JERRY MEZZATESTA,

Grievant,

v. **Docket No. 05-14-144**

HAMPSHIRE COUNTY BOARD OF EDUCATION,

Respondent.

DECISION

Jerry Mezzatesta ("Grievant") filed this grievance directly at level four on April 29, 2005, following the termination of his employment by the Hampshire County Board of Education ("BOE"). A level four hearing was conducted in Westover, West Virginia, on June 22, 2005. Grievant was represented by counsel, Barry L. Bruce, and Respondent was represented by counsel, Norwood Bentley, III. This matter became mature for consideration upon receipt of the parties fact/law proposals, on August 2, 2005.

The following material facts have been proven by a preponderance of the credible evidence of record.

Findings of Fact

1. Grievant began his employment with the BOE in 1971. He has been employed in various positions, including classroom teacher and coach for various sports.

2. Grievant had been an elected member of the West Virginia House of Delegates for many years and was Chairman of the House Committee on Education prior to 1999. 3. In 1999, Grievant applied for and was placed in the position of Adult Education/Community/Grant Specialist for the BOE. The job description for that position listed the "Job Goals" of the position as follows:

1. To explore and secure resources for county grants from federal, private, and philantrophic (sic) agencies.

2.

To promote the educational system of the county.

3. To work with adult/community groups.

4. To ensure that county follows all Title IX regulations.

4. The job description for Adult Education/Community/Grant Specialist also included 30 specific "Performance Responsibilities," including, but not limited to, the following:

-- Search out opportunities that offer educational grants, entitlements, and allocations offered relevant to the needs of our school system.

-- Administer and supervise all adult and community educational programs.

-- Assess school system needs as assigned by the Superintendent.

-- Identify and attend meetings related to the development of apprised needs and to coordinate plans with county government personnel and agencies.

-- Serve as resource person and consultant to the administrative staff. Confer with staff, students, and community leaders on school needs.

-- Write grant proposals to obtain funds from foundations, the federal government and philantrophic (sic) organizations.

5. Due to potential public concerns regarding conflicts of interest or advantageous treatment the BOE might receive as a result of Grievant's position as a legislator and committee chairman, Grievant sought advice from the West Virginia Ethics Commission. Pursuant to their recommendation, a "Resolution and Directive" was drafted and adopted by the BOE on August 11, 1999, which stated as follows:

It is the expectation and directive of the Hampshire County Board of Education

that, as a result of the recent appointment made to Mr. Jerry Mezzatesta, that he is not expected to submit, process, monitor, direct or advance any state grants from any state agency as part of his recent appointment and duties as an Adult Education/Community/Grant Specialist for the Hampshire County Schools. He is only to serve as an advisor to local county governmental agencies, not state agencies or legislative committees. It was not the intent of the Hampshire County Board of Education to use this position for obtaining state grants through this position.

Any requests to be made for state grants will be requested and written by other appropriate staff members of Hampshire County Schools (as in the past), not Mr. Mezzatesta. Mr. Mezzatesta is also directed not to appear before state committees or bodies and/or to seek state grants that would benefit only Hampshire County Schools.

The only job expectation for Mr. Mezzatesta as an Adult Education/Community/Grant Specialist is to submit, process, monitor, and direct grants to private foundations, federal government grants, or philanthropic organizations.

The Hampshire County Board of Education hereby directs the Superintendent to immediately notify Mr. Jerry Mezzatesta of these expectations and to make any clarifications to the job description for this position.

6. On June 13, 2000, Grievant was hired for the posted position of “Community Specialist.” The job description for this position was essentially the same as Grievant's previous position, with the following changes:

-- Under “Job Goals,” the third item was substituted with “to work with community groups” in lieu of “to work with adult/community groups.”

-- Two performance responsibilities referring to adult education issues were removed.

-- The responsibilities of supervising the printing and distribution of a newsletter and conducting the “Teacher of the Year” competition were added.

7. Grievant's duties regarding seeking grant monies and writing grant proposals remained the same under his job description as Community Specialist. 8. Stanley Hopkins is the Assistant Superintendent for Adult Education for the West Virginia Department of Education. The educational programs he supervises serve adults in basic education, technical programs, and public service, such as firefighters and EMS workers. Funding for these programs often comes from “pass-through” grants, which means that the money is actually granted to a county board of education, and the board

of education then transmits the funds to a non-profit organization for administration of the grant.

