

COOP MEMBER EXPELLED AFTER REPEATED MASK-WEARING VIOLATIONS

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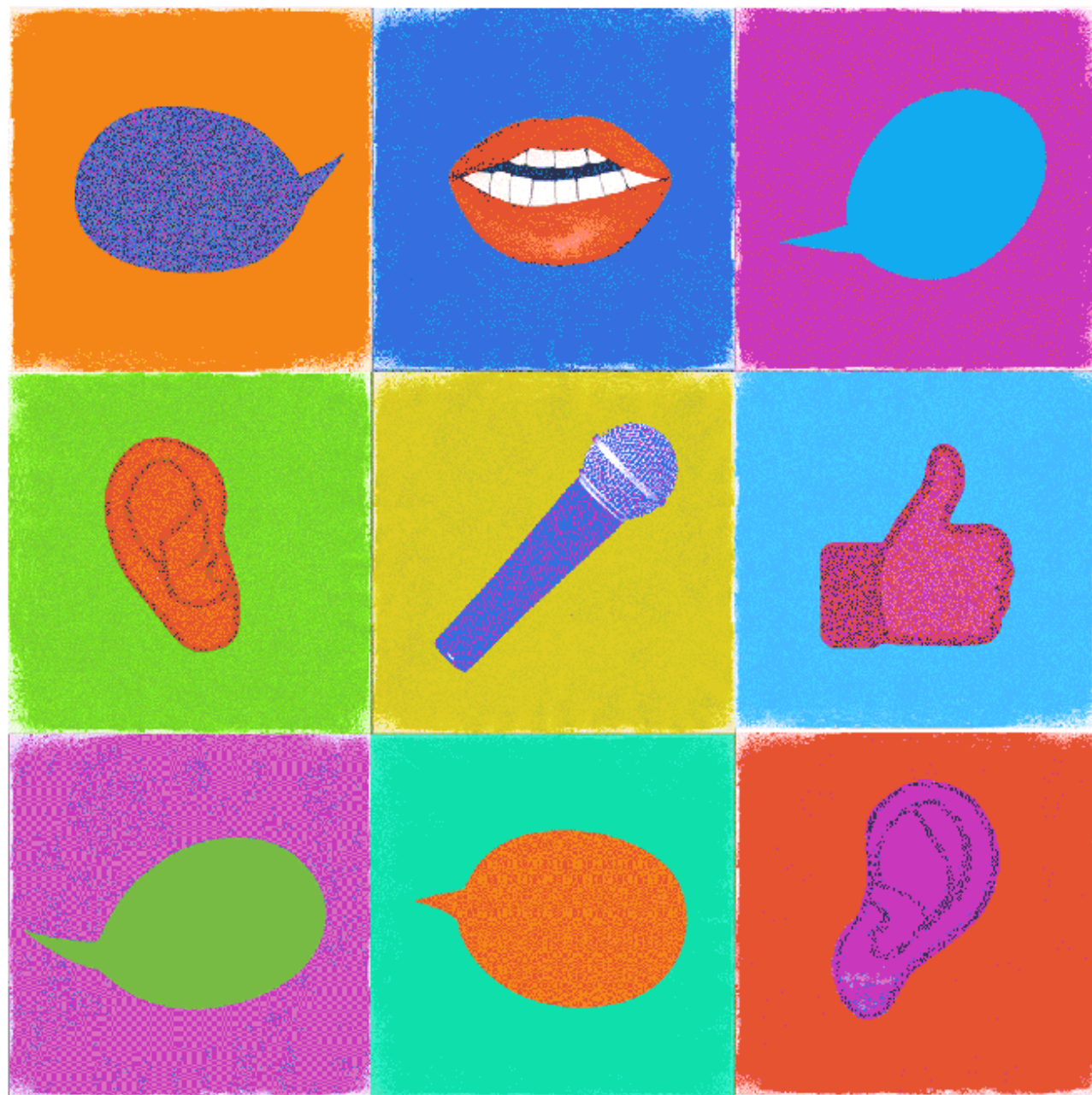


ILLUSTRATION BY CATY BARTHOLOMEW

By Jess Powers

On May 12, 2022, a Coop Hearing was held to determine whether a member violated rules on Dec. 10 and 20, 2020, and exhibited extremely uncooperative behavior. As described in previous pieces regarding the dispute resolution process, participants in-

cluded the accused individual, various witnesses on both sides, members of the Hearing Administration Committee, the Dispute Resolution Committee (DRC), the Hearing Officers Committee, and 15 Coop members who served as the Hearing Group, each with responsibilities to ensure a fair outcome.

