

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

1
2 Comprehensive Review of)
3 Customer Rebates for Trouble) Docket No. 910163-TL
4 Reports of Southern) 910727-TL
5 Bell Telephone & Telegraph)
6 Company)

Fort Lauderdale, Florida

October September 14, 1992

2:00 o'clock P.M.

DEPOSITION

OF

DWANE WARD

COPY

edited version of

13697-92

DOCUMENT NUMBER-DATE

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WITNESS:	D I R E C T	C R O S S
DWANE WARD	6	31

1 APPEARANCES:

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3 OFFICE OF PUBLIC COUNSEL,
4 by SUSAN RICHARDSON ESQ., of counsel,
5 appearing on behalf of the Citizens of the
6 State of Florida.

7

8 ROBERT BEATTY, ESQ.,
9 appearing on behalf of BellSouth
10 Telecommunications, Inc.

11

12 JEAN WILSON, ESQ.,
13 appearing on behalf of Employment Service
14 Commission Staff.

15

16 ALSO PRESENT:

17

18 STAN GREER, Division of Communications.
19 CARL VINSON, Division of Research and
20 Regulatory Review.

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24 Deposition of DWANE WARD, a witness of
25 lawful age, taken by the Citizens of the State of

1 Florida, for the purpose of discovery and for use as
2 evidence in the above-entitled cause, In re:
3 Comprehensive Review of Customer Rebates for Trouble
4 Reports of Southern Bell Telephone & Telegraph Company,
5 pending before the Florida Public Service Commission,
6 pursuant to notice heretofore filed, before KATHLEEN
7 SCHWAB, a Notary Public in and for the State of Florida
8 at Large, at Southern Bell Telephone & Telegraph
9 Company, Room 1015A, 6451 North Federal Highway, Fort
10 Lauderdale, Broward County, Florida, on the 15th day of
11 October, 1992, commencing at 10:10 o'clock A.M.

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13 Thereupon:

14

DWANE WARD

15 was called as a witness on behalf of the Citizens of
16 the State of Florida, and being first duly sworn, was
17 examined and testified as follows:

18

MS. RICHARDSON: Mr. Beatty, did you have

19

some comments?

20

MR. BEATTY: Sure. My name is Robert

21

Beatty. I thought you were going to announce

22

your appearance.

23

I'm Robert Beatty. I'm here on behalf of

24

BellSouth Telecommunications, doing business in

25

Florida as Southern Bell. Couple matters to

1 place of record.

2 First, the deposition's taken pursuant to
3 proper notice as to date, time and place..

4 Second, the parties stipulate and agree to
5 reserve all evidentiary objections except as to
6 form and occasional relevance. We do not waive
7 the reading if, in fact, the deposition is
8 transcribed.

9 And, four, Mr. Ward, as you know, Southern
10 Bell Legal Department conducted an investigation
11 sometime ago into the matters about which we
12 will discuss here today. That investigation was
13 conducted pursuant to the attorney/client
14 privilege and the attorney work product doctrine
15 and, therefore, everything pertaining to that
16 investigation is privileged. And, thus, it is
17 not to be disclosed in this deposition.

18 If you're asked a question that, by virtue
19 of that question, you would otherwise talk about
20 or disclose some matter pertaining to the
21 investigation, I would request that you identify
22 that fact before answering the question so that
23 we can then make whatever objections we need to
24 make or I can and we'll just proceed from that
25 point forward. Any questions?

1 THE WITNESS: No.

2 DIRECT EXAMINATION

3 Q (By Ms. Richardson) Okay. I'm going to
4 ask you to start by stating your name, for the record,
5 and spelling it for the Court Reporter.

6 A First name is Dwane, D-W-A-N-E; Ward,
7 W-A-R-D.

8 Q Your address, please?

9 A

10

11 Q And the zip code on that?

12 A 33064.

13 Q Okay. And your business telephone,
14 please?

15 A 492-2740.

16 Q And is that a 305?

17 A Yeah.

18 Q Okay. What is your position, your current
19 position?

20 A Operations Manager, Human Resources.

21 Q Okay. And how long have you held that
22 position?

23 A Little over four years.

24 Q What did you do immediately prior to that?

25 A I was the Building Engineer. I designed

1 and built all - not all of Southern Bell buildings.

