

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

ROGER MAYHEW,

Appellant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

CASE NO. R-DEMO-06-002

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER OF THE BOARD

I. INTRODUCTION

1.1 **Hearing.** This matter came before the Personnel Resources Board, MARSHA TADANO LONG, Chair, and LARRY GOODMAN, Vice Chair. The hearing was held on August 9 and October 4, 2006, in the Personnel Resources Board hearing room in Olympia, Washington.

1.2 **Appearances.** Appellant Roger Mayhew represented himself *pro se*. Valerie Petrie, Assistant Attorney General, represented Respondent Department of Corrections (DOC).

1.3 **Nature of Appeal.** This is an appeal from a disciplinary action of demotion for making threatening and vulgar communications to co-workers and/or agency staff and failing to satisfactorily administer inmate disciplinary hearings.

II. FINDINGS OF FACT

2.1 Appellant Roger Mayhew was a permanent Washington Management Service (WMS) employee for Respondent Department of Corrections (DOC). Appellant and Respondent are subject to Chapter 41.06 RCW and the rules promulgated thereunder, Title 357 WAC. Appellant filed a timely appeal with the Personnel Resources Board on February 9, 2006.

2.2 By letter dated December 29, 2005, Alice Payne, Superintendent of McNeil Island Corrections Center (MICC), notified Appellant of his demotion for making threatening and

1 vulgar communications to co-workers and/or MICC staff and for his failing to satisfactorily
2 perform the duties of his position, specifically, the administration of inmate disciplinary
3 hearings.

4
5 2.3 Appellant began employment with DOC on March 10, 1988. He began employment at
6 MICC on May 3, 1991. During his first 17 years of employment, he received 2 promotions, had
7 positive performance evaluations and had no incidents of corrective or disciplinary actions.
8 Appellant became a Correctional Hearings Lieutenant at MICC in March 2004.

9
10 2.4 Appellant admits that following a disclosure by his wife of her unfaithfulness to him, on
11 December 6, 2004 he called Correctional Officer (CO) William Doran's home and asked CO
12 Doran how many times he had performed sexual acts with Mrs. Mayhew. Appellant called CO
13 Doran from his home at approximately 1 or 2 a.m. Both Appellant and CO Doran lived in state-
14 owned housing on McNeil Island. CO Doran testified that Appellant made threatening
15 statements to him to get off the island in thirty days or Appellant would destroy him.

16
17 2.5 The following afternoon, Appellant sent an email that he had composed to Sergeant
18 Shane Burdett and to Lieutenant Francis Fitzpatrick. The email was addressed to Sgt. Burdett,
19 Lt. Fitzpatrick and CO Doran, but because CO Doran did not have email at his home, Appellant
20 called CO Doran's home and told him to come to his house to pick up a copy of the email. CO
21 Doran did not want a confrontation with Appellant so his wife, accompanied by Sergeant Joseph
22 Schrum, went to Appellant's house. Appellant gave them a copy of the email. Appellant sent
23 and distributed the email from his home during non-work hours. The officers who received the
24 email received it during non-work hours.

25
26 2.6 The email contained explicit, derogatory, sexual and vulgar language. In addition, the
27 email contained threatening statements such as "you're both fucking toast," "[CO] Doran your
28 [sic] should burn in hell," "just hide your wallets and cover your butts, for storm there shall be,

1 and man, it's a cooker," and "I'm mad as hell at all of you, and my revenge isn't done. I'm
2 malicious as hell, and there's nowhere to run."

3
4 2.7 The language in the Appellant's email caused Sgt. Schrum, Sgt. Burdett and Lt.
5 Fitzpatrick to be concerned about the safety of themselves and others, including Appellant's
6 family. Because Appellant was in a position of authority at MICC, some staff involved in this
7 incident were concerned that Appellant could somehow adversely affect their careers with DOC.

8
9 2.8 After Sgt. Schrum, his wife, CO Doran and Mrs. Doran discussed the situation, they
10 decided that Correctional Captain David Flynn should see the email. Sgt. Schrum took the email
11 to Capt. Flynn's home and delivered it to him.

12
13 2.9 Capt. Flynn conducted a preliminary fact finding. As part of the process, by separate
14 memos dated December 7, 2004, Sgt. Schrum, CO Doran and Mrs. Doran provided written
15 statements to Capt. Flynn. Subsequently, on December 16, 2004, Associate Superintendent
16 Douglas Cole initiated an Employee Conduct Report (ECR).