For transparency, the *Linewaiters' Gazette* reports on hearings but the name of the accused is withheld to protect confidentiality. At the request of the committees involved, all names are withheld.

After a year and a half of delays due to the pandemic, members gathered in a spare assembly room at the Picnic House in Prospect Park. The Hearing Administration Committee organized the logistics, arranged the date and venue, and contacted a list of randomly selected Coop members to serve as a Hearing Group. There were a few bumps: not enough copies of documents were made and participants were not miked, occasionally making it difficult to hear. Members of the Hearing Officers Committee kept the proceedings on track and would ultimately decide on a penalty based on the decision of the Hearing Group. After serving for a few hours, only nine of the 15 Hearing Group participants voted on whether the member violated the rules, per the PSFC Disciplinary Procedures.

The accused and committee members introduced themselves. Two members of the DRC shared the results of the investigation. The accused, who will remain anonymous, is a lean white woman in her 60s who wore green clogs and introduced herself as a dancer and a healer.

The investigator began by explaining that the accused member had exhibited a “flagrant disregard for Coop rules” by repeatedly refusing to wear a mask, had altercations with staff and cashiers, and rejected COVID-19 as a “conspiracy theory.” She had a history of refusing to adhere to Coop rules and had been put on probation in the past.

After an incident is reported, an investigation is conducted and, depending on what is

learned, one of nine pre-hearing actions takes place, ranging from a verbal warning to work-slot adjustments. For a dispute to rise to the level of a hearing, the rule-defying behavior must be generally egregious and continue despite attempts to remedy it. The accused is given the option to resign or to have a hearing or arbitration to determine whether they will remain a Coop member.

The accused interjected that she was “not informed about the ability to bring witnesses” until the last minute. A Hearing Officer stated that the disciplinary hearing letter the woman had received included specific details about the process and that other rules and procedures are available online. He also reiterated that the matter at hand was to discuss what was alleged to have happened on Dec. 10 and 20, 2021 and that what occurred years before was only relevant if it pertained to this discussion.

The first witness, A.M., joined the Coop 25 years ago, worked as a paid checkout worker during the pandemic when member labor was suspended, and subsequently was hired full-time to the Coop staff. She recalled the accused wearing a mask under her chin as she approached checkout and A.M. asked her to put it on properly. The accused responded that “masks don’t protect us.” A.M. explained that it was the policy of the Coop. The accused pulled the mask up and replied, “Are you happy now?” A.M. countered, “You don’t need to be so rude,” to which the accused responded loudly, “You’re the rude one.”

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A.M. said that it was “not an easy time for folks,” between the stress of the pandemic, long lines, and few people allowed into the Coop at a time. She said that some members didn’t realize that the paid cashiers were Coop members, and that a few people were aggressive or disrespectful every week. Cashiers were instructed not to engage

these folks further and to call on permanent staff if support was needed. In this case, A.M. was unnerved by the incident and was encouraged to file a report.

When given a chance to ask questions, the accused immediately apologized to A.M. She explained that since joining the Coop 26 years ago, she observed increasing amounts of “micromanagement” and that she was frustrated with the adoption of rules on mask-wearing.

After receiving a letter from the DRC, it would likely have been possible to resolve the case by apologizing to the parties involved and following the mask-wearing rule. The accused explained, however, that she wanted “to be heard.”

A witness who was unable to attend the hearing in person submitted a letter confirming that she witnessed the incident at the adjacent checkout. She stated that the accused “explained why masks do not work” and became “combative.”

The investigators learned that, following the incident at the checkout, the accused went to the Service Desk outside the office to inquire about the mask policy. Another witness who was unable to attend recounted in written testimony that the accused began to yell after hearing her options. She shared that the accused said that people were “trying to control her” and that she was “yelling her theories.”

After the incidents on the first date, a warning letter was sent by mail on Dec. 18. A popup screen alerted the entrance desk worker when the accused arrived to shop. The letter was also presented by hand to the accused by a Membership Coordinator. The accused was given a mask and allowed to shop on Dec. 20, the date of the second incident.

A Membership Coordinator (MC) at the Coop for over a decade was the next witness. She alluded to previous challenges with the accused and the Hearing Officer restated that prior bad acts are not relevant to this discussion. When the accused questioned the MC on her testimony, a representative exchange ensued:

Accused: “As a squad leader, I did things very differently. There was dancing, good music during our shift.”

