

ORIGINAL

No.

19-7584

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Vina K Yazzie

vs.

Mohave County and Steven Latoski

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

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Pro se

Question(s) presented

- When was Ms. Yazzie hired into the Mohave County?
- What County Merit Rules were applied to Ms. Yazzie at the time of her termination? Zero tolerance.
- When did the Mohave County go to zero tolerances and why?
- What does zero tolerance mean?
- Is alcohol a drug?
- Is alcohol listed as a drug in the Mohave County Merit Rules?
- Were there other employees that tested and remain employed? Why? Where the evidences as to why?
- Who made the decision to keep positive testers employed?
- On oral argument day in Phoenix, Az. The employee who tested positive for alcohol. What day did this happen? How old was he?
- Why was he drug screen?
- After the positive results came back on this employee why did he remain employed?
- Did you say, Mohave County is on zero tolerances?
- Where in Mohave County Merit Rules does it state that it is not against Mohave County Merit Rules to consume alcohol? Where does it say it is ok to consume alcohol in your own home? Wheres the evidences.
- Does Mohave County follow and honor their own Merit Rules? County Administrator/ County Engineer M.P.H, P.E.
- Ms. Yazzie has ask at the product of request of all drug positive drug tester. Why did Mohave county withhold records and just mention the incident without evidences?
- What is the difference between Ms. Yazzie's termination and C.B.'s counsel letter?
- Is there any other employees that tested positive in the time frame when Mohave County went to zero tolerances. 2002 started zero tolerance to 2013 year?

- Why did anyone attend to the industrial accident report?
- What is the process of these industrial reports? It had to go through the main office.

1. QUESTIONS PRESENTED

Mohave County has violated not only their own Merit rules but they also violated the Constitution of the United States.

The Fifth and Fourteenth Amendments to the United States

Constitution limit the power of the federal and state governments to discriminate due process and equal protection freedom of speech, 18 and 21st amendments. In both Mohave County Merit and U.S Constitution both label liquor as intoxicating and laws/ Merit are provided for us to follow.

-Section 706 of title VII 29 CFR § 1601.3

Designation of FMLA leave.

- Title 29. Labor
- Subtitle B. Regulations Relating to Labor
- Chapter V. WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR
- Subchapter C. OTHER LAWS
- Part 825. THE FAMILY AND MEDICAL LEAVE ACT OF 1993
- Subpart C. Employee and Employer Rights and Obligations Under the Act
- Section 825.301. Designation of FMLA leave.

Designation of FMLA leave. § 825.301 Designation of FMLA leave.(a)

Employer responsibilities. The employer's decision to designate leave as FMLA-qualifying must be based only on information.

Keep in mind this case got started with filling out a supervisor's industrial accident report. This turned into a physical illness into recent diagnoses seizures/ epilepsy with medical history reports which no one believe in the claims. Merit Rules of Mohave County claims zero tolerance.

- Pay close attentions to Mohave County **Rules** states and in how it can be used, Mohave County's claims as to how they apply their rules. 29 CFR § 825.702 Interaction with Federal and State anti-discrimination laws. The purpose of the FMLA is to make leave available to eligible employees and employers within its coverage, and not to limit already existing rights and protection." S. Rep. No. 103-3, at 38 (1993). An employer must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey v. Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), cert. denied, 434 U.S. 1086 (1978).

Mohave County discriminated in unfair treatment in promotions, because of race, gender and age. No need for confusions.

-Section 706 of title VII 29 CFR § 1601.3

One question I would like to know is, why the harassment about my family. Invade privacy.

LIST OF PARTIES

X- (check) All parties appear in the caption of the case on the cover page.

(Mohave County and Steven Latoski)

- All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

TABLE OF AUTHORITIES CITED

Cases-

Page number

- **McDonnell Douglas v Green**, 411 U.S. 792((1973) Citation: 411 U.S. 792(more)93 S.Ct. 1817;36 L. Ed. 2nd 668 Laws applied Title VII of the Civil Rights Act of 1964

- **Reeves v. Sanderson Plumbing Productions, Inc.** Citation 530 U.S. 133 120 S. Ct.2097: 147 L Ed. 2nd 105 Laws applied- Age discrimination in Employment Act.

