

COOP MEMBER EXPELLED AFTER REPEATED MASK-WEARING VIOLATIONS

July 4, 2022

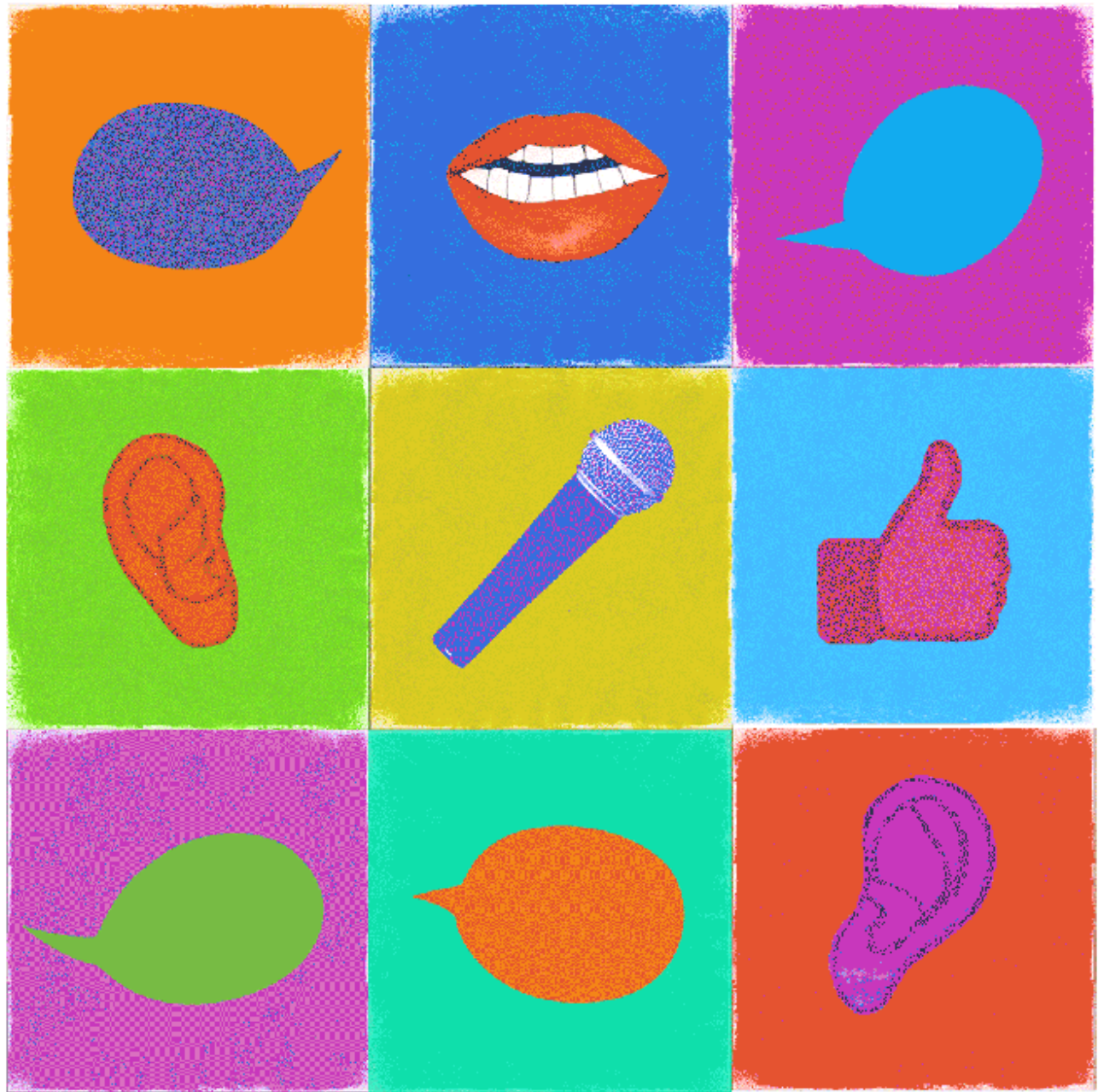


ILLUSTRATION BY CATY BARTHOLOMEW

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.”

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.

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.

Jess Powers works in emergency management and enjoys adventures in nature and eating. IG: @foodandfury

FEBRUARY 22, 2022, GENERAL MEETING

July 4, 2022



February GM Covers Hearing Committee Election, Explores Child Care Proposal

By Frank Haberle

On February 22, approximately 110 PSFC members gathered by Zoom for the February General Meeting. The agenda items included voting for Hearing Administration Committee candidates, and discussion of a proposal to allow one member of a two-parent household to suspend membership in order to take care of children. Several brief committee and coordinator reports rounded out the events. With two items on

the agenda, a smaller February crowd, and seasoned veterans running the event the meeting wrapped up in a crisp 90 minutes.

