

The exhibits set forth in Appendix A, attached hereto, were admitted into the record.¹

II. FINDINGS OF FACT

1. The Montana State Auditor's office (Auditor's Office) and DOA are executive agencies of the government of the State of Montana (the State).

2. Monica Lindeen, while Commissioner of Securities and Insurance, implemented a one-time pay adjustment to bring existing Auditor's Office employees to 80% of the 2012 market in February 2013. Lindeen headed the Auditor's Office during Barry's tenure from January 6, 2015 through December 31, 2016.

3. The Auditor's Office Broadband Pay Plan Rules and Guidelines marked as "last updated May 16, 2013" states the goal of setting employee base salary at a minimum of 80% of the market.

4. Lindeen implemented another one-time pay adjustment to bring existing Auditor's Office employees to 85% of the 2012 market in August of 2013.

5. The Auditor's Office Broadband Pay Plan Rules and Guidelines marked as "last updated February 5, 2014" states the goal of setting employee base salary at a minimum of 85% of the market.

6. Lindeen implemented another one-time pay adjustment to bring existing Auditor's Office employees to 90% of the 2012 market in May of 2014, but the adjustment was not incorporated into the Auditor's Office Broadband Pay Plan Rules and Guidelines.

7. The Auditor's Office Broadband Pay Plan Rules and Guidelines have not been updated since the February 5, 2014 version.

8. Since Lindeen's May 2014 pay adjustment, at least four employees were hired at between 85% to 87% of market from October of 2014 through September of 2016.

¹ The Hearing Officer could not for certain locate where in the course of the hearing Exhibits P and Q were admitted.

9. Barry was hired as a “Paralegal/Legal Assistant” for the Auditor’s Office on January 6, 2015.

10. Barry’s “Paralegal/Legal Assistant” position was classified in pay band 5.

11. Barry’s immediate supervisor from January 6, 2015 through December 31, 2016 was Chief Legal Counsel Jesse Laslovich (Laslovich).

12. Barry felt that the work she was doing at the Auditor’s Office was too secretarial, and that her paralegal skills were being underutilized. Barry determined that she wanted to become an investigator.

13. While still working as a paralegal, Barry began training with the other Auditor’s Office investigators to do investigative work in October of 2016.

14. During a trial period wherein Laslovich was seeking to determine if Barry should work as an investigator rather than a paralegal, Barry shadowed investigators and handled some cases.

15. Toward the end of his own tenure with the Auditor’s Office, Laslovich initiated the reclassification of Barry’s position from a paralegal to an investigator on December 7, 2016.

16. Laslovich met with the incoming Commissioner of Securities and Insurance, Matt Rosendale (Rosendale), in early December of 2016 to discuss the transition to Rosendale’s administration. Barry’s reclassification and investigator pay was discussed, and Laslovich informed Rosendale that Barry was not presently fully qualified to be an investigator.

17. Laslovich viewed the human resource specialist for the Auditor’s Office, Leah Martin, as creating difficulties during the reclassification process and obstructing his decision to undertake the reclassification. Accordingly, Laslovich reached out to DOA on December 14, 2016 for assistance with the reclassification.

18. Barry’s “Paralegal/Legal Assistant” position was reclassified as a “Crime Investigator” on December 23, 2016.

19. It was unclear to Laslovich that the reclassification had been completed as of December 23, 2016, which he partially attributed to an investigator position having been posted for other applicants at Martin’s recommendation. Because

Barry's position was being reclassified from a paralegal to an investigator, however, there was no open investigator position for which others could apply.

20. Laslovich recognized the error in advertising an open investigator position at the end of December 2016, and recommended that the investigator posting be pulled.

21. Lindeen made the decision not to pull the investigator posting.

22. If Barry's pay had been set during the Lindeen administration's tenure, it would have been set by Laslovich in conjunction with Lindeen. There is no evidence in the record reflecting the base pay that Lindeen would have approved for Barry.