17
18 2.10 Wanda McRae investigated the ECR and provided her report to Superintendent Payne.
19 Ms. Payne reviewed the report, including the interview statements and statements provided by
20 Appellant. In addition, on February 9, 2005, she conducted an administrative review hearing
21 with Appellant. During the hearing, Appellant admitted that he sent the email. In response to
22 the ECR, Appellant indicated that all he wanted was for the men to stay away from him and his
23 family. After considering the entire ECR investigation packet and the responses of Appellant,
24 Ms. Payne concluded that misconduct had occurred.

25
26 2.11 Before Ms. Payne issued her decision on the first ECR, a second ECR was initiated as a
27 result of an audit of the files of inmate disciplinary hearing conducted by Appellant. The second
28 ECR was initiated on March 23, 2005. By letter dated April 20, 2005, Ms. Payne notified
29

1 Appellant that she would wait for the outcome of the second ECR before taking action on the
2 first ECR. Ms. Payne indicated that any action taken as a result of the ECRs would be addressed
3 as a combined action.
4

5 2.12 As an inmate hearings officer, Appellant was responsible for conducting hearings on
6 inmate infractions. Hearings officers are expected to hold inmates accountable and to impose
7 sanctions that have meaning and that are intended to change the behavior of the inmate. It is
8 imperative that hearings officers are thorough and that they consistently and fairly follow and
9 apply the policies, rules and regulations governing inmate disciplinary hearings. Failure by a
10 hearings officer to uphold these expectations can result in the inmates' loss of respect for the
11 disciplinary process, create an unsafe work environment for staff and create an unsafe
12 environment for inmates.
13

14 2.13 After Appellant became a disciplinary hearings officer, he attended two hearings officer
15 training sessions. The first was completed on April 15, 2004. This training was 24 hours long
16 and covered the entire contents of the hearings officer manual, all the policies, rules and
17 regulations governing inmate hearings, and all the forms and cheat sheets used in administering
18 and conducting hearings. The training included information on determining and applying
19 sanctions and restitution and the process and forms for handling confidential information.
20 Appellant gave the course a high evaluation and indicated that with his knowledge, he probably
21 could have completed the training in one day.
22

23 2.14 Appellant completed a second hearings officer training session on October 27, 2004.
24 This was a two day training session during which the policies, rules and regulations governing
25 inmate hearings were discussed.
26

27 2.15 Marcia Sanchez is DOC's statewide Disciplinary Hearings Process Coordinator. Ms.
28 Sanchez conducted both training sessions. Ms. Sanchez credibly testified that at each session,
29

1 she made it clear to the hearings officers that she was available as a resource and that they could
2 contact her for guidance at any time. She recalled Appellant contacting her once, but by the time
3 she returned his call, Appellant had contacted another hearings officer for assistance and no
4 longer needed her help.

5
6 2.16 At the request of Associate Superintendent Cole, Ms. Sanchez conducted an audit of the
7 hearings office at MICC. The audit took place February 14-16, 2005. Ms. Sanchez looked at a
8 sampling of hearings conducted between October and December 2004. Appellant was not
9 assigned to the hearings unit when Ms. Sanchez conducted the audit. Therefore, she reviewed
10 written and audio records of hearings that Appellant conducted. She found that there were
11 deficiencies in both the written records and the audio taped records of hearings conducted by
12 Appellant. She was particularly concerned about the confidential information hearings that
13 Appellant conducted because he did not adhere to the required rule or policy when conducting
14 these hearings. This information was covered in both training sessions and she felt that
15 Appellant should have known the importance of conducting confidential hearings in compliance
16 with the rule and policy.

