



2828 Capitol Blvd.
PO Box 40911
Olympia, WA 98504-0911

STATE OF WASHINGTON
PERSONNEL APPEALS BOARD

(360) 586-1481
FAX (360) 753-0139

September 19, 1995

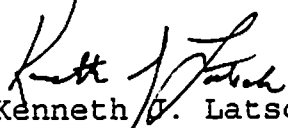
Marion G. M. Leach
124 10th Avenue S.W.
Olympia, Washington 98501

Re: Beverly Traweek v. Department Of Corrections, Reduction-
In-Salary Appeal, Case No. RED-95-0036

Dear Ms. Leach:

Enclosed is a copy of the order of the Personnel Appeals Board in the above-referenced matter. The order was entered by the Board on September 19, 1995.

Sincerely,


Kenneth T. Latsch
Executive Secretary

KJL/gmh

Enclosure

cc: Beverly Traweek, APP
Lynn Wise, AAG
Jennie Adkins, PO
Rick Hall, WPEA


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BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

BEVERLY TRAWEEK,)
) Case No. RED 95-0036
Appellant,)
) MOTION AND
v.) ORDER OF DISMISSAL
)
DEPARTMENT OF CORRECTIONS,)
)
Respondent.)
_____)

The Appellant hereby notifies the Personnel Appeals Board that she wishes to withdraw the above-entitled appeal.

DATED September 11, 1995.


MARION G. M. LEACH, WSBA #15201
Attorney for Appellant
WPEA Staff Attorney

This matter came on regularly before the Personnel Appeals Board on the consideration of the request of the Appellant to withdraw her appeal. The Board having reviewed the files and

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records herein, being fully advised in the premises, and it
appearing to the Board that the Appellant has requested to
withdraw her appeal, now enters the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Appellant's
requests to withdraw her appeal is granted and the appeal is
dismissed.

DATED this 19th day of September, 1995.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Frank Reynolds

Wota Reynolds

Aswaj

(sj/bt1-mod/s-m-7/9-11-95)

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

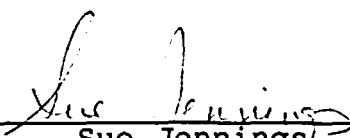
BEVERLY TRAWEEK,)	
)	
Appellant,	)	NO. RED 95-0036
)	
v.	)	AFFIDAVIT
	)	OF SERVICE
DEPARTMENT OF CORRECTIONS,	)	BY MAILING
)	
Respondent.)	
_____)	

I, Sue Jennings, being duly sworn, say that I am employed by Washington Public Employees Association, and that on the 11th of September, 1995, did place in the United States mail, a Motion and Order of Dismissal in the above referenced case addressed to:

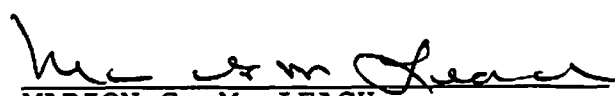
TO: PERSONNEL APPEALS BOARD
KENNETH LATSCH, Executive Secretary
PO Box 40911
Olympia WA 98504-0911

AND TO: LYNN WISE
Assistant Attorney General
PO Box 40145
Olympia WA 98504-0145

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Sue Jennings

SUBSCRIBED AND SWORN TO before me this 11th day
of September, 1995.


MARION G. M. LEACH,
NOTARY PUBLIC in and for
the State of Washington,
residing in Auburn.
My commission expires 2-10-98.

(sj/bt2afmal/s-m-7/9-11-95)

The Washington Public Employees Association • 1-800-544-WPEA

Headquarters • 124 10th Ave SW
Olympia WA 98501 • (360) 943-1121
FAX (360) 357-7627
Toll Free (800) 544-9732

Monroe Office • 20014 Hwy 2-E • Unit C
Monroe WA 98272 • (360) 794-0733
FAX (360) 794-6986
Toll Free (800) 794-9732

Walla Walla Office • 401 W Main • Suite B
Walla Walla WA 99362 • (509) 529-8632
FAX (509) 525-5487
Toll Free (800) 529-9732

July 10, 1995

RECEIVED

Kenneth Latsch
Executive Secretary
Personnel Appeals Board
PO Box 40911
Olympia WA 98504-0911

JUL 11 1995

PERSONNEL
APPEALS BOARD

Re: **Beverly Traweek v. Department of Corrections,**
PAB #RED 95-0036

Dear Mr. Latsch:

Please find enclosed for filing purposes in the above-referenced case an original and four copies of the following:

1. Notice of Hearing on Appellant's Motion for Summary Judgment, Oral Argument Requested;
2. Appellant's Motion for Summary Judgment;
3. Appellant's Memorandum In Support of Appellant's Motion for Summary Judgment;
4. Declaration of Beverly Traweek In Support of Appellant's Motion for Summary Judgment;
5. Declaration of Rick Hall In Support of Appellant's Motion for Summary Judgment.
6. Declaration of Mailing.

Please send a conformed copy of the above documents back in the enclosed envelope provided.

Sincerely,

Marion G. M. Leach

Marion G. M. Leach
WPEA Staff Attorney
WSBA #15201

(sj/kl-627/s-m-5/177-10-95)

cc: Lynn Wise, AAG
Beverly Traweek
Kathy Cunningham

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JUL 11 1995

BEFORE THE PERSONNEL APPEALS BOARD
PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

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Beverly Traweek,)	
)	
Appellant,)	No. RED 95-0036
)	
v.)	NOTICE OF HEARING ON
)	APPELLANT'S MOTION FOR
Department of Corrections,	)	SUMMARY JUDGMENT,
	)	ORAL ARGUMENT REQUESTED
Respondent.)	

TO: Personnel Appeals Board;

AND TO: Department of Corrections and its attorney,
Lynn Wise, Assistant Attorney General

Please take notice that the Personnel Appeals Board will hear argument regarding the Appellant's Motion for Summary Judgment concerning the above-entitled case on August 7, 1995 at 1:30 o'clock P.M. at the Personnel Appeal Board's Office located at 2828 Capitol Blvd., Olympia, Washington 98504-0911 in the hearings room.

Dated this 7th day of July, 1995.