23. Laslovich did not evaluate and determine Barry's base pay while he was still in office.

24. Laslovich believes he would have requested Barry's pay be set at 90% of the 2012 market for investigators, based on his general practice in his few last years in office of setting pay for new legal bureau employees at approximately five percent less than the other employees in the same job position.

25. Laslovich's statements regarding Barry's pay are entirely theoretical, as he did not recommend and Lindeen did not set Barry's pay prior to leaving office on December 31, 2016.

26. Laslovich did not contact the Rosendale administration to offer any input on setting Barry's pay.

27. The pay practices and philosophies of the Lindeen administration were not set forth in law, and were not binding on subsequent administrations.

28. Prior to taking office, the Rosendale administration had no authority to direct the reclassification process or to set Barry's pay, and the process was entirely overseen by the Lindeen administration.

29. Rosendale took office as the Commissioner of Securities and Insurance on January 1, 2017, and appointed Kris Hansen (Hansen) as his Chief Legal Counsel on January 2, 2017.

30. Hansen was Barry's immediate supervisor starting in January 2017.

31. Because Barry's pay as an investigator had not been set by the Lindeen administration, it became the responsibility of Rosendale's administration.

32. Hansen first verified whether Barry's reclassification had been completed. Hansen determined the reclassification was complete, and then nullified the posted investigator position.

33. Hansen next undertook the process of setting Barry's pay.

34. Rosendale's administration did not contact Laslovich regarding Barry's pay because, after leaving office, Laslovich had no authority to set Barry's pay.

35. Rosendale retains the ultimate authority to set pay for Auditor's Office employees.

36. Rosendale's pay philosophy is to incentivize strong performance, leadership, and ingenuity. He also believes in holding employees accountable for poor performance. Rosendale does not believe that all employees working under the same job title should necessarily be paid the same where their performance, skills, abilities, experience, and knowledge are not equal.

37. Rosendale delegates to his management the responsibility of analyzing how to set employee pay, and management then makes a recommendation for his approval.

38. Martin provided Rosendale and Hansen with information to guide them in setting Barry's pay including: the pay range for the investigator pay band; the goal stated in the Auditor's Office Broadband Pay Plan Rules and Guidelines of setting employee pay at a minimum of 85% of market; the dollar value associated with that 85% goal for the investigator position; the base pay of the other three investigators; and that the other investigators' base pay constituted 96% of market.

39. Martin did not make a recommendation as to where Barry's pay should be set.

40. Human Resources employees, including Martin, do not set pay.

41. As part of Rosendale's management team, Hansen recommended to Rosendale that Barry's pay be set at 85% of the 2012 market for an investigator.

42. In order to arrive at her recommendation, Hansen analyzed the facts and law to determine the base pay recommendation she would make to Rosendale. Her analysis included consideration of the following:

- a. The law;
- b. The Broadband Pay Plan Policy;
- c. The Auditor's Office Broadband Pay Plan Rules and Guidelines;
- d. Information Laslovich provided Hansen regarding Barry and the other three investigators;
- e. Barry's personnel file;
- f. Barry's competency to undertake the requirements of the investigator job description;
- g. The pay of the other three investigators;
- h. The potentially demotivating effect on senior employees of hiring a new employee with limited experience at or near the senior employees' pay rate;
- i. Barry's background, skills, experience, and education compared to the other three investigators;
- h. external competitiveness; and
- i. ability to pay.

43. Hansen considered the following information about the other investigators, Neil Brunett (Brunett), Bryan Stanley (Stanley), and Cheri Meier (Meier). Meier was one of the most senior employees at the Auditor's Office, having been employed there for over 30 years, which gave her substantial industry and institutional knowledge; Meier had worked as an investigator for about ten years; Brunett had a law enforcement background and had served as a highway patrolman for ten years; Brunett had worked on insurance issues with the Department of Labor prior to coming to the Auditor's Office; Brunett had worked as an investigator for about 15 years; Stanley had a law enforcement background; Stanley had been an insurance producer for six years prior to coming to the Auditor's Office; and Stanley had been an investigator for about ten years.

44. At the time of Barry's reclassification on December 23, 2016, the other investigators' pay was \$30.30 per hour. This constitutes 95% of the investigators' 2012 market rate of \$31.53 per hour.

