

EXHIBIT 10

TAB 29

BOOK 2 OF 3

CD- EXH 10

TAB 29



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division

Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name:	(b)(6)	Date:	5/22/2007
Rank:	DA Civilian	Time:	0900 hours
Organization:	DPW (PREVIOUSLY)	Location:	(b)(6)
Phone:	(b)(6)	Email:	(b)(6)
Union Representative:	N/A	Union POC Info:	N/A

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

Documents Requested: None

Interview Notes:

INTERVIEWER QUESTION: What were the beginning and ending dates of your employment with the Fort Lewis Directorate of Public Works (DPW)?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: What was your official position title, series and grade?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: What were your primary duties and responsibilities?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Who was your supervisor?

INTERVIEWEE RESPONSE:

AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

INTERVIEWER QUESTION: Did your supervisor ever task you to assist other employees with the drafting, revision and uploading of resumes on the Army Resume Builder website?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Did (b)(6) inform you that her supervisor, (b)(6) tasked her to assist Directorate of Public Works (DPW) employees with the drafting, revision and uploading of resumes?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Did you provide any advice to (b)(6)

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Did you notify anyone of your conversation with (b)(6)

INTERVIEWEE RESPONSE:

AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

INTERVIEWER QUESTION: Did (b)(6) contact you regarding any other matters?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Are you familiar with a request for personnel action for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10 which was processed in December 2005?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Is it common practice for a Directorate of Public Works (DPW) supervisor to notify a specific individual of a vacancy announcement?

INTERVIEWEE RESPONSE:

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AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

INTERVIEWER QUESTION: Did (b)(6) notify you that her supervisor, (b)(6) instructed her to notify only Veith A. Long to apply for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10?

INTERVIEWEE RESPONSE:

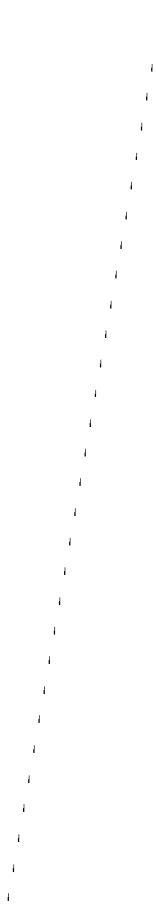
INTERVIEWER QUESTION: Do you have any documents you would like to provide related to these questions?

INTERVIEWEE RESPONSE:

INTERVIEWER QUESTION: Is there anything you would like to add to your statement?

INTERVIEWEE RESPONSE:

UNCLASSIFIED//FOR OFFICIAL USE ONLY



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division

Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name:	(b)(6)	Date:	5/22/2007
Rank:	DA Civilian	Time:	0900 hours
Organization:	DPW (PREVIOUSLY)	Location:	Telephonic due to geographic separation
Phone:	(b)(6)	Email:	(b)(6)
Union Representative:	N/A	Union POC Info:	N/A

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Documents Requested: None

Interview Notes:

INTERVIEWER QUESTION: What were the beginning and ending dates of your employment with the Fort Lewis Directorate of Public Works (DPW)?

INTERVIEWEE RESPONSE: 26 JAN 04 to 24 DEC 05. I left DPW for another position on Fort Lewis with Army Family Team Building, Army Community Service as it was a promotion. I was in that position from 25 DEC 05 to 14 JUL 06. I left Ft Lewis in JUL 06 for Fort Sam Houston because my husband is military and we had to PCS.

INTERVIEWER QUESTION: What was your official position title, series and grade?

INTERVIEWEE RESPONSE: Administrative Services Specialist, GS-09-301.

INTERVIEWER QUESTION: What were your primary duties and responsibilities?

INTERVIEWEE RESPONSE: Employee services, retirement's, manpower (working TDA), human resources support, liaison with CPAC and DC-SRM.

INTERVIEWER QUESTION: Who was your supervisor?

INTERVIEWEE RESPONSE: Paula Wofford.

AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

INTERVIEWER QUESTION: Did your supervisor ever task you to assist other employees with the drafting, revision and uploading of resumes on the Army Resume Builder website?

INTERVIEWEE RESPONSE: No. What I did was send out instructions via email to Supervisors and individual employees on how to use the Army Resume Builder website. I would help individual employees with the computer system process but not with the resume content. There was a computer workstation in my office for employees to use to load their resumes. This was provided primarily for employees without computer access at work and to assist employees with limited computer skills. I would sometimes help employees type their resumes into the Army Resume Builder website. I would also sometimes assist employees who were applying for specific positions by providing them with the position description to compare against their resume.

INTERVIEWER QUESTION: Did (b)(6) inform you that her supervisor, (b)(6) tasked her to assist Directorate of Public Works (DPW) employees with the drafting, revision and uploading of resumes?

INTERVIEWEE RESPONSE: I know that (b)(6) conveyed to me that (b)(6) instructed her to help employees with the process of loading resumes into the Army Resume Builder website.

INTERVIEWER QUESTION: Did you provide any advice to (b)(6)?

INTERVIEWEE RESPONSE: I trained her on the process but did not specifically tell her what she could and could not do. I advised her that she should not be assisting employees with content. I felt uncomfortable getting between an employee and her supervisor, so I redirected (b)(6) to her supervisor (b)(6). During the MEO, each administrative assistant was responsible for assisting employees with the uploading of resumes. This was a daunting task for (b)(6) because she had the largest division, Maintenance & Repair, and most of her employees lacked computer skills.

INTERVIEWER QUESTION: Did you notify anyone of your conversation with (b)(6)?

INTERVIEWEE RESPONSE: I don't recall. If anything, I would have let (b)(6) know.

AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division

Appointing Official: COL Cynthia A. Murphy, Garrison Commander

INTERVIEWER QUESTION: Did (b)(6) contact you regarding any other matters?

INTERVIEWEE RESPONSE: Yes. Over time, I knew that there were issues. I just listened to her and kept myself as far removed as possible. In my opinion, (b)(6) (b)(6) was asking her to perform legitimate work tasks. I felt she should speak with (b)(6) and use the appropriate Chain of Command to resolve issues.

INTERVIEWER QUESTION: Are you familiar with a request for personnel action for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10 which was processed in December 2005?

INTERVIEWEE RESPONSE: Yes, it was to replace (b)(6). I was familiar with the action. I worked with (b)(6) and (b)(6) to prepare Request for Personnel Action. I ensured all information included in RPA was accurate and complete. I believe there were discussions with (b)(6) regarding the certification requirements of the position. The requirements had to match the MEO requirements because there was a possibility the position would be hired prior to the MEO implementation. The two year time period ^{for} the NWTP license was meant to open up the recruiting so that other eligible personnel could apply. By name requests for Recruitment actions are not unusual for unique or hard to fill positions.

INTERVIEWER QUESTION: Is it common practice for a Directorate of Public Works (DPW) supervisor to notify a specific individual of a vacancy announcement?

INTERVIEWEE RESPONSE: No. Although not required, it is a common practice for hiring official to post vacancy announcements in office bulletin boards so employees are aware of the vacancy.

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AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

INTERVIEWER QUESTION: Did (b)(6) notify you that her supervisor, (b)(6) instructed her to notify only (b)(6) to apply for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10?

INTERVIEWEE RESPONSE: *No, I was not aware of that.*

INTERVIEWER QUESTION: Do you have any documents you would like to provide related to these questions?

INTERVIEWEE RESPONSE: *No, I do not.*

INTERVIEWER QUESTION: Is there anything you would like to add to your statement?

INTERVIEWEE RESPONSE: *No. Everything that was done was coordinated with CPAC and WCPOC. All coordination was done through (b)(6).*

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DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, UNITED STATES ARMY GARRISON
BOX 339500, MAIL STOP 16
FORT LEWIS WASHINGTON 98433-9500

REPLY TO
ATTENTION OF

IMNW-LEW-PL-S

22 May 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Interview of (b)(6), Department of the Army Civilian (DAC), Installation Management Command - West (IMCOM-W)

1. A telephonic interview of DAC (b)(6) was conducted by the undersigned on 22 MAY 07 at 0900 hours. A telephonic interview was conducted due to geographic separation.

2. (b)(6) responses to the questions asked were as follows:

a. Interviewer Question: What were the beginning and ending dates of your employment with the Fort Lewis Directorate of Public Works (DPW)?

Interviewee Response: I was employed with the Fort Lewis Public Works from 26 JAN 04 to 24 DEC 05. I left PW for another position on Fort Lewis with Army Family Team Building, Army Community Services as it was a promotion. I was in that position from 25 DEC 05 to 14 JUL 06. I left Fort Lewis in JUL 06 when my husband, a Soldier, PCS'd to Fort Sam Houston, TX.

b. Interviewer Question: What was your official position title, series and grade?

Interviewee Response: Administrative Services Specialist, GS-0301-09.

c. Interviewer Question: What were your primary duties and responsibilities?

Interviewee Response: Employee services, retirements, manpower (working TDA), human resources support, and liaison with CPAC and DCSRM.

d. Interviewer Question: Who was your supervisor?

Interviewee Response: (b)(6).

e. Interviewer Question: Did your supervisor ever task you to assist other employees with the drafting, revision and uploading of resumes on the Army Resume Builder website?

Interviewee Response: No. My responsibility was to distribute instructions via email to supervisors and individual employees on how to use the Army Resume Builder website. I would help individual employees with the computer system process but not with the resume content. They were responsible for drafting their own work experience. There was a computer workstation in my office for employees to use to load their resumes. This was provided primarily for employees without computer

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Interview of (b)(6); YA-02 Department of the Army Civilian (DAC), West Civilian Personnel Operations Center (WCPOC)

access at their work site and to assist employees with limited computer skills. I would sometimes help employees type or cut/paste their already prepared resumes into the Army Resume Builder website. Sometimes, I would also assist employees who were applying for specific positions by providing them with the position description to compare against their resume. They were instructed to use their own experiences, skills and abilities and match them to the requirements of the job.

f. Interviewer Question: Did (b)(6) inform you that her supervisor, (b)(6) tasked her to assist Directorate of Public Works (DPW) employees with the drafting, revision and uploading of resumes?

Interviewee Response: I know that (b)(6) conveyed to me that (b)(6) instructed her to help employees with the process of loading resumes into the Army Resume Builder website. I don't recall her specifically saying he instructed her to write their resume for them.

g. Interviewer Question: Did you provide any advice to (b)(6)

Interviewee Response: I trained her on the process but her supervisor directed her work tasks. I advised her that she should not be assisting employees with the content of their resumes. I felt uncomfortable getting between (b)(6) and her supervisor, (b)(6) so when disagreements surfaced, I redirected (b)(6) to discuss them with her supervisor. I was not in her chain of command. I was simply the Administrative team leader. During the MEO, each administrative assistant in DPW was responsible for assisting employees with the uploading of resumes. This was a daunting task for (b)(6) because she had the largest division, Maintenance and Repair, and most of the employees in her division lacked basic computer skills and familiarity with the Army Resume Builder website.

h. Interviewer Question: Did you notify anyone of your conversation with (b)(6)

Interviewee Response: I do not recall. If anything, I would have let (b)(6) know.

i. Interviewer Question: Did (b)(6) contact you regarding any other matters?

Interviewee Response: Yes. Over time, she began to express her frustration with tasks she was asked to perform by her supervisor. I knew that there were issues. I just listened to her and kept myself as far removed as possible. In my opinion and as far as I knew, (b)(6) was asking her to perform legitimate work tasks. I felt she should speak with (b)(6) and use the appropriate Chain of Command to resolve issues.

j. Interviewer Question: Are you familiar with a request for personnel action for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10 which was processed in December 2005?

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Interview of (b)(6); YA-02 Department of the Army Civilian (DAC), West Civilian Personnel Operations Center (WCPOC)

Interviewee Response: Yes, it was to replace (b)(6). I was familiar with the action. I worked with (b)(6), (b)(6) and (b)(6) (CPAC) to prepare the Request for Personnel Action (RPA). I made sure all blocks of information required in the RPA and gatekeeper were completed according to the desires of the hiring official, (b)(6). I believe there were discussions with Paula Wofford regarding the certification requirements of the position. The requirements had to match the MEO requirements because there was a possibility the position would be hired and filled prior to the MEO implementation. The two year time period to obtain the WWTP license was meant to open up the recruiting field so that other eligible personnel could apply. By-name requests for recruit actions were not unusual for unique or hard to fill positions but the wording stated the by-name request "and other eligible applicants".

k. Interviewer Question: Is it common practice for a Directorate of Public Works (DPW) supervisor to notify a specific individual of a vacancy announcement?

Interviewee Response: No. To my knowledge and although not required, it was a common practice for the hiring official to post vacancy announcements on office bulletin boards or distribute via email so all employees were aware of the vacancy.

l. Interviewer Question: Did (b)(6) notify you that her supervisor, (b)(6) (b)(6) instructed her to notify only (b)(6) to apply for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10?

Interviewee Response: No, I was not aware of that.

m. Interviewer Question: Do you have any documents you would like to provide related to these questions?

Interviewee Response: No, I do not.

n. Interviewer Question: Is there anything you would like to add to your statement?

Interviewee Response: No, other than all hiring actions were coordinated with (b)(6) at CPAC and staff at WCPOC.

3. POC is the undersigned at DSN 357-0867/0458 or COMM (253) 967-0867/0458.


GRETA M. POWELL
Chief, Fort Lewis Installation
Security Office

Powell, Greta CIV USA

From: (b)(6)
Sent: Tuesday, May 29, 2007 8:54 AM
To: Powell, Greta CIV USA
Subject: FW: Review
Signed By: (b)(6)

Attachments: MFR (b)(6) Position Description - Historical Sequence.pdf



MFR - Position
(b)(6) (b)(6)

Greta,
I made a few minor changes to the MFR, just reworded some of my answers in order to further clarify. Let me know if have any questions regarding my changes.

In response to your question in para 3 below:

To the best of my knowledge, certification requirements were changed in order to make the position available to a wider range of applicants and get the position filled as soon as possible before the hiring freeze. PW management was afraid there would be no eligible candidates because of the unique requirements but by giving eligible applicants 2 years to obtain certification, the position might be more attractive to those who's experience/education met all other requirements. Management did not want to waste time by posting the announcement with the statement that applicants "must posses" specific certifications with the possibility of no eligible applicants then have to reannounce with the 2-year certification period adjustment. It was all about timing because the MEO implementation was right around the corner and management wanted to get someone on board before the freeze.

I am available via email or phone if you have any additional questions.

v/r
(b)(6)
Installation Management Command - West
Resource Management, Manpower
(b)(6) 1
(b)(6)

-----Original Message-----
From: Powell, Greta CIV USA
Sent: Sunday, May 27, 2007 9:37 PM
To: (b)(6)
Subject: RE: Review

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(b)(6)
Ms. Holder,

1. I apologize for the delay. I had to await an SJA review before releasing certain documents to you for review and comment.
2. Attached is a copy of the MFR I drafted from the notes of our telephonic conversation on 22 MAY 07. Please review and make any necessary additions/deletions/corrections. Once corrected, please return to me via email.





DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, UNITED STATES ARMY GARRISON
BOX 339500, MAIL STOP 16
FORT LEWIS WASHINGTON 98433-9500

REPLY TO
ATTENTION OF

IMNW-LEW-PL-S

22 May 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Interview of (b)(6) Department of the Army Civilian (DAC), Installation Management Command – West (IMCOM-W)

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2. (b)(6) responses to the questions asked were as follows:

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Interviewee Response: I was employed with the Fort Lewis Public Works from 26 JAN 04 to 24 DEC 05. I left PW for another position on Fort Lewis with Army Family Team Building, Army Community Services as it was a promotion. I was in that position from 25 DEC 05 to 14 JUL 06. I left Fort Lewis in JUL 06 when my husband, a Soldier, PCS'd to Fort Sam Houston, TX.

b. Interviewer Question: What was your official position title, series and grade?

Interviewee Response: Administrative Services Specialist, GS-0301-09.

c. Interviewer Question: What were your primary duties and responsibilities?

Interviewee Response: Employee services, retirements, manpower (working TDA), human resources support, and liaison with CPAC and DCSR.M.

d. Interviewer Question: Who was your supervisor?

Interviewee Response: (b)(6) l.

e. Interviewer Question: Did your supervisor ever task you to assist other employees with the drafting, revision and uploading of resumes on the Army Resume Builder website?

Interviewee Response: No. My responsibility was to distribute instructions via email to supervisors and individual employees on how to use the Army Resume Builder website. I would help individual employees with the computer system process but not with the resume content. They were responsible for drafting their own work experience. There was a computer workstation in my office for employees to use to load their resumes. This was provided primarily for employees without computer

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Interview of (b)(6); YA-02 Department of the Army Civilian (DAC), West Civilian Personnel Operations Center (WCPOC)

access at their work site and to assist employees with limited computer skills. I would sometimes help employees type or cut/paste their already prepared resumes into the Army Resume Builder website. Sometimes, I would also assist employees who were applying for specific positions by providing them with the position description to compare against their resume. They were instructed to use their own experiences, skills and abilities and match them to the requirements of the job.

f. Interviewer Question: Did (b)(6) inform you that her supervisor, (b)(6) tasked her to assist Directorate of Public Works (DPW) employees with the drafting, revision and uploading of resumes?

Interviewee Response: I know that (b)(6) conveyed to me that (b)(6) instructed her to help employees with the process of loading resumes into the Army Resume Builder website. I don't recall her specifically saying he instructed her to write their resume for them.

g. Interviewer Question: Did you provide any advice to (b)(6)

Interviewee Response: I trained her on the process but her supervisor directed her work tasks. I advised her that she should not be assisting employees with the content of their resumes. I felt uncomfortable getting between (b)(6) and her supervisor, (b)(6) so when disagreements surfaced, I redirected (b)(6) to discuss them with her supervisor. I was not in her chain of command. I was simply the Administrative team leader. During the MEO, each administrative assistant in DPW was responsible for assisting employees with the uploading of resumes. This was a daunting task for (b)(6) because she had the largest division, Maintenance and Repair, and most of the employees in her division lacked basic computer skills and familiarity with the Army Resume Builder website.

h. Interviewer Question: Did you notify anyone of your conversation with (b)(6)

Interviewee Response: I do not recall. If anything, I would have let (b)(6) know.

i. Interviewer Question: Did (b)(6) contact you regarding any other matters?

Interviewee Response: Yes. Over time, she began to express her frustration with tasks she was asked to perform by her supervisor. I knew that there were issues. I just listened to her and kept myself as far removed as possible. In my opinion and as far as I knew, (b)(6) was asking her to perform legitimate work tasks. I felt she should speak with (b)(6) and use the appropriate Chain of Command to resolve issues.

j. Interviewer Question: Are you familiar with a request for personnel action for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10 which was processed in December 2005?

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Interview of Audrey Heinlein; YA-02 Department of the Army Civilian (DAC), West Civilian Personnel Operations Center (WCPOC)

Interviewee Response: Yes, it was to replace (b)(6). I was familiar with the action. I worked with (b)(6), (b)(6) and (b)(6) (CPAC) to prepare the Request for Personnel Action (RPA). I made sure all blocks of information required in the RPA and gatekeeper were completed according to the desires of the hiring official, (b)(6). I believe there were discussions with Paula Wofford regarding the certification requirements of the position. The requirements had to match the MEO requirements because there was a possibility the position would be hired and filled prior to the MEO implementation. The two year time period to obtain the WWTP license was meant to open up the recruiting field so that other eligible personnel could apply. By-name requests for recruit actions were not unusual for unique or hard to fill positions but the wording stated the by-name request "and other eligible applicants".

k. Interviewer Question: Is it common practice for a Directorate of Public Works (DPW) supervisor to notify a specific individual of a vacancy announcement?

Interviewee Response: No. To my knowledge and although not required, it was a common practice for the hiring official to post vacancy announcements on office bulletin boards or distribute via email so all employees were aware of the vacancy.

l. Interviewer Question: Did (b)(6) notify you that her supervisor, (b)(6) (b)(6) instructed her to notify only (b)(6) to apply for a competitive temporary promotion as Utility Systems Repairer-Operator Supervisor, WS-4742-10?

Interviewee Response: No, I was not aware of that.

m. Interviewer Question: Do you have any documents you would like to provide related to these questions?

Interviewee Response: No, I do not.

n. Interviewer Question: Is there anything you would like to add to your statement?

Interviewee Response: No, other than all hiring actions were coordinated with (b)(6) at CPAC and staff at WCPOC.

3. POC is the undersigned at DSN 357-0867/0458 or COMM (253) 967-0867/0458.

GRETA M. POWELL
Chief, Fort Lewis Installation
Security Office

EXHIBIT 10

TAB 30

Book 2 of 3
CD-EXH 10
TAB 30



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division

Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name: (b)(6) Date: **5/22/2007**
Rank: **DA Contractor** Time: **1000 hours**
Organization: **DPW** Location: (b)(6)
Phone: (b)(6) Email: (b)(6)
Union Representative: **N/A** Union POC Info: **N/A**

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Documents Requested: None

Interview Notes:

Purpose – Refer to question/response format on Sworn Statement. Any information provided not relevant to sworn statement questions will be listed below this note for future reference/follow up.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Bldg 2012, Fort Lewis, WA	2. DATE (YYYYMMDD) 2007/05/22	3. TIME 1000	4. FILE NUMBER N/A
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS DA Contractor	
8. ORGANIZATION OR ADDRESS Directorate of Public Works (DPW), Fort Lewis, WA			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INTERVIEWER QUESTION: What is your official position title? (b)(6)
 INTERVIEWEE RESPONSE: Toxic Substances Program.

INTERVIEWER QUESTION: What are your primary duties and responsibilities?
 INTERVIEWEE RESPONSE: Toxic Substances Control Act, Title 2, Asbestos; Title 3, Radon and Title 4, lead based paint. In addition they have added Poly Chlorinated Biphenals (PCB's) about a year ago. (b)(6)

INTERVIEWER QUESTION: Who is your government supervisor?
 INTERVIEWEE RESPONSE: (b)(6) I work for General Dynamics - Information Technology (GDIT). My contract supervisor (b)(6) (b)(6)

INTERVIEWER QUESTION: Are you familiar with the the previous project to repair and reline Donovan Reservoir?
 INTERVIEWEE RESPONSE: Yes, I'm semi familiar with the project. I was asked to review and make recommendations on the job order contract submittals related to personnel and environmental protections for PCB's, silica and confined space entries. After Centennial Contractors began the work and discovered a change in condition, specifically the presence of PCB's, they contacted me for advice. I told them I can't give them directives on what to do but did advise them of industry standards and referred them back to their contract Industrial Hygiene representative. (b)(6)

INTERVIEWER QUESTION: Which contract company handled the repair and relining project?
 INTERVIEWEE RESPONSE: Centennial Contractors with sub contractors (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF (b)(6) PAGES 4
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

INTERVIEWER QUESTION: Why were the repairs and relining necessary?

INTERVIEWEE RESPONSE: From what I understand, the service life had ended as they were leaking. I think leaking was the big issue. (b)(6)

INTERVIEWER QUESTION: Were the repairs and relining handled appropriately?

INTERVIEWEE RESPONSE: For the most part. After discovery of PCB's in the original sealant, the contractor should have implemented procedures to fully control the PCB's contaminate. I don't believe it was done immediately, but eventually it was. To look for cracks, they washed the exterior of the tank, and potentially released PCB's, ~~chunks~~ chunks onto the surface of the ground. (b)(6)

INTERVIEWER QUESTION: Were hazardous materials released into the water system during the repair and relining process?

INTERVIEWEE RESPONSE: From my involvement and my understanding of how they plugged the tank and applied new sealant and flushed the tank, I don't think any PCB's were released into the drinking supply from this process. (b)(6)

INTERVIEWER QUESTION: Were hazardous materials released into the ground during the repair and relining process?

INTERVIEWEE RESPONSE: yes. The contractor had to provide (bring site back to original condition. Once we are told they are done ~~the~~ with the project we will inspect the site for potential lining contaminates. The PCB's were on the ground, the contractor picked up visible stuff, we have to go in once they are done to verify site cleanliness through testing. (b)(6)

INTERVIEWER QUESTION: Did your work group create any documents or reports related to the repair and relining of Donovan Reservoir?

INTERVIEWEE RESPONSE: I would have to investigate that. I may have email records and records of phone conversations. I was only superficially involved, because it was a construction project and not an environment issue initially. I did research on the EPA regulation related to PCB's and reported my findings to my supervisory chain of command verbally. Joyce Chavez had to notify EPA about a release, I think, I don't recall exactly. I may have memorandums for record related to my research, but don't recall exactly. (b)(6)

STATEMENT OF (b)(6)

TAKEN AT Fort Lewis, WA

DATED 2007/05/22

9. STATEMENT (Continued)

INTERVIEWER QUESTION: How is your work group involved in the testing of sludge from the digesters at the Waste Water Treatment Plant (WWTP)?

INTERVIEWEE RESPONSE: zero. That's a water issue that my group is not involved directly with. There are limited TSCA issues, probably title one only. The water department, and deal with these issues

INTERVIEWER QUESTION: What procedures are normally followed by your work group when sludge is removed from a digester at the WWTP?

INTERVIEWEE RESPONSE: It's not part of my responsibilities. I don't get involved.

INTERVIEWER QUESTION: Are you familiar with the the circumstances surrounding the movement of sludge from WWTP digester number one to the drying beds by contractor personnel on or about 14 November 2006?

INTERVIEWEE RESPONSE: Of course I am. The contractor was hired to effect repairs to the digester. To do so, they had to remove water & sludge from the digester. In my opinion they did not use the best industry practices available to dewater & prepare the sludge for the drying beds. They took the easy way out by using bulking materials. The result was sludge that could not be disposed of with normal methods because the bulking material made it not match the profile for reuse.

INTERVIEWER QUESTION: Were the proper procedures followed when the sludge was moved from WWTP digester number one to the drying beds by contractor personnel on or about 14 November 2006?

INTERVIEWEE RESPONSE: I wouldn't have any idea because I wasn't there.

INTERVIEWER QUESTION: Did your work group create any documents or reports related to the movement of sludge from WWTP digester number one to the drying beds by contractor personnel on or about 14 November 2006?

INTERVIEWEE RESPONSE: No.

INITIALS OF PERSON MAKING STATEMENT (b)(6)

9. STATEMENT (Continued)

INTERVIEWER QUESTION: Do you have any documents you would like to provide related to these questions?

INTERVIEWEE RESPONSE: I'd like to try to send you some things that may be helpful such as emails and telephone records. (b)(6)

INTERVIEWER QUESTION: Is there anything you would like to add to your statement?

INTERVIEWEE RESPONSE: No. (b)(6)

AFFIDAVIT

I, Michael Roberts, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of May, 2007

Bldg 2012, Fort Lewis, WA

(Signature of Person Administering Oath)

Greta Marie Powell

(Typed Name of Person Administering Oath)

AR 15-6 Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



10/10/10



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name: (b)(6) Date: **5/22/2007**
Rank: **DA Contractor** Time: **1000 hours**
Organization: **DPW** Location: (b)(6)
Phone: (b)(6) Email: (b)(6)
Union Representative: **N/A** Union POC Info: **N/A**

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

Documents Requested: None

Interview Notes:

Purpose – Refer to question/response format on Sworn Statement. Any information provided not relevant to sworn statement questions will be listed below this note for future reference/follow up.

EXHIBIT 10

TAB 31

BOOK 2 OF 3

CD- EXH 10

TAB 31



10/10/10



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division

Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name: (b)(6) Date: 5/22/2007
Rank: DA Civilian Time: 1400 hours
Organization: DPW Location: (b)(6)
Phone: (b)(6) Email: (b)(6)
Union Representative: N/A Union POC Info: N/A

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Documents Requested: None

Interview Notes:

Purpose – Refer to question/response format on Sworn Statement. Any information provided not relevant to sworn statement questions will be listed below this note for future reference/follow up.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Bldg 2012, Fort Lewis, WA
2. DATE (YYYYMMDD): 2007/05/22
3. TIME: 1400
4. FILE NUMBER: N/A
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: YC2/ DA Civilian
8. ORGANIZATION OR ADDRESS: Directorate of Public Works (DPW), Fort Lewis, WA

9. (b)(6) (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INTERVIEWER QUESTION: What is your official position title?
INTERVIEWEE RESPONSE: Chief, Environmental Compliance Branch. (b)(6)

INTERVIEWER QUESTION: What are your primary duties and responsibilities?
INTERVIEWEE RESPONSE: I supervise environmental media managers and maintain installation compliance with applicable environmental laws and policies. (b)(6)

INTERVIEWER QUESTION: Who is your government supervisor?
INTERVIEWEE RESPONSE: Stuecke, Paul. (b)(6)

INTERVIEWER QUESTION: Are you familiar with the the previous project to repair and reline Donovan Reservoir?
INTERVIEWEE RESPONSE: Somewhat. The water program was involved in giving technical advice to the Contracting Officers Representative and the Corps of Engineers to ensure they complied with the applicable laws and regulations. I think I sat in on a couple of meetings. When I learned from the test results of the contractor's waste products that PCB's were present, I ordered tests to determine if PCB's were in the water. (b)(6) has all the archived test results. To the best of my recollection there were no PCB's. The remaining issue was waste management. I visited the site with (b)(6) to provide advice to the contractor on proper waste management and removal. (b)(6)

INTERVIEWER QUESTION: Which contract company handled the repair and relining project?
INTERVIEWEE RESPONSE: I can't remember. (b)(6)

10. EXHIBIT: (b)(6)
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

INTERVIEWER QUESTION: Why were the repairs and relining necessary?