- **Watson V Fort Worth Bank & Trust** Citations 487 U.S. 977 108 s. Ct. 2777; 101 L Ed. 2827; 56 U.S.L.W. 4922: 47 Fair Empl. Prac. Cas. (BNA) 102; 46 Empl.Prac.Dec. (CCH) 38,065 (1988), is a United States Supreme Court case on US labor law, concerning proof of disparate treatment under the Civil right Act of 1964. Law applied Title VII of the Civil Right Act of 1964. 42 U.S.C. 2000e et seq.

- **Texas Dept. of community Affairs v. Burdine**, 450 U.S. 248 (1981) , is a US labor law case of the United States Supreme Court. Citations 450 U.S. 248 101 S.Ct.1089: 67 L. Ed. 2d 207;1981 U.S. Lexis 75; 49 U.S.L.W.4214:25 fair Empl. Prac. Cas. (BNA) 113; 25 Empl. Prac. Dec. (CCH) 31,544 Laws applied- Title VII of the Civil Right Act of 1964.

- **Yazzie v. Cnty. of Mohave** claim zero tolerances, Disabilities,FMLA,due process municipal/ supervisory equal protection.

- **Bevel v. Saul** Medication drug use, will be returning back to work. No rule nor statutes were shown.

Statutes and Rules

Other: Claim Disparate impact

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

X- (checked) For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

X (checked) is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

X (checked) is unpublished.

JURISDICTION

– For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 9th Circuit Oral argument date: February 8, 2019 Ninth Circuit Decision.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May 2, 2019 and a copy of the order denying rehearing appears at Appendix _____. Attach a copy of rehearing denied.

An extension of time to file the petition for a writ of certiorari was granted to and including July 24th, 2019 (date) on July 31st, 2019 (date) in Application No. ____A ____.

The jurisdiction of this Court is invoked under U.S.C. s 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This is a discrimination title VII section 701 civil right case, 14th amendment that involves drug screening employees in the state of Arizona in Mohave County. My employer has discrimination against me by keeping other employees working when they have tested positive for drugs. Need to claim disparate impact.

ADA claims/ 42 U.S.C 12102 (1) (A)

– I filed with the eeoc on April 2, 2014 and eeoc stamped my paperwork on April 15, 2014. My son and I we were both ill and sick. I had laparoscopic abdominal surgery on (11/29/2013) after I got dismissed. I was diagnose with seizures/ epilepsy which is a neurological disorder marked by sudden recurrent episodes of sensory disturbance, loss of consciousness, or convulsions, associated with abnormal electrical activity in the brain. Having episodes of sensory disturbance is exhausting. Just thinking can get me tired, but I try to exercise my brain and body to normalize myself. The problem is my memory too. I seem to remember some things and some others I cant remember. Seizure/ epilepsy is not curable. This is a life time condition. I will be on medication for the rest of my life is what I was told by my Doctors. Stress increases seizure episodes. I had frequent seizure episodes when I worked for Mohave County. I knew something was wrong with me and I was worried about my son getting sick too. I could not even attend to filing out a discrimination charge to submit to the eeoc until somewhere February or March 2014. I was and still very slow on getting things done. I have good days and bad days. So long as I get enough rest. It seems the better I am. My son also was diagnose with a life time illness- asthma. Mohave County had knowledge of my illness and my son's and did nothing but add to the problem. There is no reports on file on my industrial accident report that crew leader C.B. and I filled out too. I have my copy. What did Mohave County do with theirs. I called the County Nurse on getting help on my arms on the industrial accident report. County Nurse ignored my request. I have At&t communications on that. These information is all in the en banc rehearing request at the 9th Circuit. Opposing party put this report in their final brief at the 9th Circuit too, on Volume II page SER480.

STATEMENT OF THE CASE

- The 9th Circuit made the wrong decision because it was alcohol. Alcohol is a drug. All the information was in the booklets provided from each counsel. Mohave County Merit Rules were listed in the final briefs. Mohave County Merit Rules were over looked once again. Just because alcohol is legal doesn't make it legal for positive drug tester to be allowed to keep their safety sensitive jobs. It is written in the Mohave County Merit Rules. Especially when an employer is claiming zero tolerance. Identify zero. It means none, zero, no excuses when alcohol is labeled and identified as a drug. There were three other positive testers. Why were they allowed to keep their jobs when Mohave County is on zero tolerance. These positive testers were provided another chance. Mohave County has exercised discrimination, miss communicating and withheld records in this case. Everything is suppose to be out on the table but it's not. This needs to become clear as to why, and let them answer their own actions. Why would they do that. Only one reason. They don't want the truth out.

