

EXHIBIT F

TRICIA SPANGLER
MAY 29, 2024

JOB NO. 999730

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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BARBARA GRADY, individually)	Case No.:
and on behalf of all others)	5:22-cv-00842-JLS-SHK
similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	
)	
RCM TECHNOLOGIES, INC.,)	
)	
Defendant.)	
_____)	

Video deposition of Tricia Spangler, taken at 501 West Broadway, Suite 900, San Diego, California, commencing at 9:33 A.M. PST on Wednesday, May 29, 2024, before NICOLE O'NEIL, Certified Shorthand Reporter 10774, in and for the State of California.

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1 head. Okay?

2 A. Okay.

3 Q. That way our court reporter gets everything down
4 more easy. Okay?

5 A. Yeah. I got it.

6 Q. Don't guess or speculate, please, but, you know,
7 I may be asking you questions where you might not have an
8 exact number, but -- or exact date or something like
9 that, but you could give me an estimation or range based
10 on your personal knowledge. That's okay, but I don't
11 want you to guess or speculate.

12 Do you understand the difference between those
13 two?

14 A. I do.

15 Q. If you don't understand a question that I ask,
16 please ask me to rephrase it or repeat it. If
17 you -- once you answer a question, which hopefully you
18 will be able to do, we'll all assume you understood the
19 question unless you tell me.

20 A. Okay.

21 Q. If you don't know the answer to a question,
22 that's fine, just say, "I don't know."

23 A. Okay.

24 Q. Are you travel the division manager for RCM
25 Technologies?

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1 A. Yes.

2 Q. How long have you had that position?

3 A. Approximately 10 years.

4 Q. How long have you been employed by RCM?

5 A. Approximately 10 years.

6 Q. Is that the only position that you've had?

7 A. It is.

8 Q. Where have you been located as the travel

9 division manager for RCM over the past 10 years?

10 A. San Diego.

11 Q. Is there an office that you work out of, or out
12 of home?

13 A. Are you asking about now or the entire 10 years?

14 Q. Maybe walk me through the past 10 years.

15 A. Yeah. Up until 2020 we were in office five days
16 a week, and then after that, at home remote for quite
17 some time. And then, current situation would be a hybrid
18 model.

19 Q. And when did the hybrid model start?

20 A. Oh, I would be guessing, but approximately
21 around 2021 or 2022.

22 Q. Who are the -- who are your colleagues at RCM
23 Technologies that used to be working with you in the
24 office and now perhaps are working with you hybrid by
25 sort of, job function or description? You don't have to

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1 Q. I see. During the initial part of the pandemic?

2 A. Yeah.

3 Q. And how many schedulers at that point,
4 2020-2021?

5 A. One to two.

6 Q. What is the geographic scope of business for RCM
7 that you manage?

8 A. Right. I oversee travel contracts and other
9 national placements throughout the U.S.

10 Q. Are there any other travel division managers
11 throughout the U.S. other than you?

12 A. No.

13 Q. And are there any other travel division
14 locations of RCM other than the one here in San Diego?

15 A. There are not.

16 Q. And out of the San Diego location, you manage or
17 oversee travel contracts and travel placements throughout
18 the U.S.?

19 A. Correct.

20 Q. Do you know approximately either by number of
21 placements or by number of clients or by business volume,
22 however else you might be able to describe it, the
23 percentage of the business or the placements that occur
24 in California when compared to your total number?

25 MS. BOYCE: Vague as to time.

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1 A. Maybe more during 2020. Currently, right now we
2 have very little placements in California.

3 Q. All right. Less than a quarter of your
4 placements?

5 A. I would say less than 10 percent.

6 Q. Up until 2020, approximately, a third of your
7 placements in the travel division were in California?

8 A. Uh-huh.

9 Q. Is that correct?

10 A. Yes.

11 Q. And then it went up to a half or maybe even over
12 a half during the pandemic?

13 A. Correct.

14 Q. And now it's down to less than 10 percent?

15 A. Correct.

16 Q. And do you have an understanding, based on the
17 information you've gathered or observations you've made
18 in your position as a travel division manager, the cause
19 of that fluctuation?