2 Q Okay. Was this a promotion for you then,
3 your present position?

4 A No, no, lateral.

5 Q How does a building engineer get
6 interested in human resources?

7 A That's a good question. I'm not sure I
8 have an answer for that. I had been doing the same job
9 for 20 years, looked to do something different.

10 Q Great. Doing the same job for 20 years
11 then. Were you a building engineer with the company
12 for 20 years before you got into this new position?

13 A That's correct. Well, I held several
14 titles in the building field from designing
15 construction to operations. I went to Atlanta in 1975
16 to set up the operations organization. We called it
17 real estate, but prior to that, I had been a
18 functioning engineer supervisor and OM in the
19 organization.

20 Q Okay. Who is your present manager?

21 A Mr. C. L. Cuthbertson.

22 Q Can you tell me what your job duties and
23 responsibility entail?

24 A Human resources. I have southeast
25 Florida, which is basically from Sebastian Inlet to the

1 Dade County line. The functions, I have safety, labor
2 relations, EEO, employment selections, which is
3 internal movement of people, representative employees,
4 human resources, development, compensation. That's
5 pretty much it.

6 Q Okay. And do any of your duties involve
7 administering discipline?

8 A Yes.

9 Q Directly to employees?

10 A No, very seldom directly.

11 Q Can you then explain to me in more detail
12 that part of your responsibility to discipline and how
13 you do it?

14 A Okay. I have folks working for me who are
15 labor relations specialists, contract experts. They
16 interpret the contract, make recommendations to the
17 departments as to discipline and not discipline, has
18 the contract been violated, should the employee be
19 disciplined. We make recommendations to the
20 departments.

21 Once a grievance is filed, it processes
22 through the department. If it can't be resolved
23 internally in a department, it is appealed to what we
24 call state level, which is myself, and I meet
25 one-on-one with the CWA state rep and we try to resolve

1 grievances, which discipline is a large part of that.
2 If it's not resolved at that level, it goes to
3 arbitration process or mediation.

4 Q Okay. Are you or are part of your
5 responsibilities then -- Let me just clarify. When you
6 say the discipline process, you just - does that apply
7 to craft employees?

8 A That's the craft employees.

9 Q Do you at all have responsibility for
10 disciplining management?

11 A Yes, I do. The departments contact me
12 concerning management discipline, we review the
13 situation. I then review the facts and discuss that
14 with my boss, Charlie Cuthbertson, who approves or
15 disapproves any recommended discipline and then the
16 departments administer the discipline.

17 Q In your presence or not?

18 A No.

19 Q How does the individual manager -
20 supervisor who delivers the discipline - how is that
21 supervisor informed of the discipline and the nature of
22 it and how does that process work from you down?

23 A Normally, it's verbal. I'm contacted by
24 the OM, my counterpart or maybe by a supervisor that an
25 incident has occurred and ask for my recommendation. I

1 then take a look at other discipline that has been
2 rendered, make sure it's not disparate treatment, make
3 a recommendation, discuss it with Charlie and then we
4 get back to the department and recommend a step of
5 discipline.

6 Q That is a phone call to him?

7 A Normally it is. Normally it's done
8 verbally.

9 Q How does a B form entry -- Are you
10 involved in the B form entries on individuals at all?

11 A I recommend the wording to be placed on
12 the B form a lot of times.

13 Q All right. And then who actually prepares
14 the B form then?

15 A Most of the time the departments do,
16 individual departments.

17 Q Can you tell me what information in these
18 oral conversations with the supervisors - what
19 information do you impart to them? You're calling them
20 and saying one of your employees needs to be
21 disciplined.