9th CIRCUIT MADE THE WRONG DECISION

- My first hearing was the Merit Commission Hearing which is on the record. My Commission Hearing is in the opposing parties final brief. It is **Exhibit 6** on page SER318, copies: Exhibit 6 of volume II. It starts with page 1 to page 78 pages of my Merit Commission. On the last page 78/ SER379 on line 29 C.B. is introduce at my Commission hearing. I want to point this out. Mohave County ended there printing C.B. questioning there. My attorney R.P. asked the question about C.B. coming to work in intoxicated of Sept. 9th, 2012. Commission committee lady stop the questioning. C.B. did not answer the question. Mohave County still is hiding information. If they were not, they could have printed the rest of C.B. questioning, but they did not. C.B. questioning is very important to this case. This is why reason why Mohave left it out. Everyone else's questioning is printed in both of booklets volume I and volume II of opposing parties final brief of the 9th Circuit.

- **Exhibit G**- my termination letter, followed by C.B. counsel letter. When you look at these two letters notice the top left is Latoski's land line phone will match my At&t phone records. The top right side of the letter is the other decision maker. These two make the final decisions on termination or keep working. These two letters are identical. The only difference between the two letters is, mine is a termination letter and C.B. letter is a counsel letter. The page starts with **Exhibit A1**. Mohave County was hiding C.B. counsel letter at production request. I believe that is against the law- spoliation of evidences rule 37. At production request was on date on 9/26/2015. I personally went up to the main County office for the 2nd time on 5/11/17 and request C.B. incident records- Counsel letter. On 5/17/17 Mohave County finally release C.B. records. Here are the production information. It start with my original C.B. *request and what my attorney requested*. Then Mohave County's response to the production request. I was told by my 9th Circuit attorney. Attorney I.H. could have subpoena C.B. records to collect C.B. records from Mohave County. For what ever reason my 2nd attorney I.H. did not do that. I kept telling attorney I.H the incident happen. It is there. Mohave County just did not want C.B. counsel letter to become part of the district court files. Now they have entered C.B. incident into their final brief. Latoski affidavit exhibit 8 SER033 (volume 1). Starting with line 25 on SER037 Latoski mentions C.B. incident. Latoski's admits to issuing a counsel letter to C.B. On oral argument day. Mohave County Counsel told the 9th Circuit Court, there is no counseling/ rehabilitation available for the employees. Mohave County has no funds for that. So why does C.B. get a counsel letter that is not available to other employees. Mr. Latoski makes leeway to keep certain employees working. Which is discriminating. The fact is I have At&t records of the day C.B. incident. My main supervisor R.R.L also known as H.L. also wrote a statement for me, because Mohave County was withholding C.B. records at production request.