Marion G. M. Leach

 Marion G. M. Leach, WSBA #15201
 Attorney for Appellant
 WPEA Staff Attorney
 (sj/tranot/s-m-5/117-7-95)

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JUL 11 1995

PERSONNEL
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BEFORE THE PERSONNEL APPEALS BOARD

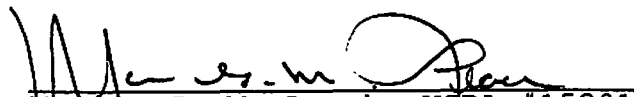
STATE OF WASHINGTON

Beverly Traweek,)	
)	
Appellant,	)	No. RED 95-0036
)	
v.	)	APPELLANT'S MOTION FOR
	)	SUMMARY JUDGMENT
Department of Corrections,)	
)	
Respondent.)	
)	

Comes now the Appellant, Beverly Traweek, by and through her attorney of record, Marion G. M. Leach, WPEA Staff Attorney, herenow moves the Personnel Appeals Board for Summary Judgment in the above-entitled case.

The Appellant's Motion for Summary Judgment is grounded in good cause as set forth in the Appellant's Memorandum in Support of Appellant's Motion for Summary Judgment and the Declaration of Beverly Traweek in Support of Appellant's Motion for Summary Judgment.

Dated this 7th day of July, 1995.


 Marion G. M. Leach, WSBA #15201
 Attorney for Appellant
 WPEA Staff Attorney
 (SJ/TRAMOT/S-M-5/6-27-95)

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JUL 11 1995

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

Beverly Traweek,)	
)	
Appellant,	)	No. RED 95-0036
)	
v.	)	DECLARATION OF BEVERLY
	)	TRAWEEK IN SUPPORT OF
Department of Corrections,	)	APPELLANT'S MOTION FOR SUMMARY
	)	JUDGMENT
Respondent.)	

I, Beverly Traweek, declare as follows:

I am the Appellant in the above-entitled action.

On May 26, 1994, an Employee Correction Report (ECR) was filed against me. The May 26, 1994 ECR alleged that I failed to note an inmate's blood pressure reading on the patient's health record and allegedly failed to notify the Medical Duty Officer of the blood pressure reading or of the inmate's alleged complaints of dizziness or light-headedness. A copy of

ORIGINAL

1 the ECR is attached hereto and made a part hereof by reference
2 as Exhibit B. I am contesting the allegation against me.
3

4 After almost four months after the ECR was filed,
5 Superintendent Alice Payne determined that misconduct allegedly
6 occurred and that Corrective/Disciplinary action would be
7 taken. See Exhibit B, Administrative Comments Section. I was
8 very much upset and was very anxious while waiting for
9 Superintendent Payne's decision.

10 On approximately, October 20, 1994, Superintendent Payne
11 issued a written notification to me that I would be reduced in
12 pay within my present class of Registered Nurse 2, Range N45,
13 Step P, \$3,548 per month to step L, \$3,216 effective December
14 1, 1994 through February 28, 1995. See Exhibit C which is made
15 a part hereof by reference. I was very upset that the
16 reduction in pay would occur during the holiday season. The
17 reduction in pay was going to have a severe effect on the
18 amount I could spend on my family during the holiday season.
19 In fact, I asked Superintendent Payne to reconsider the amount
20 she was intending to deduct during the holiday season. My
21 request was denied summarily.
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DECLARATION OF BEVERLY TRAWEEK - 2

MARION G. M. LEACH
WPEA Staff Attorney
Washington Public Employees Association
124 10th Avenue S.W.
Olympia, Washington 98501
Telephone 943-1121

1 I kept waiting for the money to be deducted from my pay
2 check. I was in constant turmoil because I was trying to
3 manage my money and budget knowing that I would suffer a severe
4 decrease in income for three months. The reduction in pay did
5 not occur. Such a financial upheaval played havoc in my
6 family's life. We did not know whether we could spend the
7 money, pay certain bills, do a recreational event, etc.,
8 because we did not know what was going on and why the money was
9 not being deducted. I suffered unbelievable stress during this
10 time.

11
12 Originally, the reduction in pay was to be effective
13 December 1, 1994. Then, over five and a half months from the
14 December 1, 1994 effective date, I finally received notice that
15 the Department of Corrections was cancelling the October 20,
16 1994 disciplinary letter and issuing me a new one. See Exhibit
17 D which is made a part hereof by reference. The May 26, 1995
18 letter from Superintendent Payne informed me that my pay would
19 be reduced for a three month period in the amount of \$332 a
20 month effective June 16, 1995 through September 15, 1995. Just
21 in time for my summer vacation plans. Thus, more disruptions
22 in my life. I feel as though I am being disciplined twice for
23 the same alleged misconduct. It is not fair that I should be

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DECLARATION OF BEVERLY TRAWEEK - 3

MARION G. M. LEACH
WPEA Staff Attorney
Washington Public Employees Association
124 10th Avenue S.W.
Olympia, Washington 98501
Telephone 943-1121

1 expected to try to balance my finances and remain in a state of
2 . anxiety waiting for the Department of Corrections to finally
3 lower the hammer on me. I understand that an employee is
4 subject to disciplinary action for misconduct. I believe that
5 if misconduct occurs then the employee should suffer
6 appropriate disciplinary action. However, can the Department
7 of Corrections cancel the May 26, 1994 letter and later again
8 decide to issue a new disciplinary letter and make me readjust
9 my life and finances again. Enough is enough.

10
11 Also, I understand that since a new (May 26, 1995)
12 disciplinary action has been taken against me (Exhibit D), I
13 have had to file a new appeal. Thus, my whole appeal process
14 has to start over and now it will take longer for my appeal to
15 finally get to hearing. Such a delay, caused by the
16 Respondent, is prejudicial to me. Memories fade and witnesses
17 become harder to find. My understanding is that Dr. Badger,
18 who accused me of misconduct, no longer works for the
19 Department of Corrections. The inmate, whose blood pressure
20 readings I recorded in the log book but allegedly failed to
21 record in the patient's records could soon no longer be
22 available as a witness.

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DECLARATION OF BEVERLY TRAWEEK - 4

MARION G. M. LEACH
WPEA Staff Attorney
Washington Public Employees Association
124 10th Avenue S.W.
Olympia, Washington 98501
Telephone 943-1121

1
2 Also, I am suffering a financial hardship because the
3 Department of Corrections is now deducting money from my pay.
4 I will now have to wait longer to have the Department's
5 disciplinary action overturned so I can receive my money back.
6 My family and I are not well off, so such loss of income has a
7 very detrimental effect on us. The longer we go without the
8 money, the more we are harmed.