INTERVIEWEE RESPONSE: Life cycle replacement; liner was worn out. (b)(6)

INTERVIEWER QUESTION: Were the repairs and relining handled appropriately?

INTERVIEWEE RESPONSE: Mostly. There were issues, but there are always issues. We worked the PCB issue with the contractor to our satisfaction. The contractor did not notify WA State Department of Health of major repairs to the water system. We fixed it with WA State Department of Health and worked through the issues. (b)(6)

INTERVIEWER QUESTION: Were hazardous materials released into the water system during the repair and relining process?

INTERVIEWEE RESPONSE: Not that I know of. (b)(6)

INTERVIEWER QUESTION: Were hazardous materials released into the ground during the repair and relining process?

INTERVIEWEE RESPONSE: Potentially, maybe. When they sand blasted the exterior there were flakes that appeared similar to the material contained within the tank that contained PCB's. We gave the contractor (b)(6) Contracting officers Representative, I believe Skipp Hall, advice on ~~how~~ (b)(6) how to deal with the flakes (b)(6)

INTERVIEWER QUESTION: Did your work group create any documents or reports related to the repair and relining of Donovan Reservoir?

INTERVIEWEE RESPONSE: There may have been emails. Joyce Chavez may have additional information. It fell into the contractual realm, so the majority of the burden for documentation was on the contractor. (b)(6)

STATEMENT OF (b)(6)

TAKEN AT Fort Lewis, WA

DATED 2007/05/22

9. STATEMENT (Continued)

INTERVIEWER QUESTION: How is your work group involved in the testing of sludge from the digesters at the Waste Water Treatment Plant (WWTP)?

INTERVIEWEE RESPONSE: Yes, we are involved in that. In the normal course of business, we send in samples and review results ~~and~~ (b)(6) for normal sludge bed pools. Testing for digester grit would normally be accomplished by waste disposal personnel or by contractor (b)(6)

INTERVIEWER QUESTION: What procedures are normally followed by your work group when sludge is removed from a digester at the WWTP?

INTERVIEWEE RESPONSE: We normally wouldn't be involved. WWTP would obtain samples and give to Ken Smith's group, waste disposal section or the whole thing could be handled by contractor. They would look at sample results and determine appropriate disposal method (b)(6)

INTERVIEWER QUESTION: Are you familiar with the the circumstances surrounding the movement of sludge from WWTP digester number one to the drying beds by contractor personnel on or about 14 November 2006?

INTERVIEWEE RESPONSE: I can not remember. I am familiar in a general sense with what happened. The sample taken by the contractor had about (b)(6) suspiciously high levels of oil indicated; no chain of custody and was unable/unwilling to provide sampling methodology. It was odd that the contractor opted to ^{add} diatomaceous earth to the sludge grit instead of dewatering as the contract required. In my opinion, the contractor bid the contract too low, tried to save money by adding diatomaceous earth instead of dewatering, and when that did not work attempted to muddy the water by alleging (b)(6) environmental violations.

INTERVIEWER QUESTION: Were the proper procedures followed when the sludge was moved from WWTP digester number one to the drying beds by contractor personnel on or about 14 November 2006?

INTERVIEWEE RESPONSE: I don't know what they did because I wasn't there (b)(6)

INTERVIEWER QUESTION: Did your work group create any documents or reports related to the movement of sludge from WWTP digester number one to the drying beds by contractor personnel on or about 14 November 2006?

INTERVIEWEE RESPONSE: Yes, there's lots of stuff. Nothing formal, just lots of email traffic. (b)(6)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 3 OF (b)(6) PAGES

9. STATEMENT (Continued)

INTERVIEWER QUESTION: Do you have any documents you would like to provide related to these questions?

INTERVIEWEE RESPONSE: No. You can get test results from my staff (b)(6)

INTERVIEWER QUESTION: Is there anything you would like to add to your statement?

INTERVIEWEE RESPONSE: No (b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of May, 2007

Bldg 2012, Fort Lewis, WA

(Signature of Person Administering Oath)

Greta Marie Powell (Typed Name of Person Administering Oath)

AR 15-6 Investigating Officer (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6)

EXHIBIT 10

TAB 32

BOOK 2 OF 3

CD- EXH 10

TAB 32

(Hanna, Randy)



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name: (b)(6) Date: 6/6/2007
Rank: GS14/DA Civilian Time: 1300
Organization: DPW Location: (b)(6)
Phone: (b)(6) Email: (b)(6)
Union Representative: Not Covered Union POC Info: N/A

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

Documents Requested: None

Interview Notes:

Purpose – Refer to question/response format on Sworn Statement. Any information provided not relevant to sworn statement questions will be listed below this note for future reference/follow up.



AR 15-6 Investigation

Investigating Officer: Greta M. Powell, GG-13/Chief, DPTMS Security Division
Appointing Official: COL Cynthia A. Murphy, Garrison Commander

Interview Data Sheet

Name: (b)(6) Date: 6/6/2007
Rank: GS14/DA Civilian Time: 1300
Organization: DPW Location: (b)(6)
Phone: (b)(6) Email: (b)(6)
Union Representative: Not Covered Union POC Info: N/A

Sworn Statement	Privacy Act Advisement	Rights Waiver Certificate
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Documents Requested: None

Interview Notes:

Purpose – Refer to question/response format on Sworn Statement. Any information provided not relevant to sworn statement questions will be listed below this note for future reference/follow up.

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Bldg 2012, Fort Lewis, WA	2. DATE (YYYYMMDD) 2007/06/06	3. TIME 1300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS GS14	

8. ORGANIZATION OR ADDRESS
Directorate of Public Works (DPW), Fort Lewis, WA 98433

9. I, (b)(6), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INTERVIEWER QUESTION: In CY 2006, approximately how many times did you make site visits to the WWTP? The WTP? The Outside Water and Sewer Building?

INTERVIEWEE RESPONSE: *I can't recall the exact times. I make the normal Christmas rounds. I was at the WTP more than the WWTP. I went with Steve Perreault to the WWTP on more than one occasion. I think that was in CY2006 but it may have been CY2005* (b)(6)

INTERVIEWER QUESTION: Were your visits conducted during the same shifts?

INTERVIEWEE RESPONSE: *Highly likely. I've never visited during night shift.* (b)(6)

INTERVIEWER QUESTION: Previous position descriptions for the WS-4742-10 Utility Systems Repairer-Operator Supervisor required WWTP Operator Group III, Water Distribution Manager Group III and WTP Operator Group II certifications. Why was PD Number EU200383 altered to require WWTP Operator Group III, 2 years to obtain Water Distribution Manager Group II and two years to obtain WTP Operator Group II certifications?

INTERVIEWEE RESPONSE: *I have no clue. I ~~was~~ wasn't involved in that.* (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(6) (b)(6) TAKEN AT Fort Lewis, WA DATED 2007/06/06

9. STATEMENT (Continued)

INTERVIEWER QUESTION: Would you like to add anything to your statement:

INTERVIEWEE RESPONSE: No, (b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR (b)(6)

(b)(6)
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of June, 2007
Fort Lewis, WA
(Signature)
(Signature of Person Administering Oath)

Greta M. Powell
(Typed Name of Person Administering Oath)
AR 15-6 Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
(b)(6)

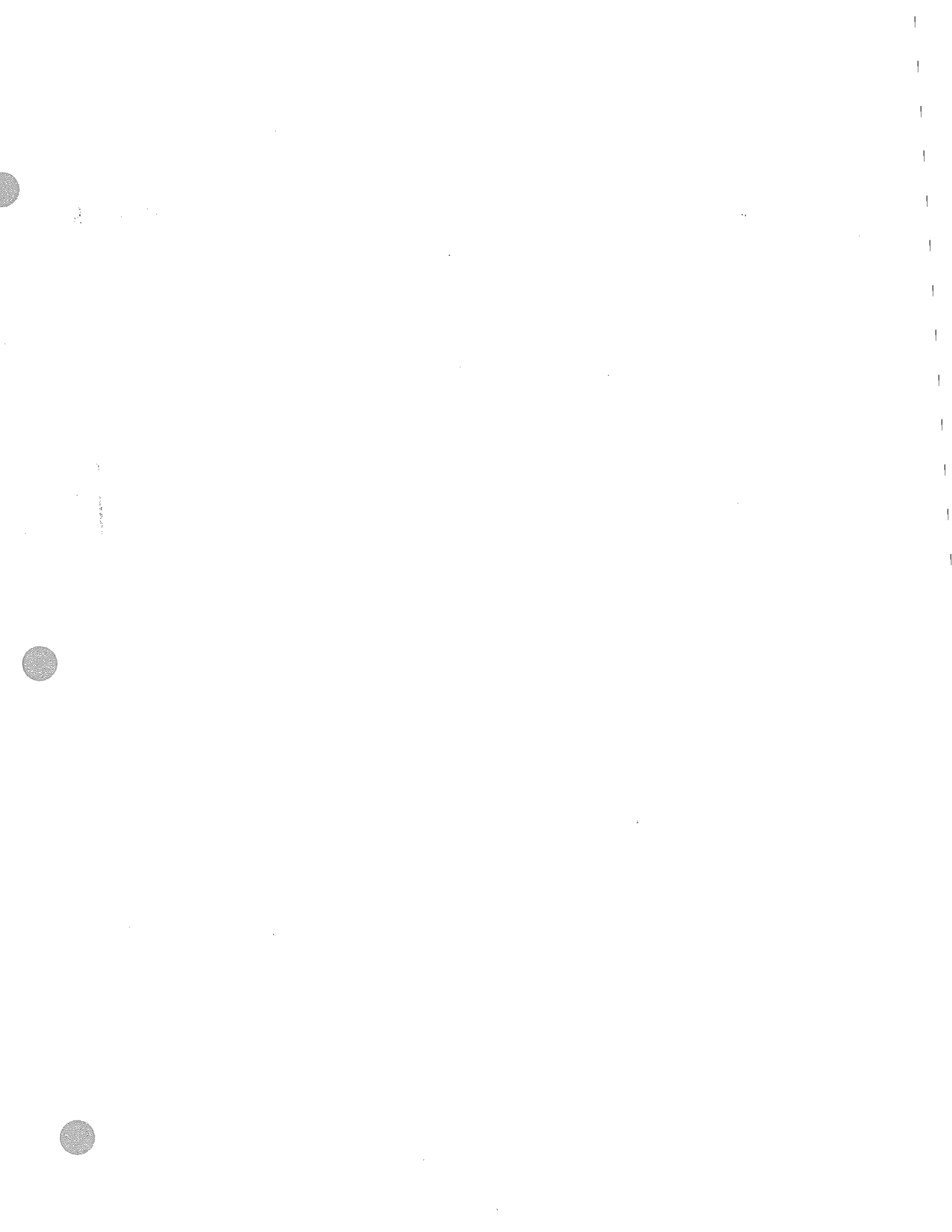
(b)(6)
PAGE 2 OF 2 PAGES

**REPORT NOT
SIGNED**

BOOK 2 OF 3

CD- EXH 10

TAB- Report not signed





DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, UNITED STATES ARMY GARRISON
BOX 339500, MAIL STOP 16
FORT LEWIS WASHINGTON 98433-9500

REPLY TO
ATTENTION OF

IMWE-LEW-PL-S

7 June 2007

MEMORANDUM FOR Garrison Commander, ATTN: IMWE-LEW-ZA, Box 339500, Fort Lewis, WA 98433-9500

SUBJECT: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

1. On 17 April 2007, I was appointed as the AR 15-6 Investigating Officer (IO) for (1) the hiring actions taken in reference to Army vacancy WTEU05004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and (2) specific management practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP). I have conducted a thorough investigation of the circumstances surrounding both issues. My observations, conclusions, and recommendations are provided in the following format: issues, facts, findings, and recommendations.

2. ISSUE – Hiring actions taken in reference to Army vacancy WTEU05004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10.

a. FACTS.

(1) 30 April 2005 – Date of most recent Base System Civilian Evaluation Report for (b)(6) Utility Systems Repairer-Operator WS-4742-10, Maintenance and Repair (M&R) Division, Directorate of Public Works (DPW). (b)(6) has unrated supervisory time from 4 September 2005 to present. (b)(6) supervisor is (b)(6) Chief, M&R Division, DPW. (Tab 1J).

(2) July 2005 - (b)(6), the incumbent of the Utility Systems Repairer-Operator Supervisor WS-4742-10 position voluntarily resigned from the position.

(3) 5 August 2005 – Request for Personnel Action (RPA) number 05AUG9EULDPWXX775645 submitted by (b)(6) Administrative Services Specialist, on behalf of (b)(6). RPA requested non-competitive, temporary not to exceed (NTE) 120 day (2 January 2006) promotion of (b)(6), under position description (PD) number EU200383. (Tab 1B).

(4) 4 September 2005 – Notification of Personnel Action (SF50) for (b)(6) non-competitively promoted (b)(6) from Utility Systems Repairer-Operator

MEMORANDUM FOR Garrison Commander

SUBJECT: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

WG-4742-09 to Utility Systems Repairer-Operator Supervisor WS-4742-10 with a NTE date of 2 January 2006 based on RPA number 05AUG9EULDPWXX775645. Neither the Fort Lewis Civilian Personnel Advisory Center (CPAC) nor the West Civilian Personnel Operations Center (WCPOC) verified (b)(6) held the certifications required by PD number EU200383 prior to processing this action. (Tab 1B).

(5) 29 November 2005 – RPA number 05NOV9EULDPWXX004308 submitted by (b)(6) Administrative Services Specialist, on behalf of (b)(6) (b)(6). RPA requested a competitive, temporary NTE 365 day, recruit-fill action for Utility Systems Repairer-Operator Supervisor, WS-4742-10 under PD number EU200383. (Tab 1C)

(a) RPA limited recruiting sources to current Fort Lewis employees.

(b) RPA stated that position could be non-competitively extended until implementation of the MEO.

(c) RPA listed a by-name request for (b)(6). Listing a by-name request is not a prohibited personnel practice. The individual who is listed by-name must still qualify for the referral list and the hiring official is under no obligation to select the individual if he/she appears on the referral list.

(d) Gatekeeper Checklist for RPA number 05NOV9EULDPWXX004308 identified (b)(6) as the hiring official.

