

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

JOHN HEDRICK,

Appellant,

vs.

WASHINGTON STATE UNIVERSITY,

Respondent.

CASE NO. R-RED-08-001

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 LAURA ANDERSON, Member. The hearing was held at the Office of the Attorney General in Spokane, Washington, on November 12, 2008.

1.2 **Appearances.** Appellant John Hedrick represented himself. Donna J. Stambaugh, Assistant Attorney General, represented Respondent Washington State University.

1.3 **Nature of Appeal.** This is an appeal from a reduction in salary. Respondent alleged that Appellant failed to follow established procedures and to meet workplace standards and expectations when he engaged in inappropriate behavior and loud outbursts in the workplace.

II. FINDINGS OF FACT

2.1 Appellant John Hedrick was a permanent employee for Respondent Washington State University (WSU). Appellant and Respondent are subject to Chapter 41.06 RCW and the rules promulgated thereunder at Title 357 WAC. Appellant filed a timely appeal with the Personnel Resources Board on December 3, 2007.

2.2 Appellant has worked for WSU for over 20 years. At the time of the actions giving rise to this appeal, he was a Program Coordinator in the CougarCard Center. His duties included

1 working at the service window assisting students, staff, faculty and members of the community
2 who wished to obtain a CougarCard or change the status of their card. In addition to being a form
3 of identification, the CougarCard may be used for various purposes such as making food
4 purchases on campus, using library services, opening doors, attending sporting events, and riding
5 buses on the Pullman transit system.

6
7 2.3 The CougarCard Center has internal processes and procedures in place for issuing new
8 and replacement cards. In addition to the written procedures, process changes were
9 communicated during meetings and by email. The written procedures specify when customers
10 should be charged a fee for their cards. However, a preponderance of the credible testimony
11 established that staff is not expected to strictly comply with the written procedures but rather are
12 expected to use discretion and judgment in determining when to waive a fee. Respondent
13 provided no evidence of guidelines or criteria for when CougarCard Center staff should or should
14 not exercise their discretion.

15
16 2.4 Prior to the incidents giving rise to this appeal, Appellant had received corrective actions
17 in the form of verbal counseling and written reprimands. By letter dated April 13, 2005, Appellant
18 received a written reprimand for, in part, unprofessional behavior after he walked away and
19 refused to follow his supervisor's instruction to print a replacement card for a student. The letter
20 of reprimand directed Appellant to attend an anger management training course. Appellant
21 attended the training as directed. During the training, Appellant was provided anger management
22 techniques, one of which was to take a "time out" to avoid further arguing.

23
24 2.5 By letter dated August 23, 2006, Appellant received another written reprimand for, in
25 part, unprofessional behavior after he left the work area without permission on two separate
26 occasions, both during times when the CougarCard Center was experiencing a high volume of
27 customers.

1 2.6 The disciplinary action subject to this appeal was based on eight incidents that occurred
2 between August 6, and September, 5, 2007.

- 3 • On August 6, 2007, Appellant and his co-worker, Patricia Ryan, were assisting customers.
4 For the new customers he was assisting who did not have photo identification, Appellant
5 conducted system verifications before issuing initial cards. Because there was a long line
6 of customers, Ms. Ryan asked Appellant to assist the customers in line and he said no and
7 refused to service the customers. Appellant then stated that he was not needed and that
8 the office could produce incorrect cards. The testimony established that conducting system
9 verifications took additional time and reduced the number of customers that could be
10 served. The credible testimony established that system verifications were not necessary
11 before issuing temporary initial cards. Rather, if an acceptable form of identification was
12 not presented by the customer, a temporary card could be issued which allowed the
13 customer an opportunity to present the required form of identification at a later date, when
14 the volume of customers was less.
15
- 16 • On August 7, 2007, Appellant attended a staff meeting with his supervisors and
17 coworkers. During the meeting, the process for issuing initial CougarCards was discussed.
18 Approximately ten minutes into the meeting, Appellant stood up and said "I know where
19 this is going and I'm out of here." He then left the meeting without permission to do so.
20 Before leaving the meeting, Appellant commented that they were all crazy. After leaving
21 the meeting, Appellant threatened to call the Pullman transit system and tell them that
22 patrons may inappropriately have WSU identification cards and may be using them to ride
23 bus. Although Appellant admits that he made the threat, he did not call the Pullman transit
24 system.
25
- 26 • On August 20, 2007, a student athlete and his coach came to the Center to obtain a
27 CougarCard for the student. The student had forgotten his photo identification (ID).
28 Appellant's supervisor, Bonnie Scoles, issued the student a temporary card and instructed
29 the student to return with his photo ID within 14 days or the card would expire. As the

1 student and coach were leaving, Appellant loudly stated "there goes another athletic
2 exception." Appellant's comment was loud enough to be heard by other customers.