22 A Assuming that they've convinced me that
23 the incident warrants discipline, first step, I would
24 recommend the verbiage, how it's to be stated on the B
25 form, and indicate to them that it is not disparate

1 treatment, it is in line with what we've done to others
2 in similar situations, and that's pretty much it.

3 Q Let me take it backwards a step. How do
4 you determine that discipline is warranted?

5 A It could be a lot of sources. It could be
6 on observations of the supervisor, documentation of
7 performance, documentation of absenteeism,
8 documentation of misconduct. It could, in fact,
9 involve security reports, depending on what the
10 situation is, what documentation would be provided.

11 Q Do you ever do any investigation of your
12 own?

13 A No.

14 Q Do you ever have occasion to request
15 security to do an investigation?

16 A Yeah. It's not very frequent. It's
17 infrequent. Normally, that is generated by the
18 department.

19 Q When you talk to the supervisors and tell
20 them - suggest to them the B form entry wording, do you
21 also indicate to them the reason for the discipline of
22 this employee?

23 A They are -- Help me here. They are
24 asking - they are advising me why the discipline should
25 be rendered normally and I'm saying I concur or don't

1 concur, but I wouldn't tell them why the discipline
2 would be rendered. They come to me with that, we think
3 this individual has an attendance problem or we think
4 this individual has a performance problem. I normally
5 don't go to them and say discipline this employee.

6 Q Have you ever had occasion for a security
7 report to come to you on a discipline problem that
8 management was not aware of; in other words, somebody
9 else caught it, it got reported through another chain
10 of command, security got involved, did a report, the
11 report came to you, and the manager is still in the
12 dark?

13 A There might be. I don't recall a specific
14 case.

15 Q Can you give me a brief resume of your
16 background, education, training, experience that
17 qualifies you to perform this human resources job?

18 A It's all internal.

19 Q Okay. That's fine. Just briefly.

20 A I don't have a list of the courses I've
21 attended or the conferences I've been to or I've
22 received, but it was all internally generated human
23 resources.

24 Q You have received some extensive training?

25 A No, not extensive.

1 Q Can you give me -- Is this like a
2 once-a-year seminar or just a one-time event when you
3 first got the job or daily, your supervisor kind of
4 manages you daily and tells you how to do your job?

5 A No, he doesn't manage me daily. Our
6 personnel policies are pretty well documented and
7 backed up. I do an awful lot of reading when you come
8 from an engineering job into this one. That's a large
9 part of it is the documentation of why we do what we
10 do. Then you attend seminars. We don't have any
11 recurring seminars I'm aware of. I've been to contract
12 courses, on administering the contract. We don't have
13 any standing year after year courses that we're
14 required to attend.

15 Q Okay. Did you recently administer
16 discipline or cause to have discipline administered to
17 a number of employees in relation to this particular
18 investigation?

19 A Yes.

20 Q And how were you given that assignment?

21 A By my supervisor.

22 Q Mr. Cuthbertson?

23 A Right.

24 Q How did Mr. Cuthbertson give you that
25 assignment?

1 A Verbally, advised me that I would be
2 participating in the process.

3 Q What exactly did he tell you?

4 A That I would be assisting in the
5 administering of discipline.

6 Q Is that the full extent of what he told
7 you?

8 A He advised how it would be done.

9 Q Would you please tell me?

10 A That I would come to Jacksonville and
11 review what discipline would be administered and I
12 would return to the field and assist the OMs in
13 explaining the discipline to the individuals.

14 Q When you say review, what did you review?

15 A I was advised what discipline would be
16 administered.

17 Q When you say what discipline, do you mean
18 a counseling entry, reprimand entry, is that what you
19 mean?

20 A Yes.

21 Q So, the severity of the discipline?

22 A Yes.

23 Q When you say review, did you look at
24 documents?

25 A Yes.

1 Q Okay. And what were these documents, can
2 you tell me that?

3 A As memory serves me, it was a summary of
4 the investigation of the management involvement.

5 Q And do you know who prepared that summary?

6 MR. BEATTY: At this point, I object on
7 the grounds that to answer that question, what I
8 perceive to be the succeeding questions would
9 cause there to be a disclosure of the substance
10 of the investigation, the protected privileged
11 investigation and, therefore, I request the
12 witness not respond to the question.