(6) (b)(6) assisted (b)(6) with the drafting and uploading of his resume into the Army Resume Builder website. (b)(6) provided (b)(6) with a copy of the RPA and the PD prior to the vacancy announcement. (b)(6) called (b)(6) (b)(6) at his residence on 24 December 2005 to notify him that the vacancy announcement was posted and to ensure he self nominated for the vacancy. (b)(6) (b)(6) claims she was directed by her supervisor, (b)(6), to take these actions. She also claims that (b)(6) directed her not to notify other employees of the vacancy announcement. Although (b)(6) claims cannot be determined to be fact, her sworn statement (Tab 13) is consistent with (b)(6) sworn statement (Tab 16) on these issues and there appears to be no pre-existing relationship or motivation for her to use her personal time on Christmas Eve, 24 December 2005 to notify an employee of a vacancy. (b)(6) denies (b)(6) claims in his sworn statement (Tab 15).

(7) 16 December 2005 – RPA number 05DEC9EULDPWXX048567 submitted by (b)(6), Administrative Services Specialist, on behalf of (b)(6) (b)(6). RPA requested permanent promotion of (b)(6) (Tab 1D).

(8) 23 December 2005 – Vacancy Announcement number WTEU05004308 advertising for temporary NTE 365 day position as Utility Systems Repairer-Operator Supervisor, WS-4742-10 under PD number EU200383 released on Army Vacancy Announcement Board website by (b)(6) WCPOC. (Tab 1E).

MEMORANDUM FOR Garrison Commander

SUBJECT: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

(a) Vacancy announcement was open from 23 December 2005 to 27 December 2005. The hiring official selected a five day announcement period. While this is the shortest announcement period, it is not unusual for hiring officials to request a short announcement period. The fact that the announcement was open over the Christmas holidays was not a hiring official decision but rather a result of the timed action processing system used by WCPOC which requires WCPOC personnel to process a vacancy announcement within a certain number of days. Although vacancy announcements are not opened or closed on a Federal Holiday, the open period of a vacancy announcement can include a Federal Holiday. (Tab 10).

(b) On 23 December 2005, Ms. Heinlein notified (b)(6) via email that the vacancy announcement had been posted on the Army Vacancy Announcement Board website.

(c) (b)(6) email included two additional statements:

1. "Please get this to anyone that you know of that might be interested in being considered for this position."
2. "Please let me know on Tuesday if you feel this needs to be extended to be open for a longer period of time".

(d) Vacancy announcement listed the following conditions of employment:

1. Must possess a valid Washington State driver's license.
2. NOTE: Must possess and maintain a Group III waste water certification issued by the State of Washington. Special Requirements. Must be able to obtain within 2-years and maintain a current State of Washington Water Distribution Manager III certification. Must be able to obtain within 2-years and maintain a current State of Washington Water Treatment Plant Operator II certification.

(e) Vacancy announcement specified the following under the section marked "Other Information"

1. Position may be filled by temporary promotion not to exceed 1 year.
2. Temporary promotion may be made or extended up to a maximum of five years.
3. Competitive temporary promotion may be made permanent without further competition.

(9) 28 December 2005 – Web Based Referral List for Vacancy Announcement number WTEU05004308 and RPA number 05NOV9EULDPWXX004308 issued by (b)(6) to (b)(6) and (b)(6) (b)(6) (b)(6) Fort Lewis CPAC. The referral list included four candidates: (b)(6) (b)(6), (b)(6), and (b)(6). (Tab 1F).

MEMORANDUM FOR Garrison Commander

SUBJECT: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

(10) 28 December 2005 – Referral List Candidate Selection documents that (b)(6) selected (b)(6) to fill Vacancy Announcement number WTEU05004308 based on “knowledge, skills, and experience.” (Tab 1G).

(11) 29 December 2005 – (b)(6) CPAC, extended job offer to (b)(6). (b)(6) accepted job offer for WS-4742-10, Utility Systems Repairer-Operator Supervisor, temporary promotion NTE 2 January 2006. (Tab 1G).

(12) 3 January 2006 – Notification of Personnel Action (SF50) for (b)(6) extended temporary promotion NTE date from 2 January 2006 to 2 January 2007 based on RPA number 05NOV9EULDPWXX004308. Neither CPAC nor WCPOC verified (b)(6) held the certifications required by PD number EU200383 prior to processing this action. (Tab 1G).

(13) 2 April 2006 – Notification of Personnel Action (SF50) for (b)(6) removed temporary limitation to promotion action under Vacancy Announcement WTEU05004308 dated 23 December 2005. This action made (b)(6) promotion permanent without competition as was authorized under the Vacancy Announcement: “Competitive temporary promotion may be made permanent without further competition.” Neither CPAC nor WCPOC verified (b)(6) held the certifications required by PD number EU200383 prior to processing this action. (Tab 1I).

(14) The following chart depicts the historical sequence of the PD number and certification requirements for the supervisory position for which (b)(6) was hired:

Classified Date	PD Number	Replaces PD Number	Series/Grade	POSITION DESCRIPTION REQUIREMENTS			
				WA State Driver's License	WWTP Operator	Water Distribution Manager	WTP Operator
3 FEB 94	EUL2053	EUZ6056	WS-4742-09	YES	Group III	N/A	N/A
13 JUL 04	EU178523	N/A	WS-4742-09	YES	Group III	Group III	Group II
27 AUG 04	EU182461	EUL2053	WS-4742-10	YES	Group III	Group III	Group II
20 OCT 04	EU186946	N/A	WS-4742-10	YES	Group III	Group III	Group II
4 APR 05	EU200383	EU185551*	WS-4742-10	YES	Group III	2 Years to Obtain Group III	2 Years to Obtain Group II

*PD number EU185551 is not available in the FASCLASS system for review and a hardcopy could not be obtained from either CPAC or WCPOC.

There is no substantive difference between PD number EU186946 and PD number EU200383 except for the addition of the 2 year period to obtain the necessary Water Distribution Manager Group III and Water Treatment Plant Operator Group II certifications. (Tab 1A). (b)(6) explained the new certification requirements, stating: “To the best of my knowledge, certification requirements were changed in order to make the position available to a wider range of applicants and get the position filled as soon as possible before the hiring freeze. PW management was afraid there would be no eligible candidates because of the unique requirements but by giving eligible applicants two years to obtain certification, the position might be more

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attractive to those whose experience/education met all other requirements. Management did not want to waste time by posting the announcement with the statement that applicants "must possess" specific certifications with the possibility of no eligible applicants then have to re-announce with the two year certification period adjustment. It was all about timing because the MEO implementation was right around the corner and management wanted to get someone on board before the freeze." (Tab 29).

(15) (b)(6) stated in the resume which was used to select him for the position that he holds the following certifications: Wastewater Treatment Plant Operator II, Water Distribution Manager III, and Water Treatment Plant Operator III. (Tab 1F). When (b)(6) was first promoted into the position on a non-competitive, temporary basis on 4 September 2005, he did not meet the conditions of employment specified by PD EU200383; specifically he did not hold a Waste Water Treatment Plant Operator Group III certification. When (b)(6) was subsequently competitively temporarily promoted on 3 January 2006, he still did not meet the conditions of employment. It is the responsibility of CPAC in coordination with the prospective employee and the hiring official to verify the prospective employee meets the conditions of employment prior to hiring. CPAC did not verify (b)(6) met the conditions of employment on the 3 January 2006 competitive temporary promotion action because the employee was already in the position on a non-competitive temporary promotion. Based on the fact that the employee was already in the position, CPAC assumed the conditions of employment were verified at the time of the first non-competitive temporary promotion action on 4 September 2005.

(16) (b)(6) previously held a supervisory position at the Water Treatment Plant (WTP) from 29 May 1994 to 11 October 1998. There was eight months of unrated supervisory time from 2 January 1998 to 14 October 1998. This was the time period immediately proceeding (b)(6) voluntary change to a lower grade from a supervisory position to a non-supervisory position. (Tab 1J).

(a) 29 May 1994 - RPA number DEH-94-651 was a recruit-fill action that promoted (b)(6) from Utility Systems Repairer-Operator WS-4742-09, PD number Z3100, to Water Treatment Plant Operator Supervisor WS-5409-08, PD number L2049. (Tab 1H). PD number L2049 specified the following special requirements:

1. Must possess and be able to maintain a current State of Washington Water Distribution manager III certification.
2. Must possess or be able to obtain and maintain a current State of Washington Water Treatment Plant Operator II certification.
3. Must possess or be able to obtain Washington State driver's license.

(b) 29 May 1994 - Notification of Personnel Action (SF50) promoted (b)(6) from Utility Systems Repairer-Operator WS-4742-09, PD number

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Z3100, to Water Treatment Plant Operator Supervisor WS-5409-08, PD number L2049 based upon merit promotion announcement 086 dated 2 May 1994. (Tab 1I).

(c) 11 October 1998 - RPA number 98LPWK004738 was a voluntary change to lower grade action that moved (b)(6) from Water Treatment Plant Operator Supervisor WS-5409-08, PD number EUL2049, to Maintenance Mechanic WG-4749-09, PD number EU88140. According to the RPA remarks, "Employee requested voluntary Change to Lower Grade based on medical reasons (stress)." (Tab 1H). Interviews with WTP employees indicate that (b)(6) voluntarily changed to a lower grade in lieu of being removed by his supervisor (b)(6) (Retired); Chief of Production Division, for failure to adequately perform supervisory duties (Tab 26).

(d) 11 October 1998 - Notification of Personnel Action (SF50) changed (b)(6) to a lower grade from Water Treatment Plant Operator Supervisor WS-5409-08, PD number EUL2049, to Maintenance Mechanic WG-4749-09, PD number EU88140 based upon RPA 98LPWK004738. (Tab 1I).

(17) (b)(6) completed Leadership Education and Development (LEAD) training on 22 July 1994. On 21 February 2006, (b)(6) recommended that Mr. Long complete the Human Resources (HR) for Supervisors course. (b)(6) declined to permit (b)(6) to complete the training stating that (b)(6) "did not need this training as he previously had supervisory experience and was being coached." (Tab 1K).

b. FINDINGS.

(1) (b)(6) did not meet a condition of employment, possession of a Waste Water Treatment Plant Operator Group III Certification, when he was non-competitively temporarily promoted to Utility Systems Repairer-Operator Supervisor WS-4742-10 on 4 September 2005 with a NTE date of 2 January 2006. (b)(6) did not meet this same condition of employment when he accepted a competitive temporary promotion for the same position on 3 January 2006 with a NTE date of 2 January 2007. (b)(6) did not meet this same condition of employment when his promotion was made permanent on a non-competitive basis on 4 April 2006. (Tab 16). Neither the CPAC nor the WCPOC verified (b)(6) met the conditions of employment. (Tabs 1, 2, 10 and 19).

(2) Mr. (b)(6) actions related to vacancy announcement number WTEU05004308 provided (b)(6) with an unfair advantage over other potential applicants for the position.

(a) Although (b)(6) was the best qualified candidate of the four candidates on the vacancy announcement referral list (Tab 1F), the referral list did not include other qualified candidates who were interested in applying but did not do so because they were unaware of the vacancy (Tabs 4, 5, and 6). While it is an

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individual's responsibility to maintain a resume in the Army Resume Builder website and self-nominate for vacant positions. (b)(6) was aware that a majority of his employees did not have access to internet connected computers at either their residence or their work site. Consequently, employees relied on the hardcopy posting of vacancy announcements on office bulletin boards to know when vacancies were opened. Although management was not required to do so, they established a precedent prior to vacancy announcement number WTEU05004308 of posting hardcopy vacancy announcements on office bulletin boards. Vacancy announcement number WTEU05004308 was not posted on the office bulletin board. (Tabs 19, 20, and 29).

(b) (b)(6) received preference to other potential candidates in that he was notified over the telephone of the vacancy announcement by (b)(6) at the direction of (b)(6). No other potential candidates received telephone notifications of the vacancy announcement from (b)(6). (Tabs 13 and 16).

(c) At the direction of (b)(6), (b)(6) assisted (b)(6) with the drafting, revision and uploading of his resume into the Army Resume Builder website. (b)(6) assisted with both content and process. (Tabs 13 and 16).

(d) PD number EU200383 appears to have been classified just six months after PD number EU186946 solely to reduce the certification requirements for the position. (Tab 1A).

(e) The fact that (b)(6) directed the initiation of RPA number 05DEC9EULDPWXX048567 requesting permanent promotion of (b)(6) prior to the posting of Vacancy Announcement number WTEU05004308 suggests that (b)(6) pre-selected (b)(6) for the position. (Tab 1D).

(f) (b)(6) previously held a supervisory position at the WTP from 29 May 1994 to 11 October 1998. (b)(6) voluntarily left his supervisory position and changed to a lower graded non-supervisory position citing the medical condition of stress as the reason. (b)(6) was aware that (b)(6) voluntarily left his supervisory position but stated he "did not know why he left". (Tab 15).

(3) (b)(6) has not received a rating since 30 April 2005. (b)(6) has not provided a rating for (b)(6) supervisory time from 4 September 2005 to present. (Tab 1J).

c. RECOMMENDATIONS.

(1) Request CPAC immediately modify their local procedures to ensure conditions of employment are verified in writing for all recruit-fill and promotion actions regardless of the nature of recruit-fill or promotion action (i.e. competitive, non-competitive, temporary, or permanent). Ensure procedures include retention in the individual's official personnel file (OPF) of any written verifications that the

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individual meets the conditions of employment.

(2) Direct DPW to ensure all supervisory personnel complete the HR for Supervisors course offered by CPAC. Prevent DPW supervisors from functioning as hiring officials until they complete the HR for Supervisors course.

(3) Direct DPW to work in coordination with CPAC to develop a targeted training class for Administrative Support Assistants which focuses on what you can and cannot do to assist an individual with the resume, self-nomination and hiring process. Ensure all DPW Administrative Support Assistants receive training NLT 90 days from the date of this report.

(4) Recommend the appointing official request CPAC initiate notice of proposed removal for (b)(6) for failure to meet a condition of employment.

(5) Recommend the appointing official determine whether formal disciplinary action is warranted for (b)(6)

3. ISSUE – Specific management practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

a. SUB-ISSUE – Failure to use the proper oil in the WWTP compressor.

(1) FACTS.

(a) The WWTP employees cannot agree on what type and weight of oil is required for the WWTP gas compressor. (Tabs 4, 5, 6, 7, 8, 9 and 16).

(b) The Operations and Maintenance Instruction Manual (O&M Manual) for the Sliding Vane Gas Compressor and Accessories dated May 1999 does not mandate an oil type and weight; however, it does specify suggested oils. The suggested oil for wet compressor service is Chevron – EP Industrial 220x or Gulf – Marine Engine Oil 220. (Tab 24Q).

(c) All the WWTP employees stated that they have previously used an unsuitable oil in the WWTP gas compressor because it was all they had available in on-hand supplies. (b)(6) stated that “employees may have used the incorrect oil by grabbing the wrong can. We keep multiple oils on site and it’s their job to use the correct oil. Using the incorrect oil is an employee self made decision. There is always a way for them to get the correct oil. I had the authority to purchase the correct oil at any time using the government purchase card. I don’t recall employees asking me to buy oil for the gas compressor.” (Tabs 4, 5, 6, 7, 8, 9 and 16).

