



**SUMMIT**  
LAW GROUP

*a professional limited liability company*

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September 20, 2019

*Via Email ([pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)) and U.S. Mail*

Phil Stutzman  
Compliance Officer  
Public Disclosure Commission  
711 Capitol Way S. #206  
PO Box 40908  
Olympia, WA 98504

**Re: Waste Treatment Completion Company (WTCC)**

Dear Mr. Stutzman:

Thank you for the opportunity to respond to the complaint filed by the Freedom Foundation regarding Waste Treatment Completion Company's ("WTCC") compliance with RCW 42.17A.495 and WAC 390-17-100. WTCC denies the allegations in the July 26, 2019 complaint. As more fully set forth below, WTCC has implemented the appropriate changes to adopt the authorization forms recently submitted to and approved by the Public Disclosure Commission ("PDC").

Following the PDC's February 14, 2019 letter, Local 598 advised WTCC of the adoption of two new forms: The Annual Notification Concerning Withholding Funds for 598 PAC and the Dispatch Authorization form for PAC deductions. See Exs. A and B. The Annual Notification Concerning Withholding Funds for 598 Pac was presented to employees for review and signature and remitted to WTCC for its files. See example at Ex. C. Employees were clearly advised of their right to rescind their authorization for PAC deductions as demonstrated by the fact that WTCC received appropriate notification of any decision to cease deductions. See example at Ex. D.

In addition to the Annual Notification, the approximately 160 employees dispatched to work at WTCC since the adoption of the new form were presented with and signed as appropriate the new PAC Dispatch Authorization Form. Ex. E. Of these 160 employees, 55 did not authorize PAC deductions, and therefore no such deductions were made. This form is consistently being used for any employee dispatched to WTCC since the form was submitted to and approved by the PDC.

Mr. Nelson requested the opportunity to review certain information at the WTCC facility. Arrangements were made for review as soon as the Payroll Supervisor returned from

vacation. In each of the communications with WTCC, Mr. Nelson was reminded that the WTCC is a Department of Energy Hanford Site and visitors must comply with badging requirements. See e.g., App. 430. Mr. Nelson also was advised that the facility's business hours are Monday –Thursday, 6:30 am to 5:00 pm. After agreeing to review the information on July 22, Mr. Nelson chose to travel from Olympia on the same day as the scheduled review and indicated that he would arrive in the Tri-Cities around 11:00 am. Due to Mr. Nelson's travel and the time required to obtain a security badge, the parties agreed upon a 1:00 pm meeting time. Ms. Vargas contacted Mr. Nelson that morning at approximately 9:30 am with instructions on where to obtain a security badge, and a map demonstrating the required travel between the location where he would obtain a security badge and the site of the facility. See Ex. F. Mr. Nelson did not arrive to obtain a security badge until 1:00 p.m., despite apparently arriving in the Tri-Cities at 11:00 am. As noted in the documents provided to Mr. Nelson by Ms. Vargas, the site is several miles from the security building. As a result, Mr. Nelson did not arrive on the site to begin his review until approximately 1:50 p.m. Contrary to the complaint, WTCC did not engage in any dilatory tactics—rather, Mr. Nelson's decision to travel from Olympia to the Tri-Cities on the same day as his scheduled meeting and to not plan for the time necessary to obtain a security badge and travel to the site was exclusively within his control.

Once on site, Mr. Jason Jansky was assigned to assist Mr. Nelson by pulling the employee file for each employee identified by Mr. Nelson. When WTCC began preparing to close operations for the business day, it invited Mr. Nelson to return the next day to continue his review. He rejected the invitation. At no time did WTCC impede or limit Mr. Nelson's review. As noted above, WTCC invited Mr. Nelson to continue his review the very next business day. There is no merit to the allegation that WTCC violated RCW 42.17A.495(4).