9
10 I certify under penalty of perjury under the laws of the
11 State of Washington that the above is true and correct.

12 DATED this 7th day of July, 1995.

13
14 Gig Harbor, WA
15 Place Signed

Beverly Traveek
Beverly Traveek

16 ~~WJ/mcd/1-10-5/10-2-95~~

THIS FORM TO BE USED IN COMPLIANCE WITH POLICY DIRECTIVE NO. 857.005

*Rec'd
12/28/94
MHA*

INSTRUCTIONS AND TIME LIMITS:

1. The person making the report shall provide a clear description of the incident under "Description of Incident" and, with any witness(es) or person(s) having knowledge, shall sign in the space provided and submit to the supervisor of the involved employee within fourteen (14) calendar days after the date of discovery of an employee's alleged misconduct.
2. The form shall be submitted to the employee involved who shall complete the "Employee's Statement" and return the report to his/her supervisor within seven (7) calendar days following the date of receipt.
3. The appropriate supervisor shall review the facts of the incident, complete the "Supervisor's Report" and submit the report to the Office Head within seven (7) calendar days following the date of receipt.
4. The Office Head or designated representative shall review and within thirty (30) calendar days following the date of receipt determine whether misconduct has occurred. This shall be reported under "Administrative Comments" and shared with the employee. When the supervisor and Office Head are the same person, the supervisor's supervisor shall complete the Administrative Comments.

EMPLOYEE INVOLVED BEV TRAWEEK	ORGANIZATIONAL UNIT Health Care Unit Washington Corrections Center for Women
POSITION TITLE Registered Nurse (RN)	DATE OF INCIDENT May 14, 1994
	TIME OF INCIDENT day shift <input type="checkbox"/> AM <input type="checkbox"/> PM

DESCRIPTION OF INCIDENT:

On May 14, 1994, you took a blood pressure on Inmate R., DOC # 640396, who has a documented strong history of cardiac disorders, and you failed to note it on the patient's health record. Secondly, you did not notify the Medical Duty Officer (MDO) of the blood pressure (88/54) or of the inmate's complaints of dizziness or light-headedness. These acts clearly jeopardizes patient safety and indicates indifference for patient welfare which could ultimately result in a life threatening condition.

INITIATED BY:

NAME (PLEASE PRINT) Chris Addison	POSITION TITLE RN3	SIGNATURE <i>Chris Addison</i>	DATE 5/26/94
---	------------------------------	-----------------------------------	------------------------

WITNESS(ES):

NAME	POSITION TITLE	SIGNATURE	DATE
NAME	POSITION TITLE		

EXHIBIT B

Attachment () Page 1 of 1

You will return the original Employee Conduct Report (ECR) form and attachments (if any) to Chris Addison, RN 3, Acting Nursing Supervisor, within 7 days of receipt, with your employee statement.

DATE DELIVERED TO

EMPLOYEE

5/26/94

Chris Addison

EMPLOYEE'S STATEMENT:

Signature of Employee:

Date:

SUPERVISOR'S REPORT:

DATE RECEIVED BY SUPERVISOR

BY:

see attached

Signature & Title of Supervisor:

Robert R. J.

Date:

6/10/94

ADMINISTRATIVE COMMENTS: DATE RECEIVED BY OFFICE HEAD

6/11/94

Bev Traweck

A meeting was held on August 18, 1994. Present were Ms. Traweck; Julie Ann, WPEA Representative Bob Turk, Personnel Officer; and myself.

Ms. Traweck admitted she forgot to log the inmate's blood pressure in the inmate's record and on the Primary Encounter Report, DOC 13-435.

Facts substantiate misconduct did occur. Corrective/Disciplinary action will be taken.

cc: Bev Traweck

*copy to
Bev
9/13/94*

Signature of Office Head:

Alice Payne
Alice Payne, Superintendent

Date:

9-8-94



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF OFFENDER PROGRAMS
P.O. Box 41127 • Olympia, Washington 98504-1127

August 1, 1994

Supervisory Investigation of an ECR filed by Chris Addison, RN3 on Bev Traweek, RN.

The ECR alleges that Nurse Traweek failed to note the blood pressure reading on inmate Ray in the patient's health record, when, in fact, the offender's history had included cardiac problems. In addition, it alleges that she failed to notify the medical duty officer of a blood pressure in the log as 89/46, and in the ECR as 88/54.

Finally, the ECR outlined a failure on the part of Nurse Traweek to register complaints expressed by inmate Ray with regard to dizziness and lightheadedness. It was the feeling of the supervising nurse that patient safety, indifference toward patient welfare, and a life-threatening condition all existed as a result of these actions.

On the weekend in question, May 14 and 15, 1994, inmate Ray had her blood pressure taken twice on Saturday by Nurse Traweek. Initially a reading of 54/44 was obtained. Subsequently, Nurse Traweek used the wall mounted unit and recorded a reading of 88/54. Nurse Johnson took inmate Ray's blood pressure on Sunday, with a reading of 60/52. Inmate Ray's medications had recently been changed, with Prozac being prescribed the previous Thursday. The inmate was concerned about her symptoms, and yet there was no documentation that she had ever been seen, let alone that any blood pressures had been taken.

A memo dated May 18, 1994, by Christopher Badger, Medical Director, to Donna Morgan, Health Care Manager, expressed his strong concerns with regard to the manner in which this case had been handled. Dr. Badger went on to point out that with inmate Ray's history of heart disease, she was at risk for life-threatening complications, such as heart attack or stroke. Inmate Ray, herself, discontinued the Prozac which was prescribed for her. Her blood pressure is documented as being 110/80 on May 16, 1994.

In this particular case, the ECR had to be sent to the employee by Certified Mail on May 26, 1994, since she was not able to receive it at home and had some difficulty going to the post office for it, even though advised to do so by Nurse Addison. She indicates that she finally received it Monday, June 6, 1994. Nurse Traweek indicates that during the period in question, she was extremely busy, and while she did enter her findings in the 24-hour-log, she did not enter it in the medical file. She raised question with regard to the severity of the blood pressure problem, since this particular inmate has a chronic history low blood pressure and had not been, in her mind, prescribed any medication for that problem. In reality, the heart disease experienced by inmate Ray had led to her to be on several medications, to include: Mediprol, a calcium blocker, Nitrobid, and Prozac. These medications were technically ordered for her heart, and not specifically for hypotension, but they do effect blood pressure and Mediprol is indicated for blood pressure problems.

