

Capital Reporting Company
Postal Police Officers Association Arbitration 01-16-2014 Volume III

414

BEFORE THE BOARD OF INTEREST ARBITRATION

----- :
In the Matter of: :
 :
UNITED STATES POSTAL SERVICE :
 : Volume 3
and : (Pgs. 414 to 613)
 :
POSTAL POLICE OFFICERS :
ASSOCIATION :
----- :

Washington, D.C.
Thursday, January 16, 2014

The following pages constitute the proceedings held in the above-captioned matter at the United States Postal Service, 475 L'Enfant Plaza, Southwest, Washington, D.C. before Erick M. Thacker, RPR, of Capital Reporting Company, a Notary Public in and for the District of Columbia, commencing at 9:39 a.m., when were present on behalf of the respective parties:

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<p style="text-align: right;">415</p> <p>1 A P P E A R A N C E S</p> <p>2 Before Arbitrators:</p> <p>3 James C. Oldham, Impartial Chair</p> <p>4 Robert A. Dufek, USPS Member</p> <p>5 James Bjork, PPOA Member</p> <p>6 On behalf of the PPOA:</p> <p>7 ARLUS J. STEPHENS, ESQUIRE</p> <p>8 DONNA MCKINNON, ESQUIRE</p> <p>9 MURPHY ANDERSON, PLLC</p> <p>10 1701 K Street, Northwest</p> <p>11 Suite 210</p> <p>12 Washington, D.C. 20006</p> <p>13 (202) 223-2620</p> <p>14 On behalf of the U.S. Postal Service:</p> <p>15 TERESA A. GONSALVES, ESQUIRE</p> <p>16 JULIENNE BRAMESCO, ESQUIRE</p> <p>17 United States Postal Service</p> <p>18 475 L'Enfant Plaza, Southwest</p> <p>19 Washington, D.C. 20260</p> <p>20 (202) 268-6704</p> <p>21</p> <p>22 A L S O P R E S E N T:</p> <p>23 Chris Vitolo, PPOA</p> <p>24 Eric Freeman, PPOA</p> <p>25 Joshua Pierce, PPOA</p> <p>26 Mike Plaugher, PPOA</p> <p>27 Shawn Fletcher, PPOA</p> <p>28 Joe Alexandrovich, USPS</p> <p>29 Sonya J. Penn, USPS</p> <p>30 Katherine P. Sullivan, USPS</p> <p>31 Janet Peterson, USPS</p> <p>32</p> <p>33 * * * * *</p>	<p style="text-align: right;">417</p> <p>1 P R O C E E D I N G S</p> <p>2 ARBITRATOR OLDHAM: Folks, I think</p> <p>3 we're ready to get underway. Okay. Arlus,</p> <p>4 proceed.</p> <p>5 MR. STEPHENS: Okay. Thank you.</p> <p>6 ARBITRATOR OLDHAM: You'll need to be</p> <p>7 sworn in by the court reporter.</p> <p>8 WHEREUPON,</p> <p>9 ERIC FREEMAN</p> <p>10 called as a witness, and having been first duly</p> <p>11 sworn, was examined and testified as follows:</p> <p>12 THE WITNESS: Yes.</p> <p>13 D I R E C T E X A M I N A T I O N B Y C O U N S E L F O R</p> <p>14 T H E</p> <p>15 U N I O N</p> <p>16 B Y M R . S T E P H E N S</p> <p>17 Q Can you please state your name for the</p> <p>18 r e c o r d ?</p> <p>19 A Eric Freeman.</p> <p>20 Q And by what agency are you employed?</p> <p>21 A United States Postal Inspection</p> <p>22 S e r v i c e .</p> <p>23 Q And what position do you hold?</p>
<p style="text-align: right;">416</p> <p>1 C O N T E N T S</p> <p>2 WITNESS: D I R E C T C R O S S R E D I R E C T</p> <p>3 R E C R O S S</p> <p>4 ERIC FREEMAN 417 446 452 454</p> <p>5 DERRICK FREEMAN 455 485 495 --</p> <p>6 RONALD HRUBEC 500 521 -- --</p> <p>7 ERIC JORDAN 532 550 -- --</p> <p>8 WILLIAM SCARPELLO 565 572 -- --</p> <p>9 BRIAN FERRETTI 592 604 -- --</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 (Exhibit books were tendered to the arbitrator.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">418</p> <p>1 A Postal Police Officer.</p> <p>2 Q When were you hired as a police</p> <p>3 officer?</p> <p>4 A In February of 2002.</p> <p>5 Q And where did -- where did you do your</p> <p>6 police academy training?</p> <p>7 A At the Federal Law Enforcement Training</p> <p>8 Center in Glynco, Georgia.</p> <p>9 Q And, Officer Freeman, to what -- what</p> <p>10 Postal Police Officer division have you been</p> <p>11 assigned?</p> <p>12 A Washington Division.</p> <p>13 Q And to what facility within the</p> <p>14 Washington Division are you presently assigned?</p> <p>15 A I'm presently at the Brentwood</p> <p>16 facility, Washington, D.C.</p> <p>17 Q Okay. Have you worked in other</p> <p>18 facilities --</p> <p>19 ARBITRATOR OLDHAM: Arlus, excuse me.</p> <p>20 We were fumbling with this table for a moment.</p> <p>21 MR. STEPHENS: Sure.</p> <p>22 ARBITRATOR OLDHAM: We're getting it</p>

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420	<p>1 A That's what I was. 2 Q And did you receive a raise when you 3 became a police officer? 4 A Yes, I did. 5 Q Do you remember approximately what that 6 was raise was? 7 A Between 1,300, 1,500, something like 8 that. 9 Q When you first became a police officer, 10 what duties were you tasked with performing as a 11 general matter? 12 A Mostly fixed posts from mobile. 13 Q And describe -- what was your 14 responsibility at a fixed post? 15 A Mainly check IDs and check bags. 16 Q And you're checking IDs for what? What 17 are you checking? 18 A To see for employment -- make sure 19 they're employees, checking bags to make sure 20 there's no -- anything inappropriate, weapons, 21 stuff like that. 22 Q And -- and what if there's not -- if</p>	422	<p>1 officers start to change in the Washington 2 Division? 3 A I believe it was '06. That's when ABM 4 was hired. 5 Q Now, today, what do you spend most of 6 your workday doing? 7 A Mobile patrol. 8 Q Okay. Are you tasked with -- are -- 9 are the police officers in Washington called on 10 to be first responders to crime scenes? 11 A Yes, we are. 12 Q Are you called on to respond to 13 assaults on postal employees? 14 A Yes. 15 Q Are you called on to respond to 16 assaults on letter carriers -- 17 A Yes. 18 Q -- in particular? 19 A Yes. 20 Q Now, was there recently a -- a murder 21 of a letter carrier here in suburban Washington? 22 A Sheverly, Maryland, a letter carrier</p>

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423	<p>1 was killed.</p> <p>2 Q And how was he killed? By what</p> <p>3 instrument?</p> <p>4 A By multiple gunshots to the upper body.</p> <p>5 Q And about what time of day was that?</p> <p>6 A It was around 7:00 p.m.</p> <p>7 Q Were you the -- the first responder for</p> <p>8 the Inspection Service to that scene?</p> <p>9 A Yes, myself and my partner.</p> <p>10 Q Okay. And how did you -- how did you</p> <p>11 travel to the -- to the scene? By what vehicle</p> <p>12 did you use?</p> <p>13 A We use our LEVs.</p> <p>14 Q Okay.</p> <p>15 A Lights and sirens.</p> <p>16 Q About how long did it take you to get</p> <p>17 to the scene?</p> <p>18 A Maybe ten minutes.</p> <p>19 Q Were you already -- were you in the --</p> <p>20 were you already in Prince George's County at the</p> <p>21 time --</p> <p>22 A No. In --</p>	425	<p>1 A As I understand it.</p> <p>2 Q So who all from the county was briefing</p> <p>3 you on -- on what they had already -- how much</p> <p>4 earlier had they arrived before you arrived?</p> <p>5 A I'm not sure. They didn't have the</p> <p>6 area roped off yet, so I guess they were there</p> <p>7 maybe a little before we arrived.</p> <p>8 Q Okay. So the carrier was still on</p> <p>9 the -- on the ground at that time?</p> <p>10 A Yes.</p> <p>11 Q And did it take a while before an</p> <p>12 inspector was able to arrive?</p> <p>13 A I believe the first inspector arrived</p> <p>14 maybe about 40 minutes --</p> <p>15 Q Okay.</p> <p>16 A -- after.</p> <p>17 Q And what were you tasked with doing</p> <p>18 during that -- that first 40 minutes?</p> <p>19 A Well, myself and my partner gathered</p> <p>20 all information that we could get. My partner</p> <p>21 actually talked to the carrier's supervisor, who</p> <p>22 was around the corner. They didn't let her close</p>
424	<p>1 Q -- or were you coming --</p> <p>2 A -- D.C.</p> <p>3 Q You were in D.C. And what did you do</p> <p>4 when you arrived at the scene?</p> <p>5 A When I arrived, I was met by an</p> <p>6 officer, a Prince George's County officer. He</p> <p>7 took us down to the scene where the carrier was</p> <p>8 and the vehicle. And once I got there, I talked</p> <p>9 to a detective, and he gave me some information</p> <p>10 from a witness before he left the scene.</p> <p>11 Q And what was the -- how -- what was</p> <p>12 the -- what -- can you explain to me the</p> <p>13 jurisdictional interaction between -- as you</p> <p>14 understand it between the Inspection Service and</p> <p>15 the Prince George's County Police Department for</p> <p>16 that particular crime, as you understand it?</p> <p>17 A As I understand it, I believe they both</p> <p>18 have some type of jurisdiction, because it's a</p> <p>19 postal employee, but it happened in Prince</p> <p>20 George's County, so I think they both share</p> <p>21 jurisdiction.</p> <p>22 Q Okay.</p>	426	<p>1 to the scene. But he talked to her, and I got</p> <p>2 information from the officers that was on the</p> <p>3 scene.</p> <p>4 Q Now, respond -- is this the first time</p> <p>5 you've had to respond to an assault on a letter</p> <p>6 carrier?</p> <p>7 A No.</p> <p>8 Q Is that something you're called on to</p> <p>9 do with some kind of regularity?</p> <p>10 A Yes.</p> <p>11 Q I would like to -- there is not a</p> <p>12 folder in front of you, but there should be.</p> <p>13 MR. STEPHENS: Do we know what happened</p> <p>14 with the exhibits folder from yesterday?</p> <p>15 MS. BRAMESCO: It could be these.</p> <p>16 MS. GONSALVES: Are those the --</p> <p>17 MS. BRAMESCO: I think this is --</p> <p>18 that's just the joint exhibits.</p> <p>19 MR. STEPHENS: Thank you very much.</p> <p>20 MS. GONSALVES: No, it's not in there.</p> <p>21 That's the training.</p> <p>22 MS. BRAMESCO: That's just the</p>

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427	<p>1 training.</p> <p>2 MS. GONSALVES: But you can put that</p> <p>3 over there. That's the witness copy.</p> <p>4 BY MR. STEPHENS</p> <p>5 Q Officer Freeman, can I direct your</p> <p>6 attention to Union Exhibit No. 34? Do you</p> <p>7 recognize this document?</p> <p>8 A Yes. This is an Inspection Service</p> <p>9 communication document.</p> <p>10 Q And what is this -- what is this --</p> <p>11 what is the purpose of this? What -- what --</p> <p>12 what does this do?</p> <p>13 A It gives information on occurrences</p> <p>14 happening within the division.</p> <p>15 Q And does it describe what the response</p> <p>16 was to the murder of this letter carrier?</p> <p>17 A Yes, it does.</p> <p>18 Q And does it identify the role played by</p> <p>19 police officers?</p> <p>20 A No, it don't.</p> <p>21 Q And how about the second page of this</p> <p>22 document?</p>	429	<p>1 the hot spots. We have a lot of -- a rash of</p> <p>2 robberies and -- from MVS drivers and Postal</p> <p>3 Service robberies and carrier assaults and</p> <p>4 robberies. So we're pretty much going to</p> <p>5 stations, and we're on the carrier routes, just</p> <p>6 on -- in the hot spots, watching the hot spots,</p> <p>7 high crime areas. We're riding around and</p> <p>8 talking with the carriers and talking with the</p> <p>9 clerks and station managers and supervisors.</p> <p>10 Q Why do you talk with the clerks?</p> <p>11 A Well, they're on the -- the clerks,</p> <p>12 they're the ones on the front lines, so if</p> <p>13 someone's coming to rob it, they're going to be</p> <p>14 the ones that's going to be robbed, so --</p> <p>15 Q And what's -- what's --</p> <p>16 A But we --</p> <p>17 Q Go ahead.</p> <p>18 A So we're just pretty much talking to</p> <p>19 them to put their mind at ease, to let them know</p> <p>20 we're in the area, we'll be around.</p> <p>21 Q And what's the purpose of talking to</p> <p>22 the station managers?</p>
428	<p>1 A It's a Postal Service newsbreak.</p> <p>2 Q And what does the first page -- the</p> <p>3 first sentence say?</p> <p>4 A "Postal inspectors, along with local</p> <p>5 law enforcement, responded to Prince George's</p> <p>6 County, Maryland to investigate the reported</p> <p>7 homicide of a letter carrier."</p> <p>8 Q And what does the second sentence say?</p> <p>9 A "Postal Inspectors and Prince George's</p> <p>10 County Police Department processed the scene.</p> <p>11 Additional information will be provided when it</p> <p>12 becomes available."</p> <p>13 Q Are those sentences fully accurate of</p> <p>14 what actually happened on that scene?</p> <p>15 A It doesn't mention the Postal Police.</p> <p>16 Q Can you describe your -- what you do --</p> <p>17 the mobile patrols that you're on, what all are</p> <p>18 you doing? Are you -- what all do you -- what</p> <p>19 are the tasks you're called on to perform during</p> <p>20 mobile patrols?</p> <p>21 A Well, we're -- we're what you call</p> <p>22 community policing. We pretty much check our --</p>	430	<p>1 A Also to let them know that we're in the</p> <p>2 area, we're around, you know, we're looking out</p> <p>3 for their safety. They're most of the ones that</p> <p>4 have the requests anyway.</p> <p>5 Q So they request --</p> <p>6 A They always request police presence --</p> <p>7 Q And --</p> <p>8 A -- whenever we can.</p> <p>9 Q And why is that?</p> <p>10 A Especially when one of the stations has</p> <p>11 been robbed or something, just to set their mind</p> <p>12 at ease, for their safety. They fear it may</p> <p>13 happen again. They want police around.</p> <p>14 Q Are there robberies at post offices</p> <p>15 in -- in the Washington area?</p> <p>16 A Yes.</p> <p>17 Q And what are -- what are people</p> <p>18 stealing when they rob the post office?</p> <p>19 A Money, pretty much. They're robbing</p> <p>20 the window clerks of money. When they rob the</p> <p>21 MVS drivers, they want the remittance bags that</p> <p>22 holds cash.</p>

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431	<p>1 Q Now, these robberies, what -- with 2 what -- how do the robbers impose fear on the 3 people to make them give up -- 4 A They have a weapon. They brandish a 5 weapon, show a weapon. 6 Q And, typically, what weapon are we 7 talking about? 8 A Handgun. 9 Q And you said that there's requests that 10 come in for your presence. How do you know that? 11 A Well, it goes through our supervisor, 12 and they let us know a certain station wants 13 police presence. So we run by that station, talk 14 to the supervisors, let them know -- show police 15 presence, and then, after you hit that station, 16 hit the other hot spots in the area. 17 Q And what -- explain what is a hot spot. 18 A Hot spots are mostly where the crimes 19 occur more than once in the D.C. area or Southern 20 Maryland, mostly. 21 Q And when you say "the crimes," these 22 are -- these are the robberies?</p>	433	<p>1 example. Was there a -- a recent -- explain 2 the -- explain the remittance. And -- and you 3 said sometimes there's crimes associated with the 4 remittance. Can you explain how that process -- 5 how it's supposed to work from the post office's 6 perspective? 7 A Well, the MVS drivers pick up a bag, 8 which is the revenue generated at the station. 9 Q And is that done on a daily basis? 10 A Yes. And once the driver picks up 11 the closeout mail, once that station is about to 12 close, he picks up the mail along with the 13 remittance bag. 14 Q And roughly what time of day, as a 15 general matter, are we talking about? 16 A Usually, most stations in the D.C. 17 area, around 5:00, 5:30, maybe 6:00. 18 Q Is this a -- is this the kind of -- are 19 there other people who know about how the 20 remittance process works besides the people who 21 are supposed to know? 22 A Shouldn't -- I mean, I didn't know,</p>
432	<p>1 A Yes. It can be robberies, carrier 2 assaults, a combination of the two. 3 Q Now, there's been some discussion 4 during the hearing about carrier patrols. 5 Have you participated in any of these 6 carrier patrols? 7 A Yes. 8 Q And what typically are you called on to 9 do during one of these carrier patrols? 10 A Mostly, stay on the route. Sometimes 11 follow the carrier. If the carrier's been 12 assaulted, make sure the carrier keep their 13 route, or if the carrier has been having trouble 14 with a particular person on the route, kind of 15 stay in the area and monitor that area. 16 Q Are you called on to perform any type 17 of preliminary investigation or response to 18 thefts of property, postal property? 19 A Thefts of -- well, yes. 20 Q Okay. 21 A You mean like a remittance of -- 22 Q Thefts from -- well, let me give you an</p>	434	<p>1 so -- mostly, I guess, postal employees or 2 someone -- someone would have to have knowledge 3 of that. 4 Q Are the -- are the MVS drivers 5 sometimes robbed of the remittance? 6 A Yes. 7 Q And was there a robbery of the -- 8 with -- what's the T Street station? 9 A Well, it's the station that was on 10 14th, 14th and T Street, Northwest. 11 Q In Washington? 12 A Yes. 13 Q And was there a -- a robbery of that 14 station to which you had to respond? 15 MS. GONSALVES: Objection. Foundation. 16 Was he present? He just testified he didn't know 17 about remittance runs timings, so I'm asking 18 that -- 19 THE WITNESS: That I didn't know 20 about -- 21 MS. GONSALVES: -- a foundation be 22 laid. Were you there?</p>

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435	<p>1 THE WITNESS: Yes.</p> <p>2 MR. STEPHENS: I said to which he -- he</p> <p>3 responded.</p> <p>4 MS. GONSALVES: Okay. Go ahead.</p> <p>5 BY MR. STEPHENS</p> <p>6 Q Let me back up and make sure the record</p> <p>7 is clear. Do you understand how the remittance</p> <p>8 process works?</p> <p>9 A Yes.</p> <p>10 Q My question was: Are there people</p> <p>11 outside the post office who have come to learn</p> <p>12 how the remittance process works?</p> <p>13 A Well, when you say outside the post</p> <p>14 office, I would think anyone who's outside the</p> <p>15 post office wouldn't know the process.</p> <p>16 Q So was the -- was a remittance -- was</p> <p>17 there a remittance robbery to which you responded</p> <p>18 at the T Street station --</p> <p>19 A Yes.</p> <p>20 Q -- in Washington, D.C.?</p> <p>21 A Yes.</p> <p>22 Q And when was the incident that we were</p>	437	<p>1 Q Okay. And when you responded, what all</p> <p>2 were you tasked with performing? What -- what</p> <p>3 did you have to do?</p> <p>4 A Well, we got the information, as much</p> <p>5 information as we could from the MVS driver.</p> <p>6 Once the first inspector arrived, we pretty much</p> <p>7 canvassed the area. He had -- the Inspection</p> <p>8 Service had us going business to business looking</p> <p>9 for witnesses.</p> <p>10 Q Now, this part of 14th Street is a</p> <p>11 commercial --</p> <p>12 A Yes.</p> <p>13 Q -- part?</p> <p>14 A It's a busy area.</p> <p>15 Q So what were you -- when you canvass</p> <p>16 the area, can you explain what you were doing?</p> <p>17 A We pretty much went to the businesses</p> <p>18 around the area, asking did anyone see anything,</p> <p>19 hear anything, people walking by, working in the</p> <p>20 area around the certain time, did you see what</p> <p>21 happened.</p> <p>22 Q Now, is there a protocol during these</p>
436	<p>1 referring to today? When in time?</p> <p>2 A I believe it was in 2010.</p> <p>3 Q Okay.</p> <p>4 A The -- the assailant locked the MVS</p> <p>5 driver in the back of his vehicle. We actually</p> <p>6 got a call from the supervisor of the MVS driver</p> <p>7 who told us what happened and where the -- where</p> <p>8 it happened. And so me and my partner went to --</p> <p>9 rushed to the scene, let the MVS driver out the</p> <p>10 back of his vehicle. It wasn't all the way</p> <p>11 locked, but the handle was down where he couldn't</p> <p>12 get out.</p> <p>13 And we asked him what happened. He --</p> <p>14 you know, about the suspect, how many there were,</p> <p>15 and he told us it was only one person he saw that</p> <p>16 had some type of -- had dark clothing on, had a</p> <p>17 mask on, with a gun.</p> <p>18 Q And what was stolen from him?</p> <p>19 A The remittance bag.</p> <p>20 Q Okay. How much money -- do you know --</p> <p>21 typically are in these remittance bags?</p> <p>22 A I'm not sure.</p>	438	<p>1 remittance robberies -- is this the -- is this</p> <p>2 the only remittance robbery you've had to respond</p> <p>3 to?</p> <p>4 A No.</p> <p>5 Q Is there a protocol that the officers</p> <p>6 use in terms of, when they arrive at the scene,</p> <p>7 what they do with the witnesses who are present?</p> <p>8 A If any witnesses are present, we get</p> <p>9 statements from the witnesses, interview the</p> <p>10 witness, if they're -- if they've seen anything,</p> <p>11 heard anything, what did they see.</p> <p>12 Q Are the witnesses separated?</p> <p>13 A Yes.</p> <p>14 Q And why is that?</p> <p>15 A So the stories don't cross. We don't</p> <p>16 want the witness or -- or the victim -- we want</p> <p>17 separate stories. We want to get each of their</p> <p>18 stories.</p> <p>19 Q Is there sometimes a concern about what</p> <p>20 the different motives of people might be?</p> <p>21 A Well, we just want to get an accurate</p> <p>22 story. We don't -- we want to get -- we want to</p>