Exhibit H.L. I believe H.I. statement and At&t records are in the en banc rehearing request at the 9th Circuit. Latoski states on his affidavit he was not inform on time. But he was. My At&t records is 9/10/2012. Monday morning Steve Latoski, labeled S called me at 8:06 am to tell me I had done nothing wrong, and he would take care of it. R labels are R.R.L./ H.L. My main supervisor called me back to see if Latoski had called me. I told H.I. yes. Latoski said he was going to take of it. Then H.I. calls back at 9:06 am again to see if Latoski had called C.B. in. I told him no. At 9:13 am C.B. calls to instruct work related stuff. At 5:59 pm H.I. calls and I don't remember what he wanted. At 6:01 pm C.B. calls me for whatever reason. He never mention a counsel letter. 9/11/2012 H.I. calls at 7:12 am still no topic as to what happen on C.B. incident. Everything is hush hush, not a word to leak. On Wednesday the 9/12/2012 C.B. calls me at 8:39 am for work related stuff. As you can see on At&t records. C.B. continued working like nothing ever happen. He continued calling me into the follow week. This is what really happen. Latoski made a choice to keep C.B. working when he was informed on time. On oral argument day. One of the subjects was about Mohave County Merit Rules. On Exhibit A volume 1 on SER041. Mohave County Merit Rules explains what is to be followed on A., which Latoski violated Mohave County Merit Rules. On this same Rule 507 Article 5. of SER042 on B. an employee must: 1. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use, on or off duty. In Latoski's affidavit on SER033- Exhibit 8. Starting line 6. A white male employee tested positive for alcohol. On line 8. Mohave County states on their brief that it is not a policy violation for an employee to consume alcohol, off duty. If that is the case where is the Mohave County policy that says it's ok to consume alcohol off duty. Mohave County making up rules and not follow the Mohave County Merit Rules. Its all here say. On exhibit A (same exhibit) SER042 Mohave County Merit Rules Identifies alcohol as a drug. It is lists alcohol first then other drugs as follows In A. Purpose: I also want to cover on this same page SER042 same exhibit on C. Management responsibilities and guidelines: #1. Managers and supervisors for consistent enforcement of this Rule. Any supervisor who knowingly permits a violation of this Rule by employees under his/her direct supervision shall be subject to disciplinary action. Merit Rules instruction continues into the next page SER043 under exhibit A. Here the Merit covers what Latoski could have done to get C.B. tested early in mornings of 9/10/2012. This incident happen 1 year before I got terminated. Mr. Latoski as a Director of Public Works states he oversee a department of approximately 150 employees of Exhibit 6 line 14 on SER319. Latoski could have contacted anyone of 150 employees to bring in C.B. So C.B. could get tested on time like the Merit explains, if Latoski was not available. Latoski himself could have brought C.B. to get tested to make sure it done right. Latoski could have call the Mohave County Sheriff to bring in C.B. or just test C.B. out in the field.

I believe County Sheriff are equipped with breathalyzer test. All Latoski had to do was pick up the phone and instruct someone to get C.B. tested on time. Latoski failed to do his job correctly and making intentional excuses for another employee to keep working. Mohave County is suppose to be on zero tolerance. Another thing I want to point out on C.B. counsel letter is, there is no time on this letter. Latoski finally called in C.B. at the end of day of Sept. 10, 2013. C.B. personal told me he was going to town into Kingman, Az. which is about 30 mins. From our yard in Golden Valley where this incident occurred. C.B. said. I don't know what Latoski wants but I'm going to town. C.B. were C.B.'s words. C.B. wanted me to close up, lockup doors and gates before I went home that evening.

– So he drove his County work truck into Kingman. Latoski chose to schedule and handle C.B. incident at the end of the day behind close doors. Road Dept. closes at 3:30pm. Yes by this time the alcohol would have dissipated out of C.B. body, after all C.B. worked all day. The incident happen Sept. 9th, 2012 on Sunday evening into the night. I did not get off until 10 pm or 10:30 pm that night. We had the Sept. monsoons storms and washed out roads. We were all called out to fix roads and open up roads for Monday morning. C.B. wanted me to stay in the yard after I had finished with my roads. I operated a motor grader. So at the end of night when I got done. I stayed in the yard. All of the rest of the other employees went home. It was just C.B. and myself. C.B. wanted me to go with him to check on a road. So I got in his Company vehicle. I notice right away all his windows were opened. Then we started driving. Before we even left the yard. I smell a strong odor of alcohol. I looked over at C.B. and notice he was quite intoxicated. We kept driving. I looked at the time and it was somewhere around 10 pm. I had never come across an intoxicated crew leader/another word for supervisor. I thought, well everyone is probably in bed and sleeping. Who is going to answer my phone call at this time of the night. As intoxicated as C.B. was. I figured I call in the morning. He'll still have alcohol in his system. I did that. That was 10hrs. from 10:30pm, because we checked on a road and did not get back to the yard until about 30mins. later. (From 10:30pm to 8am Monday morning Sept. 10th, 2012). I made my call Monday morning. At&t records is lable S. for Steven Latoski and R. for my main supervisor H.L./ R.R.L. and C. for C.B. Latoski waited 17 and half hours later to call C.B. into his office, at the end of the day 9/10/12. One director- Latoski, my main supervisor H.L. and C.B. crew leader. I suspect that they all agreed not to put in the time on C.B counsel letter. This was planned out by Latoski. He told me he would take care it, and this is how he took care of it. Three leaders in the Road Dept., can't all for get to put in the time. I believe Latoski also said somewhere in County attorney's paperwork. Latoski said, he had C.B. tested and he tested negative. If Latoski did a drug screen on C.B. I bet the negative testing has a time on it.