9. On March 24, 2003, Grievant authored the following letter to Dr. Hopkins:

> As you know the Special Services Workshop and Supported Employment Programs in the Hampshire County Schools are invaluable for preparing our special needs students for participation in the workforce. Unfortunately, continuation of the current program is in jeopardy due to reductions in state and federal funding and medicaid reimbursement regulations. Therefore, the purpose of this letter is to request a grant of funds in the amount of $75,000 to avoid the reduction of program staff and to maintain the program unimpaired.
>
> Please contact me at the Hampshire County Board of Education . . . if you have any questions or need further information.

10. Grievant's correspondence to Dr. Hopkins was written on Grievant's House of Delegates stationery.

11. Over the past several years, students of Hampshire County have utilized educational services provided by the Special Services Workshop and Supported Employment Programs, (See footnote 1) which have occasionally been included in the IndividualizedEducation Plans ("IEPs") of disabled students, in order to provide them with opportunities to obtain job skills and some work experience prior to graduation.

12. The $75,000 grant for the Special Services Workshop and Supported Employment programs was approved, and the funds were delivered to the BOE in early August of 2003. In turn, the funds were turned over to the Hampshire County Development Authority for administration of the grant.

13. By early 2004, the Supported Employment program in Hampshire County was suffering such tremendous financial and administrative difficulties that it became apparent it could not be saved by the grant money. As a consequence, several conversations ensued between Grievant, Superintendent David Friend, Dr. Hopkins, and David Pancake, Executive Director of the Development Authority, regarding what should be done with the grant funds.

14. Grievant and Mr. Hopkins agreed that it would be appropriate to reallocate the $75,000 grant to volunteer fire departments ("VFDs") and EMS offices for training and equipment in Romney and Springfield, and the remainder of the funds would be used for infrastructure for the local fairgrounds and the Special Services Workshop. Pursuant to a specific request written by

Superintendent Friend, describing the reallocation proposal, Mr. Hopkins approved the request on February 2, 2004.

15. Superintendent Friend did not sign the letter requesting reallocation of the $75,000 grant, but authorized someone in Grievant's legislative office to sign the letter for him. Although Mr. Friend did not have a specific recollection of how this particular letter came about, Grievant testified that it was read to the Superintendent over the phone, prior to being sent out. 16. After the reallocation was approved, at Grievant's direction, Superintendent Friend directed Mr. Pancake to distribute the funds to VFDs in Romney, Springfield, Levels, Slanesville, Augusta, North River, Capon Bridge, and Capon Springs, along with the Capon Bridge Library. This directive also contained the previously approved distributions to the EMS Office, Hampshire County Fair, and the Special Services Workshop.

17. The DOE ordered that a performance audit of the BOE be conducted in early 2005. After the initial audit was performed and deficiencies were found in several areas, an Improvement Consultant Team was appointed to make recommendations for correcting the problems. Pursuant to their report, dated April 14, 2005, it was found that the reallocated grant funds were “not expended in accordance with the approval letter issued by [Dr. Hopkins].” The report went on to state that “$35,000 in State funds was misappropriated, while $40,000 was spent for its intended purpose,” specifically finding that the distributions to VFDs in Levels, Slanesville, Augusta, North River, Capon Bridge, and Capon Springs, along with the Capon Bridge Library, were unauthorized.

18. Along with recommending that various policies and procedures be put in place regarding the BOE's handling of grant funds, the Improvement Consultant Team ordered that the “misappropriated” $35,000 be repaid by Hampshire County Schools to the DOE.

19. BOE did not request that the Development Authority reimburse the $35,000, but repaid the money from its own funds.

20. Superintendent Friend took medical leave beginning in the summer of 2004. As a consequence, Grievant did not receive a performance evaluation during the 2004- 2005 school year. Mr. Friend gave Grievant a very favorable evaluation report on June 9,2003, stating that he “exceeds all expectations.” Apparently, there was also no evaluation performed during the 2003-2004 school year.