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439	<p>1 compare both stories or all the stories. 2 Q As a police officer, are you called 3 on -- are you expected to respond to medical 4 emergencies if they arise? 5 A Yes. 6 Q Does that include CPR? 7 A Yes. 8 Q And in your experience, have any of the 9 officers had to perform CPR? 10 A Yes. 11 Q Can you explain? 12 A One of our officers -- there was a 13 medical emergency at the Brentwood facility. One 14 of the officers responded to an unconscious male 15 and performed CPR till a medical -- the ambulance 16 and EMS arrived. 17 Q Do the police officers in the 18 Washington Division -- you mentioned Prince 19 George's County. Do you-all have to work with 20 the Metropolitan Police Department in D.C.? 21 A Yes. 22 Q Do you have a relationship with them?</p>	441	<p>1 anything. 2 Q And why was -- why was there a concern 3 about -- to your knowledge, why was there a 4 concern about postal vehicles? 5 A Because the President was a 6 block-and-a-half away giving a speech from the 7 facility. 8 Q From the general mail facility? 9 A Yes. 10 Q Were you involved with a stolen car 11 incident -- 12 A Yes. 13 Q -- at the Brentwood facility? 14 A Yes. 15 Q And can you explain what happened with 16 that? 17 A I was leaving the Brentwood facility to 18 go to the Southern Maryland facility, and there 19 was a car coming up a one-way street leaving out 20 of the Brentwood facility. And the -- one of the 21 driver's side wheel was flat, and it looked like 22 it was bent. The axle was broken. And when I</p>
440	<p>1 I'm not asking for a formal legal relationship, 2 but do you have -- is there any kind of 3 relationship you have with them? 4 A Just a general understanding. 5 Q Okay. 6 A They know who we are. 7 Q Have you ever been called on to work 8 with other federal law enforcement agencies? 9 A Yes. 10 Q Have you ever been called on to do any 11 work with the ATF and Secret Service? 12 A Yes. 13 Q Can you explain? 14 A During the President's election of '08, 15 President Elect Obama was on a train from 16 Delaware to Baltimore. Before the trucks or 17 vehicles entered the facility, we had to 18 coordinate with Secret Service and ATF so they 19 can X-ray the vehicles before they enter the 20 facility. We had to do CON-CON runs to a certain 21 location where they had some type of device where 22 they X-ray the vehicles to detect bombs or</p>	442	<p>1 came out, two guys in the vehicle saw me, and 2 they jumped out of the car and ran. 3 So my partner was -- well, coworker was 4 down at the other end of the post office on 5 the -- one of the administrative lots. So I 6 drove down there and asked him, did he see two 7 guys run down the street. He said, yeah, they're 8 right over there at the -- they was at the -- I 9 believe at the bus stop. 10 So he called them over, and once he 11 called them over, I had them remove their hands 12 out of their pockets, had both of them go down 13 and cross their ankles, interlace their hands on 14 top of their head, did a full search of them. 15 And I told them, you know, I saw you -- explained 16 to them that -- why I was doing it. I saw them 17 jump out the vehicle. 18 Once we got them searched, they didn't 19 have any weapons on them. We called Metropolitan 20 Police, MPD. They arrived and pretty much asked 21 us, were we going to handle it, and I said, no, 22 it's your jurisdiction, so, you know, you have to</p>

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443	<p>1 handle it.</p> <p>2 Q Did you place them under arrest before</p> <p>3 you handed them over to the Metropolitan Police?</p> <p>4 A Yes.</p> <p>5 Q Are the officers in Washington called</p> <p>6 on to investigate possibly illicit contraband in</p> <p>7 collection boxes?</p> <p>8 A Yes.</p> <p>9 Q Can you give me an example of that?</p> <p>10 A Well, one incident I was called was</p> <p>11 assisting local MPD officers. There was a</p> <p>12 shooting in the area, and some of the rounds went</p> <p>13 into the mailbox. So the -- for their</p> <p>14 investigation, they needed the mailbox -- blue</p> <p>15 collection box on the corner opened so they can</p> <p>16 receive the shells of the spent rounds inside the</p> <p>17 mailbox.</p> <p>18 Q And access to those collection boxes is</p> <p>19 not something that -- the MPD doesn't have a key</p> <p>20 to unlock those?</p> <p>21 A No. What was mentioned before, the</p> <p>22 arrow key that they would need.</p>	445	<p>1 A That's true.</p> <p>2 Q And are you called on to investigate</p> <p>3 burglary alarms?</p> <p>4 A Yes.</p> <p>5 Q And do you have a protocol that you</p> <p>6 follow in responding to these as far as what</p> <p>7 you're supposed to do if you see different things</p> <p>8 at the scene?</p> <p>9 A Yes.</p> <p>10 Q Can you just generally explain what</p> <p>11 that is?</p> <p>12 A Well, once we see a burglary alarm and</p> <p>13 once we arrive at the location, we survey the</p> <p>14 area, see who's around. If no one's around,</p> <p>15 proceed with caution to the -- to the building,</p> <p>16 check all doors, see if, you know, any doors are</p> <p>17 open, any windows are broken.</p> <p>18 We do outside perimeter first, and then</p> <p>19 we proceed into the building. If it's a</p> <p>20 24-hour lobby, we go in there. If it's not a 24-hour</p> <p>21 lobby, we make sure the out doors are locked.</p> <p>22 And if it is -- we have instances where a door</p>
444	<p>1 Q And are these collection boxes</p> <p>2 sometimes set on fire?</p> <p>3 A Yes.</p> <p>4 Q And are you called on to respond to</p> <p>5 instances of these collection box fires?</p> <p>6 A Yes.</p> <p>7 Q And what do you when you -- what do you</p> <p>8 do in such a situation? What are you called on</p> <p>9 to do?</p> <p>10 A Well, once we get there, we have to get</p> <p>11 the -- retrieve the mail. If it's -- if there's</p> <p>12 any mail that's not -- we pretty much retrieve</p> <p>13 the whole contents of the mailbox, put it in bags</p> <p>14 and bring it back to the station for evidence for</p> <p>15 the inspectors.</p> <p>16 Q So the inspectors -- the inspectors</p> <p>17 then take the case --</p> <p>18 A Yes.</p> <p>19 Q -- that you give them, and then they're</p> <p>20 able to further process these --</p> <p>21 A Yes.</p> <p>22 Q -- correct?</p>	446	<p>1 may be open, so we proceed with caution clearing</p> <p>2 that station, make sure no one's in there.</p> <p>3 MR. STEPHENS: Officer Freeman, I have</p> <p>4 no further questions. Thank you.</p> <p>5 CROSS-EXAMINATION BY COUNSEL FOR</p> <p>6 THE</p> <p>7 POSTAL SERVICE</p> <p>8 BY MS. GONSALVES</p> <p>9 Q Good morning, Officer Freeman.</p> <p>10 A Good morning.</p> <p>11 Q I want to start out by talking about</p> <p>12 that unfortunate event that took place just</p> <p>13 recently in Sheverly, Maryland. I think you</p> <p>14 testified to this, but you weren't the first</p> <p>15 responder, right?</p> <p>16 A PG County was.</p> <p>17 Q Okay. And when you arrived, were</p> <p>18 you -- I think you said that the siren was on --</p> <p>19 A Yes.</p> <p>20 Q -- when you drove there?</p> <p>21 A Uh-huh.</p> <p>22 Q So you were in a marked vehicle?</p> <p>23 A Yes.</p>

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<p style="text-align: right;">447</p> <p>1 Q Okay. And were you wearing your PPO 2 uniform? 3 A Yes. 4 Q How about a vest? 5 A Yes. 6 Q Okay. And would you say it is unusual 7 for a city letter carrier to be in that 8 particular neighborhood? 9 A No. To be in the neighborhood, no. 10 Q They would be in the neighborhood every 11 day that they're working, right? 12 A Yes. 13 Q Okay. And was the carrier in -- you're 14 familiar with the scene, right? 15 A Yes. 16 Q Okay. So was the carrier in his 17 vehicle? 18 A No. 19 Q Okay. And did he have a partner with 20 him? 21 A The carrier, no. 22 Q Okay. And was there any other postal</p>	<p style="text-align: right;">449</p> <p>1 I mean, community policing, it entails visiting 2 employees in the area, customers in the area. 3 Q And also going from facility to 4 facility, you testified? 5 A Sure. 6 Q You testified about robberies. I just 7 wanted to -- it just reminded me of a point. 8 When you talk about robberies, you're 9 not just talking about guns, right? 10 A Well, not necessarily. 11 Q Okay. And when you're talking about an 12 active shooter -- I took the training along with 13 all the postal employees in this room -- you're 14 not talking just about somebody who has a gun, 15 right? 16 A Active shooter training is for a person 17 who has a gun. 18 Q That's how you were trained? 19 A Yes. We're trained to hear the sounds, 20 go towards the sound of gunfire. 21 Q You weren't trained that an active 22 shooter could also be any person with a lethal</p>
<p style="text-align: right;">448</p> <p>1 employee with him at all? 2 A No. 3 Q Okay. Was he armed? 4 A No. 5 Q And he didn't have a bulletproof vest? 6 A No. 7 Q Okay. You testified that you thought 8 that there might be some shared jurisdiction? 9 A Yes. 10 Q But you don't really know that, right? 11 A No, I don't. 12 Q Okay. 13 A Just to my knowledge. 14 Q You testified about something you 15 called community policing and something that you 16 called carrier patrols. 17 Both of those terms refer to going to 18 visit carriers, correct? 19 A Carriers, stations. 20 Q Okay. So both of those terms are 21 synonymous; they're the same? 22 A Pretty much. I mean, carrier patrols,</p>	<p style="text-align: right;">450</p> <p>1 weapon? 2 A Yeah, it could be any person. 3 Q With a lethal weapon, with something 4 that can kill? 5 A Well, a gun. 6 Q A knife can kill, right? 7 A Yes, but when -- when we're trained, 8 we're trained to follow the gunshots. A knife 9 doesn't make any noise. 10 Q Okay. We'll have some more testimony 11 about that. Let's talk about something that 12 Mr. Stephens has been asking all the witnesses 13 about, and I just wanted to clarify. 14 The agency that you work for is 15 actually the Postal Service, correct? 16 A Yes. 17 Q Okay. The Postal Inspection Service is 18 just part of the Postal Service, correct? 19 A An agency within the Postal Service. 20 Q So you're saying it's an agency within 21 an agency? 22 A It's called -- it's like I work --</p>

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451	<p>1 Q Okay.</p> <p>2 A -- for the Postal Inspection Service.</p> <p>3 Q And I'm not sure that you gave us your</p> <p>4 educational background. Could you tell us what</p> <p>5 your education background is?</p> <p>6 A High school diploma with two-and-a-half</p> <p>7 years of college.</p> <p>8 MS. GONSALVES: Okay. And that's all.</p> <p>9 Thank you very much.</p> <p>10 ARBITRATOR DUFEK: Arlus, for the</p> <p>11 record, could I just clarify one thing?</p> <p>12 MR. STEPHENS: Sure.</p> <p>13 ARBITRATOR DUFEK: LEV is law</p> <p>14 enforcement vehicle?</p> <p>15 THE WITNESS: Yes.</p> <p>16 ARBITRATOR DUFEK: And that's what you</p> <p>17 drive?</p> <p>18 THE WITNESS: Yes.</p> <p>19 ARBITRATOR DUFEK: It's essentially a</p> <p>20 squad car. And then there's also an LLV, which</p> <p>21 is the long-life vehicle, which is typically --</p> <p>22 THE WITNESS: Carrier.</p>
453	<p>1 you by your superiors that there is a concern</p> <p>2 about a potential active shooter situation that</p> <p>3 you need to be prepared for?</p> <p>4 A We're always told that something can</p> <p>5 happen, and with the recent shootings --</p> <p>6 shootings around the country, there was a general</p> <p>7 concern that we better be ready in case it</p> <p>8 happens to the Postal Service.</p> <p>9 Q And to what postal facilities would you</p> <p>10 be -- would you expect to be called on to respond</p> <p>11 to an active shooter? What types? Would it just</p> <p>12 be at the --</p> <p>13 A It could be at any facility.</p> <p>14 Q -- sorting facility?</p> <p>15 A It could be at any facility, but</p> <p>16 we're -- we're mostly -- because we're at the</p> <p>17 facility, I mean, plants, you know, it could</p> <p>18 happen at a plant.</p> <p>19 Q But if there was shooting, say, at a --</p> <p>20 at a post office in the Washington area, would</p> <p>21 you -- would you think you would be expected to</p> <p>22 respond to that?</p>
452	<p>1 ARBITRATOR DUFEK: -- for the carrier?</p> <p>2 THE WITNESS: Carrier vehicle, yes.</p> <p>3 ARBITRATOR DUFEK: Right. I just</p> <p>4 wanted to make sure everybody --</p> <p>5 MR. STEPHENS: Sure.</p> <p>6 ARBITRATOR DUFEK: -- had that.</p> <p>7 REDIRECT EXAMINATION BY COUNSEL FOR</p> <p>8 THE</p> <p>9 UNION</p> <p>10 BY MR. STEPHENS</p> <p>11 Q The only follow up I would do is on the</p> <p>12 active shooter. So can you explain when -- when</p> <p>13 were you -- were you recently trained or given</p> <p>14 any kind of refresher training on active shooter?</p> <p>15 A Within the last couple years, there's</p> <p>16 been intensive training on active shooter.</p> <p>17 Q When you say "intensive training," can</p> <p>18 you explain exactly what kind of training?</p> <p>19 A We pretty much -- we pretty much get --</p> <p>20 maybe every -- we're trained twice a year, OSDT,</p> <p>21 but one of those trainings always entails active</p> <p>22 shooter.</p> <p>Q Has that -- has it been expressed to</p>
454	<p>1 A Sure. Yes.</p> <p>2 MR. STEPHENS: No further questions.</p> <p>3 RE-CROSS-EXAMINATION BY COUNSEL FOR</p> <p>4 THE</p> <p>5 POSTAL SERVICE</p> <p>6 BY MS. GONSALVES</p> <p>7 Q I do have one follow-up question. Back</p> <p>8 in -- you started in 2002, correct?</p> <p>9 A Yes.</p> <p>10 Q And back in 2002, if a shooter were to</p> <p>11 enter into a facility where you were -- let's say</p> <p>12 you were located, would you respond?</p> <p>13 A Yes.</p> <p>14 MS. GONSALVES: Thank you.</p> <p>15 ARBITRATOR OLDHAM: Thank you very</p> <p>16 much.</p> <p>17 (Witness excused.)</p> <p>18 MR. STEPHENS: Next.</p> <p>19 WHEREUPON,</p> <p>20 DERRICK FREEMAN</p> <p>21 called as a witness, and having been first duly</p> <p>22 sworn, was examined and testified as follows:</p> <p>THE WITNESS: I do.</p>

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455	1 DIRECT EXAMINATION BY COUNSEL FOR 2 THE 3 UNION 4 BY MR. STEPHENS 5 Q Can you state your name for the record, 6 please? 7 A Derrick A. Freeman. That's two Rs, 8 I-C-K. 9 Q And by what agency are you employed? 10 A Pentagon Force Protection Agency. 11 MS. GONSALVES: Pentagon Force 12 Protection Agency? 13 THE WITNESS: Yes. 14 BY MR. STEPHENS 15 Q And do you work -- within the Pentagon 16 Force Protection Agency, is there a uniformed 17 police directorate? 18 A Yes. 19 Q And what is that called? 20 A It's Pentagon Police. 21 Q Okay. And are you an -- do you work 22 with that -- with the uniformed police? 23 A Yes.	457	1 A Headquarters here. 2 Q And at that time, what were you 3 functions? What were your principal job 4 responsibilities as a Postal Police Officer? 5 A Mostly posts, a few mobile -- not 6 mobile, but foot patrols. Mostly sit posts. 7 Q And when you say "sit posts," what 8 are -- what -- what was your responsibility at 9 that time? 10 A Check IDs or register in visitors, 11 working the command center, control center. 12 Q And were you called on to respond to 13 any emergency situations that might arise? 14 A Yes. Medical emergencies mostly. 15 Q Were there any mobile patrols from 16 the -- that the Postal Police Officers assigned 17 to headquarters performed -- 18 A No. 19 Q -- in vehicle patrols? 20 A No. Mostly headquarters employees. 21 Their primary responsibility was this building. 22 Q Okay. And is it correct that you
456	1 Q And what rank -- 2 ARBITRATOR OLDHAM: Work with them or 3 are one of them? 4 BY MR. STEPHENS 5 Q Are you one of them? 6 A Yes. Yes. 7 Q And what rank do you hold with that -- 8 with that police department? 9 A Currently, sergeant. 10 Q And how long have you worked for the 11 Pentagon Police? 12 A Close to 11 years. I left here January 13 of '03, January 27th of '03. 14 Q And when you say "here," by what 15 agency -- what agency are you referring to? 16 A Postal Police Department. 17 Q Now, Sergeant Freeman, when did you -- 18 when did you become a Postal Police Officer? 19 A I graduated from FLETC August 2nd of 20 2000. 21 Q And where were -- what was your duty 22 station as a Postal Police Officer?	458	1 left -- well, at some point, you left employment 2 with the Inspection Service? 3 A Yes. 4 Q What year was that? 5 A I left January of 2003. 6 Q And where did you -- where did you go 7 to at that time? 8 A Just lateral transfer to the Pentagon. 9 Q Can you describe -- after -- were you 10 the only police -- Postal Police Officer that you 11 know of who left -- 12 A No. 13 Q -- around that time? 14 A Around that time, there was maybe four 15 or five of us. Four of us -- about five. Four 16 of us went to Pentagon. One went to Supreme 17 Court. 18 Q Have you stayed in touch with those 19 officers since? 20 A Actually, one since retired, but 21 everybody else is still at the Pentagon. And the 22 one who went to Supreme Court, he's now at the

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459	<p>1 Pentagon now. 2 Q Okay. 3 A So I'm in touch with all four. 4 Q Okay. And those that went to work at 5 the Pentagon, you said -- you said that was a 6 lateral transfer? 7 A Yes, lateral transfer. 8 Q So what was -- what were -- was any 9 extra training required of them to move over to 10 the Pentagon? 11 A No. Once they -- once we all 12 lateralled over, we just took their six-week 13 training, just to learn the building and their 14 procedures. 15 Q Was that on-the-job training? 16 A Yes. 17 Q And these officers who left to go to 18 the Supreme Court and the Pentagon, do you know 19 why they left? 20 A Well, after -- if we go back before 21 9/11, Postal Police were, you know, making pretty 22 good money. After 9/11, the surrounding federal</p>	461	<p>1 ARBITRATOR OLDHAM: All right. 2 THE WITNESS: -- it was around. 3 ARBITRATOR OLDHAM: But you -- but you 4 left -- 5 THE WITNESS: You know what? I'm 6 sorry. It was April 2002, yes. Yes. Because I 7 left right after that. Yes, April 2002. 8 BY MR. STEPHENS 9 Q So Captain Crawley said to wait until 10 the August meeting? 11 A That's what he said. After he came 12 back from the April meeting, he said, we didn't 13 discuss your pay, but we will do it at the August 14 meeting. But by that time, I wasn't here. 15 Q And after the August meeting, you were 16 still working here as a police officer, correct? 17 A Yes. 18 Q And after the August meeting, were you 19 informed about any efforts to improve your pay? 20 A No. Captain Crawley came back again 21 and said, oh, we didn't discuss your pay in the 22 August meeting. We'll do that in the next</p>
460	<p>1 agencies basically gave all their officers pay 2 raises to retain them. And so I thought the same 3 thing would happen here, but it didn't, and 4 that's when most of us left. 5 Q Was there a discussion around this time 6 period about whether or not the Postal Police 7 would -- would see any kind of improvements to 8 their pay? 9 A Yes. At the time, Captain Crawley 10 (phonetic), he -- we had a meeting -- we were 11 actually doing roll call. He explained to us 12 that he would be going to some meeting in April 13 to discuss our pay, you know, see if we can get a 14 pay raise. And he came back from the meeting in 15 April and said that our pay wasn't discussed, you 16 know. It would be the next meeting in August 17 that they would discuss our pay. 18 ARBITRATOR OLDHAM: Are you talking 19 about 2002? 20 THE WITNESS: No. I -- this was -- it 21 maybe was around 2002, April 2002. I'm not sure. 22 I know it was after 9/11 --</p>	462	<p>1 meeting. But I didn't know when the next meeting 2 was, but I wasn't sticking around. 3 Q Sergeant Freeman, can I ask you to -- 4 there's a book of exhibits. I think it's that 5 one right there. 6 A Okay. 7 Q Can I direct your attention to Union 8 Exhibit No. 37? I apologize. The type on this 9 is microscopic, but this is how the -- 10 A Need glasses. 11 Q This is how it came off of the -- 12 A Okay. 13 Q -- from the Pentagon Police website. 14 Are you able to read that? 15 A It says, Pentagon Police Department 16 will provide excellence in the delivery of -- 17 will pursue -- I can read it a little bit. 18 Q Okay. Well, I guess the -- maybe I'll 19 just read it and make sure. My distance vision 20 is failing, but I still have my close-up vision. 21 "The Pentagon Police Department will 22 pursue excellence in the delivery of professional</p>