When zero tolerance started

- Volume 1 of opposing parties final brief at the 9th Circuit. ,Exhibit F SER070. My commission hearing. On line 18, T. questioning Latoski- Are you familiar with the accident that occurred in 2002. On line 30, Latoski starts to answer the question. So Latoski has knowledge when zero tolerance started. To be exact. This accident happen right before Labor Day weekend started. Labor Day date: 9/2/2002. Accident either happen on October 31st or Sept. 1st of 2001. The year of the accident and when Mohave County went to zero tolerance both line up. I wanted to explain the crash accident that caused zero tolerance exhibit F SER060 of volume I. Latoski statement. There must have been some sort of an investigation that went on, on this accident and driver's body, for Latoski to claim. The driver was intoxicated. The driver burnt up in the crash. It must have been a bad crash, because Mohave County brought the Semi tractor back to Kingman, Az. yard for us to look at. The Semi was nothing but metal.

Medicine- while we are on Exhibit F

- Marinol on SER071 a medication that is mention, line 32. A doctor prescribe this medication when I was hurting all over my body. I could not sleep because of the pain. A different Dr.A., a neurology told me my body was in so much pain. When I did fall asleep. My body cells were not rejuvenating themselves. Never experience depression. But I fell in a deep depression too. It was like someone came and put a bowl over me. I did not know what depression was. I was also falling over for some reason at times. I called it fainting. I thought that was what it was, fainting. I was very scared. I felt like I was not going to make out of whatever was wrong with me. Well years went by. On December 19th, 2016. Neurology Dr. B. discovered I was having seizures 24 hrs. a day. I thought. 24 hrs. a day. How can that be. Dr. B. could not pin point the right medication. I had a bad reaction to the medication he prescribed. Dr. B. sent me on to Mohave Mental Health. Where I spent more time with no good results. So I went to another Neurology Dr. Dr. P., same results. Dr.P. labeled his diagnose as seizures/ epilepsy. Dr. P. started a new treatment. Dr. P. medication worked well, which I am on now. I was having seizures while on medication. My seizures did not straighten out until about 4-5 months ago of this year 2019. Medication did not go into effect right away. It took a year. Dr. P. said that would happen. Dr. P. kept adding more milligrams to my medicine. I was shaking uncontrollably from the medication. So Dr. P. backed off on the mg. It must be true that I do have seizures. I am starting to feel better and my body is rejuvenating its self. Exhibit EEG-1. Dr. B. told me the more stress, more seizures. That makes sense too me. Because I was under a lot of unnecessary stress at work and I was caring for my ill son. I was worried about him and I did know what was going on with me at the time. This is the first time I had major illness.

It was not easy at all to figure a way out. The healing process was very slow too. All of this is information is included at the rehearing request at the 9th Circuit- En banc. Mohave County Merit rules includes, a medical condition if an employees is diagnose with seizures.

Now we can move onto another positive tester, who was the subject at the 9th Circuit

- I attended the oral argument at the Ninth Circuit in Phoenix, Az. The main argument of my discrimination case on this day was about an employee that had tested positive for alcohol whom remain employed after failing a drug screen. One judge mention a question. Is it because it is alcohol? The question was asked but never answered by anyone. So then another judge asked. Was there any retrograde testing done on this particular employee back in time to see when he started consuming alcohol that day when he tested positive for alcohol. Mohave County attorney response with a no. County attorney then confused the Court by throw in a date. Which I believe was somewhere in the dates of production request (Sept. 26th , 2015 my attorney production request). County attorney then continued with his defensive response. I think it is unfair and unreasonable for the Court to ask for such analyst or examines to be done after years has gone by. Mohave County Counsel was talking about two years later after my discrimination started (at production request Sept. 26th, 2015) So that killed the subject on this employee.