13 Q Okay. Then, for the record, do you have
14 information that is responsive to my question; yes or
15 no?

16 A I'm not being evasive. What was the
17 question? Say that again.

18 Q Do you know who wrote that summary? Was
19 that part of -- When you reviewed the documents, did
20 you know who wrote the summary; yes or no?

21 A Yes.

22 Q Then based on Mr. Beatty's objection, you
23 are refusing to answer my question, based on his
24 objection; is that correct?

25 A Yes.

1 Q Okay. Did you take any notes, with Mr.
2 Cuthbertson when he was giving you these directions?

3 MR. BEATTY: You can answer.

4 A Yes.

5 Q And thinking back to those notes, can you
6 tell me what you wrote to yourself on the notes?

7 MR. BEATTY: If I understand you now, the
8 question pertains to the notes that he took from
9 the conversation that he had with Charlie
10 Cuthbertson wherein Charlie Cuthbertson directed
11 him to assist in the discipline process; is that
12 correct?

13 MS. RICHARDSON: Yes.

14 A I can - generally, I can remember what I
15 wrote.

16 Q Okay.

17 A And they were what the process was. I was
18 to prepare the B form, meet with the OM and discuss the
19 discipline with the individuals.

20 Q So, part of your responsibility in this
21 particular instance then was meeting each individual
22 employee and disciplining them?

23 A Assisting with the discipline.

24 Q Assisting with the discipline. How many
25 employees were on your list?

1 A I don't recall exactly.

2 Q Can you give me a general idea?

3 MR. BEATTY: That he was involved in
4 discipline?

5 MS. RICHARDSON: That he was involved in.

6 A 14. It's a guess. Somewhere in that
7 range, I would say.

8 Q And were these craft or management?

9 A Management.

10 Q All of them?

11 A All of them.

12 Q Do you know if any crafts were disciplined
13 as a result of the company's investigation?

14 A Not to my knowledge.

15 Q When were you given this assignment by Mr.
16 Cuthbertson?

17 A I don't recall the date.

18 Q A month and a year, do you know that? Can
19 you place it that close?

20 A Not really.

21 Q Was it in 1992?

22 A Yes.

23 Q Would it be in - say, between January and
24 March of 1992?

25 A I think it was the first part of the year.

1 Beyond that, I have to --

2 Q Okay. Did you receive any information on
3 the reasons for each of these 14 people's discipline?

4 A Of why they were being disciplined?

5 Q Mm-hm.

6 A Yes.

7 Q Okay. And why were these people being
8 disciplined?

9 MR. BEATTY: I object at this time on the
10 fact that the disclosure of information
11 regarding the investigation will come with the
12 answer to that question; therefore, I instruct
13 the witness not to respond.

14 Q Okay. Again, Mr. Ward, for the record, do
15 you have - do you have information that is responsive
16 to my question; yes or no?

17 A Yes.

18 Q Are you refusing to answer my question
19 based upon Mr. Beatty's objection?

20 A Yes.

21 Q After you received this assignment from
22 Mr. Cuthbertson, what was the next thing that you did?

23 A After I received the physical assignment,
24 we visited Jacksonville. I've talked about preparing
25 the notes, prepared the B form entries, returned to the

1 field and set up the appointments to cover the
2 employees.

3 Q Okay. And after you set up the
4 appointments to cover the employees, what was your next
5 step?

6 A We conducted those meetings with each
7 respective OM and I covered the employees.

8 Q Were all 14 of these people brought into
9 the room at one time and just told --

10 A Individually.

11 Q Each individual employee was brought into
12 a room with you?

13 A And respective OM.

14 Q So, only three people at any given time?

15 A That's correct.

16 Q Did you discuss each individual's
17 discipline with their OM, their operation manager?

18 A Yes.

19 Q What did you tell the operation managers?

20 A Depended upon the individual, what the
21 discipline was and the basic rationale that I would
22 cover with the employee.

