

Santa Clara Valley Water District
Claim for Loss of Wages

SCVWD Board of Directors
5750 Almaden Expressway
San Jose, CA 95118

RE: Request for leave to present a late Claim

To the Clerk of the Board,

I am writing regarding the Claim I submitted on December 20, 2018 to the District regarding my loss of wages resulting from the problems with my job offer and the resulting outcome of not being able to start work. I submitted this claim on this date since I never heard back from Norma Camacho after my July 25th conversation with her when she told me she would look into the problem.

As most of the Board members are aware, over the past 30 years I have had a working relationship with the District either as a landscape architectural consultant on your construction projects, as a Project manger working for numerous City's and the County during their permitting process and as a volunteer on the EWRC, Ad-Hoc Homeless Committee and your Landscape Committee. Most recently as a City of Campbell Council Member I sit on the District's Water Commission as their representative.

Because of my long-standing relationship, I was very torn about submitting a formal claim. I did not want to hire an attorney, for fear of what that may do to any potential work in the future. I tried to work with District staff and with Norma Camacho regarding my loss of income, to no avail. On July 25th, after the Water Commission Meeting, I spoke with her, asking if she know about the problems with my job offer. She stated she was aware of the situation and had received copies of my emails. I told her I wanted to pursue my loss of income but was concerned about what it may do to our working relationship. Norma said she would look into the situation. I asked if I needed to send her my emails and she said that was not needed.

I wanted to give Norma a chance to investigate my claim, so I waited to her from her. In the mean time I spoke with Director Santos regarding the situation. As of December 2018, I had not heard from Norma, so I became concerned that there was no follow up and I would only get resolution by making a formal claim with the District. Without legal advice, I was under the impression I had a year to file this claim.

Not sure of how to pursue, I sent an email to Director Santos stating my intent of filling a formal complaint. I also spoke with Director LeZotte and Stan Yamamoto, District Counsel. This is when I was informed that I needed to file a claim. I was provided with the form and made my formal submittal on December 20, 2018.

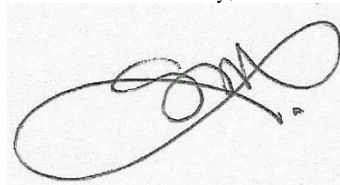
My claim states that the District was negligent when they pursued me for employment and in their actions regarding this job offer by providing me with misinformation, which resulted in my loss of income.

On January 4th, 2019 I received a certified letter from David Cahen, in which he states that my claim against the SCVWD for lost income has been returned for not being presented within 6 months after the event. His letter states that I may apply for leave to present a late claim to the Board for consideration.

Per David's letter, I am requesting that my claim be submitted to the Board for consideration for leave to present a late claim. I have attached the emails and notes regarding the problems with the job offer and ultimately the resulting loss of income.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan M. Landry', with a large, stylized loop at the end.

Susan M. Landry
Principal Landscape Architect
Environmental Edges

Designing Spaces Between the Natural & Built Environment[™]

Santa Clara Valley Water District

Phone: 408 265 2600

Fax: 408 445 1435



**Claim Against the
Santa Clara Valley Water District
California Government Code
Sections 900 and following.**

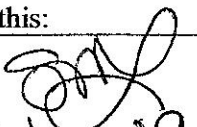
General Counsel form updated July, 2003

For Office Use Only:

Date Received:

By:

**Serve or mail this form to: Clerk of the Board
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118**

1. Name(s) and Address(es) of the person or persons making the claim	Name(s): Susan M. Landry Address: 349 Curtner Ave Campbell, Ca 95008 Phone number (optional): 408.644.6936
2. Is this claim filed on behalf of a minor? Yes ☐ No ☒	If so, please indicate minor's date of birth: Relationship of claim filer to minor:
3. Name and address of the person to who notices are to be sent, if different than Number 1.	Name: Address:
4. Date, place and other circumstances of the occurrence, incident, injury or transaction. <i>Attach additional sheets for more space, if needed.</i>	Date: October 2, 2017 thru July 2018 Location (address and or nearest intersection): Other circumstances, including time, if known: Refer to attached documents
5. Describe the debt, obligation, injury, damage or loss suffered so far as they are known. Include a description of the facts giving rise to the claim and why you believe the Santa Clara Valley Water District is responsible. <i>Attach additional sheets for more space, if needed, and photos, if available.</i>	Description: Refer to attached documents. This is regarding a job I was offered. When I first applied, I asked the question if there were any 'conflicts' between my position on the Campbell City Council and the position offered. I was told in Oct 2017 there as NO conflict. I was offered a position in March 2018. Three days before my start date on March 19th, I was told I could not take the job because the Temp Agency hiring me did not offer CalPERS. I had turned down other job offers and suffered lost wages.
6. Name of the District employee who caused the injury, if known.	Name: Numerous people within the District & in HR
7. Is the amount of this claim now:	Under \$10,000? Yes ☐ No ☒ Over \$10,000? Yes ☒ No ☐
8. If the amount is now over \$10,000, is this:	A Limited Civil Case? (Less than \$25,000) Yes ☐ No ☐ An Unlimited Civil Case? (Greater than \$25,000) Yes ☐ No ☐
Signature:  Date: 28 Jan 19	Additional Signature(s): Date(s):