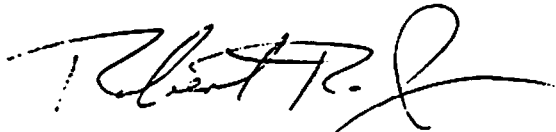
Supervisory Investigation: Bev Traweek, RN

Page 2

June 10, 1994

In summary, it can be concluded that the necessity to repeat the blood pressure test should have led to a contact with the medical duty officer, as well as a review of the file in which it would have been noted that her medications now included Prozac. The prudent course of action was not taken in this case, and therefore it can be concluded that the patient's welfare was jeopardized.

For the record, the union representative for Nurse Traweek has asked that this ECR be dismissed as a result of the institution's failure to meet established time frames associated with the report being delivered to the employee. My investigation of that situation has revealed that the institution met its obligations with regard to that issue.



Robert R. Jones, Ph.D.
Health Care Coordinator
Division of Offender Programs



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

WASHINGTON CORRECTIONS CENTER FOR WOMEN

P.O. Box 17 MS: WP-04 • 9601 Bujacich Rd. N.W. • Gig Harbor, Washington 98335-0017

October 20, 1994

PERSONAL DELIVERY/CONFIDENTIAL

Beverly D. Traweek
1601 Pottery Avenue
Port Orchard, Washington 98366

Ms. Traweek:

This is official notification that you will be reduced in pay within your present class of Registered Nurse 2, range N45, Step P, \$3,548 per month to step L, \$3,216 effective December 1, 1994 through February 28, 1995.

This disciplinary action is taken pursuant to the Civil Service Law of Washington State, Chapter 41.06 RCW, and the Washington Administrative Code, Title 356 WAC (MSR), and Sections 356-34-010 (1) (a) Neglect of duty; (b) inefficiency; and (h) gross misconduct, and 356-34-020 Reduction in salary-Demotion-Procedures.

Specifically, On May 14, 1994 Offender R., DOC# 640396, who has a heart disease, presented herself to you with complaints of dizziness, lightheadedness and fatigue. In response, you admittedly took her blood pressure and found abnormally low blood pressures (less than 60 in the second figure). Subsequently, you failed to record the offender's complaints or blood pressures in the medical record or chart (Primary Encounter Report, DOC 13-435). Furthermore, you did not inform Dr. Christopher Badger, Medical Duty Officer, of the complaint or low blood pressures. Instead, you dismissed the offender from the clinic, and she returned to her living unit without specific instructions. These incidents are described in more detail in the Employee Conduct Report (ECR) completed on September 8, 1994 which is attached hereto and incorporated herein as Attachment #1.

Minimum Health Record Documentation Requirements effective September 3, 1993 states in pertinent part:

"DEFINITION:

ENCOUNTER: Any face-to-face contact made by a health provider/practitioner (other than those occurring in connection with a group session) with an offender, whether

EXHIBIT C

for diagnostic, therapeutic or instructional purposes, which is sufficiently substantive in nature to require an entry in the clinical record, log or treatment record...

HEALTH RECORD: The record which contains all health-related information about an offender to include, but not limited to, medical, mental and dental health items of an identifying nature, data bases, assessment, treatment plans, diagnosis, treatment, progress, clinical events, and discharge or other summaries...

PROCEDURE:

GENERAL DOCUMENTATION PRINCIPLES: ...

10. At the conclusion of each encounter, the health care provider/practitioner shall document diagnosis, impression, and/or assessment."

You understood it was your responsibility to thoroughly review each section of the health care manual as evidenced by your signature on the signature sheet dated October 30, 1993. Your signature on this sheet certified that you reviewed, understood and could perform each procedure outlined in the Health Care Manual. A copy is attached hereto and incorporated herein as Attachment #2.

As a Registered Nurse(RN) you have a duty to work efficiently, exercise sound medical judgement and comply with standard nursing practices which are a part of any basic nurses training. A trained RN should know that a physician should be made aware of any or all abnormal physical condition(s) found during a patient examination and that it is required to record patient contact (i.e. vital signs) in medical charts and records whenever a patient is examined or treated. Recording requirements and standards were reinforced by clinic practices regarding medical record documentation as published under "Minimum Health Record Documentation Requirements" in the nurses procedures manual at this institution as stated above.

You neglected your duty and were inefficient when you admittedly "forgot" to write the offender's complaints and blood pressure readings in her medical records on May 14, 1994 in order to be in compliance with standard nursing practices and the "Nurses Procedure Manual" located in the clinic. Forgetting to record critical medical information related to the progression of a heart patients condition and treatment places the patient at risk for severe medical complications and thereby cannot be tolerated.

You further neglected your duty, were inefficient and committed an act of gross misconduct when you failed to notify Dr. Badger, the Medical Duty Officer, of the offender's complaints and blood pressure levels. You state that you didn't contact Dr. Badger because the offender had shown abnormally low blood pressure in

the past. But, according to Dr. Badger, your actions could have had serious implications as stated in his memorandum to Donna Morgan dated May 18, 1994 (Attachment #1, page 5 of 9) in pertinent part:

"...The occurrence of this episode is extremely disturbing because Inmate R. has significant ischemic heart disease for which she receives a variety of medications. The level of her blood pressure was such that she would be at risk for life threatening complication such as a heart attack or a ... (stroke) as injury from a syncopal episode if the low blood pressure continued. Fortunately, Inmate R. is quite insightful regarding her illness and its treatment. She appropriately attributed this low pressure to her medication changes and discontinued the Prozac on her own. Fortunately, this was sufficient to correct the hypotension and there were no adverse consequences. Her blood pressure on May 16, 1994, was 110/80..."

A review of your personnel file was conducted to assist me in determining an appropriate sanction. Overall your work performance was rated "normal" with a few areas assessed as "exceeds". Other information from your personnel record which is pertinent to this review include:

- 1.) Letter of appreciation - reporting for work under extreme weather condition.
- 2.) Letter of commendation - actions resulting in saving a staff's life.

Your work performance has been good in some respects, however there is a previous incident in which you failed to follow established written procedures and demonstrated indifference in complying with those reporting procedures. This incident coupled with your present actions begins to establish a pattern in your behavior which is of concern.

In determining the appropriate disciplinary action in this case, I have weighted both your overall work history and your willingness in assuming responsibility for your conduct as expressed during our meeting on August 18, 1994. Therefore I am persuaded that a reduction in your salary is appropriate for these circumstances.