21. By correspondence dated April 13, 2005, Interim Superintendent Paula O'Brien informed

Grievant that she would be recommending to the BOE that he be discharged from employment "as a direct result of your direct involvement in the misappropriation of funds comprising a grant for the Special Services Sheltered Workshop and Supported Employment Programs in the Hampshire County Schools" along with "violation of the Resolution and Directive . . . which provides in pertinent part . . . that you are not to submit, procure, monitor, direct or advance any state grants from any state agency while employed by the Hampshire County Board of Education."

22. Following a hearing before the BOE on April 22, 2005, Grievant's employment was terminated.

Discussion

Grievant is challenging his termination, a disciplinary action in which the employer bears the burden of establishing the charges by a preponderance of the evidence. W. Va. Code §18-29-6; Hoover v. Lewis County Bd. of Educ., Docket No. 93-21-427 (Feb. 24, 1994); Landy v. Raleigh County Bd. of Educ., Docket No. 89-41-232 (Dec. 14, 1989). The grounds upon which a Board may dismiss any person in its employment are immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance substantiated by an employee performance evaluation, or conviction on a felony charge. W. Va. Code § 18A-2-8. The authority of a county board of education to discipline an employee must be based upon one or more of the causes listed in W. Va. Code § 18A-2-8, and must be exercised reasonably, not arbitrarily and capriciously. Syl.Pt. 3, Beverlin v. Bd. of Educ., 158 W. Va. 1067, 216 S.E.2d 554 (1975); Bell v. Kanawha County Bd. of Educ., Docket No. 91-20-005 (Apr. 16, 1991). Generally, an action is considered arbitrary and capricious if the agency did not rely on criteria intended to be considered, explained or reached the decision in a manner contrary to the evidence before it, or reached a decision that was so implausible that it cannot be ascribed to a difference of opinion. Trimboli v. Dep't of Health and Human Res., Docket No. 93-HHR-322 (June 27, 1997). An action is recognized as arbitrary and capricious when "it is unreasonable, without consideration, and in disregard of facts and circumstances of the case." State ex rel. Eads v. Duncil, 196 W. Va. 604, 474 S.E.2d 534 (1996). "While a searching inquiry into the facts is required to determine if an action was arbitrary and capricious, the scope of review is narrow, and an administrative law judge may not simply substitute her judgment for that of a board of education." Blake v. Kanawha County Bd. of Educ., Docket No. 01- 20-470 (Oct. 29, 2001). The

charges against Grievant are twofold. First, it is alleged that Grievant violated the Resolution and Directive implemented in 1999, which prohibited him from soliciting state grants for the benefit of Hampshire County Schools. Second, he is charged with misappropriation of a portion of the $75,000 grant, as reallocated, in violation of the specific approval granted by Dr. Hopkins at the DOE. Specifically, Respondent charged that Grievant's conduct was insubordinate and “willful,” although it has not specifically cited willful neglect of duty as a basis for the charges against Grievant. However, "[i]t is not necessary for a board of education to identify an employee's offenses by the exact terms utilized in W. Va. Code § 18A-2-8, as long as the required written notice of charges specifically identifies the alleged acts of which the employee is accused." Jordan v. MasonCounty Bd. of Educ., Docket No. 99-26-080 (July 6, 1999). In the instant case, there can be no dispute that Grievant was specifically notified of the events which gave rise to the charges against him.

Violation of Resolution and Directive

___The first charge against Grievant involves his alleged violation of the “Resolution and Directive” adopted by the BOE in 1999. Respondent argues that, by asking the DOE for a $75,000 grant for the Special Services Workshop and Supported Employment programs, Grievant blatantly violated the directive that he not solicit state grant money for Hampshire County Schools. Grievant counters that, because of the change in his job description, the directive no longer applied after 2000. In the alternative, Grievant contends that, even if the directive did apply, he simply did not request money for the BOE, so no violation occurred.

Clearly, Grievant's first argument is specious. A comparison of his job duties as Adult Education/Community/Grant Specialist and his duties as Community Specialist reveals very little change in responsibilities. Moreover, Grievant's specific responsibilities regarding seeking funding and making grant requests for the BOE remained the same under both job descriptions. Therefore, it is quite impossible to believe that Grievant did not consider the 1999 directive to be applicable to his Community Specialist position. The area of concern addressed in the directive involved solicitation of grants, which continued to be a job duty assigned to him; therefore, the concern remained, and the directive clearly would still remain applicable.