20 A. Yes, I do.

21 Q. What is it?

22 A. Percentages also changed because total business
23 changed during this time. There was the influx of COVID
24 that caused an increase in overall providers working for
25 the RCM travel division.

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1 Q. Okay. When you say, "providers," what do you
2 mean? What does providers mean?

3 A. Phlebotomist, CNA, LPN, RN, respiratory
4 therapists, surgical techs, kind of encompassing all
5 healthcare workers, you could say.

6 Q. Got it. And why -- perhaps I can surmise or
7 guess.

8 I would like to have you give your sort of
9 account or understanding, observation as to why now
10 it's -- the business has gone down in California?

11 A. Uh-huh. A lot of our business at that time was
12 COVID testing. We're no longer -- we rarely are doing
13 COVID testing in California right now.

14 Q. During the 2020-2022 time frame, what percentage
15 of your business in California was COVID testing?

16 A. I would say 90 percent, approximately.

17 Q. Does that include -- does that 90 percent
18 include placements at COVID testing pop-up sites?

19 A. Correct.

20 Q. Does the 90 percent also include placements at
21 school sites that did COVID testing?

22 A. Any type of COVID testing that was taking place,
23 yes.

24 Q. Other than the pop-up sites and the school
25 sites, what other types of sites if any, were doing --

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1 same job.

2 Q. I see. Which types of providers were doing the
3 same job in terms of COVID testing?

4 A. It would depend on the site and the client to be
5 honest with you.

6 Q. But based on your experience in terms of the
7 placements, looking at the sites and the clients as a
8 whole, which providers were doing the same job of COVID
9 testing for RCM in the 2020-2022 time frame?

10 A. I think many of them.

11 Q. Phlebotomist?

12 A. Yeah.

13 Q. CNAs?

14 A. Yes.

15 Q. RNs?

16 A. Correct.

17 Q. LPNs?

18 A. Yes.

19 Q. LVNs?

20 A. The patients were self-swabbing. The client
21 didn't require specific -- many of the clients did not
22 require specific certifications for a specific healthcare
23 provider. In many aspects, it wasn't considered a
24 clinical-advanced job.

25 Q. What do you mean, "in many aspects it wasn't

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1 or licensure in terms of the duties, responsibilities
2 that, that RCM employee would have at a COVID testing
3 site?

4 MS. BOYCE: Asked and answered. Calls for
5 speculation.

6 THE WITNESS: I don't know how they -- what the
7 different jobs of each nurse was at that site.

8 BY MR. KONECKY:

9 Q. You're not aware --

10 A. I should say provider.

11 Q. Am I correct that you are not aware of any
12 distinction that any of your clients were making for what
13 nurse providers would be doing at a COVID testing site
14 based upon what type of nurse they were?

15 A. Correct.

16 Q. Am I correct that RCM didn't make any
17 distinctions between nurse providers, as you were making
18 placements to your clients in terms of -- or based upon
19 the licensure or the type of nurse that was being placed?

20 A. I can only speak, I think, to the specific
21 client that I was mainly involved with, I would say.
22 Specifically, the ones that were going to the schools,
23 their jobs -- there wasn't a distinction per se. They
24 were doing the same job, the same testing.

25 Q. Okay. And who was that client?

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1 A. That I don't know.

2 Q. Approximately what percentage were at the
3 corporate sites?

4 A. Very small. Corporate was very small.

5 Q. Like less than --

6 A. Less than 10 percent. They might have been a
7 one-day testing. It wasn't a continual thing. It was
8 more a request for a provider to do some testing, and
9 that was it.

10 Q. Okay. Ninety percent or more of the business of
11 RCM in terms of placing employees to do COVID testing
12 were at either the pop-up sites or the school sites;
13 correct?

14 A. I would say that's correct.

15 Q. And, to your knowledge, there's one RCM client
16 that was doing the pop-up sites, and that was San
17 Bernardino County?