45. Ninety percent of the investigators' 2012 market rate of \$31.53 per hour is \$28.38 per hour.

46. The investigator position is in pay band 6, which sets minimum pay at \$13.25 per hour.

47. The minimum of the competitive pay zone for an investigator is \$25.23 per hour.

48. In making her pay recommendation, Hansen also evaluated Barry's proficiency level as of December 23, 2016 to undertake the requirements of the investigator job description under which Barry was hired.

49. Prior to coming to the Auditor's Office, Barry's employment background was primarily as a legal secretary or paralegal, with little or no investigative work:

- a. Barry obtained an associate's degree in paralegal studies in 2001;
- b. Barry worked as a legal secretary at Gough, Shanahan, Johnson & Waterman;
- c. Barry worked as a paralegal/investigator with the State at Agency Legal Services Bureau between 2001 and 2002;
- d. Barry worked as a paralegal for the Department of Transportation from February 2002 to May 2006;
- e. Barry worked as a paralegal at Doney, Crowley, Bloomquist, Payne & Uda from 2006 to 2009;
- f. Barry became a certified paralegal through the National Association of Legal Assistants (NALA) in 2007 (the NALA curriculum does not substantively address criminal investigative work, and is only focused on paralegal certification);
- g. Barry worked at Carroll College from 2010 to 2013, but did not work as a paralegal or investigator;

h. Barry worked as a paralegal at the St. Lawrence Law Office from 2013 to 2014; and

i. Barry had worked as a “Paralegal/Legal Assistant” for the Auditor’s Office since January of 2015.

50. Hansen noted Barry’s paralegal background and the difference between a paralegal and an investigator. For example, a case preparation interview is different than a criminal investigative witness interview, and Barry was not gathering information from multiple conflicting sources and witnesses, nor was she attempting to obtain information from witnesses who were trying to conceal information.

51. Prior to training as an investigator, Barry was not conducting investigations. As of her reclassification date, she was in the beginning stages of her career in investigations.

52. Barry would not be performing all the same duties as the other three investigators, nor would she be performing the duties with the same efficiencies as the other investigators.

53. Barry acknowledged she did not yet have the ability to independently handle the agency’s most complex work.

54. Barry acknowledged that the other three investigators had greater competencies and experience than she did.

55. Barry conducted a self-assessment of her proficiency level as of December 23, 2016, using the same criteria as Hansen.

56. Based on both her own evaluation and Barry’s self-assessment, Hansen determined that Barry did not meet minimum qualifications of an investigator.

57. The Auditor’s Office uses DOA’s 2012 market rates to determine its pay schedule. The 2012 market rate for an investigator is \$65,592, or \$31.53 per hour.

58. Rosendale made the final decision to set Barry’s investigator pay at 85% of the 2012 market for an investigator on January 9, 2017.

59. In making this determination, Rosendale considered information provided from Laslovich prior to Rosendale taking office, information provided by Martin, and information provided by Hansen.

60. The pay change was effective back to the first date of the pay period following reclassification, which was December 24, 2016.

61. Although 85% of the 2012 market rate was \$26.80 per hour, Barry's pay was inadvertently set at \$26.78 per hour as of December 24, 2016. On April 24, 2017, the Auditor's Office issued Barry a lump sum payment to correct the \$00.02 difference in hourly pay that constituted 85% of the 2012 market for an investigator, and her base pay as an investigator was corrected to \$26.80 per hour, which represented 85% of the 2012 market rate.

62. The Auditor's Office Broadband Pay Plan Rules and Guidelines marked as being last updated on February 5, 2014 was in place at the time Rosendale set Barry's pay. This is the same pay plan that was in effect on the date of Barry's reclassification on December 23, 2016. The Auditor's Office Broadband Pay Plan Rules and Guidelines had the goal of setting employee base pay at a minimum of 85% of market.

63. Rosendale did not have a goal or a "floor" of paying employees any certain percentage of market other than the 85% goal stated in the Auditor's Office Broadband Pay Plan Rules and Guidelines.