- 3
- 4 • Also on August 20, 2007, Ms. Scoles observed that there was a long line of customers at
5 the service window. It was unnecessary for customers wishing to deposit funds to their
6 cards to wait in the line for the service window because this transaction could be done in
7 another service area. Therefore, in order to reduce the waiting time for those in line, Ms.
8 Scoles asked a student waiting to make a deposit to step out of the line and she assisted
9 the student with making the deposit. Appellant loudly said, "Don't you think that is unfair
10 to the rest of these people in line?" Appellant's comment was loud enough to be heard by
11 other customers.
- 12
- 13 • On August 21, 2007, a student came into the Center to obtain a replacement card. The
14 student was seeking the card because his status had recently changed from undergraduate
15 to graduate student. The student objected to paying the \$10 replacement fee but Appellant
16 would not reconsider charging the fee. The student spoke with Appellant's supervisor and
17 she waived the fee. In addition, the student filed a written complaint about Appellant's
18 rude and condescending behavior. Appellant testified that the student's status had not
19 changed and that in accordance with written procedures, he should have paid a \$10
20 replacement fee.
- 21
- 22 • Also on August 21, 2007, CougarCard Center staff was informed that Business Services
23 staff would be getting six DuoProx cards. Center staff was instructed where a hole could
24 be punched in the cards without damaging the cards' magnetic strips. Appellant
25 complained loudly about punching the holes. Appellant's complaints were made in the
26 public area of the Center. Appellant testified that he felt punching the holes would cause
27 the cards to be more susceptible to breakage.
- 28
- 29

- On August 31, 2007, a student was waiting for assistance from one of Appellant's coworkers, Rasheen Acree. Rather than assisting the student or allowing the student to continue to wait for Ms. Acree, Appellant sent the student to another department for assistance. Ms. Acree credibly testified that she could have helped the student and that it was not necessary to inconvenience the student by sending the student to another department.
- On September 5, 2007, Ms. Acree was assisting a group of students from the College of Veterinary Medicine's Canine Club. As the students left the center, Appellant loudly made a comment about "arranging or organizing a dog fighting event." Appellant's comment was loud enough that his supervisor, who was in her office, was able to hear it. Appellant testified that the students were not offended by his joking comment and that they laughed about it.

2.7 Terry Boston, Interim Senior Executive Director for Administrative Services, was Appellant's Appointing Authority. He was made aware of the incidents described above. By letter dated September 11, 2007, Mr. Boston informed Appellant of a pre-disciplinary meeting scheduled for September 17, 2008.

2.8 Appellant attended the September 17th meeting with Mr. Boston. Craig Howard, Interim Director, and Zami Wilson, Human Resource Consultant, also attended the meeting. During the meeting, Appellant stated that he enjoyed his job, admitted that he had a big mouth and would try to close it when at the window, and promised to try harder. In response to the specific incidents of alleged misconduct, Appellant admitted that he:

- Refused to help Ms. Ryan,
- Left the August 7, 2007 meeting before the meeting was concluded,
- Commented loudly about another exemption for a student athlete,
- Loudly commented when Ms. Scoles took a student out of the line to assist the student with making a funds deposit,

- Tried to assist the student needing the replacement card, but denied that he was rude to the student,
- Complained about punching holes the DuoProx cards,
- Told the student waiting for Ms. Acree's assistance to go to another department, and
- Joked about dog fighting to the vet students.

2.9 Mr. Boston considered Appellant's responses, his length of service, and his employment history, including prior written corrective actions and verbal counseling. After considering all of the available information including the seriousness of the incidents, Mr. Boston determined that Appellant failed to behave appropriately and courteously toward customers and co-workers and failed to follow established procedures. As a result, Mr. Boston concluded that disciplinary action was warranted.