18 A. Correct.

19 Q. And then there was one client that you are aware
20 of that was doing the school sites and that was Ginkgo
21 Concentric?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes.

25 Q. Any other clients that you are aware of

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1 THE WITNESS: I don't know that's within my role
2 to know that, to be honest with you. I don't know.

3 BY MR. KONECKY:

4 Q. Let me narrow that.

5 For the employees that RCM has placed to do
6 COVID testing in California, is it your understanding
7 that RCM has records of who those employees are?

8 A. Maybe you could specify. What do you mean by
9 "records"? Is there something specific --

10 Q. Somewhere you could go to identify their name
11 and contact information.

12 A. I would think that's information that I could
13 get.

14 Q. And in terms of like, the days worked and the
15 locations worked, that's also information that you could
16 get from RCM's repository?

17 A. I feel like that would be more of an HR lane.

18 MS. BOYCE: I have a late objection. You have
19 to give me time to object.

20 Vague. Lacks foundation.

21 BY MR. KONECKY:

22 Q. Is it your understanding as the travel division
23 manager of RCM, that RCM keeps track of who its employees
24 are?

25 A. Yes.

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1 Q. And can look up who its employees have been that
2 have worked for it at -- to do -- to be a provider at a
3 COVID testing site of one of your clients?

4 A. Yes. That information would be available.

5 Q. Is it also your understanding that that
6 information that would be available to you would include
7 information as to the name of the employee provider that
8 RCM placed?

9 A. I would assume so, yes.

10 Q. And the client at which the placement was made?

11 A. Yeah. Yes.

12 Q. And the employment dates of the employer?

13 MS. BOYCE: Objection. Vague.

14 THE WITNESS: That's all -- yes.

15 BY MR. KONECKY:

16 Q. All right.

17 MS. BOYCE: Are you done with the exhibit,
18 Counsel?

19 MR. KONECKY: Yes.

20 BY MR. KONECKY:

21 Q. Did you review any documents to prepare for
22 today's deposition?

23 A. A couple, yeah.

24 Q. What did you review?

25 A. Copies of timecards.

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1 MS. BOYCE: Objection. Vague. Incomplete
2 hypothetical. Calls for speculation.

3 THE WITNESS: So repeat the question. The
4 question is?

5 BY MR. KONECKY:

6 Q. The question is: In terms of if a scheduler or
7 a provider or another employee has a question about when,
8 how, if, or anything else pertaining to meal and rest
9 periods in the field, that providing clarification as to
10 what they should do, what they might be entitled to do,
11 or not be entitled to do, or anything along those lines,
12 would not be something that you would have particular
13 expertise or training on providing?

14 A. I would not feel comfortable giving that answer.

15 MS. BOYCE: Incomplete hypothetical. Calls for
16 speculation. Vague. Lacks foundation.

17 BY MR. KONECKY:

18 Q. And so you would need to refer that to HR?

19 A. Yeah. Yes.

20 Q. Were you involved, at all, in the hiring of
21 Ms. Disotell?

22 MS. BOYCE: Vague.

23 THE WITNESS: No.

24 BY MR. KONECKY:

25 Q. Do you recall when she was hired?

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1 contract is very different in that aspect.

2 Q. Is the bill rate by the hour or by the day or
3 something else?

4 A. By the hour, typically.

5 Q. Are you aware of any contracts where the bill
6 rate is not by the hour?

7 A. No. I'm not.

8 Q. So in terms of all the contracts that you've
9 reviewed in the travel division or as part of your work
10 as manager of the travel division, am I correct that they
11 typically involve a bill rate?

12 A. Yes.

13 Q. And that -- typically that bill rate is what RCM
14 can bill the client by the hour for the providers that
15 RCM places?

16 A. Yes.

17 Q. And what is the client fee?

18 A. So when we are a subvendor to an MSP, typically
19 that MSP is going to have some kind of client fee that
20 they take either off the bill rate or percentage as a
21 whole for us being able to utilize them as part of that
22 contract.