January 2, 2019

Susan Landry
349 Curtner Ave.
Campbell, CA 95008

Re: Claim

Dear Ms. Landry,

The claim which was presented to the Santa Clara Valley Water District on December 20, 2018 is being returned because it was not presented within six (6) months after the event or occurrence as required by law. See sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

WARNING

Your only recourse at this time is to apply without delay to the Board of the Santa Clara Water District for leave to present a late claim. See sections 911.4 to 912.2, inclusive, and section 946.6 of the Government Code. Under some circumstances, leave to present a late claim may be granted. See Government Code section 911.6.

If you have any questions, you can contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

Enc: Claim



Subject:	Fw: Water Wise Outdoor Survey Position - Problems with Hiring Procedures
From:	Susan Landry (environmental.edges@yahoo.com)
To:	BOARD@valleywater.org;
Date:	Monday, December 10, 2018 2:46 AM

Hi Richard,

We talked awhile back about my problems with the District's hiring procedures. I brought to your attention that I was offered a part time job and three days before I was to start work I was told I could not take the job because I was being hired through a temp agency and they did not offer CalPers. After being told there was NO conflicts.

I have been reluctant to pursue a claim against the District because I have not wanted to 'burn a bridge'.

Over the past 30 years I have worked on several District projects and would like to be able to work with you in the future.

After I talked to you and taking some time, I re-considered what I should do.

I am now interested in FILLING A CLAIM FOR LOST INCOME because the District was negligent in their actions regarding a job offer, provided me with misinformation and pursued me for employment and only three days before I was to start work, I was told I could not be hired.

The email below details the sequence of events that occurred. I was told in Oct of 2017 that there was NO conflicts between my City Council position and the position being offered with the district.

As you can see, I was offered a job, told I had the job and then told I could not be hired.

Because I was offered the District job, I had turned down two landscape projects totaling \$5,000. Additionally, I would have had a two year contract for part time work.

Please let me know what I need to do to pursue my CLAIM FOR LOST INCOME.

Thank you.

Susan M. Landry
Principal Landscape Architect
Environmental Edges

----- Forwarded Message -----

From: Susan M. Landry <environmental.architect@yahoo.com>
To: Susan Landry <environmental.edges@yahoo.com>
Sent: Saturday, December 8, 2018 3:47 PM
Subject: Fw: Water Wise Outdoor Survey

Susan M. Landry
Principal Landscape Architect
Environmental Edges

Designing Spaces Between the Natural and Built Environment TM

----- Forwarded Message -----

From: Susan M. Landry <environmental.architect@yahoo.com>
To: Anil Comelo <AComelo@valleywater.org>
Sent: Friday, March 16, 2018, 2:29:33 PM PDT
Subject: Re: RE: Water Wise Outdoor Survey

Hi Anil,

I'm sure what information you have, so I'm sending this email with a summary of what happened.

I would like to share with you my recent disappointing experience with the District regarding a job that I was offered. I should have been starting on the 19th and now I do not have the job.

Sorry my email's is long, I didn't know how to tell you in a shorter one ;)

The District's problem has now become my problem.

After everything listed below, Laurel, with HR's last email was: *Thank you for your time and your understanding.*

I am NOT understanding to the situation and it **is now causing me 'financial heartburn'**. My stomach has been in knots since last week. I am so disappointed and frustrated.

Not only do I not have a job that was to start on the 19th, to make things worse, I am now scrambling to find other work to replace this lack of income. After I received the District's official job offer letter I had two people contact me about their residential projects. Not wanting

to over commit myself, I let them know that I had a project starting on the 19th and that I needed a few weeks to see how much time I would have available for their projects before I could commit to them. They have since hired someone else.

HERE IS A SUMMARY OF WHAT OCCURRED:

I applied for this job in October 2017. The following is the title of the posting for the position: **Part-Time Irrigation Auditor Temporary Worker Assignments Available at the Santa Clara Valley Water District** (there is NO mention that this job would be through a temp agency)

The following are the emails from Oct 2017 between Ashley and myself. **I asked the question of 'conflict' in my first email regarding this position.** Her email responds with 'conflict of interest' and says '**We don't see any conflicts of interest think we are ok to proceed**'. Since I am not an attorney or in HR, my assumption was that '**all aspects**' of being a council member were evaluated regarding 'conflict'.

From: Susan M. Landry [mailto:environmental.architect@yahoo.com]

Sent: Wednesday, October 18, 2017 10:09 AM

To: Ashley Carter <acarter@valleywater.org>

Subject: Re: RE: Part-Time Irrigation Auditor Job Opening

Hi Amy, Has this position been filled? I am interested in applying, Questions:

* Besides being a Landscape Architect, I am also a City of Campbell Councilmember.

* Is there a conflict with my council position in regards to this part time job with the district?