Grievant's second argument is also quite tenuous. Although one could argue, as he has, that the funding he requested did not ultimately go into the bank accounts of theBOE, thus no request for grant funds “for the board of education” was made, there are several problems with this theory. First,

the unambiguous wording of Grievant's grant request specifically refers to the benefit of these programs to special needs students of Hampshire County Schools, which appears from the language of the letter to be the sole basis for the request. Although it was unclear exactly how frequently Hampshire County students utilize the Special Services Workshop's services, it was undisputed that some special needs students receive these services as part of their IEPs, which has occurred several times over the past few years. Accordingly, it is simply disingenuous for Grievant to characterize his request as *not* being a solicitation for funding to benefit his employer.

A related issue involves Grievant's failure to explain--if he was, in fact, merely requesting funding for a troubled community program in his capacity as a state legislator-- why he even mentioned that these particular programs were of benefit to the students of Hampshire County Schools. It is this blatant and willful violation of the Resolution and Directive which has resulted in Grievant's rightful termination from employment with the BOE. By wording the request in this manner, Grievant obviously intended for Dr. Hopkins to understand that the funding would be of direct benefit to the BOE, which is undeniably contradictory to the terms of his admonition not “to submit, process, monitor, direct or advance any state grants from any state agency.” Surely, a direct request from the State DOE for grant funds to benefit Hampshire County students constitutes solicitation of a “state grant” from a “state agency.”

Finally, if Grievant's contentions are to be believed, one is constrained to understand why, if this was not a board of education grant, was the BOE cited during the performance audit for its mishandling, and why was the BOE--rather than the recipients ofthe funds--ordered to repay the $35,000? The inescapable conclusion is that, in the final analysis, this was education funding granted to a board of education, which was charged with ultimate responsibility for the funds. This fact is further evidenced by Superintendent Friend's involvement in the eventual request for reallocation of the funding to the VFDs and other entities. It was the Superintendent, on behalf of the BOE, who made the request, not Grievant or even the County Development Authority. Accordingly, the undersigned must conclude that Grievant requested and received a state DOE grant in violation of the previous written directive.

Insubordination "includes, and perhaps requires, a wilful disobedience of, or refusal to obey, a reasonable and valid rule, regulation, or order issued . . . [by] an administrative superior." Butts v. Higher Educ. Interim Governing Bd., 212 W.Va. 209, 569 S.E.2d 456 (2002)(per curiam). See Riddle

v. Bd. of Directors, So. W. Va. Community College, Docket No. 93-BOD-309 (May 31, 1994); Webb v. Mason County Bd. of Educ., Docket No. 26-89- 004 (May 1, 1989). To prove willful neglect of duty, the employer must establish that the employee's conduct constituted a knowing and intentional act, rather than a negligent act. Hoover v. Lewis County Bd. of Educ., Docket No. 93-21-427 (Feb. 24, 1994). See Bd. of Educ. v. Chaddock, 183 W. Va. 638, 398 S.E.2d 120 (1990). Although the West Virginia Supreme Court has not formulated a precise definition of "willful neglect of duty," it does encompass something more serious than incompetence and imports "a knowing and intentional act, as distinguished from a negligent act." Chaddock, supra.

Grievant's focus is misplaced. The final resting place of the funds in question is not the pivotal issue here. It is Grievant's initial *intent* that is most important, and his actions evidence his intent to solicit grant money from a state agency for the benefit of hisemployer. This solicitation was intentional, willful, and in direct violation of the document adopted by the BOE in 1999. Therefore, Grievant's actions in this regard clearly constituted insubordination and willful neglect of duty, as contemplated by W. Va. Code § 18A-2-8.

Misappropriation of Funds

The second allegation against Grievant is that he intentionally misappropriated the reallocated grant funds, in violation of Dr. Hopkins' authorization, which resulted in the BOE having to repay $35,000 to the DOE. When questioned at the level four hearing about Grievant' alleged “misappropriation” of these funds, Dr. Hopkins said he would not describe it as a misappropriation or diversion of funds, but he would only state that some of the money went to VFDs and a library which he “did not authorize.” Pursuant to Superintendent Friend's request for reallocation, Dr. Hopkins understood that the only VFDs that would receive part of the funding were in Romney and Springfield. Finally, Dr. Hopkins testified that, if funding had specifically been requested for these entities, he may have had more questions, but he “would have given it careful consideration.”