23 Q. Do you know whether RCM uses the time sheets
24 pertaining to the providers that are placed at the client
25 locations to determine the number of hours that are being

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1 training that occurs with schedulers or recruiters or
2 others that deal with the providers as to wage and hour
3 issues concerning the providers?

4 MS. BOYCE: Objection. Vague. Compound.

5 THE WITNESS: During what time frame are you
6 talking about?

7 BY MR. KONECKY:

8 Q. Let's say up until 2020. We'll take that first
9 time frame.

10 A. There were no conversations. There was no
11 travel time happening within my division where that would
12 have had to have been addressed.

13 Q. Whether or not it's travel time or when how to
14 deal with meal and rest period issues, or when how to
15 deal with timecard issues, or when and how to deal with
16 overtime issues, are you aware of any training that
17 occurs with the schedulers or the recruiters as to how to
18 interact with the employees or the clients on those type
19 of issues?

20 MS. BOYCE: Objection. Vague. Compound.

21 THE WITNESS: Those would not be conversations
22 that the recruiters or the schedulers would be having.

23 BY MR. KONECKY:

24 Q. Why not?

25 A. If there was anything that was outside of their

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1 scope, then they would look for guidance to HR.

2 Q. So a scheduler or recruiter shouldn't be
3 providing feedback to an employee or to a client as to
4 issues concerning meal and rest periods, timekeeping,
5 overtime, and the lack --

6 MS. BOYCE: Objection. Misstates testimony.

7 BY MR. KONECKY:

8 Q. Am I understanding that correctly?

9 A. Those aren't -- what's the question?

10 Q. The question is: Am I understanding correctly
11 that typically at RCM, a scheduler or a recruiter should
12 not be providing feedback or input to either the employee
13 or the client on issues pertaining to meal and rest
14 periods or overtime or timecards?

15 MS. BOYCE: Objection. Vague. Misstates
16 testimony.

17 THE WITNESS: Generally if they have an
18 understanding of it, if there was specific questions, I
19 wouldn't guide them to answer them. That would be
20 something that they should be turning to HR expertise to
21 answer.

22 BY MR. KONECKY:

23 Q. Who, the employee should be turning to HR
24 expertise to answer?

25 A. Or directing the candidate. Depending on who is

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1 as they were explaining what the job would be. They
2 would also explain that there was a guarantee for the
3 hours worked.

4 Q. And was this guarantee put in writing?

5 A. It was not.

6 Q. But it was explained to the employee provider by
7 the recruiter?

8 A. Yes.

9 Q. And I think earlier you testified that a given
10 recruiter might recruit for more than one service type?

11 A. Yeah. That could potentially happen. Yes.

12 Q. Back to, I think, what we were talking about
13 before.

14 Am I correct to understand that the schedulers
15 of RCM do not receive any particular training as to meal
16 and rest period issues pertaining to the employees that
17 are placed at the client's sites?

18 MS. BOYCE: Objection. Calls for speculation.
19 Vague.

20 THE WITNESS: Generally, they were not having
21 those conversations. That wasn't a part of their job.

22 BY MR. KONECKY:

23 Q. Not a part of their training?

24 A. It wasn't expected of them as their job.

25 Q. Does that mean they weren't trained on it, too?

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1 MS. BOYCE: Objection. Vague. Calls for
2 speculation.

3 THE WITNESS: Yes.

4 BY MR. KONECKY:

5 Q. Am I correct that it also wasn't expected of
6 schedulers to either be trained on or have conversations
7 with the employees at the client sites pertaining to how
8 to fill out a timecard?

9 MS. BOYCE: Vague.

10 THE WITNESS: It was done through the app for
11 Ginkgo. Again the schedulers really only dealt with that
12 client. They only did the scheduling for Ginkgo. They
13 were specific to Ginkgo only, and that was through the
14 app. Yes. We would make sure that all of our providers
15 knew how to access and utilize the app so that they could
16 record their time.