64. Since taking office, Rosendale has set employee pay below 90% of the 2012 market. This includes both Barry's pay as well as that of another employee who transferred into a legal secretary position at 80% of market on June 1, 2017.

65. Barry was provided sufficient time in which to present her case at the hearing herein. Evidence and witnesses Barry was either unable to present or prohibited from presenting at the hearing went to extraneous issues and did not go to the dispositive matters in the case, namely the Rosendale administration's legal authority, constraints, and discretion in setting her pay.

III. DISCUSSION

The State of Montana's Broadband Pay Plan system establishes employee classification and compensation. Mont. Code Ann. §§ 2-18-201 to -306 (2015); *see also Fellows v. Dep't of Admin.*, 2011 MT 88, ¶ 2, 360 Mont. 167, 252 P.3d 196.

Positions are classified into occupations and are then assigned to one of nine pay bands. *Id.* There are many different occupations and salaries within each pay band. Mont. Code Ann. § 2-18-101(16) (2015). An employee affected by the implementation of the Broadband Pay Plan is entitled to file a complaint with the Board of Personnel Appeals and to be heard under the provisions of a grievance procedure to be prescribed by the Board. Mont. Code Ann. § 2-18-1011. If, upon the preponderance of the evidence taken at the hearing, the board is of the opinion that the employee is aggrieved, it may issue an order to the appropriate agency or agencies of state government to require an action to resolve the employee's grievance. Mont. Code Ann. § 2-18-1012.

The statutes in effect at the time Barry's position was reclassified² require that the Broadband Pay Plan be administered on the basis of competency, internal equity, and competitiveness to the external labor market when fiscally viable. Mont. Code Ann. § 2-18-301(4) (2015). Rosendale had total discretion to set Barry's pay so long as he did so within the confines of the Broadband Pay Plan Rules and Guidelines that were in effect and the relevant law. Barry has not raised a substantive issue as to the competitiveness of her pay, and focuses only on the evaluation of her competency and internal equity. It is this tribunal's conclusion that Rosendale, both himself and through his agents such as Hansen, analyzed all the necessary facts and law to determine Barry's base pay.

Barry's ability, after training, to competently perform the duties of the investigator job is not in question in the present case. It is undisputed, however, that as of the date of her reclassification, Barry did not have the training or experience of her fellow investigators. Indeed, pursuant to her own self-assessment, she had either no knowledge or only basic/minimal knowledge in a majority of the criteria areas used to assess her proficiency at being an investigator. Although Barry disputed the relevance of some of those criteria to the actual job performed by the investigators, no amount of paring down the criteria would lead a rational person to the conclusion that Barry's experience was close to that of her colleagues or that her existing paralegal skill set was entirely fungible with that of an investigator. The fact that Barry may have been doing well in her training for the job does not mitigate against her lack of actual experience.

² The Code has since been revised, and requires that, when fiscally able, a department shall administer the Plan on the basis of competency, competitiveness to the external labor market, pay progression, and other nondiscriminatory factors, while considering pay relationships within an agency or pay unit. Mont. Code Ann. § 2-18-301(4) (2017). The term "internal equity" is no longer expressly included as a factor.

With regard to the internal equity used by the Rosendale administration in setting Barry's pay, the Montana Supreme Court has previously examined the meaning of the phrase "internal equity." The phrase "internal equity" does not serve as a stand-alone right. *Mashek v. Dep't of Pub. Health & Human Servs.*, 2016 MT 86, ¶¶ 12, 17, 383 Mont. 168, 369 P.3d 348 (regarding application of the Broadband Pay Plan to collective bargaining). Internal equity is but one of the factors listed in the Broadband Pay Plan, and they must be considered together. *Id.* Barry has presented no evidence that internal equity alone required that her salary be set at 90% of market. Barry was still training for her new position, while the other investigators all had several years of experience. In terms of equity to the other employees, this factor actually weighs against Barry. When taken into account with Barry's experience—or lack thereof—there is nothing showing that Rosendale improperly applied the Broadband Pay Plan when setting Barry's salary as an investigator. The Lindeen administration left the setting of Barry's pay to the Rosendale administration, and when the Rosendale administration entered office, it implemented the 85% of market goal stated in the Auditor's Office Broadband Pay Plan Rules and Guidelines.