Incredibly, both Superintendent Friend and Grievant testified that they believed Dr. Hopkins' February 2, 2004, correspondence gave them discretion to distribute the money to any VFD or EMS facility in the entire county. Thus, the exact wording of Dr. Hopkins' letter is pivotal in this case, and it stated as follows:

> I acknowledge receipt and approve your request to reallocate the $75,000 grant from this office for the Special Services Workshop to the Red Cross and Emergency Medical Services Training Facilities in Romney and Springfield. It is my understanding that these funds will be used for training facilities, equipment, fairground infrastructure

> related to the FFA and Agricultural Education programs, and supported employment opportunities for clients of the Special Services Workshop.
>
> I commend you for your foresight and willingness to assist the Hampshire County EMS System with training opportunities and connecting the Special Services Workshop with this effort with supported employment opportunities.

Pursuant to the reasoning offered by the Superintendent and Grievant, the second paragraph of Dr. Hopkins' letter, which makes reference to "the Hampshire County EMS System," gave them the authority to decide to distribute funds to any EMS facility or VFD in the entire county. (See footnote 2) This testimony is incredible, in view of the initial request for reallocation, authored by Mr. Friend at Grievant's direction, which specifically requested funds for "Romney and Springfield" for "the Red Cross and Emergency Medical Services training facilities and . . . equipment." It is impossible not to conclude that Grievant realized that the redistribution of funds was not authorized by the DOE. Clearly, Dr. Hopkins' commendation to the BOE for assisting "the Hampshire County EMS System" referred to the two previously-mentioned communities and cannot reasonably be construed to extend his authorization beyond Romney and Springfield.

One could easily claim "no harm, no foul" under circumstances such as these, where a school administrator and legislator merely tried to "do a good thing," by distributing much-needed funding to county VFDs. Indeed, it appears from the evidence that Grievant did not even benefit politically from providing funding to most of the additional VFDs, because they were not in his legislative district. Moreover, it is not as if Grievant misappropriated state funds for his own personal use, and he, in fact, did quite the opposite. Nevertheless, the undersigned cannot ignore the deliberate, intentional decisionGrievant made to redirect these funds, a decision which was not his to make, and which ultimately cost his employer financially. This conduct constitutes willful neglect of duty.

Improvement Plan and Mitigation

Grievant also has argued that, because he did not receive a performance evaluation during the last two school years, and his misconduct was not called to his attention, he was entitled to an improvement period to correct his performance, pursuant to DOE Policy 5300. However, improvement plans are only required for correctable conduct, which involves professional incompetency. Mason County Bd. of Educ. v. State Supt. of Schools, 165 W. Va. 732, 739, 274 S.E.2d 435, 439 (1980). As observed by the West Virginia Supreme Court in Maxey v. McDowell County Board of Education, 212 W. Va. 668, 575 S.E.2d 278 (2002), "where it is clear that the

underlying complaints regarding a teacher's conduct relate to his or her performance as a teacher . . . Policy 5300 . . . require[s] an initial inquiry into whether that conduct is correctable." W. Va. Code § 18A-2-12, pursuant to which Policy 5300 was enacted, requires that a "professional whose performance is . . . unsatisfactory shall be given notice of deficiencies" and "[a] remediation plan to correct [those] deficiencies." The undersigned finds that, under the facts and circumstances presented here, an improvement plan was not required. A single, wilful act of artifice does not constitute "incompetence" or "unsatisfactory performance" which can be corrected through a plan of any sort. Moreover, Grievant's actions exhibit poor judgment, at best, which is an inherent trait that cannot simply be called to someone's attention and corrected.