17
18 2.17 On March 14, 2005, Ms. Sanchez forwarded the findings of her audit to Associate
19 Superintendent Cole. On March 23, 2005, Mr. Cole initiated an ECR. The ECR alleged that
20 Appellant:

- 21 • Did not adhere to the WAC or DOC policy 460.150 rules and expectations in the
22 processing requirements for confidential offender information.
- 23 • Did not complete non-disclosure written evaluations for each hearing involving
24 confidential information and informant testimony.
- 25 • In regard to hearing ID 720 held on October 20, 2004:
26 Did not follow required disciplinary hearing procedures when he did not read
27 incident reports into the official record;
28 Made inappropriate statements on the official audio record; and
29 Imposed a sanction outside of the sanctioning guidelines and did not include
justification for the sanction in the written hearing record.
- In regard to hearing ID 754 held on November 8, 2004:
Imposed a sanction that did not comply with DOC Policy 320.150; and

Did not record reasons for the sanction imposed on the finding form D yet recorded reasons on form B as "Sanctioning Guidelines." The form D recorded findings based on evidence presented but no evidence was include in the hearing packet or mentioned on the audio record of the hearing.

- Did not properly conduct hearing ID 760 held on November 8, 2004; rather he summarily dismissed it after "discussion" with the offender's cellmate.
- Did not follow proper hearings procedures and misidentified an inmate in hearing ID 776 held on November 16, 2004. He stated on the audio record "I do my identification of people on the two out of three standard." "You probably did something here, but I'm not going to hold you accountable for it."
- Failed to follow proper procedures for handling confidential information and did not address safety concerns on the record for hearing ID 794, held on November 18, 2004.
- Issued inappropriate sanctions in hearing ID 831 held on December 3, 2004 by applying sanctions inconsistent with similar violations in other cases and basing his decision on the population of the segregation unit.
- Did not assure restitution sanctions were recorded in the Offender Based Tracking System (OBTS) for hearing IDs 432, 446 and 768.
- Did not assure a complete OBTS narrative entry was made on hearing ID 674.
- Did not take action to initiate restitution hearings on hearings IDs 432, 446, 467, 595, 661, 674, 768 and 788 held between July 6, 2004 and November 11, 2004.

2.18 Ms. Sanchez was assigned responsibility for conducting the ECR investigation. She interviewed Appellant on May 20, 2005. On June 15, 2005, Ms. Sanchez provided the results of the ECR investigation to Superintendent Payne.

2.19 On July 19, 2005, Ms. Payne held an administrative review meeting with Appellant. In response to the second ECR, Appellant indicated that the first time he knew about the confidential information forms was during the October 2004 hearings officer training and he admitted that he had not completed the "Confidential Information Review Checklist" or the "Information Testimony Addendum-Non Disclosable" forms as required. Appellant said that he thought there were deficiencies in the April 2004 training regarding confidential information and the use of the forms and that there was an overload of information provided at the April training.

2.20 Ms. Payne considered the entire ECR investigation report including Appellant's response and determined that misconduct had occurred.

1
2 2.21 On September 19, 2005, Ms. Payne issued a pre-disciplinary letter to Appellant. A pre-
3 disciplinary meeting was scheduled for September 23, 2005. Ms. Payne testified that the two main
4 issues were the threatening phone call to CO Doran and his wife and the series of threatening email
5 messages distributed to Sgt. Burdett, Lt. Fitzpatrick and CO Doran. In addition, Ms. Payne was
6 very concerned about the findings that Appellant failed to conduct inmate disciplinary hearings
7 according to policy.

8
9 2.22 Appellant provided no additional information at the September 23, 2005 meeting. After
10 considering the totality of the information she had, including Appellant's responses to the
11 allegations, Ms. Payne determined that discipline was warranted based on Appellant threatening
12 subordinate staff, his continued failure to satisfactorily administer inmate disciplinary hearings
13 and his inability to manage his personal life in a manner that did not interfere with the operation
14 of the institution.

15
16 2.23 Appellant had been provided a copy of the DOC employee handbook and on October 11,
17 2002, he confirmed that he was aware of his responsibility to have thorough knowledge and
18 understanding of its contents. On March 10, 1991, Appellant was provided copies of DOC
19 policies. He was aware of his responsibility for knowing and following the policies.

20
21 2.24 In regard to the first ECR, Ms. Payne concluded that Appellant violated DOC's Code of
22 Ethics found in the employee handbook. The Code of Ethics states, in relevant part:

23 **CODE OF ETHICS**

24 High moral and ethical standards among correctional employees are essential for
25 the success of the Department's programs. The Department of Corrections
26 subscribes to a code of unfailing honesty, respect for dignity and individuality of
human beings, and a commitment to professional and compassionate service.