MC: “Nothing wrong with that.”

Accused: “I have creative energy, I’m being nice, a person who thinks differently and acts differently. It could be frustrating, nobody hearing what you’re saying.”

MC: “I tried to help you with this, I said to go to a General Meeting [Coop decision making process]. Screaming in the aisle is not the way. I came into the frozen aisle, there you were.”

Accused: “I was frustrated. I was not the only member frustrated. It was the wrong time, wrong place. The woman who was on me... I started singing, trying to channel my energy. I was singing too [loudly], told I shouldn’t dance. I’m an artist. My memory is the word ‘fascist,’ not acting as a cooperative, as a ‘fascist organization.’”

MC: “You’re absolutely right, you said ‘fascist.’ I don’t remember ‘organization.’ By the time I got to you, two more people were present. It was a little wild, that’s why they got staff. People felt uncomfortable... I understand frustration totally, but there has to be some common ground. You seem to be very often outside of that common ground.”

Accused: “Every society has somebody who is a little different.”

A former member of the DRC, P.V., testified about an investigation in 2018. It was relevant only in order to demonstrate that there was a pattern of behavior. A letter shared in the welcome packet and later questions asked by the accused revealed that the prior issues involved arriving late or leaving work shifts early, bringing a child to shifts, and not providing adequate direction as a squad leader. A previous investigation led to a six-month probationary period, which was successfully fulfilled. P.V. shared the impression that the accused followed the rules that made sense to her,

not the Coop rules in general.

IN HER TESTIMONY, THE ACCUSED ACKNOWLEDGED THE PAST INCIDENTS AND DESCRIBED BEING EXAMINED “UNDER A MICROSCOPE.” SHE DESCRIBED HERSELF AS HAVING A “PERSONALITY OF PASSION” THAT PEOPLE MISINTERPRET.

J.B., a witness for the accused, has worked in food processing and been a Coop member since 2008. She met the accused over a decade ago at a New England dance camp and described her as being community-minded, conscientious, high-spirited, and an amazing teacher.

In her testimony, the accused acknowledged the past incidents and described being examined “under a microscope.” She described herself as having a “personality of passion” that people misinterpret. She shared a family tragedy and said that she received a lot of love and support from the Coop at that time. She expressed feeling attacked in the years since and admitted to acting defensively toward administrative staff in response. She described herself as being “big into conflict resolution.”

The accused also described anxiety and having difficulty breathing while wearing a mask, adding that she had an “ADA card.” The DRC investigators responded that this “never came up” in conversations with her and added that the process to apply for a medical exemption was described in the attachment to the letter dated Dec. 18.

The 15 members of the Hearing Group were allowed to ask questions. They approached the situation with care. One member asked why the accused couldn’t put aside her personal beliefs about masks, having “presented [herself] as a person who likes to spread love.” The accused responded: “I am spreading love, by telling the truth. You’re not getting enough oxygen [wearing a mask], I have a different way of seeing it.”

When asked if she was aware that a mask mandate was in place in the state of New York on the dates in question, the accused countered: "It's not a law, it's a mandate. The Governor cannot make laws, they can only administer them. They attempted to trick everyone. We don't have to follow it."

A DRC member clarified that many mask-wearing cases came before the committee during the pandemic. With the exception of this one, they were de-escalated and resolved by claiming a medical exemption, through workarounds or designated shoppers. She explained that the accused was uncooperative on the phone and the investigator "couldn't have a constructive conversation with her." The accused "would not back down from the idea that a mask is wrong, and she is right." She explained further that this was not the outcome the DRC wanted. The accused responded that she didn't have a conversation over the phone or that it was so brief that she didn't recall it.

The remaining nine members of the Hearing Group were reminded that the "intention is irrelevant." They were to decide whether the accused violated a rule on Dec. 10 and 20 and whether she exhibited "extremely uncooperative behavior."

We left the Picnic House while the Hearing Group deliberated.

The Hearing Group decided that the rules were broken on those dates and the accused exhibited extremely uncooperative behavior. The Hearing Officers then decided that expulsion is the appropriate penalty. The reasoning was two-fold: first, that was the penalty in other cases where members exhibited uncooperative behavior, and second, the context of a global pandemic before a vaccine was widely available made this behavior particularly uncooperative.

Members of the various committees involved in the dispute resolution process are working to refine and continually improve the process. Any proposed changes will be presented during a General Meeting for Coop members to vote on. In this case, Coop peers decided that expulsion was the most appropriate outcome.

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