Considerable deference is afforded the employer's assessment of the seriousness of the employee's conduct and the prospects for rehabilitation. Overbee v. Dep't of Healthand Human Res./Welch Emergency Hosp., Docket No. 96- HHR-183 (1996). The employer has substantial discretion to determine a penalty in these types of situations, and the undersigned Administrative Law Judge cannot substitute her judgment for that of the employer. Jordan v. Mason County Bd. of Educ., Docket No. 99-26-8 (1999); Tickett v. Cabell County Bd. of Educ., Docket No. 97-06-233 (1998); Huffstutler v. Cabell County Bd. of Educ., Docket No. 97-06-150 (1997). An allegation that a particular disciplinary measure is disproportionate to the offense proven, or otherwise arbitrary and capricious, is an affirmative defense and the grievant bears the burden of demonstrating that the penalty was clearly excessive, or reflects an abuse of the employer's discretion, or an inherent disproportion between the offense and the personnel action. Conner v. Barbour County Bd. of Educ., Docket No. 94-01-394 (Jan. 31, 1995). Rather than arguing the punishment did not fit the offense, Grievant contended there was no offense. Because the charges against him have been substantiated by the evidence, he has not met his burden of proving the discipline should be mitigated to something less severe. The following conclusions of law are consistent with the foregoing.

Conclusions of Law

1. In a disciplinary case, the employer bears the burden of establishing the charges by a preponderance of the evidence. W. Va. Code §18-29-6; Hoover v. Lewis County Bd. of Educ., Docket No. 93-21-427 (Feb. 24, 1994); Landy v. Raleigh County Bd. of Educ., Docket No. 89-41-232 (Dec. 14, 1989).

2. The grounds upon which a Board may dismiss any person in its employment are immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance substantiated by an employee performance evaluation, or conviction on a felony charge. W. Va. Code § 18A-2-8.

3. The authority of a county board of education to discipline an employee must be based upon one or more of the causes listed in W. Va. Code § 18A-2-8, and must be exercised reasonably, not arbitrarily and capriciously. Syl. Pt. 3, Beverlin v. Bd. of Educ., 158 W. Va. 1067, 216 S.E.2d 554 (1975); Bell v. Kanawha County Bd. of Educ., Docket No. 91-20-005 (Apr. 16, 1991).

4. Insubordination "includes, and perhaps requires, a wilful disobedience of, or refusal to obey, a reasonable and valid rule, regulation, or order issued . . . [by] an administrative superior." Butts v. Higher Educ. Interim Governing Bd., 212 W.Va. 209, 569 S.E.2d 456 (2002)(per curiam). See Riddle v. Bd. of Directors, So. W. Va. Community College, Docket No. 93-BOD-309 (May 31, 1994); Webb v. Mason County Bd. of Educ., Docket No. 26-89-004 (May 1, 1989).

5. To prove willful neglect of duty, the employer must establish that the employee's conduct constituted a knowing and intentional act, rather than a negligent act. Hoover v. Lewis County Bd. of Educ., Docket No. 93-21-427 (Feb. 24, 1994). See Bd. of Educ. v. Chaddock, 183 W. Va. 638, 398 S.E.2d 120 (1990).

6. Respondent has proven by a preponderance of the evidence that Grievant's conduct was both insubordinate and constituted willful neglect of duty.

7. Improvement plans are only required for correctable conduct, which involves professional incompetency. Mason County Bd. of Educ. v. State Supt. of Schools, 165 W. Va. 732, 739, 274 S.E.2d 435, 439 (1980).

8. Grievant was not entitled to an improvement plan for his acts of malfeasance, which did not involve correctable incompetence or performance issues.

Accordingly, this grievance is **DENIED**.

Any party may appeal this decision to the Circuit Court of Kanawha County, or to the Circuit Court of Hampshire County. Any such appeal must be filed within thirty (30) days of receipt of this decision. W. Va. Code § 18-29-7. Neither the West Virginia Education and State Employees Grievance Board nor any of its Administrative Law Judges is a party to such appeal, and should not be so named.

However, the appealing party is required by W. Va. Code § 29A-5-4(b) to serve a copy of the appeal petition upon the Grievance Board. The appealing party must also provide the Board with the civil action number so that the record can be prepared and properly transmitted to the appropriate circuit court.

Date: August 15, 2005

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DENISE M. SPATAFORE

Administrative Law Judge

Footnote: 1

The undersigned takes administrative notice that the Workshop is a private, non- profit organization which provides some training and employment opportunities for disabled individuals. State agencies are allowed to use these individuals to meet some of their operational needs, such as custodial services, without having to go through the competitive bid process. It is presumed that the Supported Employment program is affiliated with the services provided by the Workshop, but that was not specifically explained in this case.

Footnote: 2

Apparently, all emergency workers in the county, including EMS workers and firefighters, receive their training together.