The delivery of poor Health Care performance which jeopardizes patient care or safety cannot and will not be tolerated at this institution. You are warned that future acts of this nature may result in further disciplinary action including dismissal.

Under the provisions of WAC 358-20-010 and 358-20-040, you have the right to appeal this action to the Personnel Appeals Board. Your appeal must be filed in writing at the Office of the Executive Secretary, Personnel Appeals Board, 2828 Capitol Boulevard, Olympia, Washington 98501, within thirty (30) days

after the effective date stated in paragraph 1 of this letter. As an alternative, You may file a grievance under the provisions of Article 10 of the Collective Bargaining Agreement between the Department and the Washington Public Employees Association/to appeal this action to the Personnel Appeals Board, you may not pursue a grievance over the same issue.

The WACS, Department policies and Collective Bargaining Agreement are available for your review upon request.



Alice Payne
Superintendent

AP:rjt

Attachments

cc: Jennie Adkins, Director, DHR (w/o/a)
Kathy Nolan, Division Chief, Labor & Personnel Division
James Blodgett, Deputy Director, Command B (w/o/a)
Donna Grazzini, Area Personnel Manager, DOC
Robert Turk, Personnel Officer, WCCW
Personnel file

c:\wp\displr\traweek.dl

RECEIVED

JUL 11 1995

PERSONNEL
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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

Beverly Traweek,)	
)	
Appellant,	)	No. RED 95-0036
)	
v.	)	APPELLANT'S MEMORANDUM IN
	)	SUPPORT OF APPELLANT'S
Department of Corrections,	)	MOTION FOR SUMMARY JUDGMENT
)	
Respondent.)	
)	

Comes now the Appellant, Beverly Traweek, by and through her attorney of record, Marion G. M. Leach, WPEA Staff Attorney, and herenow submits her memorandum in support of Appellant's Motion for Summary Judgment as follows:

I. STATEMENT OF FACTS

On May 26, 1994, an Employee Corrections Report (ECR) was filed concerning Beverly Traweek. The May 26, 1994 ECR alleged that the Appellant failed to note an inmates blood pressure reading on the patient's health record and allegedly failed to notify the Medical Duty Officer of the blood pressure reading

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1 or of the inmate's alleged complaints of dizziness or light-
2 headedness.

3
4 On September 8, 1994, almost four months later after the
5 ECR was filed, Superintendent Alice Payne determined that
6 misconduct allegedly occurred and that Corrective/Disciplinary
7 action will be taken.

8 On approximately, October 20, 1994, Superintendent Payne
9 issued a written notification to the Appellant, that the
10 Appellant would be reduced in pay within her present class of
11 Registered Nurse 2, range N45, Step P, \$3,548 per month to step
12 L, \$3,216 effective December 1, 1994 through February 28, 1995.

13
14 The Department of Corrections did not reduce the
15 Appellant's pay on December 1, 1994. In fact, the Appellant's
16 pay was never reduced as specified in the October 20, 1994
17 letter to the Appellant from Superintendent Payne.

18 On year later, after the original ECR was issued to the
19 Appellant, on approximately May 26, 1995, a letter was sent to
20 the Appellant from Superintendent Payne indicating that the
21 October 20, 1994 disciplinary letter to the Appellant and was
22 cancelled and superseded by the May 26, 1995 letter to the
23 Appellant.

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The May 26, 1995 letter to the Appellant from Superintendent Payne indicated that the Appellant will be reduced in pay within her present class of Registered Nurse 2, range N45, Step P, \$3,548 per month to step L, \$3,216 effective June 16, 1995 through September 15, 1995. The May 26, 1995 contained the same allegations as the October 20, 1994 letter.

The parties are covered under a collective bargaining agreement which was effective during all times pertaining to the present case.

Article 9.3 of the Collective Bargaining Agreement that the parties are covered under provides as follows:

A notice of disciplinary action will normally be provided to the employee within sixty (60) calendar days from the date the appointing authority determines that disciplinary action is warranted.

During negotiations concerning Article 9.3 the word "normally" was discussed. The word "normally" in Article 9.3 was to provide an exception for extraordinary circumstances. For example, disposition of criminal charges against an employee. Extraordinary circumstances did not include mistakes or mismanagement by the Respondent.

1 In no way did the parties to the collective bargaining
2 agreement intend to create an exception to the sixty
3 requirement of notice to include mistakes or mismanagements by
4 the Respondent.
5

6 In fact, in the previous collective bargaining agreement,
7 no time limit was required for the Respondent to give an
8 employee notice of disciplinary action. The WPEA had
9 experienced several cases where the Respondent was taking an
10 inordinate long period of time to notify the employees of what
11 disciplinary action it intended to impose. The employees
12 suffered severe emotional distress waiting for the hammer to
13 come down. In fact, one employee suffered loss of appetite and
14 had problems sleeping while waiting for the Respondent to
15 decide what disciplinary action to take.
16

17 In order to provide a fair, timely, equitable and humane
18 process for employees to receive notice of disciplinary action
19 the sixty day notice requirement was negotiated.
20

21 In the present case, no extraordinary circumstances exists
22 to justify the Respondent's failure to give the Appellant sixty
23 days notice of the disciplinary action the Respondent intended
24 to impose.
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II. ISSUE

A. WHETHER SUMMARY JUDGMENT SHOULD BE GRANTED IN FAVOR OF THE APPELLANT.

a. WHETHER THE DISCIPLINARY ACTION AGAINST THE APPELLANT SHOULD BE DISMISSED BECAUSE THE RESPONDENT VIOLATED THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES WHEN IT DISCIPLINED THE APPELLANT.

III. ARGUMENT AND AUTHORITIES

A. SINCE NO GENUINE ISSUE OF MATERIAL FACTS EXIST, AND APPELLANT IS ENTITLED TO DISMISSAL OF THE DISCIPLINARY ACTION, THE APPELLANT'S MOTION FOR SUMMARY JUDGMENT SHOULD BE GRANTED.

1. Scope of Review for Summary Judgment.

WAC 358-30-060(1) provides as follows:

(1) The personnel appeals board, or a hearings examiner, may decide all, or an part, of an appeal by motion, after notice to all parties, if the documents on file, depositions and affidavits, if any, show there is no genuine issue as to any material fact and the appeal should be decided or dismissed as a matter of law.