27 As an employee of the Department of Corrections, you will be expected to:

- 28
 - Treat fellow staff with dignity and respect;
- 29

1 It is also important as a new employee that you understand some of the specific
2 prohibitions that the Department must enforce. You are not allowed to:

- 3 • Engage in verbal assaults, threatening behavior, or physical assaults
4 against staff. . . .

5 2.25 Ms. Payne also concluded that Appellant violated:

- 6 • DOC policy 850.125, "Workplace Violence Prevention Program," which states, in
7 relevant part:

8 The Department of Corrections is committed to providing a safe and secure
9 work environment. Violence in the workplace which includes any verbal
10 assault, threatening behavior, or physical assaults occurring in or arising from
11 the workplace will not be tolerated.

- 11 • DOC policy 800.010, "Ethics," which states, in relevant part:

12 Employees are responsible for knowing and adhering to applicable ethics laws,
13 policies, and Policy Directives and for making choices that exemplify an
14 adherence to high ethical standards.

- 14 • DOC policy 851.105, "Employee Personal Problems," which states, in relevant part:

15 The responsibility to correct unsatisfactory job performance or behavior
16 resulting from personal problems rests with the employee.

17 2.26 The Workplace Violence Prevention Program policy also includes a process for reporting
18 workplace violence. The policy provides that within 72 hours of an incident, staff should report
19 potential threats by submitting a DOC 03-004 Workplace Violence Report to any available
20 manager. There is no evidence that the workplace violence report was completed, however, the
21 matter was reported to management and a preliminary investigation was conducted within 72
22 hours of the incident.

23
24 2.27 In regard to the second ECR, Ms. Payne concluded that Appellant violated DOC's Code
25 of Ethics which states, in relevant part:

26
27 **CODE OF ETHICS**

28 High moral and ethical standards among correctional employees are essential for
29 the success of the Department's programs. The Department of Corrections

1 subscribes to a code of unfailing honesty, respect for dignity and individuality of
2 human beings, and a commitment to professional and compassionate service.

3 As an employee of the Department of Corrections, you will be expected to:

- 4 • Be impartial, understanding and respectful of offenders;
- 5 • Serve offenders with appropriate concern for their welfare. . . .

6 2.28 Ms. Payne also concluded that Appellant violated:

- 7 • DOC policy 460.150, “Confidential Offender Information,” which states, in relevant part:

8 If confidential testimony is taped, the tape must be marked and identified as
9 containing non-disclosable confidential testimony. . . .

10 The facility Hearing Officer should complete a ‘non-disclosable’ written
11 evaluation.

- 12 • DOC policy 320.150, “Disciplinary Sanctions,” which states in relevant part:

13 When an offender is found guilty, the Hearing Officer will determine the
14 sanctions based on the circumstances, seriousness of the offense, and the
15 offender’s previous conduct record. . . .

16 Disciplinary Hearing Officers have the responsibility to keep the disciplinary
17 hearing database updated.

18 2.29 In determining the level of discipline, Ms. Payne considered termination, but she felt that
19 Appellant’s work history showed that prior to these incidents, he had a record of good
20 performance. However, she felt that these incidents demonstrated an abuse of authority and
21 undermined the trust that his co-workers and staff placed in him. Appellant was in a
22 management position and as such was held to a high standard of professionalism. Appellant’s
23 threatening statements caused some staff to be concerned about their safety and well being and
24 damaged Appellant’s credibility to effectively manage the staff he supervised, damaged his
25 credibility as a correctional professional and damaged his reputation as a lieutenant. Ms. Payne
26 decided that removing Appellant from a leadership position would allow him the opportunity to
27 gain back the trust he had lost. Therefore, Ms. Payne determined that demotion to a Correctional
28 Officer 2 position was appropriate.

29 III. ARGUMENTS OF THE PARTIES

1 3.1 In regard to the first ECR, Respondent argues that Appellant engaged in misconduct that was
2 malicious, offensive, vulgar, and threatening and that served no purpose other than to harass,
3 intimidate, and embarrass correctional employees at MICC and their wives. Respondent contends
4 that the employees perceived the email as threatening, they were worried about the safety of their
5 own families as well as Appellant's family, and because Appellant was in a supervisory role, they
6 were concerned about their careers at MICC. Respondent asserts that there is a nexus between
7 Appellant's off duty conduct and his employment at MICC because those to whom he addressed the
8 threats were also employees at MICC and they all lived in state owned housing on McNeil Island.
9 Respondent contends that Appellant's behavior violated DOC's Code of Ethics and DOC policies,
10 that he was aware of his responsibility to abide by the policies and expectations for behavior as an
11 employee of DOC, and that as a supervisor and management employee in a position of leadership,
12 he was held to a higher standard to act as a role model to others. Respondent asserts that Appellant
13 failed to fulfill his leadership responsibilities at MICC, that his behavior damaged his credibility and
14 the trust DOC and his coworkers placed in him, and that his behavior undermined his ability to
15 function effectively as a manager at MICC.