2.10 In determining the level of discipline, Mr. Boston concluded that the prior corrective actions had little or no impact on Appellant's performance. He felt that a reduction in salary would impress upon Appellant the seriousness of his behavior and the importance of meeting workplace standards and expectations. Mr. Boston also felt that with each pay period, a reduction in salary would remind Appellant and reinforce the need for improvement.

2.11 By letter dated October 2, 2007, Mr. Boston notified Appellant of his reduction in salary. The discipline reduced Appellant's salary from Range 37, step L, to Range 37, step H. The reduction was effective November 1, 2007 through April 30, 2008.

III. ARGUMENTS OF THE PARTIES

3.1 Respondent asserts that Appellant was rude to customers and co-workers and that his actions did not support the expectation of his position to provide good customer service. Respondent contends that while the disciplinary letter refers to Appellant's failure to adhere to policies and procedures, the focus of the discipline was on Appellant's rude behavior. Respondent argues that Appellant admits he refused to assist a co-worker, left a meeting and threatened to call Pullman transit, and made loud comments in front of customers. Respondent contends that

Appellant engaged in mocking behavior, was rude, made inappropriate comments in front of customers, and was condescending to customers. Respondent argues that the disciplinary action is necessary to cause Appellant to take responsibility for his actions, to stop his confrontational behavior, to become a team player, and to engage in appropriate, positive interactions with customers, and to provide good customer service.

3.2 Appellant asserts that he must make decisions as the gate keeper for the CougarCard Center and that his job is made difficult when the rules are constantly changing. Appellant asserts that there is no guidance or criteria for determining when to waive a card fee and contends that all a customer has to do is have a tantrum at the window and a free card is issued. Appellant argues that his problems are caused by all the gray areas and that if his supervisor would back up his decisions, there would be no problems. Instead, Appellant asserts that every time he has a problem at the service window, the rules are changed. Appellant admits that he has a big mouth and asserts that it is better for him to leave a situation rather than stay and engage in an argument or cause further problems. Appellant contends that he did not intend to hurt anyone's feelings, but he did intend to make the point clear that he was being asked to do something different than in the past. Appellant argues that he is asking for normalcy in the processes and rules of the CougarCard Center.

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 part. Respondent has proven by a preponderance of the credible evidence that Appellant engaged in inappropriate, rude behavior toward co-workers and

1 customers. Further, Respondent has proven that during the incidents described above, Appellant did
2 not provide good customer service and did not meet workplace standards and expectations. Based on
3 the proven facts and circumstances of Appellant's behavior, disciplinary action is warranted.

4
5 4.4 Although Respondent argues that the violation of policies and procedures was not the focus of
6 the discipline, this allegation was cited in the letter of discipline as a basis for the action taken.
7 Respondent has a responsibility to assure that employees are aware of and clearly understand the
8 criteria and expectations of performing the duties of their positions. In addition, Respondent has a
9 responsibility to provide consistency of operations to assure fairness and uniformity in providing service
10 to others. Respondent has failed to show that Appellant violated established policies and procedures.
11 We understand the frustration that Appellant feels when dealing with changing rules and processes and
12 the lack of clear guidance and criteria for exercising discretion and judgment. However, Appellant must
13 not interpret this Board's understanding of his frustration as condoning his inappropriate behavior and
14 interactions with co-workers and customers.

15
16 4.5 In determining whether a sanction imposed is appropriate, consideration must be given to
17 the facts and circumstances including the seriousness and circumstances of the offense. The
18 penalty should not be disturbed unless it is too severe. The sanction imposed should be sufficient
19 to prevent recurrence, to deter others from similar misconduct, and to maintain the integrity of the
20 program. An action does not necessarily fail if one charge is not sustained unless the entire action
21 depends on the unproven charge. Holladay v. Dep't of Veteran's Affairs, PAB No. D91-084
22 (1992).

23
24 4.6 Under the proven facts and circumstances of this case, a reduction in salary is appropriate.
25 However, Respondent failed to prove that Appellant violated established policies and procedures.
26 Therefore, the appeal should be granted in part and the disciplinary sanction should be modified to a six
27 month reduction in pay from Range 37, step L, to Range 37, step I.

V. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of John Hedrick is granted in part and the disciplinary sanction is modified to a six month reduction in pay from Range 37, step L, to Range 37, step I.

DATED this _____ day of _____, 2008.

WASHINGTON PERSONNEL RESOURCES BOARD

MARSHA TADANO LONG, Chair

LAURA ANDERSON, Member