Rosendale properly exercised his discretion within the bounds of Montana law, the Broadband Pay Plan Policy, and the Auditor's Officer Broadband Pay Plan Rules and Guidelines in setting Barry's pay at 85% of the 2012 market for an investigator. Although Barry's reclassification occurred under Lindeen's administration, Barry's pay was not set by that administration prior to it leaving office. Accordingly, Rosendale was tasked with setting Barry's pay. Once in office, only the Rosendale administration had the power to set its employees' pay, which included the authority to implement Rosendale's pay philosophy and undertake pay practices consistent with existing legal constraints. The record demonstrates that Rosendale had sufficient information from which to base Barry's pay determination and made the determination pursuant to proper legal process.

Barry has failed to provide any legal support for her propositions that the Lindeen administration's unofficial pay policies and practices were binding on the Rosendale administration, or that a former state agency supervisor can execute control over employee pay after leaving the agency.³ Had Lindeen remained in office, Laslovich may have recommended that Barry's pay be set at a higher level than 85%

³ Barry's post-hearing brief cites to many issues with the Hearing Officer not allowing her to offer testimony regarding how other employees' pay was set during the Lindeen administration, none of which is relevant to the issue of how Rosendale set her pay.

of market. What Laslovich may or may not have done, however, is irrelevant to the present case.

Barry argues that the reclassification process was obstructed by human resources during Lindeen's tenure, and that Laslovich should therefore still be able to set Barry's pay at 90% of market after leaving office with Lindeen. Regardless of why Barry's pay was not set under Lindeen's tenure, because it was not set while Lindeen had authority to do so, the Lindeen administration cannot now set Barry's salary. There is no valid legal basis to support a conclusion that the Lindeen administration can have any bearing on Barry's pay determination subsequent to leaving office. The pay practices and philosophies of the Lindeen administration were not set forth in law and were not in any way binding on subsequent administrations. When the Rosendale administration took office, it was therefore not bound by the Lindeen administration's ideal of paying employees at 90% of the 2012 market, nor did it adopt that ideal. The only thing binding on subsequent administrations is the Auditor's Office Broadband Pay Plan Rules and Guidelines, and the one in effect at the time of Barry's reclassification was marked as being last updated on February 5, 2014. *See* Mont. Code Ann. § 2-18-201(1) (2015). It was those Broadband Pay Plan Rules and Guidelines that the Rosendale administration properly implemented when setting Barry's pay at 85% of market.

IV. OTHER ISSUES RAISED BY BARRY IN HER POST-HEARING BRIEF

The issue in this matter is whether Barry should have been paid 85% of the 2012 market rate for investigators or 90% of the 2012 market rate after her position was reclassified. The Hearing Officer made a number of evidentiary rulings based on the issue for hearing. *See e.g.* August 7, 2017 Order on Motions. In that Order the Hearing Officer gave Barry some leeway as a self-represented party and granted certain parts of her Motion to Compel because it *might* lead to admissible evidence.

Ultimately, the Hearing Officer in his Final Pre-Hearing Order decided that evidence related to how other people were paid by the previous administration was not related to the issue for hearing.

Barry argues that Exhibits L, M, and N, three emails sent to former chief legal counsel Jesse Laslovich by three investigators, should be admitted to prove the substance of those emails. The three exhibits were admitted at hearing for the limited purpose of showing that the investigators commented on Barry's performance during her training. The admission of those exhibits had been stipulated to by the Auditor's Office prior to hearing but it abruptly rescinded its stipulation moments

before Barry was to use them. This was prejudicial to Barry. Accordingly, the Hearing Officer now admits Exhibits L, M, and N into the evidentiary record. However, they are given little weight because they speak to Barry's aptitude, her ability to learn the position, not that she is as experienced as they are or what her pay should be.

