.
 21
 22
 23
 24
 25

Page 6

1 GLENNA PARSLEY
 2 being by me first duly sworn, as hereinafter
 3 certified, deposes and says as follows:
 4 CROSS-EXAMINATION
 5 BY MR. RUZICHO:
 6 Q. Could you state your name for the
 7 record, please?
 8 A. Glenna Geneva Parsley.
 9 Q. And, Ms. Parsley, have you ever had your
 10 deposition taken before?
 11 A. No, I have not.
 12 Q. Basically, I'll be asking you questions,
 13 and hopefully you'll be providing answers.
 14 I'll wait for you to finish your answer
 15 before I start a new question. And if you could
 16 wait until I finish my question before you start
 17 your answer, that will make it easier for me to
 18 understand you and for you to understand me, and,
 19 most importantly, the court reporter to
 20 understand us all. Does that sound fair?
 21 A. Yes.
 22 Q. Is there any reason that you cannot
 23 testify truthfully or accurately today?
 24 A. No.
 25 Q. Could you tell me your current position

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1 system, is that -- am I accurate, is that how you
 2 testified?
 3 A. Yes, uh-huh.
 4 Q. Can you be more specific? I mean,
 5 what's your role, for example, in the clerk
 6 bids?
 7 A. My role has changed since we've gone to
 8 the shared service concept.
 9 Q. When did you go to the -- let me back
 10 up. When did the postal service go to the shared
 11 service concept?
 12 A. Probably around August or September.
 13 Q. Of this year?
 14 A. Uh-huh, for the bids. It's been in
 15 motion for a year or so, but for the bidding
 16 position, probably August or September.
 17 Q. Okay. Why don't we focus on prior to
 18 that time, before the postal service went to this
 19 shared service concept.
 20 A. Okay.
 21 Q. What was your role in the clerk bids
 22 before that?
 23 A. Okay. I monitored and processed the
 24 bids. Meaning, when jobs came open, I would send
 25 the vacant jobs to the managers for them to

Page 7

1 with the postal service?
 2 A. Human resource specialist.
 3 Q. And how long have you held that
 4 position?
 5 A. Approximately nine years.
 6 Q. Do you currently work out of the
 7 Citygate facility?
 8 A. No. The main post office at Twin Rivers
 9 Drive.
 10 Q. As a human resource specialist, what are
 11 your primary job duties?
 12 A. I do the clerk bids, the mail handler
 13 bids and the carrier bids. And the maintenance
 14 selection system that's for maintenance, the
 15 maintenance craft, I do their updates and their
 16 initial hiring.
 17 Q. In your position as HR specialist, to
 18 whom do you report?
 19 A. Sandra Burkhart.
 20 Q. What's her title?
 21 A. She's a generalist, HR generalist.
 22 Q. When you mentioned your job duties as, I
 23 think you said, doing or handling clerk bids,
 24 mail handler bids, carrier bids, and initial
 25 hiring and updating of the maintenance selection

Pag

1 review, to make changes, or to revert if they so
 2 desired.
 3 Once I received the information back, I
 4 compiled it into a bid posting for which the
 5 clerks could bid on these jobs that were up.
 6 Once the closing date -- because I gave
 7 them an opening date and a closing date, once the
 8 closing date ended, then I had to sort and review
 9 all the jobs for the senior bidder, and then I
 10 had to evaluate to see if the senior bidder was
 11 the proper person. If it was not the proper
 12 person, then I had to make the adjustments.
 13 Then I would send out a -- well, first I
 14 would put up the award posting. Then I would --
 15 any changes or anybody that qualified on a job,
 16 or any changes that needed to be made, I informed
 17 the employees through an update, correction
 18 update qualification notice.
 19 And then they were -- it was posted and
 20 then the effective date of -- that's how they
 21 knew the effective date of their bid, their new
 22 bid, is through that process.
 23 Q. So it sounds like you handled the bid
 24 from, pretty much, start to finish?
 25 A. Right.

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1 Q. Was there anybody else involved other
2 than when you consulted with the managers, I
3 guess, concerning whether the position was
4 truthfully vacant?
5 A. Right.
6 Q. It sounds like -- well, was there anyone
7 else involved other than the managers?
8 A. Not -- no, not normally.
9 Q. And just so I'm clear, you mentioned you
10 consulted with the managers at the beginning. I
11 took that to mean -- let me just ask you, what
12 discretion or what input would the managers have
13 when you consulted with them about a position?
14 A. They could either change a job. That's
15 the only -- let's see. That was their
16 opportunity to change the job the way -- like,
17 change the hours, change the days off. At that
18 time, they had that option to do that.
19 Q. Okay. Anything beyond that?
20 A. They could revert it if they found that
21 they didn't need the job any longer. That was
22 the only opportunity that they could really
23 revert it.
24 Q. So revert means?
25 A. No longer needed.

Page 11

1 Q. I see.
2 A. And then we would just contact the union
3 to let them know that the job no longer exists.
4 Q. If you could tell me, for an employee
5 seeking to bid on a job, how did the process work
6 for them? What did they have to do?
7 A. They either called in on the telephone
8 and did phone bidding or they could use the kiosk
9 machine. In the cafeteria or downtown at the
10 main post office we have a kiosk machine.
11 Q. With the phone, the telephone side of
12 it, who or what would they call into?
13 A. It's an automation number. I could get
14 you the telephone number.
15 MS. BRESLIN: He just wants you to
16 describe it as best you can.
17 A. You know, I never really phoned in and
18 used it, so you just follow the prompts.
19 The kiosk machine is in the cafeteria.
20 You sit down and enter your employee name and
21 your password. You would need those two things
22 in order to access the system.
23 Q. So it sounds like it's a computerized
24 system.
25 A. Right.

Page

1 Q. They're not talking to anybody live?
2 A. Right.
3 Q. I guess they're talking to a series of
4 menus depending on how they answer?
5 A. Right.
6 Q. And I assume there's a time period in
7 which they can do this?
8 A. Right. Between the opening date and the
9 closing date.
10 Q. And you set the opening and closing
11 date?
12 A. Well, not so much me. It is a date that
13 is established. Well, I guess, yes, it was me.
14 Then the union, you know, they agree to it
15 also.
16 Q. Okay. And once the closing date occurs
17 on a particular bid, do you collect that
18 information or what becomes of the information as
19 far as, you know, who applied for the bid?
20 A. I would go in and sort the bid. You
21 know, it would close. Then I would go in and
22 sort the bid. Then it would give me the senior
23 bidders.
24 Then I would verify that what any
25 special -- for the most part, it was just cut and

Page

1 dry, but on some of the bids, they have a typing
2 test or they have clerical tests they have to
3 take. Some of them have special specialties that
4 they have to address, so I'd have to ensure those
5 are done.
6 Once I view the records and feel
7 comfortable that -- like, say, if somebody is
8 taking a typing test and you don't pass, then 120
9 days, you can't take a typing test, so I have to
10 verify that the person that's eligible to take
11 the typing test is actually eligible, or I should
12 say who bid on a job that required a typing test
13 is eligible to retake the test or to take the
14 typing test.
15 Q. Okay. Do you -- do you know Brenda
16 Murphy?
17 A. Uh-huh.
18 Q. And do you recall a bid in approximately
19 the end of March 2007 for lead sales and services
20 associate position --
21 A. Right, I do.
22 Q. -- that she was involved in?
23 A. Right.
24 Q. And did you initially determine that she
25 was the successful bidder for that position?