23 Q Okay. Give me the names of the people,
24 the 14, as many as you can remember.

25 A Candidly, I don't recall. I didn't know

1 the people. I knew was one name I can
2 remember. I did not have first-hand knowledge of most
3 of the people.

4 Q Okay. Can you tell me the operation
5 managers' names?

6 A Yeah. Bob Sattizahn; Floyd Knowles; Issy
7 Perera, Ishmael, Issy; and George Louis.

8 Q Let's take Mr. Sattizahn. Was Mr. - was
9 Mr. under Mr. Sattizahn?

10 A Yes.

11 Q What did you tell Mr. Sattizahn about Mr.

12

13 A I don't recall what his discipline was.

14 Q Do you recall any of the conversation that
15 you had with Mr. Sattizahn?

16 A Not specifically.

17 Q Did any of these operation managers have
18 any information other than what you gave them regarding
19 the discipline of these employees or the reasons for
20 it?

21 A Not to my knowledge.

22 Q Did any of these managers ask you
23 questions?

24 A Oh, sure.

25 Q What did they ask you?

1 A Why was the discipline being administered,
2 what was the appeal process, that type thing.

3 Q What did you tell them when they asked you
4 why the - was the discipline being administered?

5 A As best I could, I described their
6 involvement.

7 Q Can you tell me a description of an
8 involvement. How specifically did you give it?

9 MR. BEATTY: I object to the extent that
10 the answer would disclose any substance of the
11 investigation and I would instruct the witness
12 not to answer if, in fact, it would disclose the
13 substance of the investigation.

14 Q Okay. Do you have information that is
15 responsive to my question?

16 A I think I do.

17 Q Okay. Are you refusing to answer my
18 question based upon Mr. Beatty's objection?

19 A Yes.

20 Q Let me see if I can get a little more
21 specific on this next question. Do you have any
22 knowledge of specific actions or conduct on behalf of
23 any of these 14 employees that was the reason for any
24 of their discipline?

25 A Other than what I read in the material

1 that was prepared in the investigation, no. First-hand
2 knowledge other than what I read is all I knew.

3 Q Okay. Then the information that you did
4 read did get specific in terms of acts or omissions for
5 these employees as to the reasons of their conduct?

6 A It was more general than specific, but if
7 I recall, there were some specifics, but mostly it was
8 general, describing their involvement.

9 Q Okay. Then this may have been asked and
10 objected to once before, but as a follow-up question to
11 your response, I'm going to ask again. What specific
12 acts or omissions of these individuals that you are
13 aware of caused them to be disciplined?

14 MR. BEATTY: Again, I object. It has been
15 asked and answered and my same objection applies
16 with regard to the fact that the answer to this
17 question would give rise to a disclosure
18 regarding the investigation; therefore, I
19 instruct the witness not to respond.

20 Q And you have information that's responsive
21 to my question?

22 A Yes.

23 Q And you are refusing to answer my question
24 based upon Mr. Beatty's objection?

25 A Yes.

1 Q You said that some of the questions you
2 got were also how did an employee appeal?

3 A Yes.

4 Q What was your response on that?

5 A Two processes, to advise me and to advise
6 the supervisor he wished to appeal and we would make
7 arrangements for it to be appealed to Mr. Sanders.

8 Q Do you know if any of these employees
9 actually appealed?

10 A Yes.

11 Q Do you know the results of any of those
12 appeals?

13 A I did not receive direct feedback. I
14 think -- I don't know first-hand.

15 Q Okay. Do you know second-hand?

16 A Yes.

17 Q Okay. Did the appeals - any of these
18 appeals result in changes in the initial discipline for
19 these employees?

20 A Yes.

21 Q And can you please tell me what ones that
22 you're aware of?

23 A I knew you were going to ask me. There
24 was one that was changed and I can't recall the
25 gentleman's name.

1 Q Okay. Was it to increase the discipline
2 or lessen?

3 A Lessen.

4 Q Do you know if it removed the discipline
5 entirely?

6 A No, I don't.

7 Q Can you tell me just in general from
8 having worked in personnel -- Let me back up and set a
9 foundation for it. You indicated that you spent a lot
10 of time reading practices and procedures. Would you
11 consider yourself thoroughly familiar with the
12 company's human resources practices and procedures?