- No one was asking nor did anyone say Mohave County to do testing years later. The question was on the drug screen test, were there any retrograde testing done to pin point exactly when this employee started drinking alcohol. County attorney answer was so off base, someone should have said something. But no one did. We were all on the subject of the day of the drug screen that was done on this particular employee who that failed the drug screen. Yes, 2 yrs. later at production request this employee did not make the drug screen list exhibit ER-52 pg. # in my 9th Circuit final brief. I don't know if anyone caught that but I did. I knew what the County attorney was doing. No corrections were made. This employee that tested positive for alcohol was not to far behind me. I had just recently been terminated. When I heard about this employee failing the drug screen and was allowed to keep working.

- According to the calculations of Mohave County paperwork. In their final brief of the Ninth Circuit on SER430 line 9/ same as ER-52. It states. All on-duty positive drug/ alcohol tests Mohave County Public Works- Past five (5) years. My name is in between line 14 and 15 (Vina Yazzie) Aug. 2013. Then it goes on to June 2014, almost one year later. It dates if employees were terminated or resigned. I don't see this particular employee that failed the drug screen listed on production request. He would have been listed right after myself the same year 2013. No one in Mohave County knew this employee left early from work. Mohave County had knowledge that he was still on duty. The employee left early without permission.

They did not miss him until quitting time. So who determined it was ok, to accept that he would be release, excused and consider that he was off duty and when he started drinking alcohol. There is no real proof of any analysis. No evidence shown on oral argument day at the 9th Circuit. Mohave County attorney said there is no retrograde back in time on this employee. Mohave County had no evidence to support their claims. It is all here say. Just that a decision was made to keep this employee working. As far as I am concern he was still on duty because he did not inform his supervisor or anyone in the County that he was leaving early. Steven Latoski is the man in charge with M.P.H, P.E. Deputy County Manager/ County Administrator/ County Engineer (remember the two at the top of C.B. counsel letter). Was this employee who tested positive working by himself? Someone should have more information on the work subject. No further questions were asked. So he was not only given a second chance because it was alcohol. Employee left his job behind to consume alcohol. As the story comes from Mohave County attorney. There was no given reason as to why this employee left early. Only one reason stands out. To consume alcohol, and Mohave County claims they are on zero tolerances since 2002 (exhibit F- After the accident). This is what we were told at our safety meetings- we are now on zero tolerance. What made the zero tolerance confusing was. A few other employees did not get terminated (after the accident that cause zero tolerance- 2002) when they test positive for drugs. One employee was terminated for DUI, then rehired because he was off duty.

- There is only one reason why Mohave County drug screens their employees, filter out drug use, like Merit Rules states in article 5. Rule 507. Same Exhibit On/off duty.

Earlier (exhibit A) SER042. So why do they drug screen employees and not apply the Merit Rules? It kinda defeats the purpose of zero tolerance if Mohave County does not apply their zero tolerance rule. The other choice in the Mohave County Merit Rules is to counsel and rehabilitate employees. Same Exhibit A of SER043. Letting other employees keep their jobs. When Mohave County starts picking and choosing it becomes a discrimination case. Mohave County is not treating all employees equal. There are many other ways Mohave County discriminates. Example, promotions... Mohave County has made leeway, excuses for certain employee to remain employed. A leader like Latoski and Mohave County higher up officials. Not one has stepped up to make any corrections. Mohave County is not following their own rules. To me it sounds like they ask the intoxicated employee that was the subject at the 9th Circuit on oral argument day. When did you consume alcohol? Who listens to an intoxicated person that claims he left the job site 30 minutes early before quitting time to consume alcohol is excusable. It sounds like the County discriminative story is off.

Most of all, no where in the Mohave County Merit does it state. At this number you are considerate intoxicated or not in intoxicated.

State BAC: Blood Alcohol Concentrate.

Is 0.02 and Federal BAC is 0.04.

Mohave County is zero tolerance- 2013.