Page 14

1 A. After viewing the senior person, I saw
2 nowhere in his record that indicated that he was
3 a window clerk. Then, so, yes, I made him
4 ineligible. Then I made Brenda eligible.
5 Q. Okay.
6 A. And I posted it.
7 Q. And I'll show you what I'll mark as
8 Exhibit 1.
9 MS. BRESLIN: Andrew, if it's in the
10 ROI, can you identify where it is in the ROI?
11 MR. RUZICHO: Sure. Well, I know it's
12 in there.
13 MS. BRESLIN: Is it the qualification
14 standard?
15 MR. RUZICHO: Yes.
16 MS. BRESLIN: Okay.
17 (Thereupon Exhibit 1 was marked.)
18 BY MR. RUZICHO:
19 Q. It appears you're looking at the same
20 thing I am, the bargaining unit qualification
21 standard for the Lead Sales and Services
22 Associate Level 6, correct?
23 MS. BRESLIN: Just for the record, it's
24 Exhibit 2 of the ROI.
25 Q. Dated June 30th, 2001 in the upper

Page 15

1 left?
2 MS. BRESLIN: Yes?
3 A. Yes. I'm sorry.
4 Q. Just making sure we're looking at the
5 same thing.
6 A. Yes, uh-huh.
7 Q. And on the second page, you mentioned
8 some experience that was necessary for the
9 position, being window clerk experience,
10 correct?
11 A. Correct.
12 Q. And this indicates there's a one-year
13 experience, in a window position for one year?
14 A. Right.
15 Q. And it looks like it delineates that as
16 being window clerk, distribution and window
17 clerk, distribution, window and markup clerk,
18 sales and services associate, sales, services and
19 distribution associate.
20 A. Right.
21 Q. So if you had one year of experience --
22 correct me if I'm wrong. If you had one year of
23 experience in any of these positions listed, that
24 would qualify you for the position of lead sales
25 and services associate?

Page

1 A. I believe the actual bid said "window
2 clerk."
3 Q. Okay.
4 A. And it does say "window" here.
5 Q. So now I'm a little confused. You said
6 the actual bid said "window clerk." I can get
7 that.
8 Does that mean of the positions that
9 I've listed here, are there any positions that
10 don't constitute a window clerk position?
11 MS. BRESLIN: Objection to the form.
12 A. Oh, I'm sorry. It says "window clerk."
13 Q. Well, let me rephrase that. For
14 example, it has here listed a distribution clerk,
15 correct?
16 A. Uh-huh, correct.
17 Q. Is that different from a window clerk?
18 MS. BRESLIN: Can I just jump in? Can
19 we go off the record for a minute? Can
20 (Discussion off the record.)
21 BY MR. RUZICHO:
22 Q. I've never worked here.
23 A. Oh.
24 Q. So I'm approaching this from an
25 outsider's perspective.

Page

1 A. If you would look at -- okay. There's
2 the actual bid on there in your file.
3 Q. Well, let me ask you this while I search
4 for that: Disregarding Exhibit 1 for the moment,
5 what was your understanding of the experience
6 that was required for the lead sales and services
7 associate position?
8 A. As stated in the comments, one year
9 window experience.
10 Q. And why was one year window experience a
11 prerequisite, if you know?
12 A. I don't know.
13 Q. What was there about the lead sales and
14 services associate position that would require
15 this window experience?
16 MS. BRESLIN: If you know that.
17 A. I don't know. I could only assume.
18 (Thereupon Exhibit 2 was marked.)
19 BY MR. RUZICHO:
20 Q. I'll show you what I've marked as
21 Exhibit 2. Hopefully what I showed you is the
22 bid that you're referring to.
23 A. Okay. Yes, it is, uh-huh.
24 Q. Okay. And there it says, I believe,
25 "Senior bidder must have at least one year's

Page 18

1 experience as a window clerk."
 2 A. Correct, right.
 3 Q. Okay. Now -- so we'll pick back up
 4 where you were saying you reviewed the bidders,
 5 or at least the candidates that made bids on the
 6 position, and you determined the senior bidder
 7 did not have the necessary experience?
 8 A. In his history, it didn't appear.
 9 Q. And his history being -- I'm
 10 understanding history is just a general term, but
 11 I think as a postal service employee, there's a
 12 more specific definition of that than I'm
 13 thinking. Is that -- when you refer to history,
 14 what are you referring to?
 15 A. The jobs that he's had.
 16 Q. Okay.
 17 A. Or applied for.
 18 Q. And you have access to that history?
 19 A. Yes.
 20 Q. And how do you have access to it?
 21 A. I don't now, because of the new system,
 22 but then you just go into employee history and it
 23 will bring up their history and how long they've
 24 had those jobs.
 25 Q. Okay. Is that on your -- is that

Page 19

1 computerized?
 2 A. Yes.
 3 Q. Okay. So you're able to look it up from
 4 your office at a computer?
 5 A. Yes.
 6 Q. Okay. And you pulled up, is it, Thomas
 7 Locke? Is that his name?
 8 A. Yes.
 9 Q. Okay. You pulled up his history and
 10 determined that he did not have the one year
 11 window clerk experience?
 12 A. I determined that he didn't have window
 13 in his history, so I just assumed he didn't have
 14 the one-year experience.
 15 Q. Okay. Is there something else -- well,
 16 I'll tell you what, I'm going to mark what I
 17 believe to be Mr. Locke's employee history, and
 18 you can either verify that or not.
 19 (Thereupon Exhibit 3 was marked.)
 20 BY MR. RUZICHO:
 21 Q. I'll hand you what I've marked as
 22 Exhibit 3. Is that Mr. Locke's employee
 23 history?
 24 A. Yes. And I have the capabilities of
 25 making an X beside each job and viewing exactly

Page

1 the title and the hours and any comments.
 2 Q. Okay. And feel free to look through all
 3 of it, if you'd like, and let me know if that
 4 appears to be, if you recall, the history you
 5 reviewed in approximately March of 2007?
 6 A. Yes, it is.
 7 Q. Okay. And it only goes back so far,
 8 correct?
 9 A. Yes, because the system -- well, I guess
 10 it was in '86. It was a new system. I'm not
 11 sure when the system -- because it was before my
 12 time up in HR.
 13 Q. At some point, this system was
 14 instituted?
 15 A. Right.
 16 Q. And are you saying that information
 17 prior to that time didn't make it on the
 18 system?
 19 A. Yes, I would -- it would appear.
 20 Q. Okay. Now, where would information --
 21 maybe if I can ask you what this system is
 22 referred to as so I can refer to it as the same
 23 thing?
 24 A. The bid history.
 25 Q. The bid history, okay.

Page

1 A. Yeah, history employment bid.
 2 Q. I'll call it bid history. We can
 3 understand each other with that term, I think.
 4 Where would you go to find bid history
 5 that predates this system?
 6 A. I don't know.
 7 Q. Is it -- are you aware of documentation
 8 elsewhere that contains someone's bid history
 9 prior to what's contained in the system that's
 10 printed out in Exhibit 3?
 11 A. No, I don't know where it would be.
 12 Q. Okay. So you reviewed this and
 13 determined the senior bidder did not have the
 14 window clerk qualification, and you made him
 15 ineligible and awarded the bid to Brenda Murphy,
 16 correct?
 17 A. Correct.
 18 Q. And I believe you sent out a
 19 notification indicating that Brenda Murphy was
 20 successful?
 21 A. Right.
 22 Q. Did you do that in written form?
 23 A. Well, in a form like that.
 24 MS. BRESLIN: Glenna, if you could just
 25 answer the question he's asked you. He asked you

Page 22

1 if you did it in written form, yes or no.?
 2 THE WITNESS: I don't recall.
 3 MS. BRESLIN: Okay. Just answer the
 4 question that's asked.
 5 A. I don't recall.
 6 (Thereupon Exhibit 4 was marked.)
 7 BY MR. RUZICHO:
 8 Q. I'll show you what I've marked as
 9 Exhibit 4, and I'll move this out of your way.
 10 In that particular document dated March 30th,
 11 2007, you indicated that Brenda Murphy is not
 12 being awarded the bid and that the award should
 13 have gone to Thomas Locke.
 14 A. Correct.
 15 Q. And prior to this, it may be contained
 16 in a report, I don't recall, do you recall
 17 sending out a document like Exhibit 4 saying that
 18 Brenda Murphy was the successful candidate?
 19 A. It was on an award.
 20 MS. BRESLIN: Yes or no. Please just
 21 answer the question that he's asked.
 22 A. Please repeat it.
 23 Q. Do you provide -- well, Exhibit 4, do
 24 you post this somewhere?
 25 A. Yes.