13 A Yes.

14 Q Okay. Would you consider yourself very
15 familiar with those sections of procedures that deal
16 with the discipline process within the company?

17 A I think so, yes.

18 Q Okay. Can you tell me then, based upon
19 your familiarity with the practices and procedures,
20 what the purpose just generally of disciplining an
21 employee is?

22 A It is corrective, to avoid the recurrence
23 of the situation.

24 Q Okay. When you were present at the
25 disciplining of these individual employees, were any of

1 them told what specific acts or omissions they did or
2 did not do that was the reason for the discipline?

3 A Yes.

4 Q Were all of them told?

5 A To the best of my knowledge, yes.

6 Q Were any of them told that they were
7 backing up the time and that was the reason they were
8 being disciplined, they were found to be backing up the
9 time on trouble reports and that's why they were being
10 disciplined?

11 A Yes.

12 Q Were any of them told that the company had
13 evidence of improperly statusing out-of-status reports
14 and in order to meet the index, that's why they were
15 being disciplined?

16 A Yes.

17 Q Were any of them told that the company had
18 evidence of falsification of customer records and
19 that's why they were being disciplined?

20 A I don't remember that exact terminology,
21 falsification of records.

22 Q Were any of them told that there was
23 evidence of misuse of the wet rules and auto-screener
24 rules and that's the reason the discipline was being
25 administered?

1 A Yes.

2 Q Were any of them told that the company had
3 evidence of them building the base for out-of-service
4 reports improperly?

5 A Yes.

6 Q Were any of them told out-of-service
7 reports were being improperly excluded and that's why
8 they were being disciplined?

9 A I don't recall. I don't recall
10 specifically that one.

11 Q What other specifics do you recall?

12 MR. BEATTY: Object to the form of the
13 question. It's ambiguous. Can you clarify that
14 question, please?

15 Q I've given you several examples and listed
16 several examples and you said on some that you
17 remembered and some you did not.

18 A Yeah.

19 Q That's the kind of information I'm looking
20 for. Do you recall any other incidents of those types
21 where the individual was told --

22 A I think you pretty much covered those I
23 recall.

24 Q Okay. Did any of these employees object
25 to the discipline?

1 A Yes.

2 Q Did any of these employees deny that they
3 have been involved in these activities?

4 A Yes.

5 Q Were these - were any of these employees
6 presented with factual evidence of their involvement?

7 MR. BEATTY: Object to the form of the
8 question. Are you asking were any of these
9 employees presented with factual evidence more
10 than what he has already indicated he has
11 already provided?

12 MS. RICHARDSON: He indicated that they
13 were told these things.

14 Q Mr. Ward, what I am looking for now is
15 when the individual said it wasn't me, was there any
16 documentary evidence presented to these employees to
17 back up what they were told?

18 A No.

19 Q I want to go back now to our prior
20 conversation about the philosophy - company philosophy
21 for discipline being corrective action. Do you know -
22 are you aware of whether or not corrective action has
23 been taken now that these employees have been
24 disciplined?

25 A No.

1 Q Have you had any follow-up discussions
2 with any of these operation managers regarding these -
3 and I'm using the number 14. I realize it's an
4 approximate - these individuals?

5 A I don't recall any other than the fact
6 that - setting up the appeal or wanting to meet with
7 Jerry. Other than that, I can't recall.

8 Q Are there any plans to follow-up in any
9 way with these operation managers or these individual
10 employees from your department, the Human Resources
11 Department?

12 A Not to my knowledge. I have no plans or
13 have not been directed to do so.

14 Q And Mr. Cuthbertson hasn't given you any
15 indications?

16 A No.

17 Q Do you have any information about the
18 number of employees that were disciplined in regard to
19 this investigation, the total number?