Nor is there any merit to the allegation that WTCC has violated RCW 42.17A.495 by deducting PAC contributions without employee consent. As noted above, WTCC has consistently used the authorization deduction form submitted to and approved by the PDC for all employees dispatched since March 2019. Several of the employees of WTCC worked at the company's predecessor and so may have older versions of the authorization forms on file. However, the only form used for employees dispatched from Local 598 today are those attached as Exhibit B. While WTCC did not collect new authorization forms for those employees dispatched prior the development of the new authorization form in March 2019, all employees recently received the Annual Notification Concerning Withholding Funds for 598 PAC and were clearly advised of their right to withdraw or revoke their authorization at any time. Therefore, WTCC is not aware of any PAC deductions being made without proper authorization. Without more information, WTCC cannot respond to the summary and vague allegations in the complaint.

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Phil Stutzman  
Public Disclosure Commission  
September 20, 2019  
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For all of the reasons set forth above, WTCC denies the allegations and believes that it is in compliance with the law in using the forms as approved by PDC and provided by Local 598. Please let me know if you have any additional questions.

Sincerely,

SUMMIT LAW GROUP, PLLC

A handwritten signature in black ink, appearing to read "ER Kennar", written over a horizontal line.

Elizabeth R. Kennar

# **EXHIBIT A**

# ATTACHMENT #1

## ANNUAL NOTIFICATION CONCERNING WITHHOLDING FUNDS FOR 598 PAC

As required by the State of Washington administrative code, WAC 390-17-110 please be advised that neither UA Local 598, nor any signatory contractor, may or will discriminate against you in the terms or conditions of your employment for (1) failing to contribute to the PAC, (2) failing to support (or oppose) the PAC, or (3) in any way supporting or opposing a candidate, ballot measure, political party or political committee.

If you have voluntarily authorized PAC contributions, you may rescind that authorization at this, or any, time. As you are aware, so that the common interests of Local 598 members to secure jobs, fair wages, and safe working conditions can be heard by state and federal candidates for office, you have previously voluntarily authorized your employer to deduct 0.70% (0.0070) of your weekly gross pay to be contributed to the PAC.

Should you wish to discontinue this voluntary contribution to the PAC via payroll deduction, at any time, you may contact your employer or, UA Local 598 in writing at 1328 Rd 28, Pasco, WA 99301.

I acknowledge receipt of the above notice to ensure my local union and employer are in compliance with Washington State law:

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: A copy of this form shall be retained by Local 598 and your employer for at least five years.

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# **EXHIBIT B**

# Attachement 2

1328 Road 28  
Pasco, WA 99301

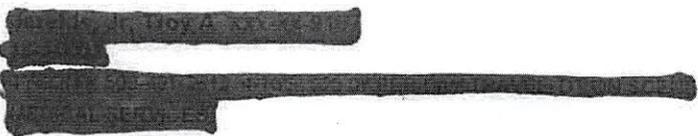
## U.A. LOCAL 598 DISPATCH FORM

Phone : (509) 545-1446  
Fax : (509) 547-2139

Contractor : Apollo Mechanical Contractors  
Site Name : PDX Data Center  
Site Address : 82792 Beach Access Rd.  
Umatilla, OR 97882

Report Date : 11/24/18  
Report Time : 06:00 AM

Job Steward :  
Assigned To :  
Comments :



Pay Rate : \$37.88  
Job Desc : Appr - 7th Period (75%)  
Job Type :  
Hiring List : Book A - Plumber Appr

Site Notes:

### PAC Authorization

So that the common interest of Local 598 members to secure jobs, fair wages, and safe working conditions can be heard by state and federal candidates for office, I voluntarily authorize and direct the above-named employer and any signatory to the Collective Bargaining Agreement for whom I work to deduct the suggested 0.70% (0.0070) as ratified by the Local 598 Membership, each week from my pay for transfer to the Local 598 Political Action Committee, where funds will be used for federal or state races as deemed necessary by PAC leadership. I understand that I have a right to refuse to so contribute without any reprisal. Furthermore, I recognize that the contribution guideline is just that, and that I may contribute any amount or not at all to the Political Action Committee - although only the suggested amount is supported by the paycheck deduction process. Contributing an alternative amount will require contacting the Local's staff. Note: No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee. Furthermore, I understand that to comply with the Federal law, the PAC must use its best efforts to obtain, maintain, and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per calendar year. I understand that my contribution is not tax-deductible. I understand that I may revoke my authorization at any time in writing.