Page

1 services associate bid, that Thomas Locke was the
 2 senior bidder, in essence?
 3 A. This is when he qualified.
 4 Q. Okay. Is that different from -- was
 5 there another correspondence before this
 6 indicating that he was the senior bidder?
 7 A. This (indicates).
 8 Q. Okay.
 9 MS. BRESLIN: You're referring to
 10 Exhibit 4?
 11 MR. RUZICHO: She is, yes.
 12 A. Yes.
 13 MS. BRESLIN: Perhaps, if you could,
 14 explain the interplay between Exhibits 4 and 5,
 15 Glenna, that might help.
 16 A. This is after I was notified that Tom
 17 had had the one-year experience. That's when I
 18 acted on this.
 19 MS. BRESLIN: Referring to Exhibit 4?
 20 A. Exhibit 4. And then once he qualified,
 21 then that's when I placed Exhibit 5.
 22 Q. I see. And qualified means what with
 23 regard to this particular position?
 24 A. He had to go through on-the-job training
 25 as all Level 6 do.

Page 23

1 Q. Is that how you notify people of what's
 2 happening concerning the bid?
 3 A. Yes.
 4 Q. Where do you send it?
 5 A. I send it out over the e-mail, the
 6 computer, plus I post it in our hallway.
 7 Q. Okay. Do you recall sending out via
 8 e-mail and/or posting a similar document
 9 indicating that Brenda Murphy was the successful
 10 bidder?
 11 A. I sent out documentation saying that
 12 Brenda was the senior bidder, yes, I did. It
 13 wasn't like this, but I did send it out.
 14 Q. And if you indicated she was the senior
 15 bidder, she was also the successful one, am I
 16 correct in assuming that?
 17 A. Yes.
 18 (Thereupon Exhibit 5 was marked.)
 19 BY MR. RUZICHO:
 20 Q. And then I'll mark as Exhibit 5 a
 21 document dated May 9th, 2007 and ask if you can
 22 identify that?
 23 A. Yes, I can.
 24 Q. And is that the memorandum you sent out
 25 indicating a correction to the lead sales and

Page

1 Q. Okay. And that was for -- do you know
 2 how long the on-the-job training lasted for?
 3 A. A week or two. I'm not sure.
 4 Q. Okay. And you said you were informed
 5 something concerning Mr. Locke's experience,
 6 correct?
 7 A. Uh-huh.
 8 Q. Okay. Who informed you about that?
 9 A. Tom Locke.
 10 Q. Anybody else?
 11 A. He gave me two people's names that could
 12 verify that he did have the one-year
 13 experience.
 14 MS. BRESLIN: He just asked if anybody
 15 contacted you besides Tom Locke.
 16 A. Okay.
 17 Q. Concerning his experience?
 18 A. No.
 19 Q. And what did Mr. Locke say to you, as
 20 best you can recall, concerning his experience?
 21 A. He just said that he had the one-year
 22 experience that was required.
 23 Q. Do you recall approximately when he
 24 contacted you?
 25 A. On a Thursday. I posted the job bids on

Page 26	Page
<p>1 Wednesday, the results, and then on Thursday he 2 contacted me, Thursday or Friday. 3 Q. What else do you recall about that 4 conversation with Mr. Locke? 5 A. He just supplied the information of some 6 witnesses that could verify that he was -- that 7 he did have the one-year experience as a window 8 clerk. 9 Q. Do you recall the names of the 10 witnesses? 11 A. Not offhand I don't. 12 Q. And did you talk to the witnesses? 13 A. Yes, I did. 14 Q. How many did he -- how many names did he 15 supply, do you recall? 16 A. Two. 17 Q. Were they current employees with the 18 postal service at the time? 19 A. Yes. 20 Q. And are the statements of -- strike 21 that. 22 You don't recall the names of the 23 witnesses. Do you recall what they said to you? 24 A. They provided me written statements to 25 the fact that they did observe him, Thomas,</p>	<p>1 frame, and asked that he provide a statement and 2 he did. 3 Q. Did he tell you the time frame over the 4 phone? 5 A. I don't recall exactly what he said. 6 Q. Okay. But it appears he provided a time 7 frame in his written statement? 8 A. I can only assume that he gave me enough 9 information to, you know, award Tom the job. 10 Q. And I'm just looking at the statement 11 here. He says from early 1986 until June of 12 1987. That appears to be the time frame he gave. 13 A. Uh-huh. 14 Q. Do you recall -- I may have asked you 15 this before. The statement is dated May 2nd, 16 2007; is that correct? 17 A. Yes, uh-huh. 18 Q. Do you recall when you talked to him on 19 the phone, Jeffrey Rhomemus? 20 A. Not -- no, I don't. 21 Q. And then on the following page is a 22 statement by another individual. It appears to 23 be Karen. I can't make out the last name. Can 24 you? 25 A. Ater, A-t-e-r, but I'm not sure.</p>
<p>Page 27</p> <p>1 working the window. The one clerk verified that 2 they had knowledge that he did work window a 3 year. 4 Q. Well, let me see. I think I can find 5 that here relatively quickly. It looks like Page 6 76 and 77 of the investigative report. 7 MS. BRESLIN: Exhibit 8 of the ROI. 8 MR. RUZICHO: Exhibit 8, okay. 9 Q. And looking at Page 76, the first page 10 of Exhibit 8, is that one of the witnesses, 11 Jeffrey? I can't make out his last name. 12 A. Rome, yes. 13 Q. How do you spell Rhomemus, do you 14 know? 15 A. I think it's R-h-o-m-e-m-u-s. 16 Q. R-h-o-m-e-m-u-s. 17 A. I'm not sure. 18 Q. Okay. Did you speak to him over the 19 phone at all? 20 A. Yes. 21 Q. And do you recall what he said over the 22 phone? 23 A. Just that he knew Tom Locke, and he knew 24 that he did work the window with him. And I 25 asked him if he could recall around the time</p>	<p>Page</p> <p>1 Q. Ater, Karen Ater? 2 A. I would say. 3 Q. A-t-e-r? 4 A. Uh-huh. 5 Q. And is this the other witness you talked 6 to on the phone? 7 A. Yes. 8 Q. And do you recall that conversation on 9 the phone? 10 A. Just basically what she wrote up in her 11 statement. 12 Q. And you asked her to provide a written 13 statement as well? 14 A. Right, I did. 15 Q. Okay. Do you know either of these -- 16 had you met either of these people before, 17 Jeffrey Rhomemus or Karen Ater? 18 A. No, I do not know them. 19 Q. And was there anybody else you spoke 20 with concerning Tom Locke's window experience? 21 A. Yes, I did. 22 Q. And who was that? 23 A. John Barker. 24 Q. And was Mr. Barker one of the witnesses 25 that Mr. Locke had directed you to talk to</p>

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1 concerning his window clerk experience?
 2 A. No.
 3 Q. How did you come to talk with John
 4 Barker about this?
 5 A. I contacted the union to get their input
 6 on if they had any ideas to verify his
 7 experience. The union representative said I
 8 might want to check with John Barker, because he
 9 was a window -- because he was a distribution
 10 clerk at that time, so with that information, I
 11 went and talked to John Barker.
 12 Q. Do you recall that conversation?
 13 A. Yes.
 14 Q. And what did he relay to you concerning
 15 Mr. Locke?
 16 A. Just that he said that he, too, was a
 17 distribution clerk. And at that time,
 18 distribution clerks, if you were a distribution
 19 clerk, you did work the window.
 20 I said, "How are you so sure?" He said,
 21 "That was the practice at that time, you worked
 22 the window. You had no choice."
 23 Q. Do you recall anything else he said to
 24 you about Mr. Locke or his window clerk
 25 experience?