20 A I may have known, but I would assume
21 that - there were three of us in the State - that it
22 was approximately the same number. Three times 14
23 maybe. That would be a guess, but first-hand
24 knowledge, I don't have the exact number.

25 Q Okay. In your opinion and in your

1 experience in human resources, was this discipline a
2 unique event in the company's history?

3 MR. BEATTY: Objection to the form of the
4 question. It's ambiguous. Define unique.

5 Q Out of the ordinary from the way the
6 company usually handles the human resources operation?

7 A Probably only to the extent of the number
8 involved and by my participation in the administering
9 of the discipline. That would be the only two
10 deviations.

11 Q When you say the number involved, you mean
12 it's larger?

13 A At one time, yeah.

14 Q At one time. Does the company have a
15 human resource policy or procedure for disciplining
16 employees involved in wide scale defalcation, I mean,
17 throughout the state, if the company were to find
18 wide-scale evidence of - wide-scale defalcation, is
19 there a practice or procedure existing within the
20 company to deal with that?

21 A Not to my knowledge.

22 Q Then is there -- In your opinion, that
23 would be handled how if such an event were to occur
24 within the practices --

25 MR. BEATTY: I object to the form of the

1 question. It's very ambiguous.

2 Q Would it be an individual, one-by-one
3 individual basis, case by case?

4 A That's how I deal with discipline, on an
5 individual case.

6 Q Did you have any personal involvement in
7 the actual appeal process for these 14 individuals?

8 A My only personal involvement was if an
9 individual said, yes, I wish to appeal, I relayed that
10 information and an appointment was subsequently set up
11 with Jerry Sanders.

12 Q You were not present with Mr. Sanders when
13 the interviews took place?

14 A No.

15 Q Are you aware of any other document that
16 exists regarding human resources involvement in this
17 discipline?

18 A No.

19 MS. RICHARDSON: Mr. Ward, I think I've
20 exhausted my questions for you. I want to thank
21 you for coming today and being here and I
22 appreciate your time. And before I can let you
23 go, the Commission Staff may have one or two
24 questions that they want to ask you.

25 THE WITNESS: Sure.

CROSS EXAMINATION.

1
2 Q (By Ms. Wilson) Mr. Ward, you had
3 testified that you relied on a summary or an
4 extrapolation from the investigation in order to give
5 your basis to discipline employees?

6 A I did not determine the discipline. That
7 was not my decision. I provided support rationale from
8 the summary report.

9 Q From the summary report. Who provided you
10 with that report?

11 A Mr. Cuthbertson.

12 Q And I believe you previously objected to
13 this question but who authored that report?

14 MR. BEATTY: Same objection. I would
15 instruct the witness not to answer.

16 Q So, you do have knowledge who authored it,
17 but you are refusing to answer based on your attorney's
18 objection?

19 A Yes.

20 MR. VINSON: No questions.

21 MR. GREER: No questions.

22 MR. BEATTY: Thank you very much.
23

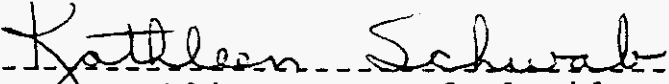
24 (Whereupon, the deposition was concluded at 10:50 A.M.)
25

1 is a true record of the testimony given by the witness;
2 and that said witness read the same and subscribed his
3 name thereto.

4 I further certify that on the 2nd day of
5 November, 1992, I notified Robert Beatty, Esq. that the
6 deposition of DWANE WARD was now ready for signature.

7 I further certify that I am neither
8 attorney nor counsel for, nor related to nor employed
9 by, any of the parties to the action in which this
10 deposition is taken, and further that I am not a
11 relative or employee of any attorney or counsel
12 employed by the parties hereto, or financially
13 interested in the action.

14 IN WITNESS WHEREOF I have hereunto set my
15 hand and affixed my official seal this 2nd day of
16 November, 1992.

17
18
19
20 
21 Notary Public, State of Florida at Large

My Commission expires: December 6, 1992.