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

### Work Assessment Check-Off Authorization

I authorize the Employer to withhold and to pay working dues on my behalf at the current rate of 3% and IAP at 2.25% of gross pay to Local Union 598. This authorization shall be valid for the period of one year or the balance of the term of the current agreement, whichever is sooner, and shall automatically renew itself for successive one-year periods. This authorization is subject to cancellation by written notice to the Employer and Local 598 given within the 60-day period preceding an automatic renewal date.

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

Employer Copy

SAMPLE

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# **EXHIBIT C**



# **EXHIBIT D**

514925

**PAC DEDUCTION WITHDRAWAL NOTIFICATION**

I, [Redacted] effective  
(date) 7/3/19, elect to no longer authorize the PAC  
deduction from my pay while I am employed with  
WTCC.

Date: 7/3/19  
Signature: [Redacted]  
Printed Name: [Redacted]  
Card No.: 2606894

.....  
Local 598  
.....

Received on: RECEIVED JUL - 3 2019  
Forwarded to: Klvargas@bechtel.com  
Date Forwarded: E-MAILED JUL - 3 2019

7-9-19  
JML

# **EXHIBIT E**

**From:** [Vargas-Hernandez, Kathy \(WTCC\)](#)  
**To:** [Maxford Nelsen](#)  
**Cc:** [Brown, Larry \(WTCC\)](#); [Serna, Victor \(WTCC\)](#)  
**Subject:** RE: PAC deduction form inspection  
**Attachments:** [2019 WTP Badging Map.pdf](#)  
[Hanford Map.doc](#)

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Mr. Nelson

Per your discussions below, please see attached map to our Material Handling Facility (MHF) to pick up your visitor badge and then see attached map for directions to our site.

*Kathy Vargas* | Labor Relations Assistant  
WTCC, Waste Treatment Completion Company  
Phone: 509.373.8208 | Mail Stop: MS10-A  
FAX: 509.373.8279 | Email: [klvargas@bechtel.com](mailto:klvargas@bechtel.com)

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**From:** Serna, Victor (WTCC) <[vserna@bechtel.com](mailto:vserna@bechtel.com)>

**Sent:** Sunday, July 21, 2019 8:33 PM

**To:** Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)>

**Cc:** Vargas-Hernandez, Kathy (WTCC) <[KLVARGAS@bechtel.com](mailto:KLVARGAS@bechtel.com)>; Brown, Larry (WTCC) <[lgbrown1@Bechtel.com](mailto:lgbrown1@Bechtel.com)>

**Subject:** Re: PAC deduction form inspection

Mr. Nelsen, Please call Kathy in the morning while on the road and she will give you instructions where to go to pick up your badge. I listed her number below.

Have a safe drive.

509-373-8208

Sent from my iPhone

On Jul 21, 2019, at 1:46 PM, Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)> wrote:

Mr. Serna,

Just confirming the address for tomorrow's (Monday's) appointment. The only address I have is the one on the letterhead of your initial reply: 2435 Stevens Center Place, Richland, WA, 99354.

Is this correct or should I plan to arrive somewhere else?