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1 A. No.
 2 Q. Was that pretty much the essence of the
 3 conversation, what you've related to me?
 4 A. Pretty much.
 5 Q. And was it your -- was it in your sole
 6 determination as to whether these statements by
 7 these individuals were sufficient to make
 8 Ms. Murphy ineligible for the bid?
 9 A. It was my decision -- it was my decision
 10 to make Tom eligible, yes.
 11 Q. Okay. Based on these statements you
 12 received?
 13 A. Right.
 14 Q. And --
 15 A. And his training record.
 16 Q. Tom Locke's training record?
 17 A. (No audible answer.)
 18 Q. And what does his training record
 19 indicate?
 20 A. That he had window clerk --
 21 Q. Training?
 22 A. Uh-huh.
 23 Q. Okay. Are there any policies or
 24 procedures that you follow in a situation like
 25 this where somebody's work experience comes into

Page

1 question?
 2 A. I just do the research the best that I
 3 can. Then I basically make the decision.
 4 Q. And I guess what I'm asking, are there
 5 any guidelines or policies which tell you what
 6 research you have to do or where you have to
 7 look?
 8 Let me just limit it right now to, are
 9 there any written guidelines or policies which
 10 say you need to do this --
 11 A. Not to my knowledge.
 12 Q. -- and I'll just finish that for the
 13 record, you need to do this in this particular
 14 situation where somebody's work history has come
 15 into question?
 16 A. Not to my knowledge.
 17 Q. Has a similar situation presented itself
 18 in the past?
 19 A. No.
 20 Q. Did you consult with your supervisor
 21 concerning how to handle this situation?
 22 A. No.
 23 Q. Would that have been Sandra Burkhart at
 24 the time? Was she your supervisor?
 25 A. At that time she was not in, so I did go

Page

1 talk to labor to see if what I had was
 2 sufficient, and they didn't really give me much
 3 direction, so I went with what I had. She was on
 4 an annual, I believe.
 5 Q. And do you know if Thomas Locke is still
 6 in that lead sales and services associate
 7 position?
 8 A. I don't believe he is.
 9 Q. Do you know what position he's in now?
 10 A. I don't.
 11 Q. How long was he in the lead sales and
 12 services associate position?
 13 A. That I don't know either.
 14 Q. Can I just refer to it as SSA, lead
 15 SSA?
 16 A. Sure, yes.
 17 Q. Do you know why he left the lead SSA
 18 position?
 19 A. No, I don't.
 20 Q. Did you consult your supervisor after
 21 she returned concerning this situation with
 22 Brenda Murphy and Thomas Locke?
 23 A. Yes.
 24 Q. And what did you consult with her
 25 about?

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1 A. I just explained what I did and how I
2 handled it.
3 Q. Which is basically what you've related
4 to me so far?
5 A. Right.
6 Q. And how did she respond?
7 A. She really didn't reply. You know, she
8 just took what I said. You know, it was already
9 done, so I don't know if she felt she had a
10 recourse, if she would have handled it
11 differently.
12 Q. Has this situation -- I'm sorry. Has a
13 similar situation occurred since that time?
14 A. No.
15 Q. Have any guidelines or policies been
16 instituted to handle such a situation if it were
17 to occur again?
18 A. That -- the new system is in effect now,
19 so I really have no dealings with it, per se.
20 It's all handled at the shared service level.
21 Q. So you don't know how it would be
22 handled now under the shared services concept, I
23 think is what you referred to it as?
24 A. Right. Right.
25 Q. And I believe at some point you also

Page 35

1 communicated to Brenda Murphy that -- I want to
2 use the terms you would normally use.
3 Well, let's just say words to the effect
4 that she was no longer the senior bidder for the
5 position, correct?
6 A. Right.
7 Q. And maybe there's a different way you
8 would phrase it.
9 MS. MURPHY: Successful.
10 A. There's a successful and there's a
11 senior. The senior would still require more
12 training. The successful would mean that --
13 well, the senior would be that they're the senior
14 person and they do require more training.
15 The successful is the person that
16 actually went through and had the experience and
17 just -- senior successful, I guess you could say,
18 that they have completed all the training.
19 Q. So you notified Brenda that she was not,
20 and I'll let you --
21 A. The successful bidder.
22 Q. Okay. And how did you do that?
23 A. Well, it was through the posting.
24 Q. Did you telephone her as well?
25 A. I believe maybe I did, because it was

Page

1 short notice.
2 Q. Do you recall that now?
3 A. Yes, I do.
4 Q. Did you talk to her personally?
5 A. I believe.
6 Q. Do you recall --
7 A. You know, I don't recall. I don't
8 recall if I gave it to her supervisor or I talked
9 to Brenda.
10 Q. And do you know if DeAnn Ballentine
11 telephoned her as well about this?
12 A. To my knowledge, she didn't.
13 Q. Okay. Did you have any subsequent
14 conversations with Ms. Murphy about this
15 particular bid?
16 A. Probably.
17 Q. Do you recall?
18 A. Brenda has called and we've talked, but
19 to what degree, you know, I don't remember all
20 the conversation.
21 Q. Had you met Thomas Locke prior to this
22 situation?
23 A. No.
24 Q. And I forget what your testimony was.
25 Did he telephone you to indicate he had the

Page

1 necessary experience or did he talk to you
2 personally?
3 A. He did, he telephoned me.
4 Q. Beyond the on-the-job training that you
5 referred to that Mr. Locke went through to become
6 qualified, do you know if he received any
7 additional training for the lead SSA position?
8 A. Not to my knowledge. I don't know.
9 Q. Do you know to whom he reported to while
10 he was in that position?
11 A. The training or the actual position?
12 Q. The actual position.
13 A. No, I don't.
14 Q. Okay.
15 MR. RUZICHO: I'm going to take a short
16 break and consult with my client to see what
17 further questions she has, and then we'll come
18 back.
19 THE WITNESS: Okay.
20 (Discussion off the record.)
21 (Thereupon Exhibit 6 was marked.)
22 BY MR. RUZICHO:
23 Q. I'll hand you what I've marked as
24 Exhibit 6 and ask you if you can identify that
25 document?

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1 A. Yes.
 2 Q. What is that document?
 3 A. It is a complete bid list of the people
 4 that bid on a job, on the job.
 5 MS. BRESLIN: Just for the record, it's
 6 Exhibit 3 of the ROI.
 7 Q. And when you say the job, we're talking
 8 about the lead SSA?
 9 A. Right, uh-huh.
 10 Q. And is this a document that you
 11 generated?
 12 A. Yes.
 13 Q. And do you see some handwriting on the
 14 right there?
 15 A. Yes.
 16 Q. Is that your handwriting?
 17 A. Yes.
 18 Q. It's a bad copy. Maybe you can tell me
 19 what that says if you can make it out.
 20 A. Ineligible. I can't. I'd have to look
 21 at my original.
 22 Q. And this --
 23 MS. BRESLIN: You know what, Andrew, I'm
 24 sorry, I'm going to show her my ROI because I
 25 think it's legible.

Page

1 Q. In relation to when they gave those
 2 statements, do you recall how soon before you
 3 talked to them on the phone?
 4 A. No, I don't.
 5 Q. So you don't recall how much time passed
 6 between you talking to them on the phone and then
 7 receiving their written statements?
 8 A. Right.
 9 Q. And you actually received the written
 10 statements, they came to you, correct?
 11 A. Correct.
 12 Q. Concerning Mr. Locke's window clerk
 13 experience, is it your understanding that that
 14 occurred approximately in 1986?
 15 A. Correct.
 16 Q. And do you know if that experience in
 17 1986 would still be adequate to qualify somebody
 18 for a lead SSA position in 2007?
 19 A. Yes.
 20 Q. You do know? So that experience would
 21 qualify them for a position 21 years later?
 22 A. Correct.
 23 Q. So is it your testimony that a window
 24 clerk position has changed little, if at all, in
 25 the past 21 is years?

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1 MR. RUZICHO: Okay.
 2 A. Senior bidder is eligible.
 3 Q. And then it appears on Exhibit 6 there's
 4 additional writing.
 5 A. Right.
 6 Q. Does it say, "Placed May 12th, 2007"?
 7 A. Yes.
 8 Q. And that means he was placed in the
 9 position at that time?
 10 A. Yes.
 11 Q. Would Brenda Murphy have been considered
 12 to have bid through the shared services phone
 13 bidding system in March of 2007?
 14 A. No.
 15 Q. Okay. You testified about talking to
 16 the witnesses supplied to you by Mr. Locke over
 17 the phone, correct?
 18 A. Right.
 19 Q. And I forget if you testified as to when
 20 approximately you talked to them on the phone.
 21 A. I don't recall.
 22 Q. And you remember they gave written
 23 statements dated approximately the beginning of
 24 May 2007, correct?
 25 A. Correct.