- My question at that time was and still is. Why the County is on zero tolerances. Instead of excusing the intoxicated employee. It should have been very important to Mohave County finding out exactly when this employee start drinking alcohol. After all the County went through the trouble to find this employee and driving him into Kingman, Az. which is about an 1 to 1 and half hours outside of Kingman, Az. Mohave County has a yard set up in Mead View where this incident occurred. Mohave County has several yards set up through the County to save time and money on travel time to get to job sites. So the County takes the employee from his home where they found him. County attorney stated, that the employee was intoxicated and seem like he was in a auto mobile accident. Then my next thought was. Was he driving a County vehicle or did he wreck his own vehicle? I heard from inside source of Mohave County- another County worker called me on my cell phone and told me about this incident. This is how I know when the incident occurred. When this particular employee was tested. I heard the breathalyzer was so high, he would have drank like a big bottle whiskey straight within an hour to test that high on the alcohol level. If the County was honest about their claims they would and should have in hand how this positive test went down. They had all the answers in their possession but choose not to show any proof. It's all here say, no documents to show for factual evidences. None of the Ninth Circuit judges asked for evidences too on this positive testing. To my understanding when reading the Merit rules of Mohave County. The Merit rules identifies alcohol as a drug. The Ninth Circuit argument was all about Mohave County Merit Rules. Everything I had mention is on the record. It was either in final briefs or in the oral arguments of the Ninth Circuit.

3rd employee that failed drug screen

- J.R.L. is another positive tester. Exhibit 15 ER-134 pg.# of Plaintiff-Appellant's Excerpts of record - volume 2.

He went by the name of J.L. Mohave County Merit Rules does not allow employees who fail drug screen to drive, even their own personal vehicle. So Mohave County Road Dept. drove J.L. back to his house in a company vehicle dropped him off at his house. J.L. only got a couple days off and came back to work. Deputy County Manager M.H. made the decision to keep J.L. working. Date J.L. failed his drug screen-8/4/2004. The year 2002 is written in the opposing parties final brief of the 9th Circuit (SER070 starting line 18). Exhibit F earlier exhibit on when zero tolerances start date- County of Mohave, Steve Latoski brief volume 1 booklet.

J.L. failed the drug screen after 2002. J.L. wrote a statement for me and handed me his drug screen results which I have today. I was told I can't use a drug screen result in a case but if entered right it can be used. I gave this to my 2nd attorney I.H. and his did not make it part of the file at the district court to my knowledge. But J.L. statement made it into files at the district court and is in the final brief at the 9th Circuit. Exhibit 15/ ER-135 (Plaintiff-Appellant's Excerpts of record- volume 2).

* With all this information the wrong decision was made at the 9th Circuit. It was all there in the opposing parties final brief booklets and my final brief.

There is a lot of information missed and not brought out to the subjects at oral argument. With me explaining more like I did here it would make more sense. Subject covered at the 9th Circuit was all about rules. Which is all well in good. The subject should have gone quickly into these two other employees I mention, 15 minutes flies by in quickly.

Is it really lawful to allow discrimination practices here in the United States. According to Statutes and rule of Title VII title 701. Title VII prohibits employment discrimination based on race, color, religion, sex and national origin. The Civil Rights Act of 1091 (Pub. L 102-166) (CRA) and the Lily Ledbetter Fair Pay Act of 2009 (Pub. L. 111-2) amend several sections of Title VII.

- I have not wavered at all with my claims, starting with the Merit Commission Hearing. My claims remain the same through the time I filed with the eeoc. Mohave County has moved back in forth. Terminated me and kept other employees working, and yet they claim they are on zero tolerance. It should be clear that Mohave County behavior should be examine to accepted their claims. They do pick and chose who keeps their job and who they send out the door. This is not fair treatment. It is against United States rules to discriminate. Mohave County words is should not be trusted because, they have express themselves on the record, and in their paperwork to be dishonest and confusing the Court. If they were telling the truth. Mohave County counsel would have no need to be hide records. Everything would be out on the table like it suppose be. That is not the case here. Mohave County would have no problems bring evidences into the Court room to explain what the truth was. But Mohave County counsel comes into Court with all here say, no evidences to Mohave's claims. Mohave County and counsel should know better then that. After all they know the law. I have worked for Mohave County for 18 years and this is their practices. I have done nothing to Mohave County, for them to treatment this way.

