



September 2, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Correspondence titled "Lawful Notice and Demand" and "Notice of Violations"

Dear [REDACTED]

This letter is to acknowledge receipt of the correspondence you have sent to each of the Kirkland City Councilmembers, Fire Chief Joe Sanford, and City Manager Kurt Triplett. We received similar correspondence from other former Kirkland firefighter/EMTs. Given the number of authors, recipients, and mailings, I'm responding to all correspondence on behalf of the City and its leadership.

We understand from your correspondence that you are asserting the City, its management, and/or its elected officials have violated your rights in separating you from employment. You have filed a charge with the U.S. Equal Employment Opportunity Commission against the City alleging religious discrimination based on your separation, and we have responded to that charge and are awaiting further action or determination by the Commission. The City adamantly denies that it discriminated against you or the other unvaccinated firefighter/EMTs, and the City expects that the Commission will issue a finding of no reasonable cause. In addition, the City Attorney's Office and Human Resources Department have reviewed your recent correspondence to Councilmembers and City staff demanding action and suggesting inaction will have legal consequences. Contrary to the assertions in your correspondence, there is no legal requirement for those receiving the letters to act or respond in any way, and any lack of action or response does not have any legal significance or implication with respect to the validity of your claims.

To the extent that you have been sending correspondence directly to the City councilmembers, I'll note that Council does not have authority to make employment decisions for the City related to the firefighters. That authority is granted by statute directly to the City Manager pursuant to RCW 35A.13.080. This statute prohibits councilmembers from directing the City Manager to appoint or remove anyone from City employment. The City Manager and the Fire Chief evaluated whether you and other unvaccinated firefighters could be accommodated and determined that it was an undue hardship to the City to provide a reasonable accommodation given the health, safety, operational, financial, and administrative burdens and impacts, and thereafter the City Manager and the Fire Chief made the decision to separate you and other unvaccinated firefighters. The City Council had no role in the

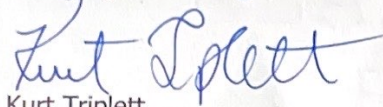
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decision. That said, the City Council has been kept apprised throughout the process about the decisions the City Manager and staff have made.

Your recent correspondence to Councilmembers and City staff asserts that the City's COVID-19 policies are unlawful. The City is continuing to respect the Governor's vaccination mandate, which has to date been upheld in court in response to various legal challenges. We also continue to follow the recommendations of Seattle/King County Public Health and both the Seattle and King County EMS Medical Directors to restrict direct patient contact to only vaccinated FF/EMTs. As a reminder, the City and Local No. 2545 entered into an MOU in which Kirkland agreed to rehire unvaccinated employees for a period of two years following separation under certain conditions, including in the event that the employee becomes vaccinated or the state lifts the vaccination mandate for EMTs.

While we disagree on this issue, we appreciate your years of service to the City of Kirkland.

Sincerely,



Kurt Triplett  
City Manager

cc: Penny Sweet, Mayor  
Jay Arnold, Deputy Mayor  
Neal Black, Councilmember  
Kelli Curtis, Councilmember  
Amy Falcone, Councilmember  
Toby Nixon, Councilmember  
Jon Pascal, Councilmember  
Joe Sanford, Fire Chief