Page

1 MS. BRESLIN: Objection to the form.
 2 You asked her a contractual question before.
 3 Q. Do you understand the question?
 4 A. No.
 5 Q. If you are aware, how has the window
 6 clerk position changed from 1986 to the
 7 present?
 8 A. I don't know.
 9 Q. And are you aware of any policy or
 10 guideline that would govern how recent an
 11 individual's experience would need to be in order
 12 for it to be relevant to a position they're
 13 applying for?
 14 MS. BRESLIN: Do you mean under the
 15 contract?
 16 MR. RUZICHO: I mean any policy or
 17 guideline, and that would include the contract.
 18 A. I'm not sure. He had the requirement
 19 stated on the bid.
 20 Q. Is there something referred to as a
 21 five-year live rule? Are you familiar with
 22 that?
 23 A. I'm familiar with that.
 24 Q. What does that mean?
 25 A. That you have to have -- be in a job --

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1 once you leave a job five years, you have to be
 2 retrained. That doesn't take away from your
 3 experience.
 4 Q. Uh-huh.
 5 A. It's just you have to be retrained, a
 6 refresher.
 7 Q. So correct me if I've misstated this,
 8 but I'm just trying to understand it. If you've
 9 been out of a position for five years and that
 10 position is necessary for you to qualify for
 11 another position, you have to undergo refresher
 12 training?
 13 A. Right.
 14 Q. And that's your understanding of the
 15 five-year live rule?
 16 A. Right.
 17 Q. And is that something -- is the
 18 five-year live provision, rule, whatever you want
 19 to call it, where is that found?
 20 A. In the contract.
 21 Q. Okay. So how I've restated it, is that
 22 the essence of the five-year live rule?
 23 A. The way you said it, yes.
 24 Q. I haven't misstated that?
 25 A. Right.

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1 Q. Okay. Anything else that you'd like to
 2 add to how I've summarized it just to make the
 3 record clearer?
 4 MS. BRESLIN: Would you like to have the
 5 court reporter read back how he summarized it.
 6 THE WITNESS: Yeah.
 7 (Read back as instructed.)
 8 MS. BRESLIN: He wants to know if he's
 9 expressed it adequately or if you want to add
 10 anything to it.
 11 A. I think that's correct.
 12 Q. And what constitutes refresher training
 13 in that context?
 14 A. It could be --
 15 MS. BRESLIN: If you know.
 16 A. I don't know. I don't know about the
 17 training.
 18 Q. Okay.
 19 MR. RUZICHO: All right. I don't think
 20 I have anything further. I don't know if counsel
 21 for the agency has any questions or not.
 22 MS. BRESLIN: I have just a couple very
 23 quick questions.
 24 DIRECT EXAMINATION
 25 BY MS. BRESLIN:

Page

1 Q. Glenna, what are you bound by in doing
 2 your job when you were doing all the bids?
 3 A. The contract.
 4 Q. Okay. Do you know if there was any
 5 grievance filed concerning this particular bid?
 6 A. Yes, there was.
 7 Q. There was, okay. And is that generally
 8 what happens if you make a bid and then the union
 9 feels that that the decision was contrary to the
 10 contract?
 11 A. Yes.
 12 Q. Were you involved in any other bids
 13 involving Ms. Murphy that you recall?
 14 A. That was the last bid.
 15 Q. How about prior to that bid?
 16 A. Yes.
 17 Q. And what do you recall about that
 18 particular bid selection?
 19 A. The bid cycle before the one we're
 20 talking about, she was awarded a bid. I was -- a
 21 phone call came in to me complaining about her
 22 not having the experience, that how could she
 23 supervise employees that she hasn't worked in
 24 that area.
 25 I explained to them that all the

Page

1 comments said a specialty qualification. I felt
 2 her Level 6 qualified her as a specialty, and
 3 that's why I gave the job to her.
 4 Q. Do you believe that was contractually
 5 correct?
 6 A. Yes, uh-huh.
 7 Q. Do you recall -- you mentioned --
 8 Mr. Ruzicho was asking you about conversations
 9 after you gave the bid to Mr. Locke. Do you
 10 recall anything specific about those
 11 conversations you had with Ms. Murphy?
 12 A. She called several times. I could just
 13 tell that she was upset, very upset.
 14 Q. Do you recall her saying anything in
 15 particular?
 16 A. That she's going to own the post office;
 17 that she's going to be retiring soon; that she's
 18 going to go out with a bang; that she's going to
 19 own the postal service.
 20 MS. BRESLIN: Okay. I don't have any
 21 more questions. Thank you.
 22 MR. RUZICHO: I just had a follow up or
 23 two.
 24 RECROSS-EXAMINATION
 25 BY MR. RUZICHO:

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1 Q. You mentioned the previous bid cycle,
2 somebody called in and complained that she didn't
3 have the relevant experience; is that correct?
4 A. That's correct.
5 Q. Who was that?
6 A. You know, I didn't get the person's
7 name, because I just knew that she had the
8 specialty training or specialty qualification
9 that gave her that job, so I didn't get the
10 person's -- I'm sure the person told me.
11 Q. At the time of this bid, not the
12 previous bid cycle, but the bid in approximately
13 March 2007 for the lead SSA position, was it your
14 understanding that a person applying for the bid
15 had to be a window clerk within five years of
16 applying for the bid to be an eligible SSA?
17 A. I had called training because I was
18 under that impression, and the person in training
19 said, "Glenna, if you look at the requirements
20 and the comments, it says one-year experience."
21 I said, "You know, you are right."
22 I did research, too, to get that
23 information, that clarification.
24 Q. And to whom did you talk to?
25 A. Joe Jankowski.

Page 47

1 Q. And I'm sure the court reporter would
2 like you to spell Jankowski. If you can't, that's
3 fine.
4 A. No.
5 MS. BRESLIN: I probably know how to
6 spell it. It's J-a-n-k-o-w-s-k-i.
7 Q. And when did this conversation take
8 place approximately?
9 A. Probably that Wednesday, that Thursday
10 when Tom Locke informed me that he had the
11 experience.
12 Q. And I'll ask you, had a similar lead SSA
13 position come up for bid prior to this one?
14 A. I'm sure. I don't -- I don't know. I
15 don't recall.
16 Q. You don't recall specific ones?
17 A. Exactly.
18 Q. But in general, is it your testimony
19 that other SSA positions, lead SSA positions, had
20 come up for bid in the past prior to this March
21 2007 time frame?
22 A. Right.
23 Q. And did you award -- well, strike that.
24 Did you operate under the belief for
25 those particular bids that to be eligible, they

Page

1 had to have the one-year window clerk experience
2 within five years of bidding for the position?
3 A. No.
4 Q. And you indicated for the March 2007 SSA
5 bid that you originally believed that they did
6 have to have one-year window clerk experience
7 within five years of bidding for the position?
8 A. Not the five years, just the one year.
9 What the comments say, the comment in the job,
10 that's what I was going by.
11 Q. The comment in the job?
12 A. The posting.
13 Q. Okay. And you contacted Mr. Jankowski
14 and you asked him what concerning that?
15 A. Right.
16 Q. What did you ask him?
17 A. "How does that apply to Tom Locke?" And
18 he said all he had to do was prove that he had
19 the one-year experience.
20 Q. And was it your understanding
21 immediately prior to talking with Mr. Jankowski
22 that the one-year window clerk experience had to
23 be within five years of bidding for the
24 position?
25 A. No. No.

Page

1 Q. Okay.
2 MR. RUZICHO: I have no further
3 questions. Thanks for your time.
4 MS. BRESLIN: Nothing. Thanks.
5 - - -
6 Thereupon, at 11:50 a.m. on Thursday,
7 December 18th, 2007, the deposition was
8 concluded.
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UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CLEVELAND FIELD OFFICE

- - -

BRENDA MURPHY, :

COMPLAINANT, :

vs. : Agency No.

: 4C-430-0060-07

JOHN E. POTTER, :

POSTMASTER GENERAL, :

U.S. POSTAL SERVICE, :

PS COLS, :

AGENCY.

- - -

Deposition of THOMAS LOCKE, a witness
 herein, called by the Plaintiff for
 cross-examination under the applicable Ohio Rules
 of Civil Procedure, taken before Michelle K.
 Douridas, a Registered Professional Reporter and
 Notary Public in and for the State of Ohio,
 pursuant to notice and agreement of counsel, at
 2323 Citygate Drive, Columbus, Ohio, commencing
 on Thursday, December 18th, 2007, at 1:02 p.m.