(c) (b)(6) submitted an exhibit 6 request to (b)(6) for 30 gallons of Gulf-Marine Engine Oil 220 on 6 December 2005 (Tab 24Q). (b)(6) (b) declined to process the request because it was “an idiotic request”. (Tab 16). (b)(6)

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(b)(6) did not annotate the exhibit 6 with the denial but rather simply did not action the request.

(2) FINDINGS.

(a) Although the O&M Manual is not prescriptive, the suggested oil should be used to ensure the proper functioning of the gas compressor.

(b) There have been occasions when a suitable oil type and weight has not been available in on-hand supplies. There have been occasions when (b)(6) (b)(6) has failed to action employee requests to order a suitable oil type and weight.

(3) RECOMMENDATIONS.

(a) Direct DPW to order sufficient quantities of the proper oil so that there is enough on-hand supplies to deal with unplanned maintenance emergencies.

(b) Direct DPW to educate WWTP employees on what oil type and weight is required.

(c) Direct DPW to visibly post what oil type and weight is required on or in close proximity to the WWTP gas compressor.

b. SUB-ISSUE – Allegations arising from the WWTP daily entry logs.

(1) FACTS.

(a) (b)(6) published guidance to WWTP employees on how to fill out the WWTP daily entry logs on 23 December 2005. (Tab 16O).

(b) (b)(6) wrote inappropriate comments in the WWTP daily entry logs prior to his promotion to Utility Systems Repairer-Operator Supervisor, WS-4742-10 on 4 September 2005. Those comments include:

1. 8 April 2005 - Referred to (b)(6) as “Lab Monkey” and (b)(6) as “Luda Fisk Buoy”. (Tab 16O).

2. 6 August 2004 – “Raining like a cow with a serious balder leak. May need boat soon.” (Tab 16O).

3. 18 October 2003 – “Turned the whole business over to (b)(6) (referring to (b)(6)) and the fool took it.” (Tab 16O).

4. 29 November 2002 – “Turning the place over to (b)(6) (referring to (b)(6)). (Tab 16O).

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5. 11 October 2002 – Referred to (b)(6) as “Lab Monkey”. (Tab 16O).

6. 25 December 2001 – “This verse is like the first, everything is humming along fine with no broken pipes due to freezing. Luda Fisk Buoy (referring to (b)(6)) is taking over. My god watch over him cause he needs all the help he can get.” (Tab 16O).

(c) (b)(6) admits to writing inappropriate comments and personal attacks in the WWTP daily entry logs. (Tab 16).

(d) A review of all the WWTP daily entry logs from 4 September 2005 to 30 April 2007 did not reveal any inappropriate comments written by (b)(6).

(2) FINDINGS. As an employee of the WWTP, (b)(6) wrote inappropriate comments in the WWTP daily entry logs. While the comments were inappropriate and unprofessional, they were infrequent and were more a failed attempt at humor than harassment. After assuming supervisory responsibilities, (b)(6) did not write inappropriate comments in the WWTP daily entry logs.

(3) RECOMMENDATIONS.

(a) Direct DPW to ensure (b)(6) and all WWTP employees complete annual EEO and EO training.

(b) Direct DPW to train (b)(6) and WWTP personnel on how to complete the WWTP daily entry logs. DPW published revised WWTP daily log entry guidance on 17 April 2007; however, (b)(6) and WWTP employees may not have been trained on what is and is not acceptable to enter into the log.

c. SUB-ISSUE – Improper refusal to allow plant operators to sample the sludge removed from No. 1 digester by Cascade and transferred to the drying beds, on or about 14 November 2006.

(1) FACTS.

(a) Cascade was contracted to effect repairs to digester number one. Before Cascade made the repairs, they had to remove the water and residual sludge from the digester. (Tabs 30 and 31).

(b) Cascade took samples of the sludge after the diatomaceous earth was added. Those tests results for those samples revealed suspiciously high levels of oil. There are no chain of custody documents for the samples taken by Cascade and Cascade has declined to provide details on their sampling methodology. (Tabs 30 and 31).

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(c) WWTP employees are responsible for testing sludge at the beginning, middle and end of a normal sludge bed pour. (Tabs 4, 5, 6, 7, 8, and 9). A sludge bed pour resulting from repairs to the digesters is not considered to be a normal sludge bed pour.

(d) All of the WWTP employees were interviewed. None of the interviewed employees stated that they attempted to take samples and were denied the opportunity. (b)(6) stated that the proper tests were not conducted but she did not state that she was prevented from taking samples. (Tabs 4, 5, 6, 7, 8, and 9).

(2) FINDINGS.

(a) Although WWTP employees did not sample the sludge handled by Cascade/Alkai, I found no indication that WWTP employees were prevented from doing so.

(b) Making a distinction between sampling standards for normal sludge bed pours and sludge bed pours resulting from contract repair work is unnecessary and confusing.

(3) RECOMMENDATIONS. Direct DPW to implement a single testing standard for all sludge bed pours.

d. SUB-ISSUE – Safety violations in connection with repairs to a swing arm on the floating lid of Digester No. 3.

(1) FACTS.

(a) In the Spring of 2006, (b)(6) made repairs to the swing arm of the floating lid of digester number three. (b)(6) made those repairs with (b)(6) and (b)(6) (Tab 23).

(b) (b)(6) contacted the Installation Safety Office (ISO) to report a safety violation related to the repairs. (b)(6) Safety and Health Specialist with the ISO, conducted a site visit. Although a safety investigation report was not generated at the time, (b)(6) generated a Memorandum for Record (MFR) (Tab 17) at the direction of (b)(6).

(c) The MFR specified that safety hazards were present. It stated that the supervisor, (b)(6), "did not report to the Operator on duty as per their SOP, the supervisor was not qualified to make repairs, he was not using non-sparking tools, and he needed to have a crane to remove the broken part, as it was on a building roof and would be dangerous to carry down the stairs."

(d) Neither (b)(6) (Tab 16) nor (b)(6) (Tab 23) believed the

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manner in which they conducted the repairs was unsafe.

(2) FINDINGS. (b)(6) failed to follow proper safety procedures when he undertook repairs to the swing arm on the floating lid of digester number three. Specifically, he failed to follow the WWTP SOP and check in with the plant operator prior to making any repairs, he failed to use non-sparking tools while working in an area where gas could be present, and he failed to use a lift or crane to move the broken standpipe as is required for heavy and awkward items.

(3) RECOMMENDATIONS.

(a) Direct DPW to retrain all WWTP, WTP and Outside Water and Sewer personnel on proper safety procedures for repair work at the WWTP.

(b) Recommend the appointing official determine whether formal disciplinary action is warranted for (b)(6) based on his disregard for the safety, health and welfare of his subordinate employees.

e. SUB-ISSUE - Failure to properly document sewage backups on or about 3 January 2007.

(1) FACTS.

(a) All current employees of the WWTP, WTP and Outside Water and Sewer were interviewed. None could agree on what procedures, if any, should be used to document sewage backups. (Tabs 4, 5, 6, 7, 8 9, 21, 22, 23, 24, 25, 26, 27 and 28).

(b) On 3 January 2007 there was a sewage backup at the Eagle View 1, Eagle View 2 and Murray Creek lift stations as a direct result of an area wide power outage caused by a wind storm. The lift stations did not have backup generator power, so when the power went out the lift stations failed. The sewage backed up and there was spillage into American Lake. (Tab 21).

(c) The National Pollutant Discharge Elimination System (NPDES) Permit Number WA-002195-4 effective 1 February 2004 through 1 February 2009, is the permit under which the WWTP operates. The NPDES permit requires that the permittee (Fort Lewis) report occurrences of noncompliance to the United States Environmental Protection Agency, Region 10, by telephone within 24 hours from the time the permittee becomes aware of the circumstances. Specifically, "any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit." (Tab 11).

(d) I was unable to confirm whether or not the sewage backup on 3 January 2007 was telephonically reported to the United States Environmental Protection Agency, Region 10, within 24 hours.

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(2) FINDINGS. None. I could find no requirement to document sewage backups in writing. The only requirement was to notify the United States Environmental Protection Agency, Region 10, by telephone within 24 hours from the time the permittee becomes aware of the circumstances of the non-compliance.

(3) RECOMMENDATIONS. Although outside the scope of this investigation, it may be advisable to explore backup power solutions for lift stations so that future power outages do not lead to sewage back ups.

f. SUB-ISSUE – Improperly leaving the WWTP unattended.

(1) FACTS.

(a) The NDPES permit does not require the WWTP to be attended 24/7. (Tab 11).

(b) WWTP employees universally believe there is a requirement to man the WWTP 24/7. (Tabs 4, 5, 6, 7, 8 and 9).

(c) The WWTP is left unattended when there is a single employee on shift and he/she is called out to deal with a lift station alarm. (Tabs 4, 5, 6, 7, 8 and 9).

(2) FINDINGS. There is no written requirement which specifies the WWTP must be attended 24/7.

(3) RECOMMENDATIONS. Direct DPW to determine if a 24/7 manning requirement is prudent or necessary to effectively and efficiently execute WWTP operations. If prudent or necessary, DPW should modify the WWTP SOP to specify the 24/7 manning requirement and adjust manpower and lift repair call procedures accordingly.

g. Use of improper procedures to treat water at Donovan Reservoir.

(1) FACTS.

(a) When the service life of the lining for Donovan Reservoir ended, an individual job order contract was executed to replace the lining of Donavon Reservoir. The contract was awarded to Centennial contractors. (Tabs 30 and 31).

(b) After starting the removal process of the existing lining, Centennial contractors discovered the presence of poly chlorinated byphenals (PCB's) in the sealant used to affix the existing lining. (Tabs 30 and 31).

(c) Once (b)(6) was notified by Centennial contractors of the presence of PCB's in the waste products from the lining removal and

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replacement project, (b)(6) ordered tests to determine if PCB's were released into the drinking water supply. The tests were conducted and did not reveal the presence of PCB's. Archived tests results are maintained by (b)(6) (Tab 31).

(d) Centennial contractors released PCB contaminated material chunks onto the surface ground immediately surrounding Donovan Reservoir. Centennial contractors released PCB contaminated particles into the atmosphere. (Tabs 30 and 31).

(e) (b)(6) and (b)(6) provided advice to Centennial contractors on the industry standards for proper waste management and removal of PCB contaminated materials. (Tabs 30 and 31).

(f) Centennial contractors is responsible for brining the work site back to its original condition. Once Centennial contractors completes their work, DPW personnel will verify site cleanliness through testing. (Tabs 30 and 31).

(2) FINDINGS.

(a) Centennial contractors released PCB's into the atmosphere and onto the surface ground when they removed the existing lining of Donovan Reservoir. PCB's were not released into the drinking water supply. (Tabs 30 and 31).

(b) As a direct result of a lack of sufficient manpower, there is an oversight disconnect between contracted projects and the Environment and Engineering Division of DPW. The Environment and Engineering Division does not conduct routine oversight of contracted projects but rather defers to the contractor for environmental compliance issues. This oversight disconnect results in confusion as to what standards must be followed on contracted projects.

(3) RECOMMENDATIONS.

(a) Once Centennial contractors completes their work on the Donovan Reservoir site, conduct thorough testing to ensure site cleanliness.

(b) Direct DPW to work with Army Corps of Engineers to develop and execute a collaborative oversight and quality assurance/quality control program administered by government employees for all individual job order contracts which are assessed as having the potential to negatively impact the environment.

h. Failure of PW management to make regular site visits to the WWTP and WTP.

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(1) FACTS.

(a) According to employees, DPW managers (b)(6) and (b)(6) rarely visited the WWTP and WTP. Some employees have never met anyone in DPW management (Tab 21). (b)(6) went so far as to say, "That's a joke. No one comes out here. We never see them." (Tab 22). (b)(6) commented that, "I don't even think they know where our shop is." (Tab 26).

(b) (b)(6) and (b)(6) both indicated that they have sporadically visited employees at the WWTP and WTP when responding to specific issues. They typically visited during day shift hours and therefore employees working swing and night shifts may not have seen (b)(6) and (b)(6) during their visits. (Tabs 15 and 32).

(c) There is no written requirement which specifies how frequently DPW managers should visit their geographically separated work sites.

(2) FINDINGS. Although some employees are content with the frequency of visits from DPW managers, most expressed a desire to have their second (b)(6) and third line (b)(6) supervisors visit their work sites at least twice a year. This is a reasonable request of senior managers and can be used as an opportunity to improve communication between DPW management and employees.

(3) RECOMMENDATIONS. Direct DPW managers to conduct a minimum of two site visits per year to each of their geographically separated work sites. Ensure at least one site visit a year is during swing shift or night shift hours.

i. Improper budgeting causing a shortage of repair parts and equipment at the WWTP and WTP.

(1) FACTS.

(a) According to (b)(6), DPW managers and supervisors do not receive an annual funding distribution letter to manage and execute. (Tab 12). When managers and supervisors require non-pay funding, they:

1. Use the Government Purchase Credit Card (GPCC) if the request is for supplies or parts and the total cost is under two thousand five hundred dollars
2. Submit a service order request if the request is for service and the total cost is under two thousand dollars or under forty man hours
3. Submit an individual job order contract if the request is for service or repair and the total cost is over two thousand dollars or over forty man hours

(b) According to (b)(6), Director, Directorate of

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Resource Management (DRM), no requests for repair parts for the WWTP were denied in FY 2006 or FY 2007 due to lack of funds. (Tab 14).

(c) When an employee identifies a requirement to order a repair part or a piece of equipment, he/she fills out an exhibit 6 and turns it in to (b)(6). (b)(6) does not notify the requesting employee of the disposition of the exhibit 6 request. When the request is denied by (b)(6), he does not notify the requesting employee. When the request is delayed due to funding availability, (b)(6) does not notify the requesting employee. (Tabs 4, 5, 6, 7, 8, 9, 21, 22, 23, 24, 25, 26, 27 and 28).

(d) Although most employees claim there was and is a shortage of repair parts, none could point to a specific example of a request for a repair part which was denied. Most employees stated that their requests for repair parts are simply ignored or not actioned by (b)(6). There was and is no formal mechanism by which (b)(6) notifies employees of the status of their requests for repair parts or equipment. (Tabs 4, 5, 6, 7, 8, 9, 21, 22, 23, 24, 25, 26, 27 and 28).

(e) (b)(6) is the GPCC holder for the WWTP. (b)(6) Boiler Plant, is the approving official for (b)(6) GPCC account. He took over as the approving official for (b)(6) account when (b)(6) left. (b)(6) should have taken over as the approving official once he was hired to fill the supervisor position vacated by (b)(6). As the supervisor of the WWTP, WTP and Outside Water and Sewer, (b)(6) should be the approving official for the GPCC account. (b)(6) is not the approving official because he has not completed the required GPCC approving official training despite being in the supervisor position since 4 September 2005. (Tab 12).