REASONS FOR GRANTING THE PETITION

I have experienced a real illness. Yes marinol was prescribe to me. I needed help. My son needed help too. Yet my employer ignored my requests. County does miss use their own power and Merit Rules whenever they please. Somewhere there has to be corrections made. That where laws are applied and rules are written for us to follow. Discrimination is not what United States of American is about. If you read United States. It is written in there. Our States is suppose to unite in solving the problems. America is our name. Americans need to unite together. Not work against each other. Examine the documents from the District Court and it will speak for its selves. Let the questions be asked. One will go off track. Let justice lead so this will not happen to anyone else, in Mohave County. It is torture with the intent to harm someone, which includes my son. He suffered too. I was very ill sick when this case started and could not hardly raise myself out of bed to attend and follow my case. Penalizing a person because they are sick is not right. If everyone gets a 2nd chance I want that chance, because I stood at the door way of being taken. I seen, what they call spirits or whatever they call them things. It was real. Seizure illness is written in Mohave's Merit Rules, which is included in the en banc. If Mohave follows rules why did they not move on my illness. After 18 yrs. of service. I am stripped from my decency in hopes the worst happens to me. How can Mohave claim zero tolerance when they continue to make excuses for alcohol use. That is not right at all and it is not zero tolerances. It is discrimination.

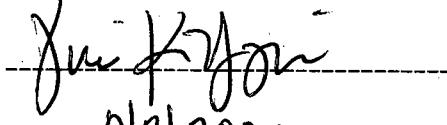
CONCLUSION

I had no knowledge of my illness, nor my son's. He was 8 yrs. old at the time (2013). It was to my surprise when I was diagnosed with seizures. I also want to bring to your attention. When you look at the start of this case. There are some major points. Listen to what is written in the paperwork. You'll see that the Mohave's subject changes and they start entering what I was talking about at the beginning of the petition. It just makes me think. What if my attorney I.H. would have subpoenaed Mohave County records. I wonder what they would have done, and what if they destroyed C.B. records. Then what? That is exactly what Mohave County administration told me the first time I went up to make a request for C.B. records. They told me. We don't have records of that date. We can't give you something we don't have. I don't think they will admit to their own violations of County Merit Rules. If discrimination is exercised in this Country. It is just a repeat of what everyone wanted to escape from along time ago. This is a freedom to experience life here in United States. We can't bring back what was back then. This Country has come along ways. If we let things like this slide and get away from us. How is the world going to be like for our kids. The corrections need to made today. I figured my way out of major illness. I wanted to survive for my son. The County stood there and gave me choices. They denied me of my benefits. Mohave County had a RN as occupational health & benefits manager. C.R. landline phone number will match At&t records. Mohave County hired a Nurse for a reason, to save money we were told at health benefits meetings. C.R. ran these meetings. C.R. instructed us to contact her first. Then she would refer us out to a providing physician. Mohave County would have full control of our treatments. At&t matches C.R. phone number. The **Supervisor's report of industrial injury date** is only a few days from At&t records. I made these calls. C.R. had no time for me. Just like Mohave County has express in this case. She had nothing but excuses. C.R. had meetings to go to. C.R. had secretaries. They could have help to get the ball rolling for my fmla request. They needed C.R. approval first. In the mean time the Road Department was adding to my problem and giving me choices. Do you want to be a worker or mom? I had carpal tunnel surgery due to this report after I got dismissed. Not just my wrist but my whole arm. They had to cut nerves to easy the pain. It sure hurts to see my son suffering too. I did not know what to do. I was sick myself. It was very painful, not easy at all through out this case. If I was a regular drug user I would have never made it this far. I probably would have been long gone by now. I chose to be here for my son, for he is my responsibility. I had plenty of years as a single women and never turned to drugs, 38 yrs. of it, before I had my son. Illness is in everyone's path. I needed relief for I was having seizures episodes one right after another. I did not know what was going on.

I would have never made 18 yrs. with the County if I was a drug user. Never thought I would be challenge with 2 illnesses and a case all at the same time. I wanted to do the right thing, even if it was hard. I asked for jury trial. Look at The district court files. Lets not wasted all this time an effort and clear this case up. That is the right thing to do. This is the only way the truth will come out. It's all there. I called on you at the Supreme Court of the United States. Let justices prevail. One thing is, I am sure glad to be alive, to be here for my son. I sure do appreciate the extension. I did the best I could in trying to correctly fill out this form. My head, my brain does not receive the right information at times. It is another disability I have to live with.

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: 2/3/2020