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463	<p>1 law enforcement services to the Department of 2 Defense community in the National Capital Region. 3 We will also stand ready to support the 4 overarching Pentagon Force Protection Agency's 5 mission. We will accomplish our mission by the 6 use of highly trained, dedicated police officers, 7 state-of-the-art technology and effective 8 partnerships with other federal, state and local 9 public safety agencies. We are committed to 10 uphold public trust by maintaining highest moral 11 and ethical standards. We will strive to enhance 12 the services we provide and stand ready to defend 13 against current and future threats." 14 Does that -- 15 A Yes. 16 Q -- seem like the mission of the -- 17 A Yes. 18 Q Now, thankfully, the font below that is 19 a little bit larger. 20 A Right. 21 Q Are you able to read that? 22 A Yes.</p>	465	<p>1 A Now, it's probably over 900. 2 Q Okay. And what are those officers 3 tasked -- the -- I'm -- everyone's job's going to 4 be a little bit different. But what's the 5 general assignments, for example, during the day 6 shift? 7 A Well, of course, they're processing the 8 visitors. They're working posts, process regular 9 visitors, registering them in, bags checked, 10 scanning for weapons. 11 Q Now, is that similar to the tasks that 12 you were called on to perform at headquarters 13 here at the post office? 14 A Yes. 15 Q Okay. What are some of the other 16 responsibilities at the headquarters building? 17 A Mobile patrol around on the 18 reservation. 19 Q Now, is that a foot patrol, or is that 20 a vehicle patrol? 21 A Vehicle patrol and also foot patrol. 22 Q So those who are on foot patrol, what</p>
464	<p>1 Q So the first bullet point, can you read 2 that, please? 3 A Yes. Provide law enforcement security 4 for the DoD/National Capital Region facilities 5 consistent with a community law enforcement 6 agency. 7 Q Okay. Can you explain -- well, in your 8 understanding -- in your experience, what does 9 that mean? What -- what does that -- what are 10 the type of things you're called on to do that 11 illustrate this point? 12 A Well, first of all, we're protecting 13 the Pentagon employees, assets, property. 14 Q And how -- at the Pentagon, are there 15 officers who are assigned at the -- at the 16 building, at the Pentagon? 17 A Yes. 18 Q And do you know how many there are, by 19 the way, roughly speaking? 20 A I would say, when I got there, it was 21 maybe -- maybe a little over 250. 22 Q Okay.</p>	466	<p>1 are they -- what tasks are they called on to 2 perform doing the foot patrol around the -- 3 around the property? 4 A Checking to make sure all doors are 5 secure on the -- in the perimeter. Also, they 6 have the building for patrol, check and make sure 7 that -- in the daytime, they just make sure 8 there's no, like, crime being committed on the 9 floors, any assaults, anything like that. They 10 make sure everything's peaceful. 11 Q And is it different on the night shift? 12 A Yeah. Night shift, you make sure all 13 doors are secure. Any door that's not secure, 14 you do a report similar to what I did. 15 Q And how about the -- how about the 16 vehicular patrol at the -- around the property? 17 What -- during the day shift, what are those 18 officers tasked with? 19 A Day shift, mostly traffic patrol. 20 Around certain hours during the rush hours, 21 they -- they're located at traffic points and 22 guiding vehicles in safely, you know, guiding</p>

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467	<p>1 vehicles out, traffic choke points. 2 Q Okay. 3 A And pedestrian -- at pedestrian 4 crossings to make sure employees get to the 5 building safely. 6 Q And on the -- is it different on -- on 7 the night shift or the other off-hour shifts? 8 A Night shift is pretty much different. 9 Mostly, at night, you're -- still the same. 10 You're making sure no unauthorized trucks or vans 11 come on the property, and also minor, you know, 12 traffic violations. We get a lot of drunk 13 drivers at night, so we -- we handle that. 14 Q Okay. And is the -- that first bullet 15 point says, "Provides law enforcement and 16 security for the DoD National Capital Region." 17 Besides the Pentagon, are there other 18 facilities that DoD has in -- 19 A Yes. 20 Q -- this area? 21 A Yes. We have other buildings in 22 Alexandria and Arlington that we respond to in</p>	469	<p>1 Department of Defense assets. 2 Q So just going back to the exhibit, the 3 second bullet point was "Perimeter and general 4 area security of the Pentagon and its environs." 5 Is that pretty much what we talked 6 about, or are there other functions there in 7 terms of that that you're also called upon to 8 perform? 9 A Like, if we have emergencies of maybe 10 suspicious packages, stuff like that, we respond, 11 cordon off the area and wait for our DoD teams to 12 come in, or suspicious persons walking around, we 13 investigate that. 14 Q And are there also -- are there 15 investigators employed by the Pentagon? 16 A Yes. 17 Q And explain what those investigators -- 18 what -- what are they called, first of all? 19 A They're called threat management or 20 criminal investigators. We have maybe three 21 different types of 1811s. Like, say one's 22 criminal investigators, basically like internal</p>
468	<p>1 case of emergency assaults, robberies, and we 2 respond along with Arlington County or Alexandria 3 City Police. 4 Q Okay. And are there -- are there 5 mobile patrols that go outside of the -- that 6 leave the Pentagon property and -- to go to those 7 facilities? 8 A Yes. We have the people that -- mobile 9 patrols that go out and check those facilities on 10 a daily basis. 11 Q Okay. 12 A Yes. 13 Q And when they do those patrols, what 14 are they doing? Are they stopping to talk to 15 anyone after -- 16 A Yes. They're stopping and talking 17 to -- you know, we might have, like, a floor in 18 the building. We go in and talk to -- usually 19 have a security guard in the building, but our 20 floor, we might have, like I said, one floor in 21 the building. We go up to that floor just to 22 make sure everything's okay. Any -- any</p>	470	<p>1 affairs almost, and then we have the Threat 2 Division, and also we have what they call ATRP, 3 Antiterrorism Force Protection, and they're also 4 1811s also. 5 Q And when you say 1811, for the benefit 6 of those of us who are not federal law 7 enforcement officers -- 8 A Like -- like a Secret Service agent. 9 Inspection, I believe they're 1811s, if I'm not 10 mistaken, Postal Inspectors. 11 Q And how do you work with them? If -- 12 what's the interaction between -- 13 A Usually, if we have maybe a suspicious 14 person, we'll stop them, investigate. If we deem 15 that there's something further there, maybe -- 16 you know, they might be working for someone else. 17 If we deem it suspicious enough, we call in a 18 threat inspector, Threat Division inspector, call 19 them to the scene, tell them what we have, and 20 they go from there. 21 We also -- you know, we do a report on 22 the incident. They also have their own separate</p>

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<p style="text-align: right;">471</p> <p>1 report on the incident, but we basically gather 2 all the information and turn it over to them. 3 Q And there's, going down this list, 4 vehicle and foot patrols of DoD facilities. 5 A Yeah. 6 Q Is this -- is this the kind of patrols, 7 the patrols we've been talking about -- 8 A Yes. 9 Q -- is that correct? 10 A Yes. 11 Q And then there's "Vehicle and 12 pedestrian traffic control"? 13 A Uh-huh. That's what I talked about 14 earlier. The busy hours, commuting hours in the 15 morning and the evening, we have traffic control 16 points for vehicles. Then we have officers 17 stationed at the pedestrian walkways to make 18 sure -- there's just a high volume of traffic -- 19 make sure they can cross without worrying about 20 getting hit. 21 Q "Response to and investigation of motor 22 vehicle accidents."</p>	<p style="text-align: right;">473</p> <p>1 medical assists, active shooter, assaults, 2 robberies, anything that occur on a -- on the 3 Pentagon property. 4 Q And are you -- are you trained in how 5 to handle an active shooter situation? 6 A Yes. We actually had one. 7 Q I forgot. Was that -- was that -- if 8 it's not something that made the papers -- 9 A It did make the papers. 10 Q Okay. Were the police called on to 11 respond to that? 12 A Oh, yeah. Well, it happened at -- it 13 happened at the entrance where we had officers 14 posted. You know, the gentleman came in like he 15 was going for his ID to show to the officer, but 16 he came out with a gun and started shooting, and 17 they quickly neutralized him. 18 Q The officers did? 19 A Yes. 20 Q Are you called on -- are other officers 21 of the Pentagon Police called on to respond to 22 security alarms?</p>
<p style="text-align: right;">472</p> <p>1 A Yes. 2 Q Are those accidents that occurred on 3 the property -- 4 A Yes. 5 Q -- of the Pentagon? 6 A Yes. 7 Q Do you have jurisdiction in Arlington 8 County off -- off the site -- 9 A No. 10 Q -- to the Pentagon? 11 A No. Only if -- if we have a building 12 in Arlington County and -- we have -- say we have 13 the whole building. Then we have proprietary 14 jurisdiction, which -- us -- we have jurisdiction 15 along with Arlington County, but just that 16 building. It's not the roadways. 17 Q Next bullet point says "Response to 18 emergency situations and law enforcement or 19 security related calls for service." 20 What -- what's your understanding of 21 what that's referring? 22 A Emergency situations is anything,</p>	<p style="text-align: right;">474</p> <p>1 A Yes. 2 Q Can you give me a type of example of 3 alarms you're called to respond to? 4 A Okay. In the Pentagon, all the doors 5 are secured and all the doors are alarmed, and, 6 also, we have stores and stuff inside the 7 Pentagon, restaurants, stores, banks, and they're 8 all alarmed. And occasionally, daily, an alarm 9 will go off, and we have to respond. 10 Q And typically, when you respond, is -- 11 is -- well, what's the typical incident that's 12 happened -- let me ask -- bad question. Let me 13 ask it a different way. 14 What are the different kinds of things 15 that might trigger an alarm? 16 A Just -- most common is someone's -- 17 someone who left the -- the office didn't 18 properly put their code in to secure the door. 19 That's most of the time. Even with the banks and 20 restaurants, it's -- you punch a code in. And, 21 usually, they mistakenly put the wrong code in, 22 leave, and we get alarm. So we just -- we</p>

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475	<p>1 respond to the area, door secured, and leave -- 2 Q Okay. 3 A -- pretty much. If it's -- if the door 4 is ajar, then we -- we go in, check the room, 5 make sure everything's okay. We come back out, 6 secure the doors, do the report. 7 Q Okay. The next bullet point is 8 "Emergency Response Team (SWAT)." 9 A Uh-huh. 10 Q Can you explain that? 11 A We have a -- we have a Emergency 12 Response Team, basically, that's trained in, you 13 know, weapons, high weapons and tactics. They 14 respond. If we have any type of emergency which 15 requires, you know, evacuation of the SecDef, 16 Secretary of Defense, his deputies or anybody 17 with -- like, here, it would be the postmaster 18 general and his executives. So anybody -- 19 anybody in the high level, the SWAT team comes 20 and make sure they get them to safety. 21 Q Now, that -- is that a -- how many 22 officers are on the SWAT team?</p>	477	<p>1 emergency, we have an officer waiting at one of 2 the entranceways on the Pentagon reservation for 3 the ambulance. And because we have restricted 4 areas, we have to guide the ambulance in to 5 the -- the quickest location they can get to 6 the -- the victim. We have to guide them in 7 because there's lot of restricted areas on our 8 property. 9 Q The next bullet point says "Preliminary 10 investigations of crime." 11 Can you explain what that would be? 12 A It's an initial investigation. Crime 13 committed. We come on scene, gather information, 14 take pictures, interview witnesses, stuff like 15 that. Just -- 16 Q And -- go ahead. I'm sorry. 17 A Just that's what we do on the -- before 18 we turn the case over. We just gather all the 19 information we can on the incident. 20 Q And then the information -- the 21 information you gather is then given to whom? 22 A Well, we actually -- we just -- we</p>
476	<p>1 A I'm just taking a strong guess. Maybe 2 20 to 25. 3 Q Out of -- out of 900? 4 A Yes. 5 Q Okay. And the next bullet -- 6 A And also -- I'm sorry. 7 Q Go ahead. 8 A They responded to the active shooter 9 incident, but, basically, their mission was just 10 insuring that there was no other shooters around, 11 because the incident was already over. 12 Q So the officers who handled that active 13 shooter were not SWAT trained? 14 A No. 15 Q They were just regular officers? 16 A Just regular officers, yes. 17 Q And the next bullet point discusses 18 "Coordination of emergency response for medical 19 care." 20 A Yes. 21 Q Can you explain what that would be? 22 A Usually, when we have a medical</p>	478	<p>1 conduct our reports. If arrests -- if we have to 2 make an arrest, we make an arrest, process them, 3 and then we turn our reports in. And then the 4 criminal investigators, they get it -- they get 5 it later, the next day, or it depends on the time 6 of day. 7 Q Okay. And the last bullet point here 8 says "Contract Security Force (Leased Facilities) 9 inspections and oversight." 10 A Yes. 11 Q What does that involve? 12 A We have a team that I didn't -- but a 13 team that goes -- the officers that go around to 14 the different buildings, they're actually not 15 only monitoring the -- the floors or maybe what 16 floor we have, but, also, they're checking up on 17 security guards, making sure they're in proper 18 uniform and making sure they're alert. That's 19 pretty much it. 20 Q How many -- how many officers are on 21 that team, would you guess? 22 A Oh, I'm -- maybe two to three per</p>

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479	<p>1 shift.</p> <p>2 Q Okay. Can I direct your attention now</p> <p>3 to -- one other question before we move to that.</p> <p>4 You said when you became a -- when you</p> <p>5 became an officer in the Pentagon Police</p> <p>6 Department, you were a lateral transfer?</p> <p>7 A Yes.</p> <p>8 Q Did you get credit, pay credit for your</p> <p>9 time spent as a Postal Police Officer?</p> <p>10 A Yes.</p> <p>11 Q What -- generally speaking, what are</p> <p>12 the requirements at the Pentagon Police</p> <p>13 Department for -- if they were going to hire a</p> <p>14 new police officer, what are the requirements</p> <p>15 that they would expect to see from a -- from a</p> <p>16 candidate?</p> <p>17 A For a new police officer -- without law</p> <p>18 enforcement experience?</p> <p>19 Q Well, either way.</p> <p>20 A Either way. Okay.</p> <p>21 Q Explain if it makes a difference.</p> <p>22 A Okay. I'm going to use this example.</p>	481	<p>1 Officer who did not receive his or her training</p> <p>2 at FLETC.</p> <p>3 A Yes.</p> <p>4 Q Would that -- that officer would be</p> <p>5 required to go through training at FLETC --</p> <p>6 A Yes.</p> <p>7 Q -- is that right?</p> <p>8 Would that officer nonetheless receive</p> <p>9 pay credit for his or her time spent as a Postal</p> <p>10 Police Officer?</p> <p>11 A Yes.</p> <p>12 Q Can I direct your attention in the book</p> <p>13 to -- it's the document on the previous page.</p> <p>14 It's Union Exhibit No. 36.</p> <p>15 Do you recognize this document?</p> <p>16 A Yes. This is our current pay scale.</p> <p>17 Q For a -- and maybe you can help -- help</p> <p>18 to explain it to me.</p> <p>19 A Okay.</p> <p>20 Q Over on the left, the top left, there's</p> <p>21 private, private, private, sergeant.</p> <p>22 A Yes.</p>
480	<p>1 If a Postal Police Officer wanted to go to the</p> <p>2 Pentagon, they were -- would be considered a</p> <p>3 lateral transfer. So they would bring them over</p> <p>4 as they are. But because, now, the Postal</p> <p>5 Service don't send the guys to FLETC, they would</p> <p>6 have to go to FLETC and go through that</p> <p>7 basic core. But they would -- they would hire</p> <p>8 them on to a lateral transfer, but they would</p> <p>9 just have to go to FLETC.</p> <p>10 Q So those -- those Postal Police</p> <p>11 Officers who did their academy training at FLETC</p> <p>12 would come over without having to go through --</p> <p>13 A Right.</p> <p>14 Q -- any additional --</p> <p>15 A That's only there for -- they would</p> <p>16 come over and just go through our FTP, which is</p> <p>17 our field training program. They just have to go</p> <p>18 through that. But if they were to come over</p> <p>19 without federal law enforcement training, they</p> <p>20 would have to go down to FLETC.</p> <p>21 Q But the -- so let me give you an</p> <p>22 example of an officer who -- Postal Police</p>	482	<p>1 Q What do those -- those -- and each of</p> <p>2 those, I guess, is a grade.</p> <p>3 What -- if a Postal Police -- your</p> <p>4 understanding -- if a Postal Police Officer were</p> <p>5 to be hired by the Pentagon Police, where</p> <p>6 would -- as a patrol officer, where would the</p> <p>7 officer tend to be slotted in as a general</p> <p>8 matter?</p> <p>9 A Okay. Using myself as an example, when</p> <p>10 I went to the Pentagon, I started off as a 7-1.</p> <p>11 Q And at that time, how -- how many years</p> <p>12 of police experience did you have?</p> <p>13 A Just my time with the Postal Inspection</p> <p>14 Service.</p> <p>15 Q Which was -- how many years was that?</p> <p>16 A About two-and-a-half years.</p> <p>17 Q Okay. Now, if -- if -- in the -- up at</p> <p>18 the top where it says one year, and you see</p> <p>19 across the top, there's a -- years of service,</p> <p>20 one, two, three, four, five, six, seven, eight,</p> <p>21 if someone were to come over with, say, ten years</p> <p>22 of police officer experience, as a general</p>

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<p style="text-align: right;">483</p> <p>1 matter, where would you -- what's the range in 2 which you would expect them to be slotted in 3 based on their experience? 4 A Only -- the Pentagon, if you're 5 Metropolitan Police Department, they give you 6 a year of service. If not, you come in as a -- 7 most likely a 7-1. 8 Q Okay. So you get -- what's the 9 benefit, then, of having prior law enforcement 10 experience? 11 A I take that back. It also depends on 12 your pay. They always bring you in above what 13 you were making before. So -- 14 Q Okay. 15 A -- if you had -- if you were making 16 over 58, then they would bring you in maybe at 17 the next step. 18 Q Okay. Now, do you see, going back to 19 the left side, private, private, private, and 20 then it has grades and then step. And then do 21 you see it says basic, and then, beneath it, in 22 italics, says locality?</p>	<p style="text-align: right;">485</p> <p>1 Q Okay. And, also, I wanted to call your 2 attention to the top. This pay chart is dated 3 2010. Is that -- 4 A Yes. 5 Q -- the current -- 6 A That's the most current. 7 Q Okay. Is this -- do you have any 8 understanding of whether this is going to be 9 changed any time soon? 10 A I believe we've gotten one since, so it 11 should change. 12 Q Okay. 13 A Should get a new one out soon. 14 MR. STEPHENS: Okay. Sergeant Freeman, 15 thank you very much. 16 THE WITNESS: Yes, sir. 17 CROSS-EXAMINATION BY COUNSEL FOR 18 THE 19 POSTAL SERVICE 20 BY MS. GONSALVES 21 Q Sergeant Freeman, when you're 22 testifying today, you are a manager or management at -- for the Pentagon Police, correct?</p>
<p style="text-align: right;">484</p> <p>1 A Yes. 2 Q What does that mean? 3 A Most -- most federal agencies receive 4 locality pay. 5 Q And what -- what's your understanding 6 of what that means? 7 A My understanding of locality pay is the 8 area you live in, cost of living. So they bring 9 you in as your basic pay plus locality. From my 10 understanding, that's because of the area you 11 live in and cost of living. 12 Q Now, if -- if the -- if the Pentagon -- 13 it -- is there a requirement to have -- if you're 14 going to trans- -- if you're going to transfer 15 over to the Pentagon Police -- well, let's assume 16 one was a Postal Police Officer. 17 A Yes. 18 Q Are they required also to have any 19 certain level of college education before 20 becoming a Pentagon Police officer? 21 A No, as long as they have law 22 enforcement.</p>	<p style="text-align: right;">486</p> <p>1 A Yes. I'm a sergeant. 2 Q So are you testifying today in your 3 capacity as that? 4 A No. 5 Q You're testifying in what capacity? 6 A As my reasons for why I left here, 7 basically. 8 Q So more as a -- 9 A In our -- and our -- what are similar 10 job duties. 11 Q But you're not testifying as a current 12 Pentagon manager? 13 A No. 14 Q So you're testifying as a former PPO 15 officer? 16 A Former police -- 17 Q Okay. 18 A Former PPO -- 19 Q Yes. PPO. 20 A -- and my knowledge of what -- a police 21 officer at the Pentagon. 22 MS. GONSALVES: Okay. Before I get too</p>