Best,

**Maxford Nelsen**

Director of Labor Policy | Freedom Foundation

[MNelsen@FreedomFoundation.com](mailto:MNelsen@FreedomFoundation.com)

360.956.3482 | PO Box 552 Olympia, WA 98507

[FreedomFoundation.com](http://FreedomFoundation.com)

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**From:** Serna, Victor (WTCC) <[vserna@bechtel.com](mailto:vserna@bechtel.com)>

**Sent:** Tuesday, July 9, 2019 2:41 PM

**To:** Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)>

**Cc:** Vargas-Hernandez, Kathy (WTCC) <[KLVARGAS@bechtel.com](mailto:KLVARGAS@bechtel.com)>

**Subject:** RE: PAC deduction form inspection

Mr. Maxford,

We will expect you on Monday, July 22 lets do 1pm. Our normal business hours are 6:30am – 5pm so you will have plenty of time to conduct your review.

Thanks

Victor

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**From:** Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)>

**Sent:** Tuesday, July 09, 2019 2:37 PM

**To:** Serna, Victor (WTCC) <[vserna@bechtel.com](mailto:vserna@bechtel.com)>

**Subject:** RE: PAC deduction form inspection [\*EXTERNAL\*]

Mr. Serna,

Thank you. Let's plan on Monday, July 22. I'd like to arrive as early as practicable for you to allow maximum time for my inspection and minimize the likelihood of having to return a second day. With that said, as I'll be driving from Olympia, I probably can't arrive much before 11am. Just let me know what will work for you.

Best,

## Maxford Nelsen

Director of Labor Policy | Freedom Foundation

[MNelsen@FreedomFoundation.com](mailto:MNelsen@FreedomFoundation.com)

360.956.3482 | PO Box 552 Olympia, WA 98507

[FreedomFoundation.com](http://FreedomFoundation.com)

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**From:** Serna, Victor (WTCC) <[vserna@bechtel.com](mailto:vserna@bechtel.com)>

**Sent:** Tuesday, July 09, 2019 2:33 PM

**To:** Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)>

**Cc:** Serna, Victor (WTCC) <[vserna@bechtel.com](mailto:vserna@bechtel.com)>

**Subject:** RE: PAC deduction form inspection

Hello Mr. Maxford,

Sorry for my late response. Our payroll supervisor has been on vacation and he just returned on Monday. Regarding your visit, our payroll supervisor has indicated he can make himself available to meet with you and provide the documents you wish to inspect on the afternoon of Monday July 22 or July 29. Let me know what day works best for you and once you confirm, my assistant Kathy Vargas will contact you with instructions on how to get to our project location and also badging information. As you are aware our project is located on a Department of Energy site so you will require a security badge to gain access.

Thank you,

Victor Serna

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**From:** Maxford Nelsen <[MNelsen@freedomfoundation.com](mailto:MNelsen@freedomfoundation.com)>

**Sent:** Friday, June 28, 2019 4:33 PM

**To:** Serna, Victor (WTCC) <[vserna@bechtel.com](mailto:vserna@bechtel.com)>

**Subject:** PAC deduction form inspection [\*EXTERNAL\*]

Mr. Serna,

Thank you for your June 17 letter responding to my request to inspect forms signed by WTCC employees authorizing the deduction of contributions to UA 598's PAC from their wages.

Would it be possible for me to inspect the authorizations on July 15<sup>th</sup> or 16<sup>th</sup>? I'll be

coming over from Olympia, so would probably arrive mid-late-morning and should be able to finish before the end of the work day.

Thanks,

**Maxford Nelsen**

Director of Labor Policy | Freedom Foundation

[MNelsen@FreedomFoundation.com](mailto:MNelsen@FreedomFoundation.com)