Facts and the reasonable inferences therefrom are considered in favor of the non-moving party, and summary judgment should be granted in favor of the moving party only if reasonable minds could reach but one conclusion from all the evidence. Our Lady of Lourdes v. Franklin Aj., 120 Wn.2d 439, 452, 842, P.2d 956 (1993); Wilson v. Steinbach, 98 Wn.2d 434, 437, 656 P.2d 1030 (1982); Key Tronic Corporation v. Aetna, 124 Wn.2d 618 (1994).

1
2 The court in Island Air, Inc. v. LaBar, 18 Wn.App. 129,
3 136, 566 P.2d 972 (1977), reviewed the concept of summary
4 judgment:

5 The purpose of a motion for summary judgment is to
6 examine the sufficiency of the evidence supporting the
7 plaintiff's formal allegations so that unnecessary trials
8 may be avoided where no genuine issue of material fact
9 exists. CR 56; Morris v. McNicol, 83 Wn.2d 491, 519 P.2d
10 7 (1974); Garbell v. Tall's Travel Shop, Inc., 17 Wn.App.
11 352, 353, 563 P.2d 211 (1977). A material fact is one
12 upon which the outcome of litigation depends in whole or
13 in part. Morris v. McNicol, supra; Amant v. Pacific Power
14 & Light Co., 10 Wn.App. 785, 520 P.2d 181 (1974), *aff'd.*
15 *per curiam*, 84 Wn.2d 872, 529 P.2d 829 (1975). The motion
16 will be granted only if after viewing the pleadings,
17 depositions, admissions and affidavits, and all reasonable
18 inferences that may be drawn therefrom in the light most
19 favorable to the non-moving party, it can be stated as a
20 matter of law that (1) there is on genuine issue as to any
21 material fact, (2) all reasonable persons could reach only
22 one conclusion, and (3) the moving party is entitled to
23 judgment.

24 In summary judgment, all facts and reasonable inferences
25 are to be considered in the light most favorable to the non-
26 moving party and all questions of law reviewed de novo. Bur v.
Day, 124 Wn.2d 318 (1994).

 In the present case, the Appellant contends that no
genuine issue of fact exists, that all reasonable persons could
reach only one conclusion and that as a matter of law the

1 Appellant is entitled to dismissal of the disciplinary action
2 . against her.

3
4 a. SINCE THE RESPONDENT VIOLATED THE COLLECTIVE
5 BARGAINING AGREEMENT BETWEEN THE PARTIES WHEN IT
6 DISCIPLINED THE APPELLANT, THE DISCIPLINARY ACTION
7 AGAINST THE APPELLANT SHOULD BE DISMISSED.

8 Approximately one year has gone by since the Respondent
9 decided to take discipline action against the Appellant. The
10 Appellant has had to wait for over one year for the Respondent
11 to decide what kind of disciplinary action it will take against
12 the Appellant.

13 Article 9.3 of the Collective Bargaining Agreement that the
14 parties are covered under provides as follows:

15 A notice of disciplinary action will normally be
16 provided to the employee within sixty (60) calendar days
17 from the date the appointing authority determines that
18 disciplinary action is warranted.

19 Article 9.2 of the collective bargaining agreement between
20 the parties provides:

21 Disciplinary action is defined as demotion,
22 suspension, reduction-in-salary, and dismissal. Reasons
23 and causes for disciplinary actions and appeals thereof
24 shall conform to applicable laws and rules promulgated by
25 the Washington State Personnel Board or the Personnel
26 Appeals board.

Thus, the Respondent, under Article 9.3 is required to
give the Appellant notice of a demotion, suspension, reduction-

1 in-salary, and dismissal within sixty calendar days from the
2 date the appointing authority determines that disciplinary
3 action is warranted.
4

5 On September 8, 1994, almost four months after the
6 Employee Conduct Report was filed regarding the Appellant,
7 Superintendent Payne, the appointing authority, determined that
8 misconduct allegedly occurred and that Corrective/Disciplinary
9 action is warranted and would be taken against the Appellant.

10 On approximately October 20, 1994, Superintendent Payne
11 issued a written notification to the Appellant that the
12 Appellant's pay would be reduced for a three month period
13 effective December 1, 1994 through February 28, 1995. The
14 Respondent did not reduce the Appellant's pay effective
15 December 1, 1994 through February 28, 1995.
16

17 Then, on approximately May 26, 1995, one year after the
18 original ECR was filed against the Appellant, Superintendent
19 Payne sent a letter cancelling the October 20, 1994
20 disciplinary letter to the Appellant. Thus, the October 20,
21 1994 disciplinary action concerning the Appellant had been
22 rescinded by the Respondent.
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1 Further, in the May 26, 1995 letter to the Appellant from
2 Superintendent Payne, the Appellant was notified that the
3 Appellant's pay would be reduced for a three month period
4 effective June 16, 1995 through September 15, 1995 for the same
5 alleged misconduct stated in the October 20, 1994 letter.
6

7 One year after the ECR was filed against the Appellant and
8 eight and one half months after the appointing authority
9 determined that disciplinary action was allegedly warranted
10 against the Appellant, the Respondent notifies the Appellant of
11 the disciplinary action it intends to take against the
12 Appellant.

13 Clearly, the Respondent has violated Article 9.3 of the
14 collective bargaining agreement by failing to provide notice of
15 disciplinary action to the Appellant within sixty calendar days
16 from the date (September 8, 1994) the appointing authority
17 determined that disciplinary action was warranted.
18

19 The Personnel Appeals Board has the authority to consider
20 all defenses raised by employees in appeal of a disciplinary
21 matter, including an alleged violation of the Collective
22 Bargaining Agreement. Employment Security Department v.
23 Goodman, 847 P.2d 29 (1993).
24

1 A contract violation is a proper defense to a disciplinary
2 action. Employment Security Department v. Goodman, supra.

3
4 Failure by the Respondent to comply with its own
5 disciplinary policy with regard to timely action may be cause
6 to set aside a disciplinary action. Garner v. Department of
7 Corrections, D92-129.

8 The passage of time and the failure by the Respondent to
9 invoke disciplinary action against the Appellant while the
10 alleged incident was fresh in everyone's mind has prejudiced
11 the Appellant's ability to defend against the charges. See
12 Declaration of Traweek.