16
17 3.2 In regard to the second ECR, Respondent argues that in spite of extensive training, Appellant
18 failed to follow procedures, rules and regulations in conducting inmate disciplinary hearings.
19 Respondent contends that Appellant failed to properly administer hearings in regard to
20 confidentiality of information, failed to assure that complete and thorough written and audio records
21 of the proceedings were made, assigned sanctions that were inconsistent and not in compliance with
22 sanctioning guidelines and failed to follow through on sanctions imposed. Respondent asserts that
23 Appellant's failure to assure that the disciplinary hearings process was thorough and administered
24 consistently undermined the process and the credibility of the process. Respondent further asserts
25 that Appellant's failure to hold inmates accountable for their actions put the safety of inmates and
26 staff at risk.

1 3.3 Respondent argues that the agency has proven by a preponderance of the credible evidence,
2 that Appellant committed the misconduct addressed in the ECRs and that the disciplinary sanction of
3 a demotion from a position of leadership to a position in which he could rebuild his trust and
4 credibility with staff was appropriate.
5

6 3.4 In regard to the first ECR, Appellant argues that he was undergoing a time of crisis in his
7 personal life that was not connected to his professional life at MICC and that DOC's interference in
8 this matter constituted a violation of his privacy. Appellant asserts that prior to this incident, he
9 thought that the persons to whom he distributed the email were his friends and he did not believe
10 that there was a connection to MICC or the professional relationships they had as employees of
11 MICC. Appellant argues that he composed and distributed the email at his home during non-work
12 time and he distributed it to others at their home email address, not to their work addresses.
13 Appellant further argues that because this incident was not tied to the workplace, he did not violate
14 DOC policies or standards of behavior. Appellant contends that when confronted with this situation,
15 he did not seek out the solace of alcohol or physically confront his friends; rather he voiced his
16 feelings in the email. Appellant contends that this ordeal has made him a more stable person and
17 that he has followed through with all that he was asked to do including attending weekly counseling
18 and completing an anger and stress management class. Appellant asserts that he should not be
19 disciplined for off-duty conduct that occurred between friends and that was not related to the
20 workplace or his responsibilities as a hearings officer. In addition, Appellant asserts that he should
21 not be disciplined for his response to the behavior of others when DOC was aware of the behavior
22 but did nothing to address it and he should not be disciplined for violating policies when DOC
23 violated the workplace violence policy by failing to complete the required reporting forms.
24

25 3.5 In regard to the second ECR, Appellant argues that he had only 7 months of experience as a
26 hearings officer and asserts that he should have been given notice and an opportunity to correct any
27 deficiencies before being disciplined.
28
29

3.6 Appellant argues that he had 17 years of unblemished performance and that he had no performance problems until he was promoted to the hearings officer position. Appellant suggests that Respondent linked two unrelated incidents in an attempt to prevent him from adequately defending himself against the charges and to prohibit him from hiring legal representation. Appellant feels that it is unfortunate that the people who work for DOC only have friends who also work for DOC, but he asserts that DOC does not own its employees 24 hours a day and that just because they lived in state housing on McNeil Island, that does not mean that the interactions were connected to the workplace. Appellant argues that he should not have been disciplined for activities that occurred outside of the workplace during non-work time and that he should have been notified of any deficiencies in his performance as a hearings officer and provided an opportunity to improve his performance before he was demoted.

IV. CONCLUSIONS OF LAW

4.1 The Personnel Resources Board has jurisdiction over the parties and the subject matter.

4.2 In a hearing on appeal from a disciplinary action, Respondent has the burden of supporting the charges upon which the action was initiated by proving by a preponderance of the credible evidence that Appellant committed the offenses set forth in the disciplinary letter and that the sanction was appropriate under the facts and circumstances. WAC 357-52-110.