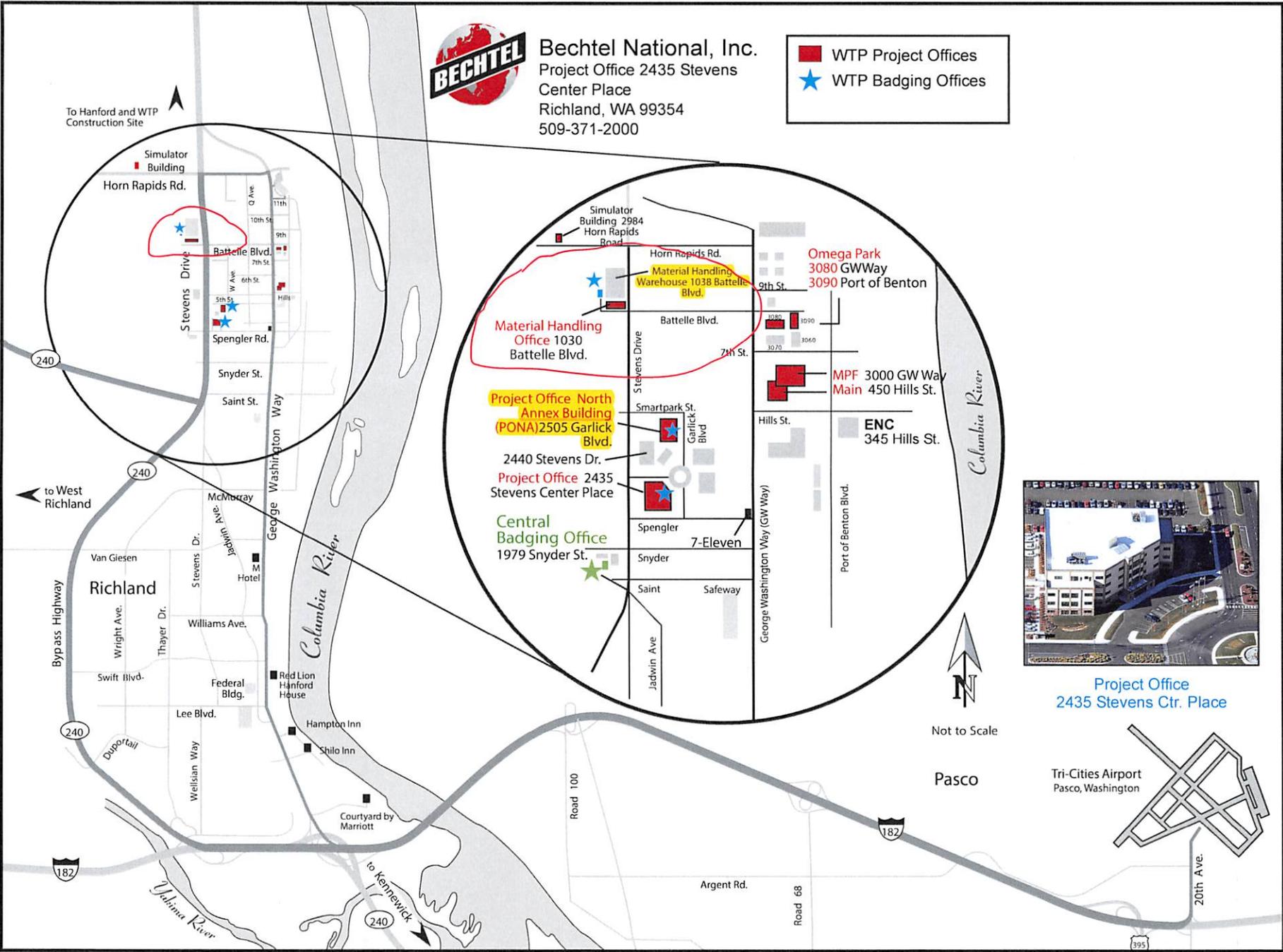
360.956.3482 | PO Box 552 Olympia, WA 98507

[FreedomFoundation.com](http://FreedomFoundation.com)



**Bechtel National, Inc.**  
 Project Office 2435 Stevens  
 Center Place  
 Richland, WA 99354  
 509-371-2000

WTP Project Offices  
 WTP Badging Offices



**Project Office  
 2435 Stevens Ctr. Place**

Not to Scale

Pasco

Tri-Cities Airport  
 Pasco, Washington