- - -

Page 2

1 DEPOSITION OF THOMAS LOCKE
 2 APPEARANCES
 3 ---
 4 ANDREW RUZICHO, ESQUIRE
 RUZICHO & ASSOCIATES
 5 118 Graceland Boulevard, Suite 307
 Columbus, Ohio 43214
 6 (614) 447-2365
 7 On behalf of the Complainant.
 8 JENNIFER BRESLIN, ESQUIRE
 615 Chestnut Street
 9 P.O. Box 40595
 Philadelphia, Pennsylvania 19197
 10 (215) 931-5091
 11 On behalf of the Agency.
 12 ALSO PRESENT:
 13 Brenda Murphy
 14 ---
 15
 16
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 18
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 22
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Pag

1 Thursday Afternoon Session
 December 18th, 2007
 2 1:02 p.m.
 3 ---
 4 STIPULATIONS
 5 It is stipulated by and between counsel
 6 for the respective parties that the deposition of
 7 THOMAS LOCKE, a witness herein, called by the
 8 Plaintiff under the applicable Ohio Rules of
 9 Civil Procedure, may be taken at this time in
 10 stenotype by the Notary pursuant to notice and
 11 agreement of counsel; that said deposition may
 12 thereafter be transcribed by the Notary out of
 13 the presence of the witness; that proof of the
 14 official character and qualification of the
 15 Notary is waived; that the witness may sign the
 16 transcript of his deposition before a Notary
 17 other than the Notary taking his deposition; said
 18 deposition to have the same force and effect as
 19 though signed before the Notary taking it.
 20
 21
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 25

Page 3

1 DEPOSITION OF THOMAS LOCKE
 2 INDEX TO EXAMINATION
 3
 4 LOCKE PAGE
 5 Cross-Examination by Mr. Ruzicho 5
 6 ---
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Pag

1 THOMAS LOCKE
 2 being by me first duly sworn, as hereinafter
 3 certified, deposes and says as follows:
 4 CROSS-EXAMINATION
 5 BY MR. RUZICHO:
 6 Q. Can you state your name for the record,
 7 please?
 8 A. Thomas Frederick Locke.
 9 Q. And what's your current position,
 10 Mr. Locke?
 11 A. Just a clerk.
 12 Q. And the location?
 13 A. 319-050. It's 321 now. They changed
 14 it.
 15 Q. And those numbers, do they correspond
 16 with a particular location?
 17 A. It's mail priority.
 18 Q. Is that here at Citygate Center?
 19 A. Yes.
 20 Q. And how long have you been in that
 21 position?
 22 A. Let's see. Since August.
 23 Q. 2007?
 24 A. Uh-huh, yes.
 25 Q. And prior to August 2007, what position

Page 6

1 did you hold?
 2 A. I was a T-6 out at Station 1.
 3 Q. And how long were you in that
 4 position?
 5 A. From -- let's see. It would have been
 6 May 14th was when I actually started in the
 7 station. I was in training about two and a half
 8 weeks prior to that.
 9 Q. Was that on-the-job training?
 10 A. Yes. Well, half. One week in a
 11 station, one week in a classroom.
 12 Q. And that T-6 position, was that known as
 13 the lead sales and service association
 14 position?
 15 A. Yes.
 16 Q. And why did you leave that position in
 17 approximately August 2007?
 18 A. The station had a lot, I felt, security
 19 problems that I was not comfortable with. I
 20 talked to the manager about it. They were really
 21 not interested in correcting them, so I bid back
 22 out.
 23 Q. Station 1 is located where?
 24 A. Fourth and High.
 25 Q. Downtown?

Page 7

1 A. Yes.
 2 Q. You must mean Fourth Avenue, I guess,
 3 because Fourth Street and High Street run
 4 parallel.
 5 A. Well, it would be, I guess, Fourth
 6 Avenue.
 7 Q. Okay.
 8 A. It's one block south of Fifth Avenue.
 9 Q. Okay.
 10 A. Right behind Goody's drive-thru.
 11 Q. And you had originally bid on that lead
 12 SSA position in approximately March of 2007,
 13 correct?
 14 A. Yes.
 15 Q. And I think you were originally
 16 determined ineligible because your work history
 17 didn't reflect that you had the one-year window
 18 clerk experience, correct?
 19 MS. BRESLIN: As far as he knows.
 20 A. As far as I -- I can't tell you that,
 21 because I'm not the one that makes that
 22 decision.
 23 Q. At some point in time, you became aware
 24 that you were not the successful bidder,
 25 correct?

Pag

1 A. Yes, the day the bids were posted.
 2 Q. Okay. And what did you do at that
 3 point?
 4 A. Contacted the union. I also contacted
 5 Glenna Parsley.
 6 Q. At the union whom did you contact?
 7 A. I believe -- let's see. I called for a
 8 steward. I believe it was a woman by the name of
 9 White. I don't know her first name. I went to
 10 the union cubical as well and talked to them as
 11 well.
 12 Q. The same person at the cubical?
 13 A. I believe it was the same person.
 14 Q. Did you file a grievance concerning
 15 that?
 16 A. I'm not -- I can't answer that, because
 17 I'm not sure what they filed.
 18 I just made them aware that I had more
 19 seniority than the person they awarded it to and
 20 I wanted to know why.
 21 Q. Were you aware of the person that was
 22 originally awarded that position, who that was?
 23 A. Briefly. I didn't know her that well.
 24 Q. And who was that?
 25 A. That was Debra Murphy.

Pag

1 Q. Brenda Murphy?
 2 A. Or Brenda Murphy.
 3 Q. And did you hear back from the union
 4 after speaking with, is it, Ms. White?
 5 A. I did not hear back from the union. I
 6 heard directly from Glenna Parsley.
 7 Q. And that was after you had contacted
 8 Ms. Parsley?
 9 A. Yes.
 10 Q. And when you originally contacted her,
 11 did you speak to her via phone, face-to-face?
 12 A. By phone.
 13 Q. And what did you say to her via phone?
 14 A. I asked her why I was passed on the
 15 bid.
 16 Q. And how did she respond?
 17 A. She said my title was manual
 18 distribution clerk, and they were not aware that
 19 I had window experience. And I said that I did
 20 for all three years as a flex.
 21 Q. And how did she respond?
 22 A. She said, "Well, I'll have to look into
 23 that. I need to check clock rings."
 24 She said, "Can you give me names of
 25 references of people that you worked with," which