(f) On 9 February 2007, (b)(6) purchased a Samsung High-Design 40 inch Flat-Panel LCD HDTV and stand from Sears. The exhibit 6 was signed by the approving official (b)(6) on 3 February 2007. (b)(6) justification for the purchase of the Samsung High-Design 40 inch Flat-Panel LCD HDTV was to provide employees with on-site video training on: Confined spaces, deadly places; Confined spaces, survival by permit; No injury, no accident?; Pole top and bucket truck safety; Lockout-tagout procedures. Since its purchase, the Samsung High-Design 40 inch Flat-Panel LCD HDTV has been locked in (b)(6) private office at the WTP. The training videos and supporting materials have not been made available to the employees. (Tab 12M).

(2) FINDINGS.

(a) Employees who request repair parts or equipment are not kept informed by their supervisor, (b)(6), of the status of their request. This failure to communicate in kind with employees who are required to make written requests leads to the perception that funds are being mismanaged.

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(b) (b)(6) is not executing appropriate supervisory oversight of (b)(6) GPCC account. (b)(6) should be the approving official for Ms. Lancy's GPCC account and should ensure appropriate GPCC account documents are maintained.

(c) (b)(6) purchase of the Samsung High-Design 40 inch Flat-Panel LCD HDTV from Sears constitutes misuse and abuse of the GPCC. Purchase should have been executed with a mandatory source or under a blanket purchase agreement through DoD Email. Sears is neither a mandatory source nor part of the blanket purchase agreement. (b)(6) misrepresented the intended use of the television. If the true intent was to make training materials available to employees located at three geographically separated work site locations, then he could easily have purchased three smaller televisions and three sets of training materials so that employees at each work site had ready access. Instead, (b)(6) purchased a single television and located it inside his locked office so that employees could not access it in his absence. Furthermore, (b)(6) has yet to make the training materials available to employees.

(3) RECOMMENDATIONS.

(a) Direct DPW to have supervisors and managers implement a work group process or procedure that keeps requesting employees informed as to the status of their requests for repair parts or equipment.

(b) Direct Internal Review conducts a 100% audit of GPCC records for (b)(6) GPCC for FY2006 and FY2007.

(c) Remove the television and training materials from (b)(6) office and relocate the television and training materials to an area that is accessible to employees.

(d) Direct (b)(6) be retrained on GPCC holder responsibilities through attendance at the Department of Contracting (DOC) sponsored GPCC holder class.

(e) Recommend the appointing official determine whether formal disciplinary action is warranted for (b)(6) in accordance with USD Memorandum, Subject: Government Charge Card Disciplinary Guide for Civilian Employees dated 29 December 2003.

j. Failure to correct deficiencies at the portable latrine dumping site at North Fort.

(1) FACTS.

(a) The portable latrine dumping site was originally located on the grounds of the WWTP. The site was determined to be unusable for portable latrine

MEMORANDUM FOR Garrison Commander

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dumping as a result of engineering concerns which threatened the safe operation of the WWTP. Specifically, Soldiers were dumping live rounds into the portable latrines and when the portable latrines were subsequently dumped at the WWTP site the live rounds would damage the WWTP pumps. (Tab 16).

(b) The portable latrine dumping site was moved to a manhole feed in front of the Outside Water and Sewer Building 7913. The port-a-potty trucks currently dump directly into this manhole. During dumping operations, there is occasionally spillage on the asphalt surrounding the manhole. The WA State Department of Ecology directed a concrete containment be built to appropriately manage and mitigate sewage spillage. A temporary solution of surrounding the manhole with sandbags was implemented; however, this solution was not accepted by the WA State Department of Ecology because sewage spillage onto the sandbags could not be effectively cleaned. (Tab 21).

(c) A new portable latrine dumping site located at I Street is under construction to meet the requirement to have a concrete containment for sewage spills. Until the site is completed, dumping operations will continue in front of the Outside Water and Sewer Building 7913. (Tabs 21 and 26).

(d) The new portable latrine dumping site located at I Street was identified over two years ago and is still not completed. (Tabs 21 and 26).

(2) FINDINGS. None.

(3) RECOMMENDATIONS. Direct DPW to complete construction of the new portable latrine dumping site by the end of FY2007.

3. During the course of my investigation, several matters arose which were outside the scope of the investigation but warrant documentation.

a. Several employees of the WWTP and the WTP alleged that unspecified individuals may be stealing government tools from work sites. A criminal inquiry into this matter may be warranted.

b. Through observations, discussions with employees, supervisors and managers, and review of WWTP log entries, I believe that some WWTP employees are not performing their jobs in accordance with their position descriptions and that some WWTP employees are failing to meet minimum performance standards. A management review of position descriptions, employee performance standards and actual employee performance may be warranted.

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4. Point of contact is the undersigned at (253) 967-0458 or greta.powell@us.army.mil.

GRETA M. POWELL
Chief, Fort Lewis Installation
Security Office



**REPORT
SIGNED**

BOOK 2 OF 3

CD- EXH 10

TAB – Report signed



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, UNITED STATES ARMY GARRISON
BOX 339500, MAIL STOP 16
FORT LEWIS WASHINGTON 98433-9500

IMWE-LEW-PL-S

7 June 2007

MEMORANDUM FOR Garrison Commander, ATTN: IMWE-LEW-ZA, Box 339500, Fort Lewis, WA 98433-9500

SUBJECT: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

1. On 17 April 2007, I was appointed as the AR 15-6 Investigating Officer (IO) for (1) the hiring actions taken in reference to Army vacancy WTEU05004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and (2) specific management practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP). I have conducted a thorough investigation of the circumstances surrounding both issues. My observations, conclusions, and recommendations are provided in the following format: issues, facts, findings, and recommendations.

2. ISSUE - Hiring actions taken in reference to Army vacancy WTEU05004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10.

a. FACTS.

(1) 30 April 2005 - Date of most recent Base System Civilian Evaluation Report for (b)(6) Utility Systems Repairer-Operator WS-4742-10, Maintenance and Repair (M&R) Division, Directorate of Public Works (DPW). (b)(6) has unrated supervisory time from 4 September 2005 to present. (b)(6) supervisor is (b)(6) Chief, M&R Division, DPW. (Tab 1J).

(2) July 2005 - (b)(6), the incumbent of the Utility Systems Repairer-Operator Supervisor WS-4742-10 position voluntarily resigned from the position.

(3) 5 August 2005 - Request for Personnel Action (RPA) number 05AUG9EULD PWXX775645 submitted by (b)(6) Administrative Services Specialist, on behalf of (b)(6). RPA requested non-competitive, temporary not to exceed (NTE) 120 day (2 January 2006) promotion of (b)(6) under position description (PD) number EU200383. (Tab 1B).

(4) 4 September 2005 - Notification of Personnel Action (SF50) for (b)(6) non-competitively promoted (b)(6) from Utility Systems Repairer-Operator

MEMORANDUM FOR Garrison Commander

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WG-4742-09 to Utility Systems Repairer-Operator Supervisor WS-4742-10 with a NTE date of 2 January 2006 based on RPA number 05AUG9EULDPWXX775645. Neither the Fort Lewis Civilian Personnel Advisory Center (CPAC) nor the West Civilian Personnel Operations Center (WCPOC) verified (b)(6) held the certifications required by PD number EU200383 prior to processing this action. (Tab 1B).

(5) 29 November 2005 - RPA number 05NOV9EULDPWXX004308 submitted by (b)(6) Administrative Services Specialist, on behalf of (b)(6). (b)(6) RPA requested a competitive, temporary NTE 365 day, recruit-fill action for Utility Systems Repairer-Operator Supervisor, WS-4742-10 under PD number EU200383. (Tab 1C)

(a) RPA limited recruiting sources to current Fort Lewis employees.

(b) RPA stated that position could be non-competitively extended until implementation of the MEO.

(c) RPA listed a by-name request for (b)(6). Listing a by-name request is not a prohibited personnel practice. The individual who is listed by-name must still qualify for the referral list and the hiring official is under no obligation to select the individual if he/she appears on the referral list.

(d) Gatekeeper Checklist for RPA number 05NOV9EULDPWXX004308 identified (b)(6) as the hiring official.

(b)(6) assisted (b)(6) with the drafting and uploading of his resume into the Army Resume Builder website. (b)(6) provided (b)(6) with a copy of the RPA and the PD prior to the vacancy announcement. (b)(6) called (b)(6) at his residence on 24 December 2005 to notify him that the vacancy announcement was posted and to ensure he self nominated for the vacancy. (b)(6) claims she was directed by her supervisor, (b)(6), to take these actions. She also claims that (b)(6) directed her not to notify other employees of the vacancy announcement. Although (b)(6) claims cannot be determined to be fact, her sworn statement (Tab 13) is consistent with (b)(6) sworn statement (Tab 16) on these issues and there appears to be no pre-existing relationship or motivation for her to use her personal time on Christmas Eve, 24 December 2007 to notify an employee of a vacancy. (b)(6) denies (b)(6) claims in his sworn statement (Tab 15).

(7) 16 December 2005 - RPA number 05DEC9EULDPWXX048567 submitted by (b)(6) Administrative Services Specialist, on behalf of (b)(6). (b)(6) RPA requested permanent promotion of (b)(6). (Tab 1D).

(8) 23 December 2005 - Vacancy Announcement number WTEU05004308 advertising for temporary NTE 365 day position as Utility Systems Repairer-Operator Supervisor, WS-4742-10 under PD number EU200383 released on Army Vacancy Announcement Board website by Ms. Audrey Heinlein, WCPOC. (Tab 1E).

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(a) Vacancy announcement was open from 23 December 2005 to 27 December 2005. The hiring official selected a five day announcement period. While this is the shortest announcement period, it is not unusual for hiring officials to request a short announcement period. The fact that the announcement was open over the Christmas holidays was not a hiring official decision but rather a result of the timed action processing system used by WCPOC which requires WCPOC personnel to process a vacancy announcement within a certain number of days. Although vacancy announcements are not opened or closed on a Federal Holiday, the open period of a vacancy announcement can include a Federal Holiday. (Tab 10).

(b) On 23 December 2005, (b)(6) notified (b)(6) via email that the vacancy announcement had been posted on the Army Vacancy Announcement Board website.

(c) (b)(6); email included two additional statements:

1. "Please get this to anyone that you know of that might be interested in being considered for this position."
2. "Please let me know on Tuesday if you feel this needs to be extended to be open for a longer period of time".

(d) Vacancy announcement listed the following conditions of employment:

1. Must possess a valid Washington State driver's license.
2. NOTE: Must possess and maintain a Group III waste water certification issued by the State of Washington. Special Requirements. Must be able to obtain within 2-years and maintain a current State of Washington Water Distribution Manager III certification. Must be able to obtain within 2-years and maintain a current State of Washington Water Treatment Plant Operator II certification.

(e) Vacancy announcement specified the following under the section marked "Other Information"

1. Position may be filled by temporary promotion not to exceed 1 year.
2. Temporary promotion may be made or extended up to a maximum of five years.
3. Competitive temporary promotion may be made permanent without further competition.

(9) 28 December 2005 - Web Based Referral List for Vacancy Announcement number WTEU05004308 and RPA number

05NOV9EULDPWXX004308 issued by (b)(6) to (b)(6) and (b)(6) (b)(6) Fort Lewis CPAC. The referral list included four candidates: (b)(6) (b)(6) (b)(6), and (b)(6) (Tab 1F).

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(10) 28 December 2005 - Referral List Candidate Selection documents that Mr. Robinson selected (b)(6) to fill Vacancy Announcement number WTEU05004308 based on "knowledge, skills, and experience." (Tab 1G).

(11) 29 December 2005 - (b)(6) CPAC, extended job offer to (b)(6). (b)(6) accepted job offer for WS-4742-10, Utility Systems Repairer-Operator Supervisor, temporary promotion NTE 2 January 2006. (Tab 1G).

(12) 3 January 2006 - Notification of Personnel Action (SF50) for (b)(6) extended temporary promotion NTE date from 2 January 2006 to 2 January 2007 based on RPA number 05NOV9EULDPWXX004308. Neither CPAC nor WCPOC verified (b)(6) held the certifications required by PD number EU200383 prior to processing this action. (Tab 1G).

(13) 2 April 2006 - Notification of Personnel Action (SF50) for (b)(6) removed temporary limitation to promotion action under Vacancy Announcement WTEU05004308 dated 23 December 2005. This action made (b)(6) promotion permanent without competition as was authorized under the Vacancy Announcement: "Competitive temporary promotion may be made permanent without further competition." Neither CPAC nor WCPOC verified (b)(6) held the certifications required by PD number EU200383 prior to processing this action. (Tab 1I).

(14) The following chart depicts the historical sequence of the PD number and certification requirements for the supervisory position for which (b)(6) was hired:

Classified Date	PD Number	Replaces PD Number	Series/Grade	POSITION DESCRIPTION REQUIREMENTS			
				WA State Driver's License	WWTP Operator	Water Distribution Manager	WTP Operator
3 FEB 94	EUL2053	EUZ6056	WS-4742-09	YES	Group III	N/A	N/A
13 JUL 04	EUI78523	N/A	WS-4742-09	YES	Group III	Group III	Group II
27 AUG 04	EU182461	EUL2053	WS-4742-10	YES	Group III	Group III	Group II
20 OCT 04	EU186946	N/A	WS-4742-10	YES	Group III	Group III	Group II
4 APR 05	EU200383	EU185551*	WS-4742-10	YES	Group III	2 Years to Obtain Group III	2 Years to Obtain Group II

*PD number EU185551 is not available in the FASCLASS system for review and a hardcopy could not be obtained from either CPAC or WCPOC.

There is no substantive difference between PD number EU186946 and PD number EU200383 except for the addition of the 2 year period to obtain the necessary Water Distribution Manager Group III and Water Treatment Plant Operator Group II certifications. (Tab 1A). (b)(6) explained the new certification requirements, stating: "To the best of my knowledge, certification requirements were changed in order to make the position available to a wider range of applicants and get the position filled as soon as possible before the hiring freeze. PW management was afraid there would be no eligible candidates because of the unique requirements but by giving eligible applicants two years to obtain certification, the position might be more

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attractive to those whose experience/education met all other requirements. Management did not want to waste time by posting the announcement with the statement that applicants "must possess" specific certifications with the possibility of no eligible applicants then have to re-announce with the two year certification period adjustment. It was all about timing because the MEO implementation was right around the corner and management wanted to get someone on board before the freeze." (Tab 29).