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<p style="text-align: right;">487</p> <p>1 far into this, I wanted to make sure that I don't 2 waive my -- or our -- the Postal Service's 3 general objection to this line of testimony based 4 on federal comparability. I already alluded to 5 that in the opening statement. 6 The argument is based -- will be based 7 upon testimony, but it already is based upon 8 arbitral precedent. Both the Fishgold award 9 soundly rejected any sort of federal 10 comparability, as well as the fact-finding report 11 from 1994, both of which have been entered into 12 exhibits. 13 It's clear not only from the language 14 of 1000C, but also the language of the statute 15 that's incorporated in 1000C that that provision 16 only applies to Postal Inspectors. And we will 17 be developing this more through testimony and 18 through an attorney presentation that will come 19 later. 20 ARBITRATOR OLDHAM: Thank you. 21 BY MS. GONSALVES 22 Q So based upon what you just testified</p>	<p style="text-align: right;">489</p> <p>1 and building employees. 2 Q Of the United States? I'm talking 3 about the Department of Defense here. 4 A Yes. 5 Q Yes. And that department is funded 6 through United States taxpayers' money, right? 7 A Yes. 8 Q Okay. And you work at the Pentagon? 9 A Yes. 10 Q And the Pentagon was one of the main 11 targets of 9/11 attacks? 12 A Yes. 13 Q Okay. And subsequent to the 14 9/11 attacks, you've already testified about the 15 shooting incident that has taken place there? 16 A Yes. 17 Q Okay. So in terms of threat levels, 18 why is the Pentagon being targeted; do you know? 19 Could it be because there are military assets 20 there? 21 A I would say yes, that -- 22 Q Okay.</p>
<p style="text-align: right;">488</p> <p>1 to, Sergeant Freeman -- 2 A Yes. 3 Q -- you don't have any responsibility 4 for setting requirements relating to the Pentagon 5 Police officer job -- 6 A No. 7 Q -- correct? 8 A No. 9 Q And you don't have any responsibility 10 for setting any sort of pay related -- 11 A No. 12 Q -- policies as well? 13 I think you've already testified to 14 this, but the Pentagon Police are part of the 15 Department of Defense -- 16 A Yes. 17 Q -- correct? 18 And you're generally familiar with the 19 mission of the Department of Defense -- 20 A Yes. 21 Q -- correct? What is that? 22 A To protect property, assets, customers</p>	<p style="text-align: right;">490</p> <p>1 A -- and because all the -- the decisions 2 and -- that -- as far as that relate to war 3 that's happening around the world. 4 Q So high-level military personnel? 5 A Basically. 6 Q Right. So it's sort of the epicenter 7 of -- 8 A Yes. 9 Q -- of strategic thinking in the United 10 States? 11 A Yes. 12 Q So that's why the bad guys want to get 13 it, right? 14 A I would say so. 15 Q Okay. I'd like to take a look at Union 16 Exhibit 37, which is the first one with the 17 microscopic print that you first testified about. 18 A Yeah. 19 MS. GONSALVES: I am wearing bifocals 20 now, Mr. Stephens, so this is really hard for me 21 to read with my contacts. 22 MR. STEPHENS: I'm not far behind.</p>

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491	1 MS. GONSALVES: I may have to pull out 2 my glasses. 3 MS. BRAMESCO: And I've got one of 4 these. 5 MS. GONSALVES: That's nice. 6 MS. BRAMESCO: Because I know I can't 7 see. 8 MS. GONSALVES: But I don't want to 9 make other people jealous. 10 BY MS. GONSALVES 11 Q So let's talk about the -- I just 12 wanted to talk about a couple of things here. 13 A Okay. 14 Q The first is -- the very first bullet 15 point, Pentagon Police are responsible for 16 providing law enforcement and security, correct? 17 A Yes. 18 Q And then, if you go down to the fourth 19 bullet from the bottom, you talked about the SWAT 20 team, testified a little bit about that. 21 The Postal Police Officers don't have a 22 SWAT team, right?	493	1 that, so I must have gotten it from somewhere. 2 MR. STEPHENS: Oh, here it is. 3 MS. GONSALVES: Okay. Could you give 4 me the eight that -- I gave you one. 5 MS. BRAMESCO: Oh, you did. 6 MS. GONSALVES: Yeah. That's -- 7 that's -- that's Arbitrator Oldham's. 8 ARBITRATOR DUFEK: I gave mine back, 9 too. 10 MS. GONSALVES: Okay. 11 ARBITRATOR DUFEK: We were so worried 12 about these -- 13 MS. GONSALVES: Did you give the 14 witness the two exhibits? Okay. Great. The 15 nine should be there. 16 BY MS. GONSALVES 17 Q Okay. So -- all right. I know you 18 talked a little bit about the minimum 19 requirements -- 20 A Yes. 21 Q -- to become a Pentagon Police officer. 22 A Yes.
492	1 A As far as I know, we don't. 2 MS. GONSALVES: Okay. All right. What 3 I'm going to have somebody pass out now is -- are 4 two exhibits. They're pretty much -- go hand in 5 glove. They pretty much say the same thing, 6 except one of them is missing something, which is 7 why I have the second one. I'm hoping everybody 8 still as the Tab 8 from yesterday that was the 9 discarded exhibit. So we'll pass out a Tab 9 10 with this one, except I need one here. That's 11 what we had yesterday. 12 ARBITRATOR OLDHAM: Why do we need to 13 preserve a discarded eight? 14 MS. BRAMESCO: No, just the tab. 15 MS. GONSALVES: Oh, the tab. Just the 16 tab. 17 ARBITRATOR DUFEK: Jim and I gave ours 18 back yesterday. 19 MS. GONSALVES: Did you? 20 MR. STEPHENS: Yeah. I think I gave 21 mine back. 22 MS. GONSALVES: Okay. Because I found	494	1 Q But one of the minimum requirements is 2 that you have to have a high school diploma or a 3 GED, correct? 4 A Yes. 5 Q Okay. That's apparent from Exhibit 9 6 at the -- at the -- the second bullet on Exhibit 7 9 is that you must possess a high school diploma 8 or equivalent. It is not on Exhibit 8. 9 The -- this also states, the second 10 bullet down, doesn't it, that you must have one 11 year of police experience? I think you testified 12 to that. Or a bachelor's -- 13 A Right. 14 Q -- degree in criminal justice or 15 related field from an accredited university or 16 college -- 17 A That's true. 18 Q -- correct? Okay. 19 And then the third bullet down says 20 that you have to be able to obtain a secret 21 security clearance -- 22 A Yes.

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<p style="text-align: right;">495</p> <p>1 Q -- correct? Okay.</p> <p>2 And going down three bullets, we have</p> <p>3 the training requirements for a Pentagon Police</p> <p>4 Officer. And those training requirements, the</p> <p>5 next two bullets, successfully complete FLETC,</p> <p>6 and you did testify as to that, right?</p> <p>7 A Yes.</p> <p>8 Q And then the next bullet down, I think</p> <p>9 you testified that when you went over, you had to</p> <p>10 complete six weeks of in-house training?</p> <p>11 A Yes. It was six weeks, yes.</p> <p>12 Q But this actually says that -- that at</p> <p>13 least as of now, from the -- from the website,</p> <p>14 you to complete an in-house 12-week training and</p> <p>15 evaluation program, correct?</p> <p>16 A Yes.</p> <p>17 MS. GONSALVES: Okay. I think those</p> <p>18 are all of my questions. Thank you.</p> <p>19 REDIRECT EXAMINATION BY COUNSEL FOR</p> <p>20 THE</p> <p>21 UNION</p> <p>22 BY MR. STEPHENS</p> <p>Q Sergeant, I just had one question.</p>	<p style="text-align: right;">497</p> <p>1 almost invariably, so I --</p> <p>2 THE WITNESS: Probably.</p> <p>3 ARBITRATOR DUFEK: You've probably</p> <p>4 directed me back to the --</p> <p>5 THE WITNESS: It's possible.</p> <p>6 MS. GONSALVES: Now you'll recognize</p> <p>7 him.</p> <p>8 THE WITNESS: Definitely possible.</p> <p>9 ARBITRATOR DUFEK: I just wanted your</p> <p>10 opinion, actually.</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 ARBITRATOR DUFEK: If you were</p> <p>13 to identify -- I wanted to see what your view is.</p> <p>14 If you were to identify the three</p> <p>15 highest terrorist threat buildings in the Greater</p> <p>16 Washington Metropolitan Area, would you identify</p> <p>17 those as the White House, the Capitol and the</p> <p>18 Pentagon?</p> <p>19 THE WITNESS: Absolutely.</p> <p>20 ARBITRATOR OLDHAM: Thank you, sir.</p> <p>21 We'll --</p> <p>22 ARBITRATOR BJORK: I had a question.</p>
<p style="text-align: right;">496</p> <p>1 A Yes.</p> <p>2 Q This is on Exhibit No. 8, the top one.</p> <p>3 A Okay.</p> <p>4 Q The -- the in-house training --</p> <p>5 A Yes.</p> <p>6 Q -- the 12 week, that occurs after one's</p> <p>7 hired; is that right?</p> <p>8 A Yes, after.</p> <p>9 MR. STEPHENS: Okay. Thank you. No</p> <p>10 further questions.</p> <p>11 ARBITRATOR DUFEK: Sorry, but I just</p> <p>12 have one question. I think, you know, probably</p> <p>13 you and I have met, and I'll tell you why.</p> <p>14 THE WITNESS: Okay.</p> <p>15 ARBITRATOR DUFEK: I have a daughter</p> <p>16 who lives in Crystal City, and I live in</p> <p>17 Maryland. And for whatever reason, when I'm in</p> <p>18 route to Crystal City or in route from Crystal</p> <p>19 City back, I end up in the Pentagon south parking</p> <p>20 lot.</p> <p>21 THE WITNESS: Yes.</p> <p>22 ARBITRATOR DUFEK: And it happens</p>	<p style="text-align: right;">498</p> <p>1 ARBITRATOR OLDHAM: One more? Okay.</p> <p>2 ARBITRATOR BJORK: Do you currently</p> <p>3 know any Postal Police Officers?</p> <p>4 THE WITNESS: Yes.</p> <p>5 ARBITRATOR BJORK: Okay. Are you aware</p> <p>6 that -- of any changes to their jobs in the last</p> <p>7 three to five years?</p> <p>8 THE WITNESS: I haven't talked to</p> <p>9 any -- any of them about their job status or --</p> <p>10 or what they do on a daily basis. No, I haven't.</p> <p>11 ARBITRATOR BJORK: Okay. Thank you.</p> <p>12 MR. STEPHENS: Can I just do one</p> <p>13 follow-up just to make one thing understood based</p> <p>14 on these questions?</p> <p>15 BY MR. STEPHENS</p> <p>16 Q How many facilities -- how many DoD</p> <p>17 locations do the Pentagon Police have</p> <p>18 responsibility for besides the Pentagon building</p> <p>19 itself in the Greater Washington Area?</p> <p>20 A I'm giving a rough guess. Maybe a</p> <p>21 little over a hundred buildings.</p> <p>22 ARBITRATOR DUFEK: How many?</p>

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<p style="text-align: right;">499</p> <p>1 THE WITNESS: A little over a hundred. 2 ARBITRATOR DUFEK: A hundred. Wow. 3 THE WITNESS: And they condensed a lot 4 of them because of the new building they put up 5 in Alexandria, but -- the Mark Center, but about 6 that. 7 MR. STEPHENS: Thank you. 8 THE WITNESS: And anywhere there's a 9 DoD asset, even some of the military 10 installations that's around. 11 MR. STEPHENS: Thank you. 12 (Witness excused.) 13 ARBITRATOR OLDHAM: Shall we take a 14 ten-minute break? 15 MR. STEPHENS: Sure. 16 MS. GONSALVES: Yes. 17 (Brief recess.) 18 ARBITRATOR OLDHAM: Why don't you go 19 ahead and swear in the witness in for us? 20 21 22</p>	<p style="text-align: right;">501</p> <p>1 Q And what city did you work in? 2 A Chicago. 3 Q And at the time of your retirement, 4 what was your rank? 5 A Sergeant. 6 Q And, Mr. Hrubec, when were you -- when 7 were you hired at Amtrak? 8 A January 20th, 1976. 9 MS. GONSALVES: I just wanted to 10 interject with an objection at this point. 11 Actually, I think it's here. Sorry about that. 12 MS. BRAMESCO: That's okay. 13 MS. GONSALVES: To the extent that the 14 testimony of Mr. Hrubec is being offered on the 15 basis that Amtrak is a private corporation, the 16 Postal Service disputes that notion, and there 17 are many reasons for it. All of the stock of 18 Amtrak is owned by federal entities, Department 19 of Treasury in particular, and to the extent it's 20 being offered as a federal public sector 21 comparable, the same objection that I voiced 22 earlier applies, 1003C.</p>
<p style="text-align: right;">500</p> <p>1 WHEREUPON, 2 RONALD HRUBEC 3 called as a witness, and having been first duly 4 sworn, was examined and testified as follows: 5 THE WITNESS: I do. 6 ARBITRATOR DUFEK: Teresa, we're going 7 to get started. 8 MS. GONSALVES: Okay. 9 DIRECT EXAMINATION BY COUNSEL FOR 10 THE 11 UNION 12 BY MR. STEPHENS 13 Q Can I ask you to state your name for 14 the record, please? 15 A Ronald A. Hrubec. 16 Q And, Mr. Hrubec, how do you spell your 17 last name? 18 A H-R-U-B-E-C. 19 Q And are you currently employed? 20 A No. I'm retired. 21 Q And from -- from what entity are you 22 retired? 23 A The Amtrak Police Department.</p>	<p style="text-align: right;">502</p> <p>1 ARBITRATOR OLDHAM: I think we'll just 2 say that the objection is duly noted, and we'll 3 go forward. 4 BY MR. STEPHENS 5 Q And, Mr. Hrubec, I'm sorry. Can you 6 state again the date on which you were hired by 7 Amtrak? 8 A January 20th, 1976. 9 Q And what position did Amtrak hire you 10 into? 11 A Patrol officer. 12 Q Okay. And at the time you were hired, 13 what -- what job were you performing before you 14 were hired by Amtrak? 15 A I was a security guard at a mall. 16 Q Okay. And what -- in what year did 17 you -- what month and year did you retire from 18 Amtrak? 19 A April 1st, 2011. 20 Q Okay. And did you work continuously at 21 Amtrak from 1976 until 2011? 22 A Yes, I did.</p>

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503	<p>1 Q Where -- in your experience, where did 2 the -- well, let me back up a second. 3 Where did you do your police academy 4 training? 5 A Federal Law Enforcement Training Center 6 in Glynco, Georgia. 7 Q Okay. And are the -- in your 8 experience, are the police officers at Amtrak 9 trained anywhere else? Do they do their academy 10 training anywhere else besides FLETC? 11 A Lately, they've been going to Chicago 12 Police Academy or Cook County Police Academy. 13 Q And are -- are Amtrak police officers 14 represented by a union? 15 A Yes, they are. 16 Q And, currently, what union represents 17 Amtrak police officers? 18 A Currently, it's the FOP. 19 Q And was it previously a different 20 union? 21 A Yes, it was. 22 Q And what union was that?</p>	505	<p>1 Q And can you explain to the panel the -- 2 what is the general jurisdiction of -- as you 3 understood it of Amtrak's police officers? 4 A The protection of property and 5 personnel. Personnel, you know, as related to 6 Amtrak itself. 7 Q And did that include the property, 8 Amtrak's property? 9 A The yards, the stations, the rails. 10 Out -- northeast corridor, it's -- we own all the 11 rail on the high-speed Acela trains. So they'd 12 have to do mobile patrols of that. But outside 13 the northeast corridor, the stations in various 14 cities, the yard facilities in various cities. 15 Q Now, in Chicago, are you principally 16 talking about Union Station in Chicago? 17 A Union Station and the 14th Street 18 lumber yard. 19 Q Okay. What -- what is that? 20 A That's a maintenance yard. We -- 21 Chicago's unique, because you don't go through a 22 station. It's the only station where you don't</p>
504	<p>1 A American Federation of Railroad Police. 2 Q Okay. And were you a -- an officer in 3 that union at -- at any time? 4 A I was the western region vice -- vice 5 president. 6 Q And for how many years were you the 7 vice president? 8 A Thirty-one. 9 Q And in that -- in that capacity, did 10 you participate in bargaining contracts for the 11 Amtrak police officers? 12 A Yes, I did. 13 Q And at present, to your knowledge, how 14 many police officers are employed by Amtrak? 15 A 360, give or take a few. 16 Q And how many of those are in Chicago? 17 A Twenty-two. 18 Q Okay. And are -- is it fair to say 19 that most of the officers are stationed somewhere 20 along the northeast corridor? 21 A The vast majority of the officers are 22 in the northeast corridor, yes.</p>	506	<p>1 go through. You can either go north, or you go 2 south. So they have to set up all the trains in 3 the 14th Street yard. So all -- all supplies and 4 all that has to go into -- into the yards. So we 5 would patrol that yard for vandals, thefts, stuff 6 like that. 7 Q In the book in front of you right 8 there, if I can direct your attention to Union 9 Exhibit No. 61. 10 A Yes, sir. 11 Q And do you recognize this document? 12 A Yes, I do. 13 Q What -- what is this document? 14 A It's pretty much an overview of a job 15 description for an Amtrak police officer. 16 Q Bear with me one moment, please. Let 17 me -- if you look on the -- the -- it's a 18 two-sided sheet of paper; is that correct? 19 A Yes, sir. 20 Q And on the -- well, before I ask you 21 about this, let me ask you some questions. 22 Do the police officers working for</p>

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507	<p>1 Amtrak perform foot patrols? 2 A Yes, they do. 3 Q And can you explain what, generally 4 speaking, the officers are expected to do while 5 on these patrols? 6 A Almost all the officers are in Union 7 Station itself. Once in a while, they have to 8 take a mobile patrol and go to the yards and just 9 do a periodic check. But when they're in Union 10 Station, it's property and police protection or 11 patrons. You look for pickpockets. You look for 12 domestics. You look for anything out of the 13 ordinary which -- it could be disturbing the 14 peace, stuff like that. And you lend assistance 15 to other departments within Amtrak. 16 Q And what are you called on to do -- 17 let's assume there is a -- you come across the 18 fistfight. What are you -- what were the Amtrak 19 police officers expected to do? 20 A We detain both individuals, bring them 21 back to our office, ascertain if we're -- who's 22 going to get charged or if they're going to get</p>	509	<p>1 So since we don't have people that ride 2 the train, we would have to work -- work it from 3 Chicago, or Los Angeles or San Francisco, they 4 would do the same thing out there. 5 Q Were -- the officers working at Union 6 Station in Chicago, were they trained in CPR? 7 A Yes. 8 Q Okay. Would they be called upon if 9 there was a emergency situation to be a first 10 responder? 11 A They are the first responder. We -- we 12 handle it while we're waiting for the EMSs to 13 arrive. 14 Q Okay. And how many vehicle patrols are 15 in -- in Chicago when you retired? 16 A There was just the one to the yard, 17 primarily. That's -- that's Chicago. 18 Q Okay. Is it different in the northeast 19 corridor? 20 A Totally different. The northeast 21 corridor, they do probably -- I'd say about a 22 third of their patrols are going to be mobile,</p>
508	<p>1 charged, and gather the information, present it 2 to a sergeant, and he -- he'll call either felony 3 review, or he'll pass it on. 4 Q And the -- the -- focusing on, again, 5 Chicago for a moment, what percentage of the time 6 would you estimate the police officers in Chicago 7 are working on a foot patrol? 8 A 90, 95 percent of the time. 9 Q And besides keeping track of what is 10 happening inside of the Union Station, are the -- 11 are officers doing anything else while they're on 12 their foot patrols? 13 A While they're on foot patrol, they're 14 also available for any call to service from -- on 15 one of the trains going nationwide. Anything 16 from Philadelphia to Los Angeles would come into 17 my office, and if they need a need for service, 18 where you have to talk to a disturbance on a 19 train or something or any irregularity, we would 20 call the local police department in most cases 21 and have them meet the train. Medical problems, 22 same thing.</p>	510	<p>1 because they have a lot more track. We only go 2 two -- two miles out of Union Station. At that 3 point, Amtrak track ends, and whatever railroad 4 we're running, our trains across picks up. But 5 northeast corridor, they owned all that track, 6 and they maintain it and keep vigilant on it. 7 Q What -- what would you describe as 8 preventative work? Is that -- let me ask the 9 question a different way. 10 On these patrols, did you believe you 11 were doing any preventive work? 12 A That's the whole purpose of the patrol. 13 It wasn't just to walk around. You're sitting 14 there wanting to recognize if there's any -- it's 15 community-oriented policing in a nutshell. 16 You're checking to see if there's any 17 irregularities, if there's any baggage or, you 18 know, something suspicious. You check with the 19 vendors if they have any problems. You -- you 20 check for pickpockets and, you know, homeless 21 people that come in the station. 22 Amtrak in Chicago's a -- you know, it's</p>

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511	<p>1 a private station, but it's public access. So 2 you -- we're going to get the trespassers. How 3 you handle them is, you know, our forte, how we 4 handle that without really jeopardizing anyone's 5 rights or anything. 6 Q And what was -- what was your 7 understanding -- what was -- what was the 8 purpose -- why did Amtrak want to do community 9 policing, to your understanding? 10 A There's a civil liability thing there. 11 We have a quarter million people going through 12 the station each day, because Amtrak was also 13 Metro at the time, you know. We have all their 14 trains in there, and we have all our trains. So 15 the commuters, there's going to be lot of people. 16 So you want to protect the people. You want to 17 protect the property. 18 Q If -- let's assume you -- did you have 19 to prepare incident reports if you -- you were 20 called to respond to a -- say, a pickpocket? 21 A Yes. Every -- you know, whenever you 22 get an incident report -- our radio desk was in</p>	513	<p>1 the northeast corridor? 2 A There were. I don't exactly which 3 cities. I know there was one in North Carolina, 4 because he was a friend of mine, but I do know 5 that there are detectives up and down the 6 northeast corridor. 7 Q And how do the detectives work with the 8 police officers for Amtrak on the -- say on the 9 northeast corridor? 10 MS. GONSALVES: Objection. Foundation. 11 Personal knowledge. 12 BY MR. STEPHENS 13 Q Do you have personal knowledge of what 14 the relationship -- how the jobs work together, 15 the detectives and the uniformed officers? 16 A They work the same in the northeast 17 corridor as they would in Chicago. They would 18 receive the reports from -- whatever completed 19 report they'd get from the officer and do the 20 follow-up. If it needed going out to a person's 21 house or needed any kind of actually going to the 22 site of the crime, they would go.</p>
512	<p>1 Philadelphia. They would call either the officer 2 directly by his badge number, or they'd call the, 3 you know, shift commander, which I was already 4 afternoons, so that would have been me. And I 5 would assign it to an officer. That officer 6 would get an incident number, and then he'd 7 prepare a document as to what he did and all the 8 facts. 9 At the end, when they were through with 10 that, they'd hand it in to me. I'd review it. 11 If I had to make a few more calls to kind of tie 12 up loose ends, I would. After that was done, if 13 there was additional work, then we turn it over 14 to someone else. 15 Q Now, in terms of the -- did the Amtrak 16 Police Department also employ people who worked 17 as detectives? 18 A Yes, they did. In areas where we 19 didn't have stations, like Buffalo, New York, 20 Albuquerque, New Mexico, Dallas, Texas. 21 Q And how about in -- on the northeast 22 corridor? Were there detectives who worked on</p>	514	<p>1 Q And what was the type of investigative 2 duties that the uniformed officers would perform? 3 A They do all the -- you know, basically 4 the police stuff, you know, any of the crimes, 5 any assaults, any robberies, anything which was 6 irregular. 7 Q Did you have to take statements from 8 witnesses? 9 A Yes, we did. 10 Q Did you -- would you canvass -- try to 11 find witnesses to an incident? 12 A When we arrive at the scene, we'd check 13 to see if there's any witnesses. We'd send two, 14 three officers at a time to a scene. And while 15 one's dealing with the victims, the other one 16 would be asking anyone what they saw. They 17 gather their notes, you know, and they'd all be 18 included in the incident report. 19 Q And did -- what was the relationship -- 20 what was the relationship between the Amtrak 21 police and, say, the -- the Chicago or Cook 22 County Police?</p>