Page 10	Page
<p>1 I did. It was rather difficult because we were 2 talking 22 years ago. 3 Q. Do you know if she checked clock 4 rings? 5 A. I'm not aware if she did or not. 6 Q. You gave her references at that point? 7 A. Yes, I did. 8 Q. Same phone call or different? 9 A. No, it was a different phone call, 10 because it took me a while to actually sit down 11 and figure out who I had worked with 22 years 12 ago. 13 Q. Going back to the original phone 14 conversation we were just talking about, she 15 asked -- she said she'd check clock rings; asked 16 you for references. How did you respond, do you 17 recall? 18 A. There was nothing to respond to. 19 Q. Did you say, "Okay, I'll provide you 20 references and I'll get back to you," something 21 like that? 22 A. Yes, yes. 23 Q. Was that the end of conversation? 24 A. That was it, yes. 25 Q. Okay. And approximately how much time</p>	<p>1 Angie. I don't know Angie's last name. I worked 2 with her at University on the counter. Barker, 3 John Barker. 4 I mean, I was in probably seven, eight 5 different stations over a three-year period. 6 Being a flex, they can flex you anywhere. 7 Q. Did you say Mike Rhomemus? 8 A. Jeff. 9 Q. Jeff, Bob West, Karen Ater. Is that 10 A-t-e-r? 11 A. I'm not sure. 12 Q. Angie, and we're not sure of the last 13 name? 14 A. Yeah. I know who she is, because she 15 works on Tour 1. 16 Q. You worked with her out at a University 17 station? 18 A. Yes. 19 Q. Jeff Rhomemus, you worked with him? 20 A. Lincoln Village. 21 Q. Bob West, you worked with? 22 A. Lincoln Village. 23 Q. Also at Lincoln village. And Karen 24 Ater? 25 A. Karen Ater, I'm not sure if it was</p>
Page 11	Page
<p>1 passed before you got back to her with the 2 references? 3 A. Probably a day, maybe a two-day period. 4 It could have been -- it might have been a 5 weekend. I'm not sure. It wasn't more than just 6 a few days. 7 Q. Do you remember when the original 8 conversation with Ms. Parsley took place 9 approximately? 10 A. It would have been -- 11 Q. How about in relation to when you -- 12 A. To the bidding -- probably the day the 13 biddings were posted, probably two -- well, the 14 original call was probably the next day, the day 15 after. 16 Q. The day after the bid was posted? 17 A. Yes. I really don't remember what date 18 that was. It would have been early March. 19 Q. And so you provided -- you came up with 20 some references and provided that to Ms. Parsley, 21 correct? 22 A. Yes. 23 Q. And who did you provide with 24 references? 25 A. Jeff Rhomemus, Bob West, Karen Ater,</p>	<p>1 Lincoln Village. I know who she is. She knows 2 who I am. Whether or not it was Lincoln, I'm not 3 sure. 4 Q. And then I think you mentioned John 5 Barker as a reference. You worked with him? 6 A. On the counter. Again, I couldn't tell 7 you for sure. 8 Q. And -- 9 A. Oh, and there's James Russell. That was 10 at Station A, McAllister Avenue. I worked 11 counter at Tri-Village, Station A, Lincoln 12 Village, Upper Arlington. 13 Chris, I can't think of Chris's name. 14 He works on Tour 2 or 3. I worked with him in 15 Upper Arlington. Just a lot of people. 16 Q. Now, when you said the counter, you 17 mean? 18 A. Retail sales. 19 Q. At the window? 20 A. At the window, yes. 21 Q. In general. So it sounds like you 22 worked at several different places at the 23 counter, and that translates into how many years 24 of -- 25 A. Three and a half years.</p>

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1 Q. Three and a half years of counter window
 2 experience?
 3 A. Yes, as a flex. When I made regular, I
 4 came downtown on nights.
 5 Q. Twin Rivers?
 6 A. Yes.
 7 Q. And when you say "make regular," that
 8 means?
 9 A. You go from a part-time flex position to
 10 a full-time regular position where you actually
 11 can bid.
 12 Q. I see. And the full-time regular
 13 position at Twin Rivers was what?
 14 A. That's purely distribution clerk.
 15 Q. Okay. Did you have any further
 16 communications with Ms. Parsley concerning this
 17 matter other than the two you've mentioned?
 18 A. I don't recall. She might have called
 19 back and said, "I'm still looking, talking,
 20 checking references," along that line, but not
 21 much.
 22 Q. And when was the first time you found
 23 out that you were the successful bidder?
 24 A. Maybe a week and a half.
 25 Q. And how did you find that out?

Page

1 part of which was classroom?
 2 A. Yes.
 3 Q. And do you recall how long the classroom
 4 training was?
 5 A. About a week, week and a half. Then one
 6 week up at Powell postal station.
 7 Q. For the on-the-job training?
 8 A. Yes.
 9 Q. And since the time -- you had worked the
 10 counter/window in approximately the mid '80s; is
 11 that right?
 12 A. It would have been from '86 to '89,
 13 halfway through '89.
 14 Q. And then having worked the lead SSA
 15 position, which required window clerk experience,
 16 how did your experience in the mid '80s translate
 17 to the position of lead SSA beginning in, I
 18 guess, April of 2007?
 19 A. I also did T-6 work at Hilltop as a flex
 20 as well. I opened, ran and closed the station by
 21 myself.
 22 Q. When was that?
 23 A. That was -- the first year I was at
 24 Lincoln Village, they would go ahead and they
 25 also carried Hilltop. If they wanted someone at

Page 15

1 A. I believe by the union, Bob Springsteen,
 2 I believe.
 3 Q. He contacted you?
 4 A. Yes.
 5 Q. Via phone or in person?
 6 A. I believe it was in person.
 7 Q. And do you recall what he said to you?
 8 A. He said that they checked -- apparently
 9 they had checked the references. They were
 10 positive from the references that there was
 11 enough time served that qualified me as a window
 12 clerk, as a T-6.
 13 Q. As a T-6?
 14 A. Qualified for me for one-year
 15 experience. That was a requirement for that.
 16 Q. You mentioned T-6. Maybe I didn't
 17 understand you.
 18 A. That's lead person associate.
 19 Q. Okay. Did you have any conversations
 20 with anyone else other than whom you've mentioned
 21 concerning this position as far as you getting
 22 the bid or being denied the bid?
 23 A. No. Just the union and Glenna.
 24 Q. And you said you received two and a half
 25 weeks of training, part of which was on-the-job,

Page

1 Hilltop to relieve -- in fact, there's another
 2 person, Calvin Hill. He's retired. He could be
 3 dead. I don't know. I worked with him on the
 4 counter at Hilltop for a year.
 5 Q. And -- I'm sorry?
 6 A. Those duties would include everything
 7 that a T-6 does now, meters, postage, returns,
 8 runs, box mail. That's everything that a T-6
 9 does, ordering supplies, whatever.
 10 Q. You kind of tried to guess where I was
 11 going, but what I wanted to ask was, you said you
 12 worked at the Hilltop station or location?
 13 A. Uh-huh, yes.
 14 Q. Is it Hilltop station, is that what it
 15 is?
 16 A. Hilltop was a postal station at the
 17 time.
 18 Q. Okay. And when was that time you worked
 19 there? That was my question.
 20 A. 1986.
 21 Q. Okay. What, if any, window work is
 22 involved in being a lead SSA?
 23 A. It actually depends on the station.
 24 Some T-6 or SSAs don't go on the window at all.
 25 Q. Did you?

Page 18

1 A. Yes, I did.
 2 Q. Okay. And given your experience, what
 3 window work was involved in the lead SSA
 4 position?
 5 A. At Station 1?
 6 Q. Is that where you started?
 7 MS. BRESLIN: What time frame are you
 8 talking about?
 9 A. I don't know what time you're talking
 10 about.
 11 Q. When you started the lead SSA position.
 12 A. What year?
 13 MS. BRESLIN: In 2007?
 14 A. This year?
 15 Q. Approximately April or May 2007,
 16 correct.
 17 A. And your question was what?
 18 Q. What window work did that involve?
 19 A. About -- at that station, probably about
 20 80 percent.
 21 Q. And your confusion leads me to ask -- I
 22 mean, did you work a lead SSA position in the
 23 past before this one?
 24 A. Did I what?
 25 Q. Did you work a lead SSA position prior

Page 19

1 to May 2007?
 2 A. Yes. I just said I did that at Hilltop.
 3 Q. In '86?
 4 A. In '86, yes.
 5 Q. And it was -- okay. It was also known
 6 as a lead SSA position?
 7 A. Not at that time, no.
 8 Q. What was it known as?
 9 A. T-6.
 10 Q. Okay. I guess that was my confusion,
 11 then, as well.
 12 A. Which it's still now a T-6.
 13 Q. All right. So 80 percent of your duties
 14 as a lead SSA in around May of 2007 involved
 15 window work?
 16 A. Yes.
 17 Q. Okay. And what's involved in window
 18 work?
 19 A. Keeping a drawer; waiting on customers;
 20 selling stamp stock; selling money orders; taking
 21 in priority mail, registered mail, certified
 22 mail; working the parcels in the back; working
 23 the box; distributing mail in the boxes;
 24 collecting the collection boxes out front and in
 25 the lobby; any retail function.