Electing New Hearing Committee Members

The first agenda item invited attending members to vote on two members who sought to join the Hearing Administration Committee (HAC). As explained by Committee member Dominique Bravo, the HAC acts as part of the PSFC's Disciplinary Committees, playing the role of organizing hearings by scheduling the events, calling in Coop members for hearings, and making sure that all procedures are followed. Bravo invited the two candidates, both 20-year members of the Coop, to speak about their qualifications. Only one of the two candidates, Israella Mayeri, was in attendance.

"I joined the Coop when I moved to this neighborhood," said Mayeri. "I joined the Coop because I liked the people and I liked the idea of joining a cooperative. I want to join this committee to make a greater contribution to the Coop."

Several attending members asked questions, including: "The Disciplinary Committee seems like such an important committee that does such confidential work. What is your experience and what makes you qualified to serve on this committee?" Bravo, who is a lawyer, clarified that there are a number of committees and that this committee does not manage the actual hearings. "I'm a retired lawyer," Mayeri added. "I'm very good with working with other people in a team. I want to contribute to this effort."

Allowing Parent of Young Children to Leave Membership

The second agenda item was a discussion item that allows one member of a two-adult household with a child or children under school age to leave membership. As presented by Ryan Snelson, a member of the Coop since December, the agenda item stated, "The Coop needs to better accommodate pandemic parents—allowing one partner to leave indefinitely so the other partner can care for their child or children un-

der school age.”

“Being a parent right now is extremely difficult,” Snelson said, opening the discussion. “What makes it more difficult is being a parent and being able to meet shopping and work shift requirements. All we are asking for is that the Coop allow one parent to take care of their child. I’ve brought this up a number of times with the membership office. I keep hearing, ‘This is the way it has always been done.’ I’m asking for one household partner to not have to work shifts.”

Members weighed in on the proposal. One asked for clarification: “Would one member be exempt from the work requirement, or would they be placed on leave?”

Another added, “We could make an effort to restart child care, which would be a better way. I am somewhat opposed to keeping people out because we need member labor but also because it’s an important part of building the bond in the community.”

Questions were raised about how to accommodate single-parent households and people who are taking care of elders and sick family members. A recurring concern focused on drawing from the pool of member workers we need to keep the Coop fully functioning.

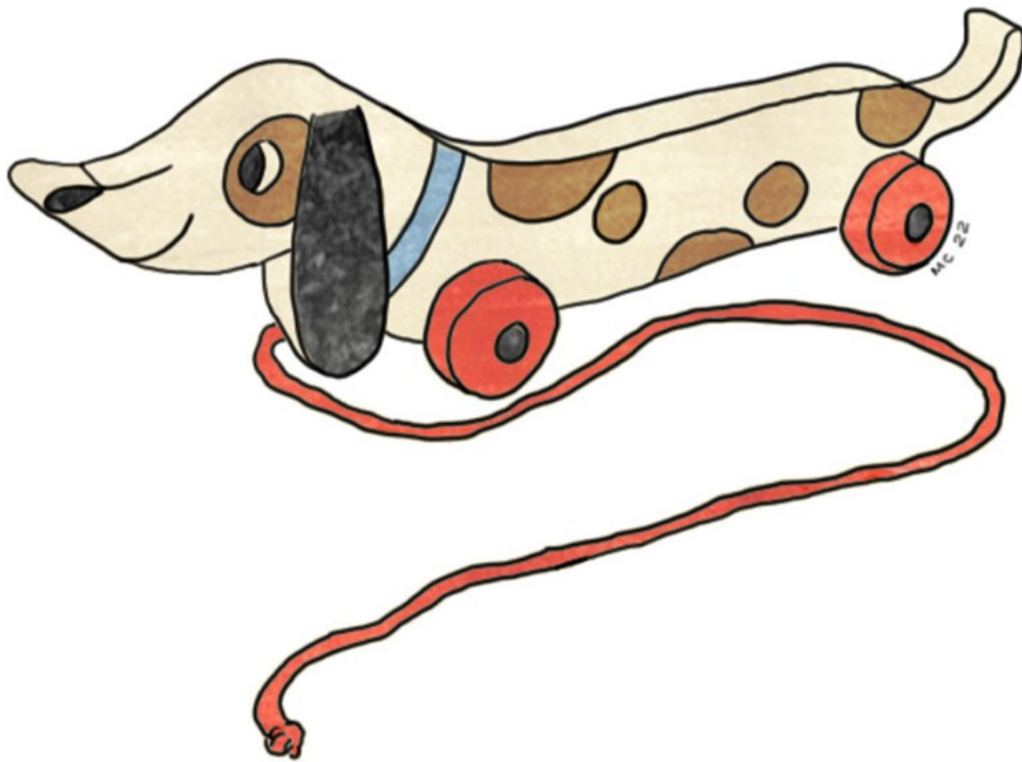


ILLUSTRATION BY MAGGIE CARSON

As one member noted, “As a new member you may not understand how the Coop works. When you say, ‘Half my household is not working,’ you’re doing something that is non-Coop. We need all our labor. There are other things we can be doing. If parents decide to opt out it undermines our model. Very few coops can do our work. Honestly, you just joined the Coop. Why do you want to mess with our model?”