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515	<p>1 A We had a real good relationship with 2 Chicago. They believe they're the best in the 3 world, and we never gave them any reason to doubt 4 it. 5 Q Did the Chicago Police tend to have 6 better resources than the Amtrak police did? 7 A Absolutely. 8 Q And were there -- were there criminal 9 activities -- criminal -- crimes that were 10 committed on Amtrak property that sometimes the 11 Chicago Police would take because of their 12 resources? 13 A Yes. I did that often myself. I 14 would -- we'd have someone OD in a bathroom. 15 We'd secure the scene. We'd call up the Chicago 16 detectives, have them come in, because they had 17 the crime lab, and they were better trained and 18 equipped to do that. 19 Q Now, in -- you said you -- you 20 participated in collective bargaining with 21 Amtrak; was that right? 22 A Yes.</p>	517	<p>1 A After -- after 9/11, they did. 2 Q And -- 3 A And just for fixed posts, a couple of 4 them at the entrance of a station. A couple of 5 them would be at the entrance of a yard, stuff 6 like that. 7 Q And what did those security guards do? 8 What was their role to the extent you were able 9 to observe? 10 A Give directions and, you know, be there 11 just as people with questions and free up the 12 officers to actually do police work. 13 Q And if I direct your attention to the 14 previous document, this is -- let me ask you a 15 question about the -- the requirements for being 16 employed by Amtrak. 17 What -- to your knowledge, what -- at 18 the time you left, anyway, what was -- what were 19 the requirements to be hired as an Amtrak police 20 officer? 21 A At the time I left, they -- one of 22 three things you had to have. You had to either</p>
516	<p>1 Q How did Amtrak characterize the post -- 2 the -- the Amtrak police officer position during 3 bargaining? 4 A Up to about 2000 -- well, when I first 5 started in '76, they -- they took over all the 6 railroads. So they incorporated a lot of the 7 railroad police from those railroads and they had 8 a good -- they had a real good opinion of the 9 railroads, and, you know, they're new, and they 10 were kind of feeling their way, and the salary 11 reflected it. You know, they -- they were all 12 high paid. As time went on, by, oh, the late 13 '90s, they looked at it as a protected 14 environment, and the guys were a little bit more 15 than security guards. 16 Q So that was how -- that was how Amtrak 17 would characterize its -- 18 A Their officers. 19 Q -- police force during bargaining? 20 A Yeah. Specifically put that way. 21 Q And did -- did Amtrak employ people who 22 were actually security guards?</p>	518	<p>1 have 60 hours of college. It didn't have to be 2 an associate's degree, just had to be 60 hours, 3 because some people go to four-year school and 4 they don't get an associate's degree. You had 5 to -- you had to have completed service with the 6 military, or you had to have been a former police 7 officer. It never specified how many years you 8 had to be, because if you transferred in, it was 9 a lateral movement. You could get more money. 10 Q So if you came in -- if you were hired 11 over at Amtrak with private police experience, 12 would that be reflected in the pay you received? 13 A Yes, it would, because we recognize the 14 service that you've already put in. 15 Q And can I direct your attention to the 16 previous document? It's Exhibit No. 60. 17 Do you recognize this document? 18 A Yes, I do. 19 Q And what is this document? 20 A This is the pay scale they were -- that 21 we negotiated in 2000 and -- in 2009. It went 22 into effect in 2010.</p>

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519	<p>1 Q So this is a four-year-old pay scale; 2 is that correct? 3 A It's still current, though. 4 Q It's still current. Okay. 5 A Yes. 6 Q And can you explain -- translate for us 7 where a -- well, first of all, it says police 8 officer to the left. 9 Would that be the -- is that -- were 10 there different kinds of police officers, or 11 did -- was there just a -- a single patrol 12 officer? 13 A The police officers were all the same. 14 Q Okay. 15 A You know, it's just a matter of where 16 you're at and how many years you had. That would 17 reflect in the pay. 18 Q So let's go to Chicago. What would -- 19 let's say an officer with 20 years of experience. 20 What -- what salary would that officer be 21 earning? 22 A Chicago, 20 years, about 66,000.</p>	521	<p>1 wouldn't get anything your first year. Your 2 second year, you'd get one week. I think, after 3 three years, you get two. Then when you go to 4 about seven years, you pick up a third week, and 5 about ten years, you're into four. And by the 6 time you're old and worn out like me, you're 7 doing about seven. 8 Q Okay. And then did you also receive a 9 pension? 10 A Yes. From Railroad Retirement Board. 11 Q And is that something that Amtrak paid 12 into? 13 A Yes. And -- and the individual 14 officer. 15 MR. STEPHENS: And you. Mr. Hrubec, 16 thank you very much. I have no further 17 questions. 18 CROSS-EXAMINATION BY COUNSEL FOR 19 THE 20 POSTAL SERVICE 21 BY MS. GONSALVES 22 Q Mr. Hrubec, when you retired from Amtrak, what position were you in again?</p>
520	<p>1 Q Okay. 2 A Right. 3 Q Is it 66, or is it the one above? 4 A It might be. Let me see. 20 years, I 5 think it's -- okay. 69. 6 Q And what -- 7 A Maybe I should have worn my glasses. 8 Q It's the collective sense that we're 9 all losing our eyesight. 10 And what benefits did Amtrak police 11 officers receive? What kind of employee benefits 12 did they receive? 13 A Originally, they received all the 14 medical, dental, vision, and after we received 15 this contract, they had to contribute something 16 to the medical. 17 Q And how -- do you remember how much 18 that contribution was? 19 A It was like a hundred bucks a month. 20 Q Okay. And what -- what kind of -- how 21 much vacation did they receive? 22 A They vary. It started off -- you</p>	522	<p>1 A I was a sergeant. 2 Q Okay. And as a sergeant, did you -- 3 were you responsible for pay policies of Amtrak? 4 A I wasn't responsible as a sergeant. As 5 a vice president of the union, I -- 6 Q You engaged in -- 7 A -- negotiated -- 8 Q -- bargaining -- 9 A Yes, ma'am. 10 Q -- regarding wages? 11 A Yes, ma'am. 12 Q To your knowledge, is Amtrak subject to 13 a private sector comparability standard? 14 A They have a board of directors that's 15 appointed by the President. And they go to 16 Congress, and they -- they get their money from 17 Congress, and then they set up their own budgets. 18 So they have to ascertain how many people, how 19 much money, stuff like that. 20 Q So, basically, you're saying that 21 they -- they get their funding appropriations 22 from the government?</p>

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523	<p>1 A Yes, ma'am. 2 Q Okay. Are you familiar with Amtrak's 3 annual report? 4 A Haven't seen one in about four years. 5 MR. STEPHENS: Okay. I want to just 6 enter this in. It's a -- it's a public document. 7 It's available on Amtrak's website. It's -- it 8 will be Exhibit No. 10. Yes. 9 BY MS. GONSALVES 10 Q And this, Mr. Hrubec, is just an 11 excerpt from the annual report. It's the 12 financial notes that -- to the consolidated 13 financial statement from this year. 14 And I just -- you know, I don't want to 15 spend a lot of time on this, but, obviously, 16 Amtrak gets a lot of funding from the federal 17 government, right? 18 A Pretty much, yes, ma'am. 19 Q And all of its outstanding preferred 20 stock is owned by the Department of 21 Transportation, this says? 22 It's on the -- if you flip it over,</p>	525	<p>1 true? 2 A That's true. 3 Q Okay. You gave an example of 4 pickpocketing, and I believe that Mr. Stephens 5 asked you another question about that. 6 Would -- if somebody were to be found 7 pickpocketing, that wouldn't be a violation of 8 Amtrak related law, right? 9 A Amtrak police officers are sworn 10 officers in the state of Illinois or whatever 11 state they're working. So they -- they have the 12 power of arrest any -- in any state they're at, 13 and that's -- that's a misdemeanor. 14 Q For any sort of criminal offense -- 15 A Any -- 16 Q -- you're saying? 17 A Any criminal offense. And if -- 18 Q And that's actually -- oh, sorry. Go 19 ahead and finish. 20 A And if you don't act -- you're acting 21 viciously and -- we'll remove you. 22 Q So that's consistent with -- if you</p>
524	<p>1 it's on the first -- the first note. If you just 2 open this up, it's on the first page. 3 A Okay. 4 Q And it's the first paragraph there. 5 All right. Okay. 6 Mr. Hrubec, just turning to Union 7 Exhibit 61, this is a copy of the job description 8 for the Amtrak police officer, correct? 9 A Yes, ma'am. 10 Q Okay. And just -- according to this 11 job description, under requirements, education, 12 applicants must have a high school degree or a 13 GED, correct? 14 A This -- that's what this one says, yes, 15 ma'am. 16 Q Okay. And it says that -- under work 17 experience, the first bullet says that an Amtrak 18 police officer is responsible for safety and 19 protection of all persons, including passengers, 20 employees and property, correct? 21 A Yes, ma'am. 22 Q And that -- to your experience, that is</p>	526	<p>1 turn over to the next page, about halfway down 2 that list of bullets, you'll find one that says 3 reads, interprets and applies. Do you see that? 4 Yeah, the next page, halfway down that list of 5 bullets. It's -- flip it over. You're on the -- 6 yeah. And about halfway down that list of 7 bullets -- 8 A Right. Federal, state, local laws, 9 regulations, railroad department of policies and 10 procedures. 11 Q Right. So there's pretty much wide 12 authority and application of -- of a wide range 13 of different types of laws, correct? 14 A Yes, ma'am. 15 Q Okay. Now, say that you conduct a 16 preliminary investigation of some criminal 17 activity, and you prepare your report, your 18 incident report that you described earlier. 19 Do you then turn that over to federal 20 authorities? 21 A No. actually, we don't turn anything 22 over to the federal authorities. We -- if it's</p>

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<p style="text-align: right;">527</p> <p>1 federal, we take it there ourself, but maybe 2 99.9 percent of the time, we handle everything 3 through the state. 35 years, I had only one 4 incident where I had to take something federally. 5 That was a 10-pound brick of crack cocaine that I 6 took off of a girl that's transporting it from 7 New Mexico to Chicago. That went through federal 8 court. 9 But outside of that, we fill out an 10 Amtrak police report, and we fill out a Chicago 11 police report. If ever there's an arrest, the 12 Chicago Police Department wants a copy of their 13 report, because they detain the person till we go 14 to court. 15 Q Okay. 16 A So I review both reports. I keep ours 17 in our office, and I send the other one with the 18 officer and the -- the prisoner. 19 Q So you have involvement in 20 investigations of things like general drug 21 offenses? 22 A Yes. Yeah, we do it at the -- first</p>	<p style="text-align: right;">529</p> <p>1 training program, which I think you testified 2 about? 3 A Yes. 4 Q That you have to have current related 5 experience as a police officer or similar law 6 enforcement experience? 7 A Yes, ma'am. 8 Q And you have to have an associate's 9 degree of 60 credit hours from an accredited 10 college or university? 11 A Well, to be honest with you, they don't 12 require you to have all three. They require you 13 to have one. If you've got 60 hours, you don't 14 have to have been in the military and you don't 15 have to have been a police officer. If you have 16 any one of those three, you're qualified. 17 MS. GONSALVES: Okay. Thank you very 18 much. 19 THE WITNESS: Yes, ma'am. 20 MR. STEPHENS: I have no questions. 21 ARBITRATOR OLDHAM: Thank you very 22 much. Anything?</p>
<p style="text-align: right;">528</p> <p>1 officer. 2 Q Okay. And you -- you actually do -- 3 I'm reading from the job description. I'm just 4 confirming that it's true that you do follow-up 5 investigations to solve crimes, correct? 6 A We usually turn that over to the 7 detectives, you know. And we'll do the 8 preliminary investigation, and I'll -- I'll make 9 a few phones calls if I feel there's any more 10 information that can be obtained, but to make it 11 as easy as possible for the detective, because 12 most of the detectives aren't just getting 13 reports from Chicago. They're getting it from a 14 whole area. So we want to do as much as we can 15 so they don't have to do as much. 16 Q I just want to focus on the last three 17 bullets of Exhibit No. U-61. And this is listed 18 under requirements, work experience section. 19 In there, it talks about three 20 different requirements, right? 21 A Yes, ma'am. 22 Q That you have to complete basic</p>	<p style="text-align: right;">530</p> <p>1 ARBITRATOR DUFEK: Can I just clarify 2 one, just because I have an intellectual -- 3 THE WITNESS: Sure. 4 ARBITRATOR DUFEK: -- curiosity. 5 Burlington Northern is going east? 6 THE WITNESS: Yes. 7 ARBITRATOR DUFEK: Because I think I 8 read this. 9 THE WITNESS: Yeah. They're just 10 starting to go east now. 11 ARBITRATOR DUFEK: Yeah. They don't -- 12 there is no through route Chicago? 13 THE WITNESS: They stop at Union 14 Station. If you ever go to Union Station, it's 15 unique, because you have a north side and a south 16 side of Union Station. It's Burlington Northern 17 Santa Fe now. And once they picked up Santa Fe, 18 it pretty much wiped everything in the southeast 19 part of the United States. They're going -- the 20 Burlington Northern part of it, which they have a 21 lot of Metro police working with them, they 22 handle everything going up in the northern part</p>

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<p style="text-align: right;">531</p> <p>1 of the United States. So it's still the same 2 company, but it's just run differently. 3 ARBITRATOR DUFEK: And similarly, going 4 west, if you're the Norfolk Southern or the C&O 5 -- 6 THE WITNESS: Missouri Pacific. 7 ARBITRATOR DUFEK: -- you're -- you're 8 stopping at that -- at those yards? 9 THE WITNESS: All -- all -- all the 10 freights doesn't come through the station. Only 11 the passenger trains. Ever since we took over in 12 1976, they gave up all the passenger trains, and 13 we took them. 14 ARBITRATOR DUFEK: Thanks. 15 THE WITNESS: You're welcome. 16 ARBITRATOR DUFEK: I appreciate it. 17 THE WITNESS: You're welcome. 18 ARBITRATOR OLDHAM: Thank you. 19 (Witness excused.) 20 ARBITRATOR DUFEK: Can't let those 21 moments pass. 22</p>	<p style="text-align: right;">533</p> <p>1 facility in New York to which you're assigned? 2 A I'm assigned currently at JFK 3 International Airport. 4 Q Okay. 5 ARBITRATOR OLDHAM: Date of hire? 6 THE WITNESS: February 2nd, 1996. 7 BY MR. STEPHENS 8 Q And, Officer Jordan, where did you do 9 your police academy training? 10 A At the Federal Law Enforcement Training 11 Center in Glynco, Georgia. 12 Q And, Officer Jordan, did you hold a 13 position with the Postal Service before you 14 became a police officer? 15 A No, I did not. 16 Q I want to ask you about JFK. What -- 17 what do you do -- what are -- what is your -- do 18 you guard a fixed post at JFK? 19 A We only have one officer that's 20 responsible for a fixed post at JFK. 21 Q And -- 22 A We have foot and mobile patrols through</p>
<p style="text-align: right;">532</p> <p>1 WHEREUPON, 2 ERIC JORDAN 3 called as a witness, and having been first duly 4 sworn, was examined and testified as follows: 5 THE WITNESS: I do. 6 DIRECT EXAMINATION BY COUNSEL FOR 7 THE 8 UNION 9 BY MR. STEPHENS 10 Q Please state your name for the record, 11 please. 12 A Eric Jordan. 13 Q And by what agency are you employed? 14 A United States Postal Inspection 15 Service. 16 Q And in what position are you employed? 17 A I'm a Postal Police Officer. 18 Q And, Officer Jordan, in what -- what 19 division of the -- which geographic juris- -- 20 which geographic division of the Postal Police 21 Officer are you with at the time? 22 A New York. 23 Q Okay. And is there a particular</p>	<p style="text-align: right;">534</p> <p>1 the facility, and we have ramp patrols out in the 2 sterile -- the sterile AOA area of the airport. 3 Q Now, the -- the officer who's assigned 4 to guard the fixed post, what -- who comes 5 through that particular post? 6 A Postal employees, airline employees, 7 airline contract employees, United States 8 Customs, United States Fish and Wildlife. About 9 12 to 14 other agencies also come through there. 10 Q Okay. What do -- when you're on a 11 mobile patrol at JFK, are you on the tarmac? 12 Do you -- let me ask you this: Where 13 do you do your mobile patrol at JFK? 14 A The mobile patrol is the facility that 15 we're stationed at, Building 250 at JFK. Up 16 until last year, we had a second facility at the 17 airport, which has been closed. There was a 18 third facility we rented occasionally to handle 19 Christmas mail, and now it's -- we're down to one 20 facility and renting a second one to handle the 21 overflow for Christmas. 22 Q Okay. And when you are on a -- a</p>

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535	<p>1 patrol, a vehicle patrol at JFK, what are you 2 charged with looking for? 3 A Well, what we're trained to do is make 4 sure that postal equipment is secured, the mail 5 is secured, the mail is being delivered timely 6 and it's not being misappropriated or rifled. 7 Q Do you know -- I didn't ask you about 8 this when we -- but do you know how much mail 9 comes through JFK? Do you have any way -- 10 A I -- 11 Q -- of describing -- 12 A I guess if I had a piece of paper, I 13 could make some sort of rough estimate, but at -- 14 during my tour of duty, it would be -- at least 15 several hundred cargo cans of mail would be -- 16 would just go through the post office, not even 17 through the airport, because there's a lot of 18 transfer mail in the airport that doesn't even 19 come into our facility, and each one of them 20 would contain 40 or 60 bags of mail apiece. 21 Q Is it fair to say there's a lot of mail 22 that moves through JFK?</p>	537	<p>1 the background checks. So in 60 days, when the 2 background check clears, they're -- they quit and 3 go on to another agency. 4 Q They're -- 5 A They tend to supplement their salaries 6 with stealing from the airport. And, 7 unfortunately, with a lot of -- in an 8 international airport, we require people to put 9 customs stickers on their mail. So we have a big 10 sign on their mail saying, guess what's in this 11 box? It's an iPod I'm sending to grandma or it's 12 a laptop being sent home from -- 13 Q And that -- 14 A -- a military person -- 15 Q And those stickers appear on the 16 outside of -- 17 A Yes. 18 Q Okay. So the -- describe how the mail 19 actually moves when it -- when it -- after it has 20 left the custody of the post office and before 21 it's being placed onto a plane. 22 A All right. When it's still on the</p>
536	<p>1 A Yes, there is. 2 Q So tell me about the types of mail 3 crimes that can occur at JFK that you run across 4 in your -- in your daily duties. 5 A Well, unfortunately, we run across a 6 lot of mail theft at JFK due to the fact that 7 the -- the mail actually leaves the post office's 8 hands at JFK. Career employees with the Postal 9 Service actually happen to take very good care of 10 the mail as they're processing it, as a general 11 rule of thumb. 12 The mail is passed on to the airlines 13 to be handled. The airlines want to make as much 14 money as possible, and now, since they've gotten 15 rid of a lot of their union, they hire contract 16 employees. The -- the contract employees are 17 actually employed by outside agencies. There's 18 Jetway. There's Evergreen, this -- this entire 19 slew of them based at JFK airport. And, 20 unfortunately, they have a lot of turnover, 21 because the employees, since they're working for 22 minimum wage, a lot of them actually don't pass</p>	538	<p>1 property at the post office, these -- the 2 contract employees of the service companies that 3 work for the airlines will load the mail into 4 either a luggage cart, which is a large 5 rectangular cart, four wheels, and both sides are 6 secured with curtains, or a cargo container, 7 which would be a U or half a U, inverted U-shaped 8 metal or plexiglass container that fits into the 9 cargo area of an airplane. 10 Q Are those curtains always closed? 11 A No, unfortunately. They -- the airline 12 police get lazy. They'll overfill the -- the 13 containers so that you can't physically close the 14 curtain. They'll just not close the curtain, 15 because that's too much work, or they might end 16 up with too much mail and just start piling it on 17 top of the container on top of the cart. 18 Q But all of the mail remains inside of 19 the cart when it's transferred? 20 A No. 21 Q What happens to it? 22 A The second the cart moves, the mail --</p>