Page

1 Q. And at the window what equipment did you
 2 work with to do this job?
 3 A. You had the -- it's calls a POS. It's a
 4 computer system now.
 5 Q. Anything else?
 6 A. Just your scales. That's about it.
 7 Q. And did you also use -- that POS system,
 8 was that in use in the mid '80s?
 9 A. No. No.
 10 Q. I'm sorry. You probably said this
 11 before, but you worked as a part-time flex from
 12 when to when approximately?
 13 A. From '86 to '89.
 14 Q. Okay. And generally part-time how many
 15 hours a week were you working?
 16 A. Well, when I started at Lincoln Village,
 17 we were doing 75 hours a week.
 18 Q. So you were still considered
 19 part-time?
 20 A. Uh-huh, yes.
 21 Q. How many hours were regular hours as
 22 opposed to -- I assume you were working overtime
 23 hours to get to 75 hours a week.
 24 A. So I'm -- I don't understand your
 25 question. A 40 hour workweek is full-time. Is

Page

1 that what you're asking?
 2 Q. And you said you were working 75
 3 hours?
 4 A. Yes.
 5 Q. And 75 is greater than 40, right?
 6 A. Yes.
 7 Q. So how did you work 75 hours and remain
 8 a part-time? Is that just your job
 9 classification?
 10 A. That's your job classification. A
 11 manager can work you as long as they want,
 12 because they do not pay you time and a half, I
 13 believe.
 14 Q. Okay.
 15 A. I'm not sure on that. It's been a
 16 long --
 17 Q. I've never worked in the postal service,
 18 so I don't know.
 19 A. I know that you don't get your same
 20 vacation stuff like you do as a regular, so they
 21 compensate by giving you a little more in your
 22 pay.
 23 Q. So you started out at 75 hours a week.
 24 Was that typical?
 25 A. It was at Lincoln Village. We did a lot

<p style="text-align: right;">Page 22</p> <p>1 of hours at Lincoln Village. 2 Q. How about University? 3 A. That was more along the line of 40. 4 Q. Arlington? 5 A. 40. 6 Q. Tri-Village? 7 A. 40. 8 Q. Do you know who was awarded the bid 9 after you left the lead SSA position in 10 approximately August 2007? 11 A. No, I don't. 12 Q. Did you speak with anybody else 13 associated with the union concerning the lead SSA 14 position in 2007 other than, was it, 15 Mr. Springsteen -- 16 MS. BRESLIN: And the steward that he 17 mentioned also. 18 Q. -- and the steward? 19 A. I don't recall speaking to anyone 20 else. 21 MR. RUZICHO: I'm going to take a short 22 break and see what else I have for you. We'll 23 come back in a few minutes. 24 THE WITNESS: Okay. 25 (Discussion off the record.)</p>	<p style="text-align: right;">Page</p> <p>1 April. 2 Q. Is when your training started? 3 A. Yes. 4 Q. Okay. And then May -- around May 14th, 5 you actually began the actual position? 6 A. It was more like the 11th, because I had 7 to go back down to Twin Rivers and get retrained 8 on all of the rate changes, because everything I 9 had been trained for the two weeks previous to 10 that was not really going to work because their 11 rates, everything, mailing, packages, everything 12 changed, so we had to be retrained on that before 13 the rate change on the 14th. 14 Q. Okay. 15 A. So, yeah, I would say about midway 16 through the last week of April is when it 17 started. 18 Q. And then your actual working position 19 was where again when you started the real job 20 after all the training? 21 A. That was at Station 1, Fourth and 22 High. 23 Q. Okay. That's right. You said that. I 24 had just forgotten that. 25 And did you know at the time where</p>
<p style="text-align: right;">Page 23</p> <p>1 BY MR. RUZICHO: 2 Q. You may have mentioned this, Mr. Locke. 3 Do you remember when you started training for the 4 lead SSA position in 2007 approximately? 5 A. Well, let's see. 6 MS. BRESLIN: If you remember. 7 A. My first day was at the station was 8 April -- was Friday the 11th, so it would be 9 probably roughly two and a half weeks before 10 that, so I would say probably just about the 11 middle of the last week of April. 12 Q. And on April 11th you started, I'm 13 sorry, where again? You probably already 14 indicated. You had your training prior to April 15 11th, two and a half weeks prior to that? 16 A. No. That's probably -- no, not April. 17 Q. I thought you said April. 18 A. No. 19 Q. Was it May, May 11th? 20 MS. BRESLIN: He doesn't want you to 21 guess. If you remember, then you remember, but 22 if you don't, that's okay, too. 23 A. Well, the rate change was May 14th. I 24 started two and a half weeks previous to that, so 25 it would have been the middle of the last week of</p>	<p style="text-align: right;">Page</p> <p>1 Ms. Murphy was working? 2 A. No. I don't make other people's 3 business my business. I wouldn't have any 4 interest in that. 5 Q. Did you know she was working here at 6 Citygate in the registry room? 7 A. I was aware of it. I can't keep -- I 8 can't keep, you know, tabs on everybody. 9 Q. I'm sorry. So your answer was -- 10 A. I assumed she was. 11 Q. Okay. 12 A. I don't -- 13 Q. I couldn't tell you if you said you were 14 unaware of it or you were aware of it? 15 A. I can only assume. I mean, I'd been 16 gone from this building for, let's see, three 17 weeks, four weeks. I have no idea where people 18 are at, if they bid out, if they're on 19 assignment. People go on assignments. I don't 20 know. 21 Q. Okay. And did you have an occasion in 22 approximately May, I think around May 14th, to 23 come back to Citygate to the registry room? 24 A. Yes, I had to. 25 Q. And what brought you back there for</p>

1 that?
 2 A. The Key Bank did not make the run for
 3 the driver, and it's the T-6 responsibility to
 4 bring that Key Bank deposit into the registry
 5 room.
 6 Q. When you say Key Bank, you're referring
 7 to the institution Key Bank?
 8 A. Yes. We have 350 stations that send in
 9 Key Bank deposits.
 10 Q. Okay. I didn't know if you were using
 11 "key" as an adjective or the proper name.
 12 A. No. It's Key Bank.
 13 MR. RUZICHO: I have no further
 14 questions. I don't know if counsel for the
 15 Agency has questions for you. She may or may
 16 not.
 17 MS. BRESLIN: No, no questions.
 18 MR. RUZICHO: Thanks for your time.
 19 - - -
 20 Thereupon, at 1:35 p.m. on Thursday,
 21 December 18th, 2007, the deposition was
 22 concluded.
 23 - - -
 24
 25

1 C E R T I F I C A T E
 2 S T A T E O F O H I O :
 3 S S:
 4 C O U N T Y O F L I C K I N G :
 5 I, Michelle K. Douridas, a Registered
 6 Professional Reporter and Notary Public in and
 7 for the State of Ohio, duly commissioned and
 8 qualified, do hereby certify that the within
 9 named THOMAS LOCKE was by me first duly sworn to
 10 testify to the truth, the whole truth, and
 11 nothing but the truth in the cause aforesaid;
 12 that the deposition then given by him was by me
 13 reduced to stenotype in the presence of said
 14 witness; that the foregoing is a true and correct
 15 transcript of the deposition so given by him;
 16 that the deposition was taken at the time and
 17 place in the caption specified and was completed
 18 without adjournment; and that I am in no way
 19 related to or employed by any attorney or party
 20 hereto, or financially interested in the action,
 21 and I am not, nor is the court reporting firm
 22 with which I am affiliated, under a contract as
 23 defined in Civil Rule 28(D).
 24 I N W I T N E S S W H E R E O F, I have hereunto set
 25 my hand and affixed my seal of office at
 Pataskala, Ohio, on this 23rd day of January,
 2008.
 MICHELLE K. DOURIDAS, RPR
 NOTARY PUBLIC-STATE OF OHIO
 My Commission Expires: July 16th, 2008.

1 C E R T I F I C A T E
 2 S T A T E O F O H I O :
 3 S S:
 4 C O U N T Y O F L I C K I N G :
 5 I, THOMAS LOCKE, do hereby certify
 6 that I have read the foregoing transcript of my
 7 deposition given on December 18th, 2007; that
 8 together with the correction page attached hereto
 9 noting changes in form or substance, if any, it
 10 is true and correct.
 11 _____
 12 THOMAS LOCKE
 13 I do hereby certify that the foregoing
 14 transcript of the deposition of THOMAS LOCKE was
 15 submitted to the witness for reading and signing;
 16 that after he had stated to the undersigned
 17 Notary Public that he had read and examined his
 18 deposition, he signed the same in my presence on
 19 the ___ day of _____, 2008.
 20 _____
 21 NOTARY PUBLIC-STATE OF OHIO
 22 My Commission Expires:
 23 _____
 24 - - -
 25