4.3 Respondent has met its burden of proof in regard to the first ECR. As a Correctional Lieutenant and member of management with over 17 years of experience, Appellant was held to the standards and expectations of a WMS employee. (See WAC 357-58-005). Particularly in light of Appellant's extensive history at DOC, he should have been aware of his obligation to comply with the Code of Ethics and DOC policies in all aspects of his dealings with staff and inmates. There is a clear nexus between Appellant's work responsibilities and his off-duty conduct particularly when it took place on state property, in a state-owned residence, and between state employees. Demotion

1 from a position of leadership would be warranted on the basis of the proven facts in the first ECR
2 alone.

3
4 4.4 Respondent has met its burden of proof in regard to the second ECR. Ordinarily, the
5 performance management process allows employees to receive notice of deficiencies and an
6 opportunity to demonstrate improvement; however, if the deficiencies are extreme, no notice is
7 required. Given the extensive hearings officer training that Appellant received, the nature of the
8 deficiencies found in the records of his hearings demonstrated a flagrant disregard of basic ethical
9 standards and expectations for hearings officers to strictly comply with policies, rules and
10 regulations governing inmate disciplinary hearings. Given the high level of trust placed in hearings
11 officers and the risk of liability for DOC in the hearing process, removing Appellant from the
12 hearings officer position was appropriate.

13
14 4.5 There are numerous appeal decisions that address the nexus between off-duty conduct and
15 the work place. There are also numerous decisions that address conduct and professionalism of
16 Washington Management Service (WMS) employees. One example that is relevant to the facts
17 before us in this case is Ahearn v Dept. of Corrections, PAB Case No. DEMO-02-0016 (2003). In
18 Ahearn, the Personnel Appeals Board (PAB) upheld the demotion of the WMS employee and
19 concluded that a WMS employee is held to a higher standard of conduct and professionalism and
20 has a duty to act as a role model, even in regard to off-duty conduct. The PAB concluded that the
21 appellant's acceptance of responsibility for his off duty conduct did not diminish the fact that he
22 should be held accountable for his actions.

23
24 4.6 There are also numerous cases that support zero tolerance of threats of violence in the
25 workplace. One example is Lambert v Dept of Corrections, PAB Case No. DISM-02-007 (2003), in
26 which the PAB upheld the dismissal of an employee who left a threatening voice mail for a co-
27 worker. The employee asserted that he was just making "trash talk" but the PAB concluded, in part,
28 that "any threat of violence in the workplace is unacceptable and should be taken seriously. Further,
29

1 an employer cannot wait for an employee to follow through with threats of violence before taking
2 action.”

3
4 4.7 Here, Respondent has established a nexus between Appellant’s off-duty conduct and the
5 workplace, and has shown that as a WMS employee, Appellant did not meet the expectations of
6 WAC 357-58-005. Respondent has proven by a preponderance of the credible evidence that
7 Appellant’s off-duty conduct violated the standard of conduct expected of a WMS employee and
8 that his vulgar and threatening phone call and email must be taken seriously. Here, as in Lambert,
9 DOC could not wait for Appellant to follow through with threats before taking action and Appellant
10 should be held accountable for his actions. Appellant’s misconduct is not negated by the failure of
11 others to complete a workplace violence reporting form, particularly when the action was promptly
12 reported and preliminarily investigated within the timeframes contained in the policy.

13
14 4.8 Respondent has also proven by preponderance of the credible evidence that Appellant was
15 provided comprehensive training on two occasions in regard to the duties and responsibilities of a
16 hearings officer. Based on Appellant’s extensive history with DOC alone, he should have been
17 aware of the importance of strict compliance with policies, rules and regulations in dealing with
18 inmate infractions and subsequent disciplinary hearings. The errors found in the audio and written
19 records of hearings conducted by Appellant show a flagrant disregard of the policies, rules and
20 regulations governing the inmate disciplinary hearing process.

21
22 4.9 Under the totality of the proven facts and circumstances and in light of Appellant’s extensive
23 history, experience and training as a correctional employee, the demotion should be upheld. The
24 appeal should be denied.

25 26 **V. ORDER**

27 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Roger Mayhew is denied.

28
29 DATED this ____ day of _____, 2006.

WASHINGTON PERSONNEL RESOURCES BOARD

MARSHA TADANO LONG, Chair

LARRY GOODMAN, Vice Chair