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539	<p>1 the mail bags shift and tend to start falling out 2 of the container. One of the pictures I 3 forwarded to your office was a trail of -- of 4 destroyed mail because a bag of mail fell out and 5 was dragged along by all the vehicles moving 6 along the roadway. 7 Q That exhibit, alas, did not make it 8 into the exhibit book. There were -- we had to 9 claim credit for editorial reduction of the 10 number of photographs, but I do want to direct 11 your attention to a couple of photographs. 12 ARBITRATOR OLDHAM: It's not Exhibit 13 40? No, that's an automobile. Sorry. 14 MR. STEPHENS: It's just before that. 15 It's Exhibits 38 and 39. Oh, not 38. I'm sorry. 16 It is Exhibit 40. I'm sorry. You were correct. 17 So turning to Exhibit 40, the -- I 18 assure the panel the color photograph 19 actually was -- showed a little bit more. 20 BY MR. STEPHENS 21 Q But can you tell us -- describe, 22 Officer Jordan, what we're seeing here?</p>	541	<p>1 one piece of mail, and that's the one piece of 2 mail that they want to take. The problem is, it 3 isn't the contents of the mail, because once they 4 have the contents of the mail, they're pretty 5 much home free. It's the actual wrapper of the 6 mail itself that's going to lead it back to them 7 and get them caught, so that's the part that they 8 have to get rid of. 9 So while I'm out on my patrol, I'll 10 make sure to get out of the car, walk through 11 abandoned buildings, look in dumpsters, look in 12 garbage cans, look in empty contains to see if 13 there is any evidence that someone is rifling 14 mail. 15 Q And when you're looking in a dumpster 16 do you use like a -- like a telescopic mirror to 17 try and see what's inside a dumpster? 18 A No. I climb in the dumpster. 19 Q And what have we -- in Union Exhibit 20 40, what -- are we looking at something that was 21 found in a dumpster? 22 A This was found -- No. 40 and 41, this</p>
540	<p>1 A What you're seeing is that, one night, 2 I had been on a ramp patrol, and I discovered a 3 container of mail inside an unused, abandoned 4 building in the airport. 5 Q Can I ask you why -- how did you come 6 to discover it? What -- what led you to visit 7 that abandoned building? 8 A Since I knew the building -- the 9 building itself wasn't being used, but it was 10 adjacent to one of the companies that handles 11 mail in the airport. I -- once I was done 12 walking around the property of the -- the -- MSN 13 is the company -- name of the company. Their 14 building, I felt -- I would walk around the 15 connected building just to make sure there was 16 nothing -- no evidence of any crimes there, and 17 that's -- 18 Q And why would you think there would 19 be -- why would you think there might be evidence 20 of a crime near that -- near MSN? 21 A If -- if one of the airline employees 22 decides to have a crime of opportunity, they see</p>	542	<p>1 was actually found inside of a container -- 2 Q Okay. 3 A -- in the empty building. 4 Q When you say container, what kind of -- 5 A It's a -- 6 Q -- container? 7 A It's an inverted U metal tube -- it's 8 usually made of aluminum or aluminum and 9 plexiglass -- that is filled with cargo or mail. 10 That way, they can slide it directly inside the 11 body of a plane when they're loading it. 12 Q I see. 13 A That way, it saves time, and it 14 supposedly keeps airline workers from actually 15 having to physically contact the mail since it's 16 sealed in a box, and that box fits right in the 17 plane. 18 Q So this mail -- 19 A I saw equipment inside the building. 20 So I just walked in, just looked inside to see 21 what was in the equipment, and I found that this 22 container was still filled with mail that had</p>

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543	<p>1 been sitting out on the tarmac for several weeks. 2 Q Now, how were you -- how were you able 3 to identify it as mail? 4 A The -- the sacks say -- these sacks, 5 since this is domestic mail, these sacks actually 6 say U.S. mail. We can also -- we've been taught 7 to read the codes on -- there's a flight tag on 8 each bag that contains the information on 9 where -- what the contents of the bag is, the 10 weight of the bag, where the bag came from and 11 its destination, the time, the flight it's 12 supposed to take. 13 Q Now, how many bags of -- by the way, 14 how many vehicles were -- are in this photograph? 15 A There's -- there's two vehicles covered 16 with mail in this photograph, because I had asked 17 another officer to come out on the ramp to help 18 me transport this mail back. He came from the 19 other direction of the building, and he found a 20 container full of mail. 21 Q And so these were -- and who called to 22 tell you that the mail was in these --</p>	545	<p>1 photographs later. What are we looking at here? 2 This is -- along the left side of this 3 photograph, the top, it says waste. 4 A This is a -- a 33-yard dumpster that 5 was -- happened to be in front of the same 6 building that the mail from the last one came 7 from. 8 Q And where did you find this mail? 9 A This mail -- this is some of the mail 10 that was in that dumpster. 11 Q So how -- how did you locate this mail? 12 A I climbed -- I had climbed in the 13 dumpster. On the top of the dumpster was a 14 couple of empty shipping pallets. I lift them 15 up, and I saw mail under the shipping pallet. So 16 I moved the first shipping pallet, and I started 17 unloading the mail from the dumpster. 18 Q Now, the mail that's recovered here, 19 was this mail rifled or just abandoned? 20 A Both. 21 Q Both. What do you do with that mail 22 after you -- after you retrieve it? Where does</p>
544	<p>1 A No one called to tell me. This is 2 while I was patrolling the building. I saw 3 unused equipment, and I went to see if -- make 4 sure it was empty unused equipment. 5 Q And how many bags of mail ultimately 6 did you recover, you and your partner? 7 A I believe there was 17 in total. 8 Q Okay. Is it unusual to recover bags of 9 mail like this? 10 A It's -- 11 Q Let me -- is it unusual to recover this 12 much mail? 13 A No. 14 Q Okay. How -- how often do you come 15 across in your daily patrol? 16 A If I'm assigned to the ramp, I will 17 usually have two to three incidents a day of 18 recovered intact mail, recovered rifled mail, 19 delayed Express Mail. 20 Q That you run across? 21 A Yes. 22 Q Let me direct your attention two</p>	546	<p>1 that mail then go? 2 A If the -- if the mail is rifled or if 3 the mail looks as if it was staged to be rifled 4 or even this, which is abandoned and thrown out, 5 it's disposed of, it's mishandled, this mail and 6 all of it and any evidence I can recover are 7 recovered for the -- for the Postal Inspectors to 8 investigate. 9 Q Okay. Let me ask you this: This final 10 document, what are we looking at here? 11 A What we're looking at here is mail 12 lying in the grass along the side of the road. 13 It's registered -- registered mail lying along 14 the side of the road -- 15 Q And why -- 16 A -- at the -- 17 Q And how do you -- how do you believe it 18 came to be there? 19 A I believe it came to be there because 20 somebody opened a tray of registered mail to see 21 what was inside the tray. There was -- it was 22 envelopes, so they didn't really look with a</p>

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547	<p>1 light, so they got rid -- they tossed it. And 2 when it got tossed, all 500, 750 envelopes that 3 were in the tray were strewn across a 4 several-mile stretch of the airport. 5 Q And how common is it to run across 6 sites like this? 7 A Daily. 8 Q Okay. And, Officer Jordan, how many 9 hours a week would you guess you spend pursuing 10 stolen, rifled or abandoned mail? 11 A 16 to 24, probably, depending on the 12 rotation. 13 Q Let me ask you about -- you're in -- in 14 New York. In New York, have officers received 15 training on what to do in the event of an active 16 shooter? 17 A Yes, we have. 18 Q And for how long -- how have you been 19 receiving training on that? 20 A It's -- we received training -- I 21 believe it started about two or three years ago, 22 but it's -- it's a lot more intense and</p>	549	<p>1 something happened and if there was an active 2 shooter incident in the post office, they were 3 told to -- to -- that they should shout out to 4 let the responding police know that this person 5 isn't the threat, where the threat is and what's 6 going on, get out, to remove themselves from the 7 situation, hide out, if they're unable to get out 8 of the building, and fight it out, which is, for 9 the postal employees, a last-chance resort to 10 save their lives. 11 Q Okay. Now, Officer Jordan, do you 12 remember -- how many Postal Police Officers were 13 in your class at -- at FLETC; do you recall? 14 A There was 46 or 48 officers in the 15 entire class, and there was, I believe, 16 from 16 New York. 17 Q And if -- if you know, do you -- how 18 many of those officers have left to go to other 19 agencies? 20 A From the whole entire class? Probably 21 half. 22 MR. STEPHENS: I have no further</p>
548	<p>1 time-intensive training now than it was even when 2 I started. 3 Q Do you get simulation training on how 4 to handle, like -- 5 A We got -- 6 Q Can you explain that? 7 A We've had training on the fax machine, 8 going through scenarios of the active shooter, 9 and we've had the -- the range instructors in New 10 York did a wonderful job of actually setting 11 up -- taking over the entire floor of a building 12 and setting up a simulation of responding to an 13 active shooter. 14 Q Okay. Now, have -- are you aware if 15 there's been active shooter training given to 16 general post office employees? 17 A Yes, I am aware of that. 18 Q And can you explain what -- to your 19 understanding, what is the training that's been 20 given to post office employees in general? 21 A The post office employees were shown a 22 movie where they were given their -- if -- if</p>	550	<p>1 questions. Thank you very much. 2 CROSS-EXAMINATION BY COUNSEL FOR 3 THE 4 POSTAL SERVICE 5 BY MS. GONSALVES 6 Q You've been with the Postal Service 18 7 years? 8 A It is going on 18 years, correct. 9 Q And you've been working at the airport 10 that entire time? 11 A No, I'm not. I finally was able to -- 12 actually, I'd been trying to work at the airport 13 the entire time. I was finally able to get a bid 14 there after 2001. We had a reorg. Up until -- 15 unfortunately, from the time I started until -- 16 it was just the beginning of 2002, I believe -- 17 several officers on -- on the midnight tour would 18 actually change their days off if there was an 19 opening to make sure there was still overtime 20 available for them. 21 Q So since 2001, you've been working at 22 the airport? 23 A Yes.</p>

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551	<p>1 Q And when you've been working at the 2 airport, your job has been to secure the mail, 3 correct? 4 A To secure the mail, to protect the 5 safety of the postal employees and other 6 employees that are on postal property and to 7 safeguard postal interests and infrastructure. 8 Q Okay. So postal property and assets? 9 A Yes. 10 Q Okay. Just to clarify something, when 11 we talk about mobile patrols, we're talking about 12 foot patrols, correct? 13 A Foot patrol is one, correct. 14 Q Yeah. And we're also talking about 15 mobile -- 16 A Vehicle patrol. 17 Q -- within a vehicle? 18 A Yes. 19 MS. GONSALVES: Okay. Those are all 20 the questions I have for you. Thank you. 21 THE WITNESS: Okay. 22 MR. STEPHENS: Thank you very much.</p>	553	<p>1 career employees doing -- for example, it's just 2 like handling baggage. You're handling mail. 3 You take the mail off the plane, and it's 4 delivered to the post office or it's delivered to 5 another gate because it's going out on another 6 plane. 7 The Delta employees, they had a problem 8 with their union last year, and they lost that 9 job at JFK. Delta now has the right to hire an 10 outside agency to handle such things such as 11 baggage handling. The outside -- so they 12 contracted with a company called Swissport. 13 They're not only airline; they're apparently one 14 of the largest companies in the world handling 15 out -- for outsourcing mechanics on airplanes, 16 the baggage handling, servicing the airplane, so 17 stocking it, and that's -- so a Swissport 18 employee will normally now transfer the mail. 19 Unfortunately, Swissport doesn't have 20 enough employees, so they'll have a contract 21 employee, which normally is -- from what I am 22 told, was created to be a second job for another</p>
552	<p>1 Unless the panel has questions. 2 ARBITRATOR DUFEK: I do. Again, 3 curiosity kills the cat here. 4 THE WITNESS: No problem. 5 ARBITRATOR DUFEK: When you're talking 6 about the airlines, I take it, at JFK, that 7 you're talking about commercial international 8 airlines or -- 9 THE WITNESS: There's domestic and 10 international, yes. 11 ARBITRATOR DUFEK: And what -- what 12 would the procedure -- how would the procedure -- 13 and I understand those are the -- those are the 14 entities that are using these contract personnel 15 to -- 16 THE WITNESS: Yes. The -- 17 ARBITRATOR DUFEK: -- handle the 18 mail -- 19 THE WITNESS: They -- 20 ARBITRATOR DUFEK: -- once it leaves. 21 THE WITNESS: Up until -- for example, 22 up until last year, Delta had their own -- their</p>	554	<p>1 airline employee. But it's turned out now that, 2 unfortunately, they just have a turnover of these 3 temporary minimum wage workers until they're, 4 unfortunately, unable to work at the airline 5 anymore. 6 ARBITRATOR DUFEK: And I got that part. 7 But the thing that I'm curious about is: How 8 does it differ when you interface with FedEx or 9 UPS? 10 THE WITNESS: Well, FedEx, right now, 11 they have their own handlers working on that. 12 And when -- if they come -- if it's a FedEx 13 flight that's handling mail, across -- carrying 14 between the two agencies, they treat the mail a 15 lot differently than a minimum wage worker would. 16 You see that inside the post office as well when 17 we have casual workers as opposed to full-time 18 career workers. 19 When I worked -- when I worked in the 20 city, which was mostly postal workers, we -- I 21 cannot remember -- someone had asked me. I could 22 not remember a single instance of physical</p>

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555	<p>1 violence between two postal workers. We had them 2 where one or both is a casual, but I never 3 actually -- I couldn't -- I actually had to go to 4 my book and look. I couldn't, off the top of my 5 head, recall responding to a physical incident 6 of -- of violence. And it's -- unfortunately, 7 it's the same ethic with -- ethic and standards 8 with handling the mail with them. 9 ARBITRATOR DUFEK: So I guess the 10 point -- I mean, I just -- I was just curious, 11 but I guess the point you're making is that when 12 you're dealing with FedEx and UPS and their own 13 employees, they handle the mail -- the mail with 14 a greater degree of care and concern and 15 attention than you're experiencing with these 16 other contractors that -- 17 THE WITNESS: Yes. Unfortunately, 18 they're so removed from -- 19 ARBITRATOR DUFEK: Yeah. 20 THE WITNESS: -- what it is they're 21 handling. 22 ARBITRATOR DUFEK: And that was the</p>	557	<p>1 ARBITRATOR OLDHAM: Or do you want to 2 just -- 3 MR. STEPHENS: Yeah, if we could go a 4 little bit later on lunch. I don't want to -- if 5 we can take maybe five or ten minutes now, a 6 break, and then come back. I -- I want to make 7 sure -- I don't want to waste the panel's time. 8 We moved a little bit quicker this morning than I 9 thought we would. 10 ARBITRATOR OLDHAM: Okay. I can do 11 whatever we need, but what's your -- tell me 12 exactly what you're proposing. Do you have 13 another witness to put on live here? 14 MR. STEPHENS: I don't believe so right 15 now, but we may after lunch. 16 ARBITRATOR OLDHAM: So advise me. 17 MR. STEPHENS: Well, I would like -- if 18 I could do this, if we could take a five-minute 19 break now, so we can come back with our -- a full 20 plan for the afternoon and advise the panel. 21 ARBITRATOR OLDHAM: Fine. Let's make 22 it ten minutes right now.</p>
556	<p>1 point I was making. 2 THE WITNESS: Yeah. 3 ARBITRATOR DUFEK: Thank you. 4 ARBITRATOR OLDHAM: Thank you very 5 much. 6 THE WITNESS: Thank you. 7 (Witness excused.) 8 ARBITRATOR OLDHAM: I think it's that 9 time of day. 10 MR. STEPHENS: Yes, sir. 11 ARBITRATOR OLDHAM: Let's break for 12 lunch. And we'll resume at 1:00? 13 MR. STEPHENS: I think 1:00 or -- we 14 could go a little bit later if -- the reason 15 being that our principal witnesses are both 16 testifying -- two of our principal witnesses are 17 testifying by telephone, and neither of them are 18 available until about 1:30 or 2:00. 19 ARBITRATOR OLDHAM: Fine. So let's 20 carry on for a while then and break later. Is 21 that the point? 22 MR. STEPHENS: Well, I think --</p>	558	<p>1 MR. STEPHENS: Okay. Okay. Thank you. 2 (Brief recess.) 3 MR. STEPHENS: Okay. I guess two 4 things we'd like to do -- we would -- we would 5 propose for the -- for this. First of all, our 6 first witness, we understand, will be available 7 to testify at two o'clock Eastern, and he'll be 8 testifying by telephone. And then there will be 9 a second witness also testifying by telephone who 10 becomes available after 2:30 Eastern. 11 So I guess we would propose, with the 12 panel's consent, to break until about 13 two o'clock, if that's okay, or a little bit 14 before that to set up the -- 15 ARBITRATOR OLDHAM: Telephone 16 connection. 17 MR. STEPHENS: -- telephone connection. 18 The only other matter we wanted to raise with the 19 panel and with Teresa is, when Officer Pierce 20 testified yesterday, counsel for the post office 21 asked if he had a copy of a letter of removal 22 that was referenced by Officer Pierce during his</p>

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559	<p>1 testimony, and we have obtained the letter with 2 copies and -- and with the holes. So if we could 3 supplement our -- however you would want to do 4 it, Teresa. We could do it formally through 5 Officer Pierce or -- 6 MS. GONSALVES: I mean, I haven't seen 7 it. 8 MR. STEPHENS: Understood. 9 MS. GONSALVES: I would like to see it. 10 MR. STEPHENS: Yeah. 11 MS. GONSALVES: This is with regard 12 to officer -- 13 MR. STEPHENS: Officer Palmer, who was 14 removed. This was the issue about the importance 15 of testifying to -- 16 MS. GONSALVES: Okay. Yes. 17 MR. STEPHENS: So with the panel's 18 permission, I'll hand -- hand copies out. 19 ARBITRATOR OLDHAM: Fine. And tell us 20 where to put it. 21 MR. STEPHENS: Sure. 22 MS. GONSALVES: I also did want to put</p>	561	<p>1 take these copies and get a black magic marker? 2 MS. MCKINNON: Got it. 3 ARBITRATOR DUFEK: That would be fine 4 by me. 5 MR. STEPHENS: We'll do that. We'll -- 6 we'll have these for the panel after we come 7 back. 8 ARBITRATOR OLDHAM: Let's do that. 9 Have them for us after the lunch break. 10 MR. STEPHENS: Okay. 11 ARBITRATOR OLDHAM: Teresa, do you want 12 to make a statement now? 13 MS. GONSALVES: I just wanted to note 14 on the record that, of course, live testimony is 15 preferred over telephone testimony for a number 16 of reasons. But notwithstanding that, we have 17 reached an agreement due to various conditions 18 facing the union to have originally two and 19 now -- and originally three and now two witnesses 20 testify by telephone. 21 And the conditions that we agreed to -- 22 and I don't have them in front of me -- is -- so,</p>
560	<p>1 on the record something about the telephone 2 testimony. 3 ARBITRATOR OLDHAM: Let's deal with 4 this exhibit first, Teresa. 5 MS. GONSALVES: Okay. 6 MR. STEPHENS: We would call this Union 7 Exhibit 66, which I believe would be the last 8 number. 9 Now, the social security number is 10 redacted. I don't know that there's anything 11 else in here that warrants a redaction, but we 12 can talk -- if there is something else, we would 13 get that redacted. 14 MS. GONSALVES: And the last four 15 digits aren't redacted -- you know that -- and 16 the address isn't redacted. 17 MR. STEPHENS: Okay. If those are -- 18 if those are things that need to be redacted, I 19 can circulate a new -- an e-mail around or mail 20 out another copy of this if you prefer -- if 21 you'd be more comfortable with that. 22 ARBITRATOR OLDHAM: Why don't you just</p>	562	<p>1 Arlus, you can help me with this. It's on a 2 non-citable, non-precedential basis for purposes 3 of this proceeding only that provided that the 4 witnesses have access to e-mail or a fax machine 5 and a printer that we are permitting them to 6 testify. 7 MR. STEPHENS: I didn't know about the 8 printer. 9 MS. GONSALVES: Well, as long as they 10 can view them. 11 MR. STEPHENS: Understood. 12 MS. GONSALVES: Okay. And I'll need 13 their e-mail addresses so I can forward it to 14 them. 15 MR. STEPHENS: Sure. 16 MS. GONSALVES: Okay. 17 ARBITRATOR OLDHAM: All right. 18 Anything else? 19 MR. ALEXANDROVICH: No. 20 ARBITRATOR OLDHAM: All right. With 21 that in mind, I think we now are in recess until 22 2:00 p.m., or let's come back at five minutes</p>