17 BY MR. KONECKY:

18 Q. How did you make sure of that?

19 A. When we would onboard them, we would have
20 conversations with them, telling them about the job or if
21 they were going to report and then making sure that they
22 knew how to utilize and access the app.

23 Q. And who had those conversations with them?

24 A. We had group conversations with them on calls.
25 As each school district got added to the, you know, job

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1 also been the client requesting it, to be honest with
2 you. I don't recall in that situation which was first.

3 Q. Let's get back to the schedulers.

4 A. Uh-huh.

5 Q. Do the schedulers -- to your knowledge, do the
6 schedulers have any training on issues pertaining to meal
7 and rest periods for the employees that RCM places at
8 your client sites?

9 MS. BOYCE: Vague.

10 THE WITNESS: That wasn't part of their role.

11 BY MR. KONECKY:

12 Q. Do the schedulers have any training on
13 determining what time or task should be included in the
14 timecard of the employees at your client sites and what
15 time should not?

16 MS. BOYCE: Vague.

17 THE WITNESS: Sorry. What -- was the question
18 about training?

19 BY MR. KONECKY:

20 Q. Yes.

21 A. The schedulers knew, generally, the direction
22 that we give is that if there's any work or -- sorry,
23 from the start of the day to the end of the day, all time
24 is documented. So unless something was outside of that,
25 they would then be instructed to escalate that to HR.

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1 A. Huh-uh.

2 MS. BOYCE: You have to answer verbally.

3 THE WITNESS: Sorry. No.

4 BY MR. KONECKY:

5 Q. Does RCM keep any records of inquiries or
6 requests that come in either from employees or schedulers
7 or recruiters or clients concerning ambiguities or
8 questions as to meal and rest periods or reporting time
9 or overtime or anything of that nature?

10 MS. BOYCE: Overbroad. Vague.

11 THE WITNESS: I don't know.

12 BY MR. KONECKY:

13 Q. You don't know of any?

14 MS. BOYCE: Misstates testimony.

15 THE WITNESS: I think it's outside of my scope.

16 I don't know.

17 BY MR. KONECKY:

18 Q. Are you aware of RCM doing any kind of tracking
19 or analysis or evaluation of the extent to which nurses
20 placed at client locations receive all their meal and
21 rest periods?

22 MS. BOYCE: Objection. Vague. Compound.

23 THE WITNESS: I don't know.

24 BY MR. KONECKY:

25 Q. Have you -- are you aware of RCM ever surveying

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1 employees, provider employees, to determine the extent to
2 which they may or may not be receiving meal and rest
3 periods at their sites?

4 A. I don't know.

5 Q. Are you aware of any interviews or conversations
6 had with providers to address or assess the extent to
7 which they may or may not be receiving meal or rest
8 periods?

9 MS. BOYCE: Vague. Overbroad.

10 THE WITNESS: I don't know.

11 BY MR. KONECKY:

12 Q. Do you recall doing any assessment of whether
13 Barbara Grady ever missed any meal or rest periods during
14 her time with RCM?

15 MS. BOYCE: Vague. Lacks foundation.

16 THE WITNESS: Barbara was salary at the time.
17 To be honest with you, working from home, we assumed that
18 everyone is getting their -- taking their breaks as
19 needed.

20 MS. BOYCE: Barbara Grady.

21 THE WITNESS: I thought we were talking about
22 Barbara Alvarez. Did you say Barbara Grady?

23 MR. KONECKY: I did.

24 THE WITNESS: Can you repeat the question?

25 ///

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CERTIFICATE OF REPORTER

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I, the undersigned, a Certified Shorthand Reporter, Licensed by the State of California, being empowered to administer oaths and affirmations do hereby certify:

That the foregoing proceedings were taken remotely before at the time and place herein set forth; that any witness in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney or any of the parties.

Before completion of the deposition, review of the transcript [] was [X] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed, are appended hereto. (Fed. R. Civ. P. 30(e)).

IN WITNESS WHEREOF, I have this date subscribed my name.

DATED: 30th of May, 2024.



Nicole O'Neil, CSR No. 1077418