(15) (b)(6) stated in the resume which was used to select him for the position that he holds the following certifications: Wastewater Treatment Plant Operator II, Water Distribution Manager III, and Water Treatment Plant Operator III. (Tab 1F). When Mr. Long was first promoted into the position on a non-competitive, temporary basis on 4 September 2005, he did not meet the conditions of employment specified by PD EU200383; specifically he did not hold a Waste Water Treatment Plant Operator Group III certification. When (b)(6) was subsequently competitively temporarily promoted on 3 January 2006, he still did not meet the conditions of employment. It is the responsibility of CPAC in coordination with the prospective employee and the hiring official to verify the prospective employee meets the conditions of employment prior to hiring. CPAC did not verify (b)(6) met the conditions of employment on the 3 January 2006 competitive temporary promotion action because the employee was already in the position on a non-competitive temporary promotion. Based on the fact that the employee was already in the position, CPAC assumed the conditions of employment were verified at the time of the first non-competitive temporary promotion action on 4 September 2005.

(16) (b)(6) previously held a supervisory position at the Water Treatment Plant (WTP) from 29 May 1994 to 11 October 1998. There was eight months of unrated supervisory time from 2 January 1998 to 14 October 1998. This was the time period immediately proceeding (b)(6) voluntary change to a lower grade from a supervisory position to a non-supervisory position. (Tab 1J).

(a) 29 May 1994 - RPA number DEH-94-651 was a recruit-fill action that promoted (b)(6) from Utility Systems Repairer-Operator WS-4742-09, PD number Z3100, to Water Treatment Plant Operator Supervisor WS-5409-08, PD number L2049. (Tab 1H). PD number L2049 specified the following special requirements:

1. Must possess and be able to maintain a current State of Washington Water Distribution manager III certification.
2. Must possess or be able to obtain and maintain a current State of Washington Water Treatment Plant Operator II certification.
3. Must possess or be able to obtain Washington State driver's license.

(b) 29 May 1994 - Notification of Personnel Action (SF50) promoted Mr. Long from Utility Systems Repairer-Operator WS-4742-09, PD number

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Z3100, to Water Treatment Plant Operator Supervisor WS-5409-08, PD number L2049 based upon merit promotion announcement 086 dated 2 May 1994. (Tab 1I).

(c) 11 October 1998 - RPA number 98LPWK004738 was a voluntary change to lower grade action that moved (b)(6) from Water Treatment Plant Operator Supervisor WS-5409-08, PD number EUL2049, to Maintenance Mechanic WG-4749-09, PD number EU88140. According to the RPA remarks, "Employee requested voluntary Change to Lower Grade based on medical reasons (stress)." (Tab 1H). Interviews with WTP employees indicate that (b)(6) voluntarily changed to a lower grade in lieu of being removed by his supervisor, (b)(6) (Retired); Chief of Production Division, for failure to adequately perform supervisory duties (Tab 26).

(d) 11 October 1998 - Notification of Personnel Action (SF50) changed (b)(6) to a lower grade from Water Treatment Plant Operator Supervisor WS-5409-08, PD number EUL2049, to Maintenance Mechanic WG-4749-09, PD number EU88140 based upon RPA 98LPWK004738. (Tab 1I).

(17) (b)(6) completed Leadership Education and Development (LEAD) training on 22 July 1994. On 21 February 2006, (b)(6) recommended that (b)(6) (b)(6) complete the Human Resources (HR) for Supervisors course. Mr. Robinson declined to permit (b)(6) to complete the training stating that (b)(6), "did not need this training as he previously had supervisory experience and was being coached." (Tab 1K).

b. FINDINGS.

(1) (b)(6) did not meet a condition of employment, possession of a Waste Water Treatment Plant Operator Group III Certification, when he was non-competitively temporarily promoted to Utility Systems Repairer-Operator Supervisor WS-4742-10 on 4 September 2005 with a NTE date of 2 January 2006. (b)(6) did not meet this same condition of employment when he accepted a competitive temporary promotion for the same position on 3 January 2006 with a NTE date of 2 January 2007. (b)(6) did not meet this same condition of employment when his promotion was made permanent on a non-competitive basis on 4 April 2006. (Tab 16). Neither the CPAC nor the WCPOC verified (b)(6) met the conditions of employment. (Tabs 1, 2, 10 and 19).

(2) (b)(6) actions related to vacancy announcement number WTEU05004308 provided (b)(6) with an unfair advantage over other potential applicants for the position.

(a) Although (b)(6) was the best qualified candidate of the four candidates on the vacancy announcement referral list (Tab 1F), the referral list did not include other qualified candidates who were interested in applying but did not do so because they were unaware of the vacancy (Tabs 4, 5, and 6). While it is an

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individual's responsibility to maintain a resume in the Army Resume Builder website and self-nominate for vacant positions, (b)(6) was aware that a majority of his employees did not have access to internet connected computers at either their residence or their work site. Consequently, employees relied on the hardcopy posting of vacancy announcements on office bulletin boards to know when vacancies were opened. Although management was not required to do so, they established a precedent prior to vacancy announcement number WTEU05004308 of posting hardcopy vacancy announcements on office bulletin boards. Vacancy announcement number WTEU05004308 was not posted on the office bulletin board. (Tabs 19, 20, and 29).

(b)(6) received preference to other potential candidates in that he was notified over the telephone of the vacancy announcement by (b)(6) at the direction of (b)(6). No other potential candidates received telephone notifications of the vacancy announcement from (b)(6) (Tabs 13 and 16).

(c) At the direction of (b)(6) (b)(6) assisted (b)(6) with the drafting, revision and uploading of his resume into the Army Resume Builder website. Ms. Blake assisted with both content and process. (Tabs 13 and 16).

(d) PD number EU200383 appears to have been classified just six months after PD number EU186946 solely to reduce the certification requirements for the position. (Tab 1A).

(e) The fact that (b)(6) directed the initiation of RPA number 05DEC9EULDPWXX048567 requesting permanent promotion of (b)(6) prior to the posting of Vacancy Announcement number WTEU05004308 suggests that (b)(6) pre-selected (b)(6) for the position. (Tab 1D).

(f) (b)(6) previously held a supervisory position at the WTP from 29 May 1994 to 11 October 1998. (b)(6) voluntarily left his supervisory position and changed to a lower graded non-supervisory position citing the medical condition of stress as the reason. (b)(6) was aware that (b)(6) voluntarily left his supervisory position but stated he "did not know why he left". (Tab 15).

(3) (b)(6) has not received a rating since 30 April 2005. (b)(6) (b)(6) has not provided a rating for (b)(6) supervisory time from 4 September 2005 to present. (Tab 1J).

c. RECOMMENDATIONS.

(1) Request CPAC immediately modify their local procedures to ensure conditions of employment are verified in writing for all recruit-fill and promotion actions regardless of the nature of recruit-fill or promotion action (i.e. competitive, non-competitive, temporary, or permanent). Ensure procedures include retention in the individual's official personnel file (OPF) of any written verifications that the

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individual meets the conditions of employment.

(2) Direct DPW to ensure all supervisory personnel complete the HR for Supervisors course offered by CPAC. Prevent DPW supervisors from functioning as hiring officials until they complete the HR for Supervisors course.

(3) Direct DPW to work in coordination with CPAC to develop a targeted training class for Administrative Support Assistants which focuses on what you can and cannot do to assist an individual with the resume, self-nomination and hiring process. Ensure all DPW Administrative Support Assistants receive training NLT 90 days from the date of this report.

(4) Recommend the appointing official request CPAC initiate notice of proposed removal for (b)(6) for failure to meet a condition of employment.

(5) Recommend the appointing official determine whether formal disciplinary action is warranted for (b)(6).

3. ISSUE - Specific management practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP).

a. SUB-ISSUE - Failure to use the proper oil in the WWTP compressor.

(1) FACTS.

(a) The WWTP employees cannot agree on what type and weight of oil is required for the WWTP gas compressor. (Tabs 4, 5, 6, 7, 8, 9 and 16).

(b) The Operations and Maintenance Instruction Manual (O&M Manual) for the Sliding Vane Gas Compressor and Accessories dated May 1999 does not mandate an oil type and weight; however, it does specify suggested oils. The suggested oil for wet compressor service is Chevron - EP Industrial 220x or Gulf - Marine Engine Oil 220. (Tab 24Q).

(c) All the WWTP employees stated that they have previously used an unsuitable oil in the WWTP gas compressor because it was all they had available in on-hand supplies. (b)(6) stated that "employees may have used the incorrect oil by grabbing the wrong can. We keep multiple oils on site and it's their job to use the correct oil. Using the incorrect oil is an employee self made decision. There is always a way for them to get the correct oil. I had the authority to purchase the correct oil at any time using the government purchase card. I don't recall employees asking me to buy oil for the gas compressor." (Tabs 4, 5, 6, 7, 8, 9 and 16).

(c) (b)(6) submitted an exhibit 6 request to (b)(6) for 30 gallons of Gulf-Marine Engine Oil 220 on 6 December 2005 (Tab 24Q). (b)(6) (b)(6) declined to process the request because it was "an idiotic request". (Tab 16). (b)(6)

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(b)(6) did not annotate the exhibit 6 with the denial but rather simply did not action the request.

(2) FINDINGS.

(a) Although the O&M Manual is not prescriptive, the suggested oil should be used to ensure the proper functioning of the gas compressor.

(b) There have been occasions when a suitable oil type and weight has not been available in on-hand supplies. There have been occasions when Mr. Long has failed to action employee requests to order a suitable oil type and weight.

(3) RECOMMENDATIONS.

(a) Direct DPW to order sufficient quantities of the proper oil so that there is enough on-hand supplies to deal with unplanned maintenance emergencies.

(b) Direct DPW to educate WWTP employees on what oil type and weight is required.

(c) Direct DPW to visibly post what oil type and weight is required on or in close proximity to the WWTP gas compressor.

b. SUB-ISSUE - Allegations arising from the WWTP daily entry logs.

(1) FACTS.

(a) (b)(6) published guidance to WWTP employees on how to fill out the WWTP daily entry logs on 23 December 2005. (Tab 16O).

(b) (b)(6) wrote inappropriate comments in the WWTP daily entry logs prior to his promotion to Utility Systems Repairer-Operator Supervisor, WS-4742-10 on 4 September 2005. Those comments include:

1. 8 April 2005 - Referred to (b)(6) as "Lab Monkey" and (b)(6) as "Luda Fisk Buoy". (Tab 16O).

2. 6 August 2004 - "Raining like a cow with a serious balder leak. May need boat soon." (Tab 16O).

3. 18 October 2003 - "Turned the whole business over to (b)(6) referring to (b)(6) s) and the fool took it." (Tab 16O).

4. 29 November 2002 - "Turning the place over to Yippy Ki Ya (referring to (b)(6)). (Tab 16O).

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5. 11 October 2002 - Referred to (b)(6) as "Lab Monkey". (Tab 16O).

6. 25 December 2001 - "This verse is like the first, everything is humming along fine with no broken pipes due to freezing. Luda Fisk Buoy (referring to (b)(6)) is taking over. My god watch over him cause he needs all the help he can get." (Tab 16O).

(c) (b)(6) admits to writing inappropriate comments and personal attacks in the WWTP daily entry logs. (Tab 16).

(d) A review of all the WWTP daily entry logs from 4 September 2005 to 30 April 2007 did not reveal any inappropriate comments written by (b)(6).

(2) FINDINGS. As an employee of the WWTP, (b)(6) wrote inappropriate comments in the WWTP daily entry logs. While the comments were inappropriate and unprofessional, they were infrequent and were more a failed attempt at humor than harassment. After assuming supervisory responsibilities, (b)(6) did not write inappropriate comments in the WWTP daily entry logs.

(3) RECOMMENDATIONS.

(a) Direct DPW to ensure (b)(6) and all WWTP employees complete annual EEO and EO training.

(b) Direct DPW to train (b)(6) and WWTP personnel on how to complete the WWTP daily entry logs. DPW published revised WWTP daily log entry guidance on 17 April 2007; however, (b)(6) and WWTP employees may not have been trained on what is and is not acceptable to enter into the log.

c. SUB-ISSUE - Improper refusal to allow plant operators to sample the sludge removed from No. 1 digester by Cascade and transferred to the drying beds, on or about 14 November 2006.

(1) FACTS.

(a) Cascade was contracted to effect repairs to digester number one. Before Cascade made the repairs, they had to remove the water and residual sludge from the digester. (Tabs 30 and 31).

(b) Cascade took samples of the sludge after the diatomaceous earth was added. Those tests results for those samples revealed suspiciously high levels of oil. There are no chain of custody documents for the samples taken by Cascade and Cascade has declined to provide details on their sampling methodology. (Tabs 30 and 31).

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(c) WWTP employees are responsible for testing sludge at the beginning, middle and end of a normal sludge bed pour. (Tabs 4, 5, 6, 7, 8, and 9). A sludge bed pour resulting from repairs to the digesters is not considered to be a normal sludge bed pour.

(d) All of the WWTP employees were interviewed. None of the interviewed employees stated that they attempted to take samples and were denied the opportunity. Ms. Rounds stated that the proper tests were not conducted but she did not state that she was prevented from taking samples. (Tabs 4, 5, 6, 7, 8, and 9).

(2) FINDINGS.

(a) Although WWTP employees did not sample the sludge handled by Cascade/Alkai, I found no indication that WWTP employees were prevented from doing so.

(b) Making a distinction between sampling standards for normal sludge bed pours and sludge bed pours resulting from contract repair work is unnecessary and confusing.

(3) RECOMMENDATIONS. Direct DPW to implement a single testing standard for all sludge bed pours.

d. SUB-ISSUE – Safety violations in connection with repairs to a swing arm on the floating lid of Digester No. 3.

(1) FACTS.

(a) In the Spring of 2006, (b)(6) made repairs to the swing arm of the floating lid of digester number three. M (b)(6) made those repairs with (b)(6) (b)(6) and (b)(6) (Tab 23).

(b) (b)(6) contacted the Installation Safety Office (ISO) to report a safety violation related to the repairs. (b)(6) Safety and Health Specialist with the ISO, conducted a site visit. Although a safety investigation report was not generated at the time (b)(6) generated a Memorandum for Record (MFR) (Tab 17) at the direction of (b)(6) Chief ISO.

(c) The MFR specified that safety hazards were present. It stated that the supervisor, (b)(6), "did not report to the Operator on duty as per their SOP, the supervisor was not qualified to make repairs, he was not using non-sparking tools, and he needed to have a crane to remove the broken part, as it was on a building roof and would be dangerous to carry down the stairs."

(d) Neither (b)(6) (Tab 16) nor (b)(6) (Tab 23) believed the

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manner in which they conducted the repairs was unsafe.

(2) FINDINGS. (b)(6) failed to follow proper safety procedures when he undertook repairs to the swing arm on the floating lid of digester number three. Specifically, he failed to follow the WWTP SOP and check in with the plant operator prior to making any repairs, he failed to use non-sparking tools while working in an area where gas could be present, and he failed to use a lift or crane to move the broken standpipe as is required for heavy and awkward items.