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563	<p>1 till so that we can make sure the telephone 2 connection is set up correctly. 3 (Whereupon, at 12:33 p.m., a 4 luncheon recess was taken.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
565	<p>1 DIRECT EXAMINATION BY COUNSEL FOR THE 2 UNION 3 BY MR. STEPHENS 4 Q Bill, can I ask you to state your name 5 for the record? 6 A William Scarpello. 7 Q And can you tell us by what -- what 8 agency you're employed? 9 A I'm employed by -- by the United States 10 Postal Service. 11 Q Okay. And what's your current position 12 with the Postal Service? 13 A I'm a maintenance mechanic in -- in 14 maintenance division in Fort Worth, Texas. 15 Q Okay. And, Bill, can you -- can you 16 describe currently what are your tasks as a 17 maintenance mechanic? 18 A My tasks -- I work on the building side 19 of the mechanics, so I work on the -- like the 20 heating and air conditioning, the boilers, the 21 chillers, you know, our plumbing, restroom 22 plumbing. Anything that involves the building</p>
564	<p>1 AFTERNOON SESSION 2 (1:58 p.m.) 3 ARBITRATOR OLDHAM: Mr. Scarpello, this 4 is Jim Oldham. I'm the arbitrator with my fellow 5 arbitrators at the table, and we're going to, by 6 agreement, take your testimony by the telephone. 7 And we'll ask the union counsel to introduce you 8 and carry you forward. 9 Normally, we swear in our witnesses, 10 and although it's a little awkward to do so at a 11 distance, we're going to ask the court reporter 12 to speak loudly and ask you to raise your raise 13 right and swear you in. 14 Can we -- can we do that now? 15 THE WITNESS: Sure. 16 WHEREUPON, 17 WILLIAM SCARPELLO 18 called as a witness, and having been first duly 19 sworn, was examined and testified as follows: 20 THE WITNESS: Yes. 21 ARBITRATOR OLDHAM: Thank you. Now 22 we'll turn matters over to Arlus Stephens.</p>
566	<p>1 side of the post office is one of my duties. 2 Q And when you referred to the building, 3 which building are you referring to? 4 A Well, I work at Jack D. Watson, the 5 main post office in Fort Worth, Fort Worth P&DC. 6 Q Okay. And how large is that building, 7 just roughly speaking? 8 A I don't know how many square feet, but 9 it's -- it's a pretty large facility. 10 Q Okay. And previous to working -- well, 11 let me ask you this: At one point, were you a 12 Postal Police Officer? 13 A Yes. From 2004 to 2012. 14 Q Let's actually go back a little bit 15 before that. First of all, what's your military 16 service? 17 A I did five years in the Marine Corps 18 from 1989 to 1994. 19 Q Okay. And did you at some point work 20 with the post office as a -- as a letter carrier? 21 A Yes. I worked as a letter carrier from 22 1997 to 2004.</p>

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<p style="text-align: right;">567</p> <p>1 Q Okay. And did you leave being a letter 2 carrier in order to become a -- a Postal Police 3 Officer? 4 A Yes, sir, I did. 5 Q Okay. And at the time that you became 6 a -- a police officer, did you receive a raise 7 over what you were -- you were receiving as a 8 carrier? 9 A Yes, I did. 10 Q And can you tell us approximately what 11 was the amount of that raise? 12 A Approximately a thousand dollars. 13 Q Okay. And at that point, were you at 14 the top step for a -- for a police officer? 15 A No, I was not. 16 Q Okay. All right. When -- you said -- 17 you said you worked as a police officer until 18 2012. What -- when you left being a police 19 officer, what position did you go into? 20 A I went into maintenance as a custodian. 21 Q Okay. And after becoming a custodian, 22 did you become a BEM mechanic?</p>	<p style="text-align: right;">569</p> <p>1 around \$52,000 a year, basically. 2 Q And when you say "a PTR," are you 3 referring to a part-time regular? 4 A Yes. 5 Q Okay. Now, at some point, though, did 6 you -- did you take a position as a -- a 7 full-time regular position as a custodian? 8 A Yes, I did. 9 Q And what was your salary at that point? 10 A It was 50 -- like right around 53,000 11 and -- and some dollars. 12 Q Okay. Now, did you then leave the 13 custodian position the second time and then move 14 to your current position? 15 A No. I left the custodian -- well, I 16 made full-time regular as a custodian. I went 17 from part time to full time within a matter of 18 the a couple of months. And from full-time, I 19 went to a BEM Level 9 position. 20 Q And -- and can you describe that? 21 A That -- that's a -- that's a 22 position -- I was in stations and branches. I</p>
<p style="text-align: right;">568</p> <p>1 A Yes, I did. 2 Q Okay. And did you then leave that 3 position to go back to become a custodian again? 4 A Yes, I did. 5 Q Okay. And when you went -- let me ask 6 you this: When you -- when you were working -- 7 when you went back as a custodian, what was your 8 pay, if you recall? This is -- 9 A Well, I started off as a -- I had to 10 come into maintenance as a part-time regular 11 employee as a custodian, because that was the 12 only way for me to get into maintenance. 13 Q Okay. 14 A So as a part-time regular, I was at the 15 low end of the pay scale, because it's -- they -- 16 they pay their part-time regulars different than 17 they pay their full-time employees. 18 Q Okay. 19 A I wasn't given paid holidays or, you 20 know, all kind of different things. My leave was 21 earned at a different scale, but my pay as a -- 22 excuse me -- as a PTR was -- I think it was right</p>	<p style="text-align: right;">570</p> <p>1 was the maintenance person for stations and 2 branches, and I had seven post offices in the 3 city of Fort Worth that I had to drive to and 4 do -- in the post office vehicle with the post 5 office tools and do maintenance on their 6 facilities, on their building facilities daily. 7 Q And am I correct that you left that 8 position to become a -- a -- to -- went back to a 9 full-time custodian position? 10 A Yes. Yes, sir, I did. 11 Q Okay. And then, after you had gone 12 back to the full-time custodian position, did you 13 then move to your current position as a 14 maintenance mechanic? 15 A Yes, I did. 16 Q Okay. And what -- what is your current 17 pay as a maintenance mechanic? 18 A Almost \$56,000 a year. 19 Q Okay. And is there -- do you 20 understand if there's a pay raise that's due to 21 you shortly? 22 A Shortly, I should -- I should be</p>

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571	<p>1 getting one here pretty quick. I'm at one step 2 away from the top, and it was only going to be -- 3 I don't know -- I think there's like 42 weeks or 4 something in there. I'm not real sure what it 5 is, but I know it's one pay raise due to me, and 6 it's, like, almost \$900, and then I'll be topped 7 out. 8 MR. STEPHENS: Okay. Mr. Scarpello, 9 thank you very much. I don't have any further 10 questions. The -- the post office -- the post 11 office may have a question or one of the 12 arbitrators may have a question, but -- so I'm 13 going to turn you over to them now. Thank you 14 very much. 15 THE WITNESS: Okay. You're welcome. 16 MS. GONSALVES: We'd like to take -- I 17 need about five minutes to e-mail the documents 18 to Mr. Scarpello, if that would be all right, 19 give him time to review them. 20 MR. STEPHENS: Of course. 21 ARBITRATOR OLDHAM: That's fine. 22 Mr. Scarpello, why don't you just stay on the</p>	573	<p>1 Form 50s for you? 2 A Yes. 3 Q Okay. I'm going to go ahead and 4 distribute those now and mark it as the next 5 exhibit, which I believe is Exhibit 11. 6 A Okay. 7 Q Okay. And these Form 50s are the 8 form -- are the personnel actions that you 9 testified earlier to regarding the change from -- 10 could you just -- yeah, thanks -- including -- 11 concerning -- when you moved from a PPO, you 12 became a part-time custodian, correct? 13 A Correct. 14 Q And do these two Form 50s reflect that 15 change? 16 A It looks like they do. 17 Q Okay. And I think you testified that 18 at that time, you did take a salary cut, correct? 19 A Yes. 20 Q Okay. So, in fact, looking at the 21 first Form 50, you went from 53,833 -- and that's 22 on the far right about halfway down?</p>
572	<p>1 phone with us, but we're going to be silent for 2 about five minutes. 3 THE WITNESS: Okay. 4 MR. STEPHENS: Thank you. 5 (Brief recess.) 6 CROSS-EXAMINATION BY COUNSEL FOR 7 THE 8 POSTAL SERVICE 9 BY MS. GONSALVES 10 Q Mr. Scarpello, we were facing some 11 technical difficulties, and I'm going to reserve 12 the right to continue my questions at another 13 time once we can get those settled, but I do -- 14 A Okay. 15 Q This is Teresa Gonsalves, and I am 16 chief counsel, labor relations, for the Postal 17 Service, and I am going to just ask you some 18 general questions, including questions from 19 documents that I have in front of me. 20 Did you receive the e-mail I sent you? 21 A I did receive one e-mail. 22 Q Okay. And in that e-mail, did you -- were you copied on two -- two -- two different</p>	574	<p>1 A Yeah. 2 Q And you went to a job which was \$24.56 3 per hour? 4 A Right. 5 Q Okay. And it was a part-time job, 6 correct? 7 A Part-time regular, correct. 8 Q Yeah. And you said that you believed 9 that that was approximately \$52,000 a year? 10 A Yeah. It -- I did the math on it, just 11 while -- while I was waiting for you to call me 12 back. I think it comes to 51,605. 13 Q Okay. 14 A So roughly about a \$2,200 difference. 15 Q The number I got was 51,084. And 16 that's -- 17 A Okay. 18 Q -- that's a pay cut of about a dollar 19 and 30 cents per hour, correct? 20 A If you -- I didn't do the math on per 21 hour, but -- 22 Q Does that sound --</p>

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575	<p>1 A Okay.</p> <p>2 Q -- about right?</p> <p>3 A I'll trust your math.</p> <p>4 Q Okay. And it's also a pay cut of --</p> <p>5 does this number sound right -- \$22,748 (sic) per</p> <p>6 year?</p> <p>7 A Hold on one second.</p> <p>8 MR. STEPHENS: 22,000 or 2,200?</p> <p>9 MS. GONSALVES: 2,748.</p> <p>10 ARBITRATOR OLDHAM: I'm sorry. What's</p> <p>11 that figure --</p> <p>12 MS. GONSALVES: 2,700 --</p> <p>13 ARBITRATOR OLDHAM: -- representing?</p> <p>14 MS. GONSALVES: That's the difference</p> <p>15 between what he was making as a PPO and then as a</p> <p>16 part-time custodian. He -- he -- it was a net</p> <p>17 loss of 2,748 per year.</p> <p>18 ARBITRATOR OLDHAM: All right.</p> <p>19 THE WITNESS: Okay. I -- I did look at</p> <p>20 that. I verified that. If you multiple 24.56</p> <p>21 times a whole year of working as a custodian, it</p> <p>22 would be 51,084, which would make it about a</p>	577	<p>1 A That is topped out custodian pay for a</p> <p>2 custodian.</p> <p>3 Q So that's correct?</p> <p>4 A Now, what you don't realize is -- is</p> <p>5 that -- I'm a Maintenance Mechanic Level 7. When</p> <p>6 you take a higher level position with the post</p> <p>7 office in maintenance, you must qualify.</p> <p>8 Q Okay. Let's hold on --</p> <p>9 A So --</p> <p>10 Q Hold on for a second. You're going</p> <p>11 kind of fast. So your official --</p> <p>12 A Okay.</p> <p>13 Q -- position with the Postal Service is</p> <p>14 a custodian, correct?</p> <p>15 A No, it is not correct. My official</p> <p>16 position with the custodian is -- with the Postal</p> <p>17 Service, as you can see on one of my pay stubs,</p> <p>18 is a Maintenance Mechanic Level 7.</p> <p>19 Q Okay. What I'm telling you that I am</p> <p>20 looking at your most recent PS -- you are</p> <p>21 familiar with a Form 50, correct?</p> <p>22 A Ma'am, I am familiar with the Form 50,</p>
576	<p>1 \$2,700 difference.</p> <p>2 BY MS. GONSALVES</p> <p>3 Q Okay.</p> <p>4 A However, what you're failing to realize</p> <p>5 is that this happened in November of 2012. Well,</p> <p>6 now, it is 2013, which, if I would have stayed a</p> <p>7 custodian, just a base custodian, I would be</p> <p>8 making \$53,515 a year --</p> <p>9 Q Okay.</p> <p>10 A -- which would be almost equal to what</p> <p>11 I made as a Level 6 Postal Police Officer.</p> <p>12 Q Okay. Let's talk about that for a</p> <p>13 second. You testified that you presently make</p> <p>14 \$56,000 a year, correct?</p> <p>15 A It's 55 and, I think, 800 or something</p> <p>16 like that.</p> <p>17 Q Okay.</p> <p>18 A But it's pretty close to 56, yes.</p> <p>19 Q I'm looking at your most recent Form</p> <p>20 50, which is dated November 16th, 2013. And I'll</p> <p>21 represent that it states that you are a custodian</p> <p>22 and that you are making a salary of \$53,515.</p>	578	<p>1 but what you don't understand is that until you</p> <p>2 get qualified in maintenance, your Form 50 does</p> <p>3 not change. However, your pay and your status</p> <p>4 does change. I'm in my last school right now in</p> <p>5 Norman, Oklahoma, industrial electricity. I've</p> <p>6 got one week left, and I will be qualified as an</p> <p>7 MM. At that point, next Friday, my Form 50 will</p> <p>8 be shipped to me, and it will reflect that I'm a</p> <p>9 Level 7 Maintenance Mechanic.</p> <p>10 Until then, my previous position is</p> <p>11 still listed on the Form 50, but that doesn't</p> <p>12 mean that I don't hold a Level 7 position,</p> <p>13 because I do. And if you looked at my pay stub,</p> <p>14 which I could give you a copy of, you would see</p> <p>15 that it says Maintenance Mechanic Level 7, Step</p> <p>16 0, \$55,809.</p> <p>17 Q Okay. So what you're saying is that</p> <p>18 you're not working as a custodian, even though</p> <p>19 your Form 50 does say that you are?</p> <p>20 MR. STEPHENS: Objection.</p> <p>21 THE WITNESS: That is the Postal</p> <p>22 Service's procedure --</p>

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<p style="text-align: right;">579</p> <p>1 MS. GONSALVES: Okay. 2 THE WITNESS: -- correct. 3 BY MS. GONSALVES 4 Q So let's just assume for the sake of 5 argument that you're in your last week at Norman. 6 To become a maintenance mechanic, there 7 are a series of steps -- and I think you've 8 already alluded to this -- that you need to go 9 through in order to be qualified as a maintenance 10 mechanic, correct? 11 A Correct. 12 Q Okay. So you have to test? 13 A Do I have to what? 14 Q You have to take tests, correct? 15 A Yes. 16 Q Okay. And you have to -- when did -- 17 when did you take the test? 18 A To be a maintenance mechanic? 19 Q Yes. 20 A I took a series of tests in probably 21 December of last year. 22 Q Okay.</p>	<p style="text-align: right;">581</p> <p>1 qualified, correct? 2 A I don't understand your -- the 3 question. 4 Q You don't know that maintenance 5 mechanic positions are filled through senior 6 qualified system? 7 A They're filled by test score and 8 seniority. 9 Q Okay. So the seniority, you have to 10 pass the test, and then you're ranked by 11 seniority, correct? 12 A Right. 13 Q Okay. 14 A Test score and seniority. 15 Q So there are a lot of steps you have to 16 go through in order to become a maintenance 17 mechanic, correct? 18 A I wouldn't say there's a lot, no. 19 Q All right. I'm -- 20 A I just -- 21 Q I'm also looking at -- 22 A I've passed -- I've passed the test.</p>
<p style="text-align: right;">580</p> <p>1 A Maybe December, January. 2 Q Okay. What that means is that you came 3 under the revamped maintenance selection system, 4 RMSS, and after you say that you completed the 5 series of tests, you were -- have you taken a 6 structured interview yet? 7 A I've already done all that ma'am, yes. 8 Q Okay. And so you're on the register, 9 correct? 10 A My name is not on the register for 11 maintenance mechanic. My name is off the 12 register. My -- that position has been filled by 13 me. My name is not on the register for 14 maintenance mechanic. I have filled a position 15 from that register. My name is on the register 16 for area maintenance tech, which is a Level 9, 17 and it's on there for building equipment 18 maintenance, which is a Level 9. 19 Q At the end of the day, the person who 20 gets that position, after you fulfill your higher 21 level position as a maintenance mechanic, as 22 you've testified, will be the most senior</p>	<p style="text-align: right;">582</p> <p>1 My name got put on the register. When 2 maintenance got to my name, they asked me if I 3 wanted the job. I took it. And then you have to 4 get qualified. 5 Q All right. You also testified that you 6 were a BEM mechanic, correct? 7 A Yes. 8 Q And is there a Form 50 -- it appears 9 that there's no Form 50. I've looked through 10 your entire work history. 11 There is no Form 50 saying that you 12 ever held the position of BEM mechanic, correct? 13 A Okay. Teresa, if you knew the Postal 14 Service system, you would know that until you're 15 qualified as -- in the position you're promoted 16 to, you do not get a Form 50. That's what I just 17 got through explaining. As of next Friday, when 18 I finish my final week, I will be qualified as a 19 MM, which then will reflect a Level 7 Maintenance 20 Mechanic on my Form 50. 21 Q Okay. That -- 22 A I held the position previously as a</p>

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583	<p>1 Level 9 BEM from approximately March of 2013 till 2 maybe May of 2013 as a Level 9 BEM at the 3 downtown station post office, Fort Worth, and 4 that was my job, and it's reflected on my pay 5 stub. 6 Q So -- 7 A However, it's not reflected on the Form 8 50 because I'm not qualified yet. 9 Q Mr. Scarpello, you held that position 10 as a BEM mechanic, then, for two months? 11 A It was like two or three months. 12 Q Okay. 13 A I didn't like the position. 14 Q Your attorney will have an opportunity 15 to ask you redirect questions, so just to let you 16 know that you can have your chance to explain 17 things. 18 But what I was trying to explain was 19 that -- is it correct that your work history, 20 just the formal documents -- I'm not talking 21 about if I understood the Postal Service. I'm 22 talking about the formal document that are</p>	585	<p>1 agree with that. 2 In the meantime, while you're getting 3 your documents together, I'm going to go ahead 4 pull up Lite Blue, and I can e-mail you a copy -- 5 I'll e-mail it to Arlus so he can have a copy of 6 my pay stub that reflects my pay as a Level 7 7 Maintenance Mechanic. Would you like that? 8 ARBITRATOR DUFEK: Can I make a 9 suggestion? I would like to make a suggestion. 10 I think the way to resolve this is for -- Arlus, 11 you work with your witness and present the work 12 history as you would like it -- 13 MR. STEPHENS: Sure. 14 ARBITRATOR DUFEK: -- represented. If 15 the Postal Service has a different view, it will 16 have an opportunity to present the work history 17 the way it believes it, and we'll let the 18 arbitration panel decide the significance of that 19 variance, if any. If that's acceptable to the 20 two of you, I hope it's acceptable to the panel, 21 because this seems to be a very awkward way of 22 dealing with this.</p>
584	<p>1 reflected in your work history -- only reflect 2 that you were a custodian from the minute you 3 left the PPOs to today? 4 A Is that what it says right there? 5 Q Yes, that's what it says. 6 A Then I guess I'm a custodian that makes 7 as much as a PPO right now, sure. I agree with 8 you, then. 9 Q Actually, your Form 50 shows that you 10 make less than your PPO salary at the time that 11 you left. 12 A You just said my Form 50 from 13 November 2013 says I make \$53,515. 14 Q Correct. 15 A Does a -- does a PPO make 53,833? 16 Q Well, the Form 50 in front of you that 17 was e-mailed to you dated June 18th, 2011 18 reflects that you had a base salary of 53,833, 19 which is less than the most recent Form 50 by the 20 tune of about \$300. 21 A Okay. So we want our police officers 22 making \$300 less than a custodian. Okay. I'll</p>	586	<p>1 ARBITRATOR OLDHAM: Well, I think we're 2 almost done. 3 MS. GONSALVES: I think that was it. 4 ARBITRATOR OLDHAM: So -- and it seems 5 to me that the incremental differences are rather 6 small here. And we might ask you, Teresa, to 7 recap what you view as the significant facts in 8 these salary comparisons, and then you can give 9 us your summary version of that as well. 10 MR. STEPHENS: And is this something we 11 would do after the -- after today's proceeding? 12 ARBITRATOR OLDHAM: No. Let's just do 13 it right now -- 14 MR. STEPHENS: Okay. Sure. 15 ARBITRATOR OLDHAM: -- so we 16 understand -- 17 MR. STEPHENS: Sure. 18 ARBITRATOR OLDHAM: -- what you're 19 driving at. 20 MS. GONSALVES: Just ask Mr. Scarpello? 21 ARBITRATOR DUFEK: No. No. I 22 thought --</p>