13
14 Memories have faded and witnesses are becoming harder to
15 find. Dr. Badger, witness against the Appellant, no longer
16 works for the Department of Corrections. The Appellant is
17 suffering financial hardship because she has had to rebudget
18 the reduction-in-pay twice, and now her appeal has been delayed
19 because she has had to refile her appeal since the original
20 disciplinary letter was rescinded. See Declaration of Traweek.

21 Basically the Appellant has been prejudiced because she
22 has had to readjust her life twice.

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

Beverly Traweek,)	
)	
Appellant,	)	No. RED 95-0036
)	
v.	)	DECLARATION OF RICK
	)	HALL IN SUPPORT OF APPELLANT'S
Department of Corrections,	)	MOTION FOR SUMMARY JUDGMENT
)	
Respondent.)	
)	

I, Rick Hall, declare as follows:

I have been employed by the Washington Public Employees Association for approximately two and one-half years. I am the WPEA Program Director of the Department of Correction Unit. As the WPEA Program Director of the Department of Corrections Unit, I was on the WPEA collective bargaining team and participated in the negotiations of the collective bargaining agreement between the Washington Public Employees Association and the Department of Corrections which became effective June 25, 1993 and is currently in effect. A copy of the collective bargaining agreement between the WPEA and the Department of

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1 Corrections is attached hereto and made a part hereof by
2 reference as Exhibit A.
3

4 Article 9.3 of the collective bargaining agreement
5 (Exhibit A) provides as follows:
6

7 A notice of disciplinary action will normally be
8 provided to the employee within sixty (60) calendar days
9 from the date the appointing authority determines that
10 disciplinary action is warranted.

11 During negotiations concerning Article 9.3 the word
12 "normally" was discussed. The word "normally" in Article 9.3
13 was to provide an exception for extraordinary circumstances.
14 For example, disposition of criminal charges against an
15 employee. Extraordinary circumstances did not include mistakes
16 or mismanagement by the Respondent.

17 In no way did the parties to the collective bargaining
18 agreement intend to create an exception to the sixty
19 requirement of notice to include mistakes or mismanagements by
20 the Respondent.

21 In fact, in the previous collective bargaining agreement,
22 no time limit was required for the Respondent to give an
23 employee notice of disciplinary action. The WPEA had
24 experienced several cases where the Respondent was taking an

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inordinate long period of time to notify the employees of what disciplinary action it intended to impose. The employees suffered severe emotional distress waiting for the hammer to come down. In fact, one employee suffered loss of appetite and had problems sleeping while waiting for the Respondent to decide what disciplinary action to take.

In order to provide a fair, timely, equitable and humane process for employees to receive notice of disciplinary action the sixty day notice requirement was negotiated.

In the present case, no extraordinary circumstances exists to justify the Respondent's failure to give the Appellant sixty days notice of the disciplinary action the Respondent intended to impose.

I certify under penalty of perjury under the laws of the State of Washington that the above is true and correct.

DATED this 7th day of July, 1995.

Olympia, WA
Place Signed


Rick Hall

(sj/tradecha/s-m-5/6-27-95)

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

BEVERLY TRAWEEK,)	
)	
Appellant,	)	NO. RED 95-0036
)	
v.	)	AFFIDAVIT
	)	OF SERVICE
DEPARTMENT OF CORRECTIONS,	)	BY MAILING
)	
Respondent.)	

I, Sue Jennings, being duly sworn, say that I am employed by Washington Public Employees Association, and that on the 10th of July, 1995, did place in the United States mail, a Notice of Hearing on Appellant's Motion for Summary Judgment, Oral Argument Requested; Appellant's Motion for Summary Judgment; Appellant's Memorandum In Support of Appellant's Motion for Summary Judgment; Declaration of Beverly Traweck In Support of Appellant's Motion for Summary Judgment; Declaration of Rick Hall In Support of Appellant's Motion for Summary Judgment in the above-referenced case addressed to:

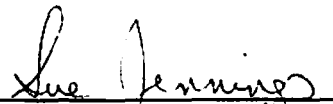
TO: PERSONNEL APPEALS BOARD
KENNETH LATSCH, Executive Secretary
PO Box 40911
Olympia WA 98504-0911

AFFIDAVIT OF SERVICE BY MAILING - 1


MARION G. M. LEACH
WPEA Staff Attorney
Washington Public Employees Association
124 10th Avenue S.W.
Olympia, Washington 98501
Telephone 943-1121

1 AND TO: LYNN WISE
2 Assistant Attorney General
3 PO Box 40145
4 Olympia WA 98504-0145

5 AND TO: BEVERLY TRAWEEK
6 1601 Pottery Ave
7 Port Orchard WA 98366

8 
9 _____
10 Sue Jennings

11 SUBSCRIBED AND SWORN TO before me this 10th day
12 of July, 1995.
13
14

15
16 
17 Judith L. Williams Walden,
18 NOTARY PUBLIC in and for
19 the State of Washington,
20 residing in Olympia.
21 My commission expires 7/24/96.

22 (s)/bt-afmal/s-m-5/7-10-95

23
24
25 AFFIDAVIT OF SERVICE BY MAILING - 2

26
MARION G. M. LEACH
WPEA Staff Attorney
Washington Public Employees Association
124 10th Avenue S.W.
Olympia, Washington 98501
Telephone 943-1121

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

BEVERLY TRAWEEK,

Appellant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

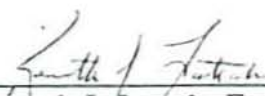
) Case No. RED 95-0036
)
) NOTICE OF SCHEDULING
) APPELLANT'S MOTION FOR
) SUMMARY JUDGMENT
)
)
)
)
)

Notice is hereby given of scheduling the hearing on the appeal before the Personnel Appeals Board. The hearing will be held in the Personnel Appeals Board Hearing Room, 2828 Capitol Boulevard, Olympia, Washington, on Monday, September 11, 1995, beginning at 1:30 p.m.

If the services of an interpreter are needed, notify Personnel Appeals Board staff at least two weeks prior to the hearing. The hearing site is barrier free and accessible to the disabled.

DATED this 17th day of July, 1995.

WASHINGTON STATE PERSONNEL APPEALS BOARD



Kenneth J. Latsch, Executive Secretary
(360) 586-1481 or SCAN 321-1481

cc: Beverly Traweek, Appellant
Marion G.M. Leach, Attorney
Lynn Wise, AAG
Rick Hall, WPEA
Jennie Adkins, DOC

CERTIFICATE OF MAILING

I certify that I mailed a copy of this document by depositing it with Consolidated Mail Services on July 6, 1995 to all parties or their counsel of record. I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated July 6, 1995 at Lacey, WA

[Handwritten signature]

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BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

BEVERLY TRAWEEK,
Appellant,

NO. RED 95-0036
NOTICE OF APPEARANCE

v.