Barry herself indicated she was not at the same level as the existing investigators. Laslovich testified similarly. Ultimately, what the investigators said or thought was not terribly relevant as it was the Rosendale administration's decision to make its decision with or without input from these investigators.

Barry further argues that she was not given enough time to present her case. At the Final Pre-Hearing Conference in this matter, the following discussion began at the very outset:

00:08 Hearing Officer Scrimm: The first issue I'd like to cover is time, given the party's pre-hearing submissions, and I think we talked about this at the scheduling conference that, uh we might need to go to more than one day. And I wanted to get your thoughts on that. Ms Barry, I'll start with you.

Ms. Barry: I believe that if you are willing to start early in the morning and potentially going into the evening we can wrap it up.

Ms. Deitrich: I believe Ms. Barry has listed 28 listed witnesses . . . So I have to know more about what she intends to put on . . . I anticipate needing five hours.

Hearing Officer Scrimm: If we went 10 hours and gave each party five hours, would that be sufficient?

Ms. Barry: I don't have experience with this and I'd hope you'd give me some leeway but that seems appropriate to me.

02:33 Hearing Officer Scrimm: My read of this is that this is a two-day hearing.

Ms. Barry: I don't intend to call every one of those [28] witnesses

03:23 Hearing Officer Scrimm: Start at 8:30 a.m. go to 6:30 p.m., order lunch in and not much of a break, 5 hours for each party, and if we don't finish up,

my calendar is open the next day and I think going past 6:30 is counterproductive.

Okay?

Okay.

01:05:50 Hearing Officer Scrimm: [to Ms. Barry] you're not really prepared to go on the 22nd. I understand your desire to move your case along, but it might be in your best interest to move the hearing, and you've resisted it and you should give it more thought.

Ms. Barry expressed her desire to go forward. "I want to have it over with."

The hearing began at 8:30 a.m. on August 22, 2017 and concluded at approximately 7:13 p.m.

V. CONCLUSIONS OF LAW

1. The Board of Personnel Appeals has jurisdiction to hear and decide this matter. Mont. Code Ann. § 2-18-1011.

2. A State employee affected by the implementation of the Broadband Pay Plan is required to prove they were aggrieved by a preponderance of the evidence. Mont. Code Ann. § 2-18-1012.

3. The Auditor's Office and DOA are executive agencies of the government of the State.

4. The pay practices or philosophies of a prior administration that are not set forth in law, the Broadband Pay Plan Policy, or the Auditor's Office Broadband Pay Plan Rules and Guidelines are not binding on a current administration.

5. The pay philosophy of the new administration can be implemented upon that administration taking office where that philosophy fits under existing legal constraints.

6. At the time of Barry's reclassification, an employee's base salary could be no less than the minimum salary of the pay band to which the employee's position was allocated. Mont. Code Ann. § 2-18-303(2) (2015).

7. The Auditor's Office Broadband Pay Plan Rules and Guidelines marked as being last updated on February 5, 2014 were in place at the time Rosendale set Barry's pay. This is the same pay plan that was in effect on the date of Barry's reclassification on December 23, 2016. The Auditor's Office Broadband Pay Plan Rules and Guidelines had the goal of setting employee base pay at a minimum of 85% of market.

8. The record herein establishes that Rosendale properly exercised his discretion within the bounds of Montana law, the Broadband Pay Plan Policy, and the Auditor's Office Broadband Pay Plan Rules and Guidelines in setting Barry's pay at 85% of the 2012 market for an investigator.

9. Rosendale had a valid reason for compensating Barry at a lower level than the more experienced investigators.

10. Barry failed to show by a preponderance of the evidence that the implementation of the Broadband Pay Plan was improper and that she was accordingly aggrieved.

VI. RECOMMENDED ORDER

1. Appellant Shanni K. Barry's grievance shall be dismissed.

2. Respondents Montana State Auditor, Commissioner of Securities and Insurance, and Department of Administration shall owe Barry no additional compensation or damages.

DATED this 13th day of December, 2017.