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<p style="text-align: right;">587</p> <p>1 MS. GONSALVES: Okay.</p> <p>2 ARBITRATOR OLDHAM: Just bear with us,</p> <p>3 Mr. Scarpello.</p> <p>4 THE WITNESS: Okay.</p> <p>5 ARBITRATOR DUFEK: I think what we're</p> <p>6 asking for is what's the significance of the</p> <p>7 point you're making.</p> <p>8 ARBITRATOR OLDHAM: That's right.</p> <p>9 MS. GONSALVES: That the witness is not</p> <p>10 credible, that he -- if -- to extent that this</p> <p>11 was true, this should have been brought out in</p> <p>12 direct, that his Form 50 history consistently</p> <p>13 reflects that since he left being a Postal Police</p> <p>14 Officer, he has never earned as much as the</p> <p>15 moment he left and that -- and that -- that</p> <p>16 according to the Form 50s, he has been</p> <p>17 occupational code custodian from -- from --</p> <p>18 during that entire period.</p> <p>19 In addition, we -- we don't even think</p> <p>20 it's relevant really to look past the point at</p> <p>21 which he left, that that is not -- that is not</p> <p>22 something that has any bearing on -- on the</p>	<p style="text-align: right;">589</p> <p>1 Mr. Scarpello, we've got a variety of voices</p> <p>2 here, and I'm sure you're having trouble</p> <p>3 following us. This is -- we are the arbitration</p> <p>4 panel. We are raising some questions now, and</p> <p>5 we've got another one for you. This is from --</p> <p>6 THE WITNESS: Okay.</p> <p>7 ARBITRATOR OLDHAM: This is from Jim</p> <p>8 Bjork.</p> <p>9 ARBITRATOR BJORK: I -- Mr. Scarpello,</p> <p>10 did you have to undergo testing to become a PPO?</p> <p>11 THE WITNESS: Yes, I did.</p> <p>12 ARBITRATOR BJORK: Did you have to</p> <p>13 undergo interviews to become a PPO?</p> <p>14 THE WITNESS: Several interviews.</p> <p>15 ARBITRATOR BJORK: Were you on a</p> <p>16 register to obtain the job as a PPO?</p> <p>17 THE WITNESS: Yes.</p> <p>18 ARBITRATOR BJORK: And did you undergo</p> <p>19 significant yearly training as a PPO?</p> <p>20 THE WITNESS: Yearly training and basic</p> <p>21 police officers academy.</p> <p>22 ARBITRATOR BJORK: Okay.</p>
<p style="text-align: right;">588</p> <p>1 salary comparison. He took a pay cut. He was</p> <p>2 part time. We don't think that anything past</p> <p>3 that is relevant.</p> <p>4 But to the extent he is serving in a</p> <p>5 higher level position of maintenance mechanic</p> <p>6 presently, there are a lot of steps that you to</p> <p>7 go through to get that kind of position. You</p> <p>8 have to go through testing, interviewing,</p> <p>9 register. There's a whole series of tests that</p> <p>10 you have to go through, a lot of hoops you have</p> <p>11 to jump through. It's a different type of job</p> <p>12 in -- in almost all respects, and it's just</p> <p>13 not -- it's not relevant at the end of the day.</p> <p>14 ARBITRATOR OLDHAM: Thank you. Arlus?</p> <p>15 MR. STEPHENS: Well, I -- I -- let me</p> <p>16 ask: What is it that I can give to the panel</p> <p>17 here? What would be useful? I mean, as far</p> <p>18 as -- Bill has represented he's a -- if</p> <p>19 there's -- there's been a challenge --</p> <p>20 ARBITRATOR BJORK: I have a question of</p> <p>21 the witness, if it will help.</p> <p>22 ARBITRATOR OLDHAM: All right.</p>	<p style="text-align: right;">590</p> <p>1 THE WITNESS: So yes.</p> <p>2 ARBITRATOR BJORK: That's all I have.</p> <p>3 MR. STEPHENS: If he's going to e-mail</p> <p>4 me the -- the pay stubs -- there's been a</p> <p>5 challenge to his credibility that he's lying</p> <p>6 about his salary. So we'll get the pay stubs,</p> <p>7 and perhaps we'll do that after the proceeding so</p> <p>8 I can prepare them. And I'll send them to</p> <p>9 Teresa, and we can -- we can jointly -- if</p> <p>10 there's a stipulation to them, we can send them</p> <p>11 to the panel, if that works for everyone.</p> <p>12 ARBITRATOR OLDHAM: That's fine. And</p> <p>13 I'll just say for the record that I don't see</p> <p>14 anything that has been established that shows</p> <p>15 that this witness is not being forthright with</p> <p>16 regard to his salary progression and the changes</p> <p>17 that have occurred since he left employment here.</p> <p>18 All right. Can we leave it there, or</p> <p>19 do you want to continue asking the witness any</p> <p>20 questions?</p> <p>21 MR. STEPHENS: I have no further</p> <p>22 questions.</p>

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591	<p>1 ARBITRATOR OLDHAM: Teresa? 2 MS. GONSALVES: I'd still like to keep 3 the record open so that we can further 4 investigate. And we also might want to enter in 5 the specific provision of the APWU contract that 6 explains the process you have to go through to be 7 in this position. 8 ARBITRATOR OLDHAM: That's perfectly 9 fine. 10 MR. STEPHENS: Bill, thank you very 11 much. 12 THE WITNESS: Okay. You're welcome. 13 ARBITRATOR OLDHAM: Thank you. 14 Goodbye. 15 THE WITNESS: Bye-bye. 16 (Witness excused.) 17 MR. STEPHENS: If we can take about a 18 five-minute break to call our next witness to 19 make sure he's ready. 20 ARBITRATOR OLDHAM: Fine. 21 (Brief recess.) 22</p>	593	<p>1 A Since January of 2011. 2 Q Did you work anywhere prior to your 3 employment with NGA? 4 A Yes. I worked for the Postal Service. 5 I was -- I was a mail carrier for -- from '98 to 6 2002, and then I was a Postal Police Officer 7 from -- from October 2002 until December 2010. 8 Q And where did you work as a Postal 9 Police Officer? 10 A I worked about -- part of that time was 11 spent in St. Louis, and I had about 12 three-and-a-half years in Miami, Florida. 13 Q And what -- when did you exactly leave 14 the Postal Inspection Service? 15 A It was -- I left December 2010. 16 Q And did you receive any police training 17 when you became an NGA police officer? 18 A No. They accepted the training that I 19 had received from the Federal Law Enforcement 20 Training Center in Georgia that I had received in 21 2002 when I became a Postal Police Officer. 22 Q All right. So -- so what is NGA?</p>
592	<p>1 WHEREUPON, 2 BRIAN FERRETTI 3 called as a witness, and having been first duly 4 sworn, was examined and testified as follows: 5 THE WITNESS: Yes. 6 DIRECT EXAMINATION BY COUNSEL FOR 7 THE 8 UNION 9 BY MS. MCKINNON 10 Q Can you please state your name for the 11 record? 12 A It's Brian Ferretti. 13 Q And where are you employed, Officer 14 Ferretti? 15 A I currently work for the National -- 16 the National Geospatial-Intelligence Agency or 17 NGA. 18 Q And what position are you? 19 A Police officer. 20 Q And where do you work out of? 21 A I work in St. Louis, Missouri. 22 Q And how long have you been an NGA police officer?</p>	594	<p>1 A NGA is one of the intelligence 2 agencies. They work closely with CIA, NSA, 3 Defense Intelligence Agency. Our -- the short 4 answer that we do is -- what we mainly do is to 5 deal with imagery and mapping and get products 6 like that out to our customers. 7 Q And what is the jurisdiction of NGA 8 police officers? 9 A Our jurisdiction is on our property, 10 which, in St. Louis, would be -- we've got two 11 locations, one in Arnold, Missouri, and one in 12 downtown St. Louis. 13 Q Do you -- do you have -- I e-mailed you 14 Union Exhibit No. 65. 15 A Yes. 16 Q And can you please identify -- do you 17 recognize this document? 18 A Yes. 19 Q And can you please identify it? 20 A Oh, it's a job announcement -- it's a 21 job announcement from 2011 for an NGA police 22 officer in the Springfield, Virginia area.</p>

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595	<p>1 Q And is this a true and accurate copy of 2 the position description that you provided me? 3 A Yes, it is. 4 Q Can you please take a minute just to 5 kind of read over the -- the position 6 description? 7 A Oh, yeah. NGA police officers enforce 8 federal laws. We observe DoD and NGA rules and 9 regulations. We protect NGA -- NGA police 10 officers protect NGA personnel and assets by 11 conducting patrol, internal patrols, limited 12 investigative and dignitary protection, emergency 13 response, physical security. 14 We prepare accident, incident and 15 security violation reports, conduct interviews 16 and briefings for those reports and provide 17 customer support services. We also provide 18 training services to include development of 19 comprehensive and police training, and you've 20 got -- got to complete an NGA accepted police 21 academy within two years. 22 Q Thank you. And does this position</p>	597	<p>1 Q And do you have any arrest authority? 2 A Our arrest authority would be on NGA 3 property only. 4 Q And do you have any investigative 5 duties? 6 A Our investigative is limited to reports 7 on security violations, such as people bringing 8 cell phones or cameras inside the building or any 9 other unauthorized materials, or if we have an 10 accident on our -- one of our parking lots, 11 vehicle accident, we'll write up reports. We'll 12 do a small investigation on that. 13 Q You mentioned a bit earlier that NGA 14 police officers perform mobile patrols. Can you 15 please explain what that entails? 16 A Our mobile patrols are mostly on our 17 property. We do -- at least in St. Louis, since 18 we have two locations, officers might travel 19 between those two locations, but for most of -- 20 on a typical day, an officer will drive around 21 and patrol just NGA parking lots. 22 Q And what percentage of police officer</p>
596	<p>1 description accurately -- accurately represent 2 NGA police officer duties? 3 A Yes, it does. 4 Q So can you please explain for us what 5 duties NGA police officers perform? 6 A Our officers work 12-hour -- they work 7 a 12-hour schedule, and during that course of the 8 day, they -- they rotate between two stationary 9 posts and one mobile patrol. 10 Q And do you do identification checks? 11 A Excuse me? 12 Q Do you perform identification checks 13 for people entering the building? 14 A Yeah. We -- what we'll -- we -- 15 generally, we're looking at people's badges, just 16 making sure that the right people are coming into 17 the building, and we're really dealing a lot with 18 just employees. 19 Q And do you -- do you write tickets? 20 A We have -- we do not write monetary 21 tickets, but we do have warnings that we do write 22 for vehicles in our parking lots.</p>	598	<p>1 time is spent performing mobile patrols? 2 A Mobile patrols, about 25 percent of the 3 time. 4 Q So then what percentage of police 5 officer time is spent on more facility-bound 6 duties? 7 A Inside the building at stationary 8 posts, it's 75 percent of your time. 9 Q And what percentage of your time is 10 spent on investigative tasks? 11 A Probably about 10 percent. 12 Q Do you have a tactical unit? 13 A We -- we have a -- yes. We have a 14 tactical response unit consisting of three 15 officers, including myself. 16 Q And what is the purpose of this 17 tactical unit? 18 A Our tactical unit is -- we formed this 19 team last -- in 2012 to respond to active shooter 20 situations. 21 Q And in the case of an active shooter, 22 would NGA police officers be expected to respond?</p>

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<p>1 A If we have guys on mobile patrol, yes, 2 they would. Our -- we would -- guys that are 3 stationed -- that are at stationary posts inside 4 the building would have to man those posts to 5 still maintain security as far as who's coming in 6 and out. If we have available officers, yes, 7 they would be expected to supplement this. 8 Q Are there any officers at NGA that are 9 equivalent to a Postal Inspector? 10 A No. We don't have anything like that. 11 Q Based on your experience as a PPO from 12 2002 to 2010, how would you compare PPO duties to 13 those of NGA police officers? 14 A It's a somewhat similar position in 15 that both protect facilities and personnel, but 16 Postal Police Officers definitely do more mobile 17 patrols, especially with having all the branch 18 offices and having to respond to burglary alarms. 19 And Postal Police deal with the general public a 20 lot more often than -- than we do. 21 Q May I play please direct your attention 22 to Union Exhibit No. 64?</p>	<p>1 A -- and you get a rating each year based 2 on what your performance was. 3 Q And in what pay band is an NGA police 4 officer? 5 A Pay band -- police officers are Pay 6 Band 2. 7 Q And what was your pay when you left 8 your PPO position? 9 A When I left the post office, it was 10 just over \$50,000. 11 Q And what was your pay when you started 12 as an NGA police officer? 13 A My base pay was 41,000. With St. 14 Louis, we get locality pay, so it -- the locality 15 pay brought it up to 47,000. So I came in at 16 about 3,000 less than I was making at the post 17 office. 18 Q And what is your pay now three years 19 later? 20 A Now my pay is -- I just got my latest 21 raise. I am at 53,284. 22 Q And what is the highest salary that an</p>
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<p>1 A Yes. 2 Q And can you -- do you recognize this 3 document? 4 A Yeah. This is the salary and pay band 5 system for NGA. 6 Q And what is a pay band? 7 A A pay band is a system of pay like -- 8 like the GS pay scale or the PS pay scale. Pay 9 banding is what NGA uses. There's five pay 10 bands, and you're, I guess -- you've just got 11 those different levels, and then, you know, 12 that's about it. 13 Q And does a pay band consist of a range? 14 A Oh, yeah. Yeah. Like on the -- as far 15 as -- their Pay Band 1 is 17,000 to 46. Pay band 16 2, 33 to 62. They do overlap each other. 17 Q And are there step increases in the pay 18 band system? 19 A No. We don't have step increases. Our 20 pay raises each year are determined by -- as a 21 pay for performance -- 22 Q And --</p>	<p>1 NGA police officer can receive -- 2 A Our maximum -- 3 Q -- in sequence? 4 A -- is 63,183, and then you'd have to 5 put on 14.16 locality pay on top of that. 6 Q And when you say 14.6 (sic), what does 7 that number represent? 8 A The locality -- that's the local market 9 supplement for St. Louis, Missouri. 10 Q Is that a percentage? 11 A Do what? 12 Q Is that a percentage? 13 A Yes. I'm sorry. 6 point -- yeah. 14 14.16 percent. 15 Q So what would be the highest salary 16 that an NGA police officer could receive when you 17 add the St. Louis locality pay? 18 A With that locality, it would probably 19 be -- I'm going to guess around 71, 72,000. 20 Q You just testified that when you left 21 the PPO position, you took a pay cut to become an 22 NGA police officer.</p>

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<p style="text-align: right;">603</p> <p>1 So why did you leave the Postal 2 Inspection Service to become an NGA police 3 officer? 4 A I left the post office for two reasons. 5 One, the -- the big reason was the pay -- was the 6 pay. I can -- and the three years I've been at 7 the -- I've already more than made up for what I 8 was making at the post office, and I've also got 9 the -- we also top out much higher than what the 10 Postal Police do. 11 And the second reason was for the work 12 schedule that we've got. We work 12-hour shifts, 13 so I work 6:00 a.m. to 6:00 p.m., and you 14 basically work seven days a pay period. 15 MS. MCKINNON: All right. Thank you 16 very much, Officer Ferretti. I have no further 17 questions at this time. 18 MR. STEPHENS: And, Officer Ferretti, 19 just to be clear, the lawyer for the post office 20 may have some questions for you, and the 21 arbitration panel members may have a couple 22 questions for you, so --</p>	<p style="text-align: right;">605</p> <p>1 Geospatial-Intelligence Agency or NGA, it is an 2 intelligence agency, right? 3 A Yes. 4 Q And it's part of the Department of 5 Defense, correct? 6 A Correct. 7 Q And the Department of Defense's 8 mission, as well as NGA's mission, is to protect 9 the country against attack, correct? 10 A Correct. 11 Q And it is funded by taxpayer money, 12 right? 13 A That is correct. 14 Q So just looking at Postal Service 15 Exhibit 12, the -- just right under about NGA, it 16 says that -- about NGA -- "NGA delivers 17 world-class geospatial intelligence that provides 18 a decisive advantage to policymakers, 19 warfighters, intelligence professionals and first 20 responders," correct? 21 A Correct. 22 Q And the NS -- sorry -- NGA shares this</p>
<p style="text-align: right;">604</p> <p>1 THE WITNESS: Okay. 2 MR. STEPHENS: -- hang on the line, if 3 you would. 4 THE WITNESS: Okay. 5 CROSS-EXAMINATION BY COUNSEL FOR 6 THE 7 POSTAL SERVICE 8 BY MS. GONSALVES 9 Q Good afternoon, Officer Ferretti. 10 A Hello. 11 Q Hi. My name is Teresa Gonsalves. I'm 12 counsel for the post office. 13 A Okay. 14 Q I sent you an e-mail. Have you 15 received that? 16 A Let me check. Yes, I did. 17 Q Okay. I was intrigued by your agency, 18 so I took a look at it. I thought others might 19 also be interested in learning a little more 20 about NGA. And this will be marked as Postal 21 Service Exhibit 12. 22 A Okay. 23 Q So the geospatial -- National</p>	<p style="text-align: right;">606</p> <p>1 information with other countries, doesn't it? 2 A Yes. 3 Q Okay. And if you go down a couple 4 lines, it says that it's both an intelligence 5 agency and a combat support agency, correct? 6 A Correct. 7 Q Okay. And there are a lot of other 8 interesting facts, but I'm not going to go into 9 all of those, just to save time. I would like 10 you to turn back to Union Exhibit 65. 11 A Okay. 12 Q As an officer with NGA, you -- you 13 don't set pay policies, correct? 14 A No, I do not. 15 Q Okay. And you are stationed or 16 deployed in St. Louis, correct? 17 A Correct. 18 Q Okay. It looks from this job 19 announcement that the salary range, according to 20 this announcement, is 20,324 to 73,917, correct? 21 A Correct. 22 Q Okay. And what this announcement says,</p>

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<p style="text-align: right;">607</p> <p>1 if you look under jobs summary, it's just again 2 describing the National Geospatial-Intelligence 3 Agency. It says that the agency is responsible 4 for analyzing imagery and data from many sources 5 and incorporate it into visual displays of 6 essential information for use in national 7 defense, Homeland Security and safety of 8 navigation, correct? 9 A Yes. 10 Q Okay. I was curious, Officer Ferretti. 11 How many NGA police officers are there in St. 12 Louis? 13 A In St. Louis, we have about -- I'd 14 say -- I want to say around a hundred. 15 Q Okay. And do you know how many are 16 deployed throughout the country? 17 A In Washington, D.C., there are -- I 18 want to say we've got somewhere between 250 to 19 300. 20 Q Okay. 21 A And those are the only two locations -- 22 St. Louis and Washington, D.C. are the only two</p>	<p style="text-align: right;">609</p> <p>1 option A is that you have to have a minimum of 2 two years coursework beyond high school in -- 3 with hours -- with a certain number of hours in 4 criminology, general law, law enforcement, police 5 administration, police investigation, police law 6 and evidence or similar subjects closely related 7 to police work, correct? 8 A Yeah. 9 Q Or you have to have -- in option B, 10 it's a combination of education and experience, 11 correct? 12 A Correct. 13 Q Okay. And it has to -- has to equal at 14 least two years? 15 A Yeah. 16 Q Okay. And then the third option is a 17 minimum of two years of experience in law 18 enforcement or security work that provides 19 knowledge of basic laws and regulations, law 20 enforcement operations, practices and techniques, 21 correct? 22 A Correct.</p>
<p style="text-align: right;">608</p> <p>1 locations that we have police. 2 Q Okay. Turning to page 2, I think you 3 already -- at the bottom of page 1, excuse me -- 4 the very last sentence says that -- that as an 5 NGA police officer, you have to complete an NGA 6 accepted police academy within two years, 7 correct? 8 A Correct. 9 Q Okay. And turning to the next page, I 10 think you said that they -- they took your FLETC 11 training, correct? 12 A Yes. 13 Q Okay. And it says here that -- the 14 third sentence, "The candidates will be required 15 to obtain and maintain certifications in first 16 aid, CPR and AED," correct? 17 A Yes. 18 Q Okay. And then I noticed under 19 educational requirements, there's three -- 20 there's a dis- -- two disjunctives there. They 21 basically say you have to have this or this or 22 this. And, basically, what it says is that --</p>	<p style="text-align: right;">610</p> <p>1 Q Now, did you have to obtain a top 2 secret clearance as part of your requirements of 3 becoming an NGA officer? 4 A Yes, ma'am. 5 Q Okay. And you also -- were you also 6 subjected to -- I'm looking under special 7 requirements on page 3. 8 Were you also subjected to -- it's 9 their word -- a counterintelligence polygraph 10 examination? 11 A Not when I got hired. They did have me 12 do one last year. 13 MS. GONSALVES: Okay. Great. I 14 think -- I think that's all the questions I have 15 for you, Officer Ferretti. 16 MS. MCKINNON: No redirect. 17 THE WITNESS: Okay. 18 ARBITRATOR OLDHAM: All right. 19 Officer, this is the arbitrator speaking. 20 There's no other question coming for you. I 21 think that concludes what we need to do with you. 22 Thank you very much.</p>

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<p style="text-align: right;">611</p> <p>1 MS. MCKINNON: Thank you. 2 THE WITNESS: Okay. Thank you. 3 MR. STEPHENS: Thank you. 4 (Witness excused.) 5 ARBITRATOR DUFEK: I'd love to have 6 asked him a lot of questions. 7 MS. GONSALVES: Isn't it interesting? 8 ARBITRATOR DUFEK: But I think it would 9 all be classified, wouldn't it? 10 MR. STEPHENS: That's all we have for 11 today. 12 ARBITRATOR OLDHAM: All right. I think 13 that will conclude our business for today. We 14 have a long intermission now. Our next day of 15 hearing -- let's just put it on the record -- is 16 scheduled for the 29th. Isn't that correct? 17 ARBITRATOR DUFEK: That's correct. 18 ARBITRATOR OLDHAM: And then we have 19 three days in succession and then another break. 20 But we will recess at this point and resume in 21 this location or some -- 22 MR. ALEXANDROVICH: It will be this</p>	<p style="text-align: right;">613</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, ERICK M. THACKER, the officer before whom 3 the foregoing arbitration was taken, do hereby 4 certify that the testimony appearing in the 5 foregoing arbitration was taken by me in 6 stenotype and thereafter reduced to typewriting 7 by me; that said transcription is a true record 8 of the proceedings; that I am neither counsel 9 for, related to, nor employed by any of the 10 parties to the action in which this was taken; 11 and, further, that I am not a relative or 12 employee of any counsel or attorney employed by 13 the parties hereto, nor financially or otherwise 14 interested in the outcome of this action. 15 16 17 18 19 20 21 22</p> <hr style="width: 20%; margin: 10px auto;"/> <p style="text-align: center;">ERICK M. THACKER Notary Public in and for the District of Columbia</p> <p style="text-align: center;">My commission expires: June 14, 2014</p>
<p style="text-align: right;">612</p> <p>1 location. 2 ARBITRATOR OLDHAM: -- adjacent room -- 3 MR. ALEXANDROVICH: It will be this 4 one. 5 ARBITRATOR OLDHAM: -- on the 29th at 6 9:30. 7 (Whereupon, the proceedings were 8 adjourned at 3:13 p.m.) 9 10 * * * * * 11 12 13 14 15 16 17 18 19 20 21 22</p>	

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