* What is the hourly rate for this job?

If there is no conflict, I will send you my resume.

Susan M. Landry

HER RESPONSE:

On Monday, October 23, 2017, 4:09:03 PM PDT, Ashley Carter <acarter@valleywater.org> wrote:

Hi Susan, Thanks for sending this over. **We don't see any conflicts of interest so I think we're ok to proceed.** Would you be free tomorrow to interview, the 24th? We can do 2:30, 3:00 or 3:30.

Again, just to reiterate, this job would require pretty in-depth knowledge of irrigation installation, components, and troubleshooting as well as the ability to operate a number of types of irrigation controllers.

Thank you and I look forward to hearing from you.

ASHLEY CARTER

I did not get that position.

Then on Feb 9th I got an email from Justin asking if I would still be interested in the position.

Hello Susan,

I'm following up on this morning's voicemail, and also I hope you've been well.

You and I met at the interview for the Water Wise Outdoor Surveyor temporary position last fall, along with Ashley Carter. Ashley and I thought you were an extremely strong candidate, and we have new opportunity. Are you still interested?

To my understanding, we would not have to go through another interview or formal application process but HR would reach out to you to confirm next steps. That you for letting me know either way. Please let me know if you have any questions or concerns. Have a pleasant weekend.

Best, Justin Burk

I again asked Justin if there was any conflict between my council job and the District Job. I was reassured there was none. I still was NOT told that the position would be through a contracting firm.

I then received this email:

Hi Susan,

Welcome to Systems America. Congratulations on your assignment with the Santa Clara Valley Water District.

*We are targeting **March 19th** as your first day. Included is a checklist and all the documents that need to be executed in order to initiate the onboarding process. **You can send back the documents in the next three [3] business days.** *What you have to do:* Download all the forms.*

- *Review and Sign the offer letter*
- *Review the policies (Sick Leave, Drug Alcohol Testing, Paycheck & Time Card and Sexual Harassment)*
- *Sign the Policy Acknowledgement Form*
- *Fill all the other documents as per the requirement*
- *Review the Sample Timesheet*
- *Send us back all the executed forms*
- ***Medical Benefits:** If you are interested in getting Medical Insurance please let us know so we can pass on the information to you, If you are not interested please sign the waiver attached.*

Please do not hesitate to call me in case of any doubts.

Regards, Yamina Rais | Systems America, Inc.. People & HR Operations Associate

I signed and returned the Background Check and Offer letters, then spent an evening filling out all the forms and returned most of them. She said she still needed 2 more, one of which was about CalPERs. This is part of the form:

CalPERS Membership Eligibility for Temporary Workers

*Temporary workers seeking employment with the Santa Clara Valley Water District (SCVWD) who are paid through the SCVWD's contracting temporary staffing agency **cannot be current members of CalPERS.***

WHAT?

After all this time, NOW this comes up.

I called Justin and he was as shocked as I was. He gave me Peggy's name in HR. I called her. Her response was 'We only looked at 'conflict of interest'.

My response: I told you I was a council member for Campbell, why didn't anyone know about the CalPERs issue?

Peggy: We weren't ask to look into this and some council members aren't paid, so...

I was flabbergasted and I told her so. How in the hack can you be in HR and not know if I'm being paid or not and why won'y you have at least checked? I then got an email from Laurel:

*March 9, 2018, 10:45:00 AM PST, Laurel Hanchett <LHanchett@valleywater.org> wrote:
Hi Susan, The problem is a Calpers' law not a conflict of interest with the SCVWD.*

THEN WHY WASN'T THIS ISSUE LOOKED INTO BACK IN OCTOBER 2017!!!!

I am sooo disappointed.

To add salt to the wound, I got an email yesterday from Justin 'Seeking Applicants for Water Wise Outdoor Surveyor'

Look forward to talking today

Susan M. Landry
Environmental Architect
LA Lic. No. 3161

Designing Spaces Between the Natural and Built Environment TM

On Friday, March 16, 2018, 10:41:03 AM PDT, Anil Comelo <AComelo@valleywater.org> wrote:

I have meetings until 3pm. So I will call you then else after 4:30. Lets plan on talking at 3pm.

Thanks

Anil

From: Susan M. Landry [mailto:environmental.architect@yahoo.com]
Sent: Friday, March 16, 2018 10:38 AM
To: Anil Comelo <AComelo@valleywater.org>
Subject: Re: Water Wise Outdoor Survey

Hi Anil,

Thank you for getting back to me.

I have a few meetings today.

What time do you think you will call?

Between 2:30 - 3:15 would be best for me or after 4:30

Susan M. Landry
Environmental Architect
LA Lic. No. 3161

Designing Spaces Between the Natural and Built Environment TM

On Friday, March 16, 2018, 10:36:21 AM PDT, Anil Comelo <AComelo@valleywater.org> wrote:

Hi Susan,

Sorry we played phone tag last night.

I am in meetings this morning but will reach out to you this afternoon.

Thanks

Anil Comelo

HR Director

Santa Clara Valley Water District

(408) 630-2470