“Nobody’s trying to undermine the Coop for this model,” Snelson responded. “I’m just

asking for us to look at this from the perspective of parents with young children. Do we want to look at the way we do business? Is the end game for the Coop to make more money, or increase labor?"

One member added, "I think child care is a really important part of the Coop. If people aren't in favor of this proposal, then we should consider bringing back child care." Another responded, "This may be part of a larger issue that concerns other members who are caring for people right now. I don't see how taking back child care can be done right now. I think this is a non-issue."

Snelson wrapped up the conversation by thanking everyone for their consideration. "I appreciate this, but I'm not asking for child care," he concluded. "I'm asking for a policy where one parent can leave the Coop for child care responsibility. All your points about how the Coop worked in 1973 are good points, but this is not 1973."

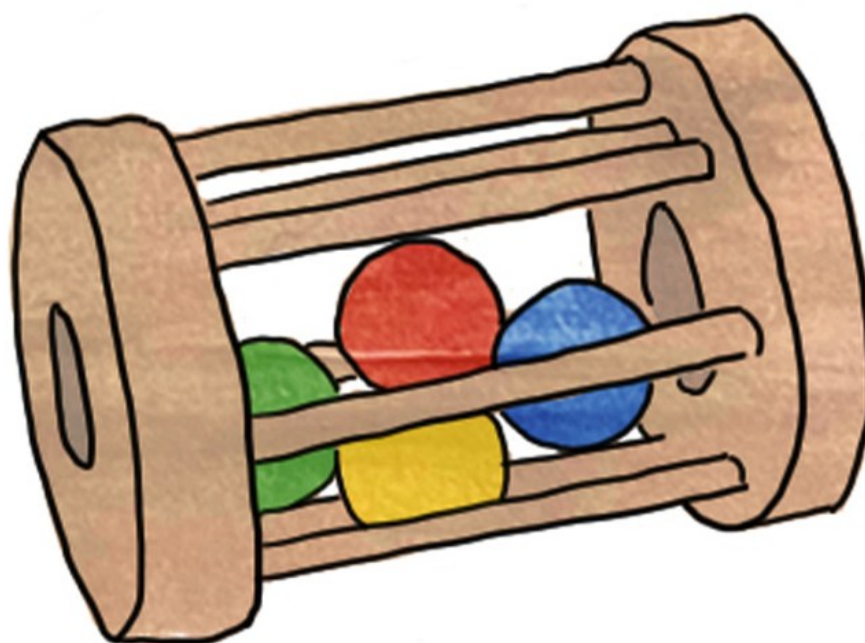


ILLUSTRATION BY MAGGIE CARSON

Committee and Coordinator Reports

Prior to the agenda items, there were a number of reports. Joe Holtz, General Manager, General Coordinator and Treasurer, reported on Coop finances, underscoring that there were indicators that the first four weeks of the 2022 fiscal year were off to a slow start, but that we are finally close to a cash flow break-even. “The advent of adding new members is important,” Holtz said. “We lost 4,500 to 5,000 members during

COVID. We are building back. We are now at about 13,000 and adding 100 or so a week.” When asked what the optimal enrollment would be, Holtz said “we had 17,100 members when the pandemic started. Right now, we have a goal of 15,000. Let’s get there first.” Other members asked about how long price markups and fluctuating prices (which reflect price fluctuations and increases passed on by suppliers) would last. Holtz added that when member labor returns to 100% and the temporary worker system is sunsetted, the Coop will be able to look more closely at lowering prices.

General Coordinator Ann Herpel reported on the return of the member workforce and enrollment. “We are now reintroducing the food processing in the basement. If you are interested in olives and cheese work, you can find those shifts now. We have planned for the temp people to be here another two months.” Regarding enrollment, Herpel stated that “we have new member enrollment sessions four times a week now with over 100 appointments to enroll. We have 1,000 new members since we started enrollment on December 5. Staff and members are reporting that the new members have been really enthusiastic.” A very brief report on several international labor events in the news was reported by Bart DeCourcy of the International Trade Information Squad, rounding out the committee and Coordinator reports. In comments just before the reports, Imani Q’ryn, Board member, encouraged members to consider running for Board membership. “I’ve been on the Board 20 years. I want to encourage others to join the Board, especially people of color. If you love the Coop, help us protect the voice of the people.”