BOARD OF PERSONNEL APPEALS

By: /s/ DAVID A. SCRIMM

DAVID A. SCRIMM

Hearing Officer

NOTICE: Pursuant to Admin. R. Mont. 24.26.222, the above RECOMMENDED ORDER shall become the Final Order of this Board unless written exceptions are postmarked no later than January 5, 2018. This time period includes the 20 days provided for in Admin. R. Mont. 24.26.222, and the additional 3 days mandated by Rule 6(e), M.R.Civ.P., as service of this Order is by mail.

The notice of appeal shall consist of a written appeal of the decision of the hearing officer which sets forth the specific errors of the hearing officer and the issues to be raised on appeal. Notice of appeal must be mailed to:

Board of Personnel Appeals
Department of Labor and Industry
P.O. Box 201503
Helena, MT 59620-1503

Exhibits Admitted in Barry v. Auditor's Office Case No. 1900-2017		
Exhibit	Bates	Exhibit Description
2	17-19	Website printout with description of certified paralegal examination
3	39-51	Certified paralegal examination description
4	57	Certified paralegal exam specifications
5	1-3	Website printout "What Do Paralegals Do?"
6	4-15	Article: "Typical Paralegal Duties"
7	120-126	Email string between state employees from December 7, 2016, to December 21, 2016
8	112-113	Email string between state employees from December 23, 2016, to December 28, 2016
9	114-115	Email string between state employees on December 27, 2016
10	118-119	Email string between state employees on December 22, 2016
FF		December 23, 2016 Job Evaluation Form
11	376-377	January 10, 2017 letter from Barry to Hansen
1	95-96	Barry January 10, 2017 resume
12	349	Litschauer March 2, 2017 email to Hansen
13	378	Martin January 9, 2017 email to Hansen
TT		Hansen January 17, 2017 email to Martin
14	146-155	Auditor's Broadband Pay Plan Rules and Guidelines (last updated May 16, 2013)
C		Email regarding 85% pay adjustment in 2013
A		Auditor's Broadband Pay Plan Rules and Guidelines (last updated February 5, 2014)
D		Email regarding 90% pay adjustment in 2014
Y		Base Pay of Compliance Specialists and Lawyers at Time of Hire
U		Auditor Response to Barry Request for Production No. 3
EE		July 1, 2012 Market Analysis for Crime Investigator

Exhibit	Bates	Exhibit Description
L		December 5, 2016 email from Brunnett to Laslovich
M		December 7, 2016 email from Meier to Barry
N		December 29, 2016 email from Stanley to Laslovich
O		Prior investigator job description
P		Barry investigator job description
Q		Track changes between Exhibits O and P
Confidential		Barry personnel file
E		Barry personnel file
Confidential		Barry personnel file
F		Barry personnel file
Confidential		Barry personnel file
G		Barry personnel file
Confidential		Barry personnel file
H		Barry personnel file
Confidential		Barry personnel file
I		Barry personnel file
Confidential		Barry personnel file
J		Barry personnel file
Confidential		Barry personnel file

Exhibit	Bates	Exhibit Description
K		Barry personnel file
HH		Laslovich February 10, 2017 affidavit
BB		2015-2016 Hire/Rehire/Reclassifications with Pay Changes
15	183-184	Barry chart titled CSI Employees Hired During 2015-2016 prepared during Step II
T		December 23, 2016 Job Evaluation Form
Z		Compliance specialist job description
X		Attorney job description
AA		Auditor organizational chart
QQ		Auditor response to Step II questions
B		Email regarding 80% pay adjustment in 2013
UU		Auditor pay information
VV		Auditor pay information
WW		Auditor pay information
XX		Auditor pay information
YY		Auditor pay information
ZZ		Auditor pay information
AAA		Auditor pay information
BBB		Auditor pay information
CCC		Auditor pay information
DDD		Auditor pay information
EEE		Auditor pay information
FFF		Auditor pay information
GGG		Auditor pay information
HHH		Auditor pay information
III		Auditor pay information

Exhibit	Bates	Exhibit Description
JJJ		Auditor pay information
KKK		Auditor pay information
W		Broadband Pay Plan Policy
NN		Step II Decision