(3) RECOMMENDATIONS.

(a) Direct DPW to retrain all WWTP, WTP and Outside Water and Sewer personnel on proper safety procedures for repair work at the WWTP.

(b) Recommend the appointing official determine whether formal disciplinary action is warranted for (b)(6) based on his disregard for the safety, health and welfare of his subordinate employees.

e. SUB-ISSUE - Failure to properly document sewage backups on or about 3 January 2007.

(1) FACTS.

(a) All current employees of the WWTP, WTP and Outside Water and Sewer were interviewed. None could agree on what procedures, if any, should be used to document sewage backups. (Tabs 4, 5, 6, 7, 8 9, 21, 22, 23, 24, 25, 26, 27 and 28).

(b) On 3 January 2007 there was a sewage backup at the Eagle View 1, Eagle View 2 and Murray Creek lift stations as a direct result of an area wide power outage caused by a wind storm. The lift stations did not have backup generator power, so when the power went out the lift stations failed. The sewage backed up and there was spillage into American Lake. (Tab 21).

(c) The National Pollutant Discharge Elimination System (NPDES) Permit Number WA-002195-4 effective 1 February 2004 through 1 February 2009, is the permit under which the WWTP operates. The NPDES permit requires that the permittee (Fort Lewis) report occurrences of noncompliance to the United States Environmental Protection Agency, Region 10, by telephone within 24 hours from the time the permittee becomes aware of the circumstances. Specifically, "any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit." (Tab 11).

(d) I was unable to confirm whether or not the sewage backup on 3 January 2007 was telephonically reported to the United States Environmental Protection Agency, Region 10, within 24 hours.

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(2) FINDINGS. None. I could find no requirement to document sewage backups in writing. The only requirement was to notify the United States Environmental Protection Agency, Region 10, by telephone within 24 hours from the time the permittee becomes aware of the circumstances of the non-compliance.

(3) RECOMMENDATIONS. Although outside the scope of this investigation, it may be advisable to explore backup power solutions for lift stations so that future power outages do not lead to sewage back ups.

f. SUB-ISSUE - Improperly leaving the WWTP unattended.

(1) FACTS.

(a) The NDPES permit does not require the WWTP to be attended 24/7. (Tab 11).

(b) WWTP employees universally believe there is a requirement to man the WWTP 24/7. (Tabs 4, 5, 6, 7, 8 and 9).

(c) The WWTP is left unattended when there is a single employee on shift and he/she is called out to deal with a lift station alarm. (Tabs 4, 5, 6, 7, 8 and 9).

(2) FINDINGS. There is no written requirement which specifies the WWTP must be attended 24/7.

(3) RECOMMENDATIONS. Direct DPW to determine if a 24/7 manning requirement is prudent or necessary to effectively and efficiently execute WWTP operations. If prudent or necessary, DPW should modify the WWTP SOP to specify the 24/7 manning requirement and adjust manpower and lift repair call procedures accordingly.

g. Use of improper procedures to treat water at Donovan Reservoir.

(1) FACTS.

(a) When the service life of the lining for Donovan Reservoir ended, an individual job order contract was executed to replace the lining of Donovan Reservoir. The contract was awarded to Centennial contractors. (Tabs 30 and 31).

(b) After starting the removal process of the existing lining, Centennial contractors discovered the presence of poly chlorinated biphenyls (PCB's) in the sealant used to affix the existing lining. (Tabs 30 and 31).

(c) Once (b)(6) was notified by Centennial contractors of the presence of PCB's in the waste products from the lining removal and

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replacement project, (b)(6) ordered tests to determine if PCB's were released into the drinking water supply. The tests were conducted and did not reveal the presence of PCB's. Archived tests results are maintained by (b)(6) (Tab 31).

(d) Centennial contractors released PCB contaminated material chunks onto the surface ground immediately surrounding Donovan Reservoir. Centennial contractors released PCB contaminated particles into the atmosphere. (Tabs 30 and 31).

(e) (b)(6) and (b)(6) provided advice to Centennial contractors on the industry standards for proper waste management and removal of PCB contaminated materials. (Tabs 30 and 31).

(f) Centennial contractors is responsible for brining the work site back to its original condition. Once Centennial contractors completes their work, DPW personnel will verify site cleanliness through testing. (Tabs 30 and 31).

(2) FINDINGS.

(a) Centennial contractors released PCB's into the atmosphere and onto the surface ground when they removed the existing lining of Donovan Reservoir. PCB's were not released into the drinking water supply. (Tabs 30 and 31).

(b) As a direct result of a lack of sufficient manpower, there is an oversight disconnect between contracted projects and the Environment and Engineering Division of DPW. The Environment and Engineering Division does not conduct routine oversight of contracted projects but rather defers to the contractor for environmental compliance issues. This oversight disconnect results in confusion as to what standards must be followed on contracted projects.

(3) RECOMMENDATIONS.

(a) Once Centennial contractors completes their work on the Donovan Reservoir site, conduct thorough testing to ensure site cleanliness.

(b) Direct DPW to work with Army Corps of Engineers to develop and execute a collaborative oversight and quality assurance/quality control program administered by government employees for all individual job order contracts which are assessed as having the potential to negatively impact the environment.

h. Failure of PW management to make regular site visits to the WWTP and WTP.

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(1) **FACTS.**

(a) According to employees, DPW managers, (b)(6) and (b)(6) rarely visited the WWTP and WTP. Some employees have never met anyone in DPW management (Tab 21). (b)(6) went so far as to say, "That's a joke. No one comes out here. We never see them." (Tab 22). (b)(6) commented that, "I don't even think they know where our shop is." (Tab 26).

(b) (b)(6) and (b)(6) both indicated that they have sporadically visited employees at the WWTP and WTP when responding to specific issues. They typically visited during day shift hours and therefore employees working swing and night shifts may not have seen (b)(6) and (b)(6) during their visits. (Tabs 15 and 32).

(c) There is no written requirement which specifies how frequently DPW managers should visit their geographically separated work sites.

(2) **FINDINGS.** Although some employees are content with the frequency of visits from DPW managers, most expressed a desire to have their second (b)(6) and third line ((b)(6)) supervisors visit their work sites at least twice a year. This is a reasonable request of senior managers and can be used as an opportunity to improve communication between DPW management and employees.

(3) **RECOMMENDATIONS.** Direct DPW managers to conduct a minimum of two site visits per year to each of their geographically separated work sites. Ensure at least one site visit a year is during swing shift or night shift hours.

i. Improper budgeting causing a shortage of repair parts and equipment at the WWTP and WTP.

(1) **FACTS.**

(a) According to (b)(6), DPW managers and supervisors do not receive an annual funding distribution letter to manage and execute. (Tab 12). When managers and supervisors require non-pay funding, they:

1. Use the Government Purchase Credit Card (GPCC) if the request is for supplies or parts and the total cost is under two thousand five hundred dollars
2. Submit a service order request if the request is for service and the total cost is under two thousand dollars or under forty man hours
3. Submit an individual job order contract if the request is for service or repair and the total cost is over two thousand dollars or over forty man hours

(b) According to (b)(6), Director, Directorate of

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Resource Management (DRM), no requests for repair parts for the WWTP were denied in FY 2006 or FY 2007 due to lack of funds. (Tab 14).

(c) When an employee identifies a requirement to order a repair part or a piece of equipment, he/she fills out an exhibit 6 and turns it in to (b)(6). (b)(6) does not notify the requesting employee of the disposition of the exhibit 6 request. When the request is denied by Mr. Long, he does not notify the requesting employee. When the request is delayed due to funding availability, (b)(6) does not notify the requesting employee. (Tabs 4, 5, 6, 7, 8, 9, 21, 22, 23, 24, 25, 26, 27 and 28).

(d) Although most employees claim there was and is a shortage of repair parts, none could point to a specific example of a request for a repair part which was denied. Most employees stated that their requests for repair parts are simply ignored or not actioned by Mr. Long. There was and is no formal mechanism by which (b)(6) notifies employees of the status of their requests for repair parts or equipment. (Tabs 4, 5, 6, 7, 8, 9, 21, 22, 23, 24, 25, 26, 27 and 28).

(e) (b)(6) is the GPCC holder for the WWTP. (b)(6) Boiler Plant, is the approving official for (b)(6) GPCC account. He took over as the approving official for (b)(6) account when (b)(6) left. (b)(6) should have taken over as the approving official once he was hired to fill the supervisor position vacated by (b)(6). As the supervisor of the WWTP, WTP and Outside Water and Sewer, (b)(6) should be the approving official for the GPCC account. (b)(6) is not the approving official because he has not completed the required GPCC approving official training despite being in the supervisor position since 4 September 2005. (Tab 12).

(f) On 9 February 2007, (b)(6) purchased a Samsung High-Design 40 inch Flat-Panel LCD HDTV and stand from Sears. The exhibit 6 was signed by the approving official, (b)(6) on 3 February 2007. (b)(6) justification for the purchase of the Samsung High-Design 40 inch Flat-Panel LCD HDTV was to provide employees with on-site video training on: Confided spaces, deadly places; Confided spaces, survival by permit; No injury, no accident?; Pole top and bucket truck safety; Lockout-tagout procedures. Since its purchase, the Samsung High-Design 40 inch Flat-Panel LCD HDTV has been locked in (b)(6) private office at the WTP. The training videos and supporting materials have not been made available to the employees. (Tab 12M).

(2) FINDINGS.

(a) Employees who request repair parts or equipment are not kept informed by their supervisor, (b)(6), of the status of their request. This failure to communicate in kind with employees who are required to make written requests leads to the perception that funds are being mismanaged.

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(b)(6) (b)(6) is not executing appropriate supervisory oversight of (b)(6) GPCC account. (b)(6) should be the approving official for (b)(6) GPCC account and should ensure appropriate GPCC account documents are maintained.

(c) (b)(6) purchase of the Samsung High-Design 40 inch Flat-Panel LCD HDTV from Sears constitutes misuse and abuse of the GPCC. Purchase should have been executed with a mandatory source or under a blanket purchase agreement through DoD Email. Sears is neither a mandatory source nor part of the blanket purchase agreement. (b)(6) misrepresented the intended use of the television. If the true intent was to make training materials available to employees located at three geographically separated work site locations, then he could easily have purchased three smaller televisions and three sets of training materials so that employees at each work site had ready access. Instead, (b)(6) purchased a single television and located it inside his locked office so that employees could not access it in his absence. Furthermore, (b)(6) has yet to make the training materials available to employees.

(3) RECOMMENDATIONS.

(a) Direct DPW to have supervisors and managers implement a work group process or procedure that keeps requesting employees informed as to the status of their requests for repair parts or equipment.

(b) Direct Internal Review conducts a 100% audit of GPCC records for (b)(6) GPCC for FY2006 and FY2007.

(c) Remove the television and training materials from (b)(6) office and relocate the television and training materials to an area that is accessible to employees.

(d) Direct (b)(6) be retrained on GPCC holder responsibilities through attendance at the Department of Contracting (DOC) sponsored GPCC holder class.

(e) Recommend the appointing official determine whether formal disciplinary action is warranted for (b)(6) in accordance with USD Memorandum, Subject: Government Charge Card Disciplinary Guide for Civilian Employees dated 29 December 2003.

j. Failure to correct deficiencies at the portable latrine dumping site at North Fort.

(1) FACTS.

(a) The portable latrine dumping site was originally located on the grounds of the WWTP. The site was determined to be unusable for portable latrine

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dumping as a result of engineering concerns which threatened the safe operation of the WWTP. Specifically, Soldiers were dumping live rounds into the portable latrines and when the portable latrines were subsequently dumped at the WWTP site the live rounds would damage the WWTP pumps. (Tab 16).

(b) The portable latrine dumping site was moved to a manhole feed in front of the Outside Water and Sewer Building 7913. The port-a-potty trucks currently dump directly into this manhole. During dumping operations, there is occasionally spillage on the asphalt surrounding the manhole. The WA State Department of Ecology directed a concrete containment be built to appropriately manage and mitigate sewage spillage. A temporary solution of surrounding the manhole with sandbags was implemented; however, this solution was not accepted by the WA State Department of Ecology because sewage spillage onto the sandbags could not be effectively cleaned. (Tab 21).

(c) A new portable latrine dumping site located at I Street is under construction to meet the requirement to have a concrete containment for sewage spills. Until the site is completed, dumping operations will continue in front of the Outside Water and Sewer Building 7913. (Tabs 21 and 26).

(d) The new portable latrine dumping site located at I Street was identified over two years ago and is still not completed. (Tabs 21 and 26).

(2) FINDINGS. None.

(3) RECOMMENDATIONS. Direct DPW to complete construction of the new portable latrine dumping site by the end of FY2007.

3. During the course of my investigation, several matters arose which were outside the scope of the investigation but warrant documentation.

a. Several employees of the WWTP and the WTP alleged that unspecified individuals may be stealing government tools from work sites. A criminal inquiry into this matter may be warranted.

b. Through observations, discussions with employees, supervisors and managers, and review of WWTP log entries, I believe that some WWTP employees are not performing their jobs in accordance with their position descriptions and that some WWTP employees are failing to meet minimum performance standards. A management review of position descriptions, employee performance standards and actual employee performance may be warranted.

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Water Treatment Plants (WTP).

4. Point of contact is the undersigned at (253) 967-0458 or greta.powell@us.army.mil.



GRETA M. POWELL
Chief, Fort Lewis Installation
Security Office

BOOK 2 OF 3

CD- EXH 10

TAB-DA Form 1574

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL Cynthia A. Murphy, Garrison Commander
(Appointing authority)

on 17 April 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Fort Lewis, WA (Place) at 0900 hours (Time)

on 18 April 2007 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1500 hours (Time) on 6 June 2007 (Date)

and completed findings and recommendations at 1000 hours (Time) on 7 June 2007 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ¹⁾	NA ²⁾
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			
	c. Other correspondence with respondent or counsel, if any?	X		
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

NOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate -			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

NOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

The *(investigating officer) (board)*, having carefully considered the evidence, finds:

See attached Memorandum for Garrison Commander, Subject: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP) dated 7 June 2007.

SECTION V - RECOMMENDATIONS *(para 3-11, AR 15-6)*

In view of the above findings, the *(investigating officer) (board)* recommends:

See attached Memorandum for Garrison Commander, Subject: AR 15-6 Investigation Concerning Hiring Actions Taken in Reference to Army Vacancy WTEU5004308 for Utility Systems Repairer-Operator Supervisor, WS-4742-10 and Specific Management Practices at the Fort Lewis Wastewater (WWTP) and Water Treatment Plants (WTP) dated 7 June 2007.

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)


(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (Investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