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS,
Respondent.

TO: KENNETH LATSCH, Executive Secretary, Personnel Appeals Board;
BEVERLY TRAWEEK, Appellant;
MARION LEACH, Attorney for Appellant.

PLEASE TAKE NOTICE that the Respondent, State of Washington, DEPARTMENT OF CORRECTIONS, without waiving objection as to the sufficiency of service of process or jurisdiction of this Board, does hereby enter its appearance in the above-entitled action, by and through its attorneys, CHRISTINE O. GREGOIRE, Attorney General, and LYNN WISE, Assistant Attorney General, and requests that all further pleadings herein be served upon said Respondent at the Office of the Attorney General at the address given below.

DATED this 5 day of July, 1995.

CHRISTINE O. GREGOIRE
Attorney General

[Handwritten signature of Lynn Wise]

LYNN WISE
WSBA # 21654
Assistant Attorney General
Attorney for Respondent

The Washington Public Employees Association • 1-800-544-WPEA

Headquarters • 124 10th Ave SW
Olympia WA 98501 • (360) 943-1121
FAX (360) 357-7627
Toll Free (800) 544-9732

Monroe Office • 20014 Hwy 2-E • Unit C
Monroe WA 98272 • (360) 794-0733
FAX (360) 794-6986
Toll Free (800) 794-9732

Walla Walla Office • 401 W Main • Suite B
Walla Walla WA 99362 • (509) 529-8632
FAX (509) 525-5487
Toll Free (800) 529-9732

June 15, 1995

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Kenneth Latsch
Executive Secretary
Personnel Appeals Board
PO Box 40911
Olympia WA 98504-0911

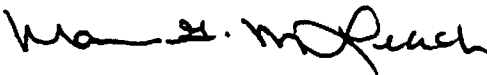
PERSONNEL
APPEALS BOARD

Re: **Beverly Traweek v. Department of Corrections**
Reduction in Pay Appeal

Dear Mr. Latsch:

Please find enclosed for filing purposes the Appeal Form of Beverly Traweek with attachments, and Affidavit of Service by Mailing in the above-referenced case. Please return a conformed copy in the gold self-addressed envelope provided.

Sincerely,



Marion G. M. Leach
Staff Attorney
WSBA #15201
(sj/kl-615/s-m-5/6-15-95)

Enclosures (2)

cc: Alice Payne, WCCW
Lynn Wise, AAG
Beverly Traweek

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APPEAL FORM

JUN 16 1995

WASHINGTON STATE PERSONNEL APPEALS BOARD
2828 Capitol Boulevard
P.O. Box 40911
Olympia, WA 98504-0911

PH: SCAN 321-1481
(206) 586-1481
FAX: (206) 753-0139

PERSONNEL APPEALS BOARD

This form will help you provide necessary information to the Personnel Appeals Board when you file an appeal. You are not required to use this form; however, appeals must be filed in accordance with the requirements set forth in Chapter 358-20 WAC.

If the space on the form is insufficient or if you wish to provide additional information, you may attach additional pages.

PRINT OR TYPE - SIGN ON PAGE 2

PART I. APPELLANT IDENTIFICATION

NAME: TRAWEEK, BEVERLY A.
(Last name, first name, middle initial)

HOME ADDRESS: 1601 POTTERY AVENUE
(Number and street)
PORT ORCHARD WA 98366
(City, state and ZIP code)

PHONE NUMBERS: SCAN: Off-SCAN: (206) 858-4262
HOME: (Include area code) (360) 876-3909

EMPLOYING AGENCY: DEPARTMENT OF CORRECTIONS

Name of agency or agencies that took action you are appealing:

PART II. REPRESENTATIVE'S NAME, ADDRESS AND TELEPHONE NUMBER:

MARION G. M. LEACH
WPEA STAFF ATTORNEY
124 10TH AVE SW TELEPHONE: (360) 943-1121
OLYMPIA WA 98501

An Appellant may authorize a representative to act in his/her behalf.
The Board must be notified of any change in representation.

PART III. TYPE OF APPEAL

Check one of the following to indicate the type of appeal you are filing:

- x a. Disciplinary: (check applicable action(s)).
Dismissal, Suspension, Demotion, x Reduction in Pay.
b. Disability Separation
c. Merit System Rule or State Civil Service Law Violation
(complete PART IV. of this form)
d. Reduction in Force
(complete PART IV. of this form)
e. Allocation (position classification)
(complete PART V. of this form)
f. Declaratory Ruling (see WAC 358-20-050)

Job Classification: RN 2

Grounds:

1. The Respondent's allegations against the Appellant are not true.
2. The Appellant was not inefficient, nor neglected her duty, nor committed gross misconduct as alleged.
3. The Respondent failed to follow the Collective Bargaining Agreement between WPEA and DOC when it disciplined the Appellant.
4. The Respondent violated the Appellant's Loudermill rights.

Relief Sought:

1. Rescission of the Reduction in Pay discipline.
2. Back pay of the money taken because of the Reduction in Pay.
3. That the Appellant's personnel file and all other files maintained by DOC be purged and remain purged of any and all information (including ECR and attachments) regarding the reduction in pay.
4. For such other further relief the Board deems just and equitable.

Meeting by Parties:

Since the May 26, 1995 disciplinary letter has been issued, the parties have not met in an attempt to resolve this matter.



ATTACHMENT B

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W.P.E.A.

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

WASHINGTON CORRECTIONS CENTER FOR WOMEN

P.O. BOX 17 MS.WP.04 • 9601 Sujatch Rd. N.W. • Gig Harbor, WA 98335-0017

May 26, 1995

CERTIFIED MAIL/CONFIDENTIAL

No. Z 199 828 320

Beverly D. Traweek
1601 Pottery Avenue
Port Orchard, Washington 98366

Ms. Traweek:

The disciplinary letter issued on October 20, 1994 is cancelled and superseded by this letter. This is official notification that you will be reduced in pay within your present class of Registered Nurse 2, range N45, Step P, \$3,548 per month to step L, \$3,216 effective June 16, 1995 through September 15, 1995.

This disciplinary action is taken pursuant to the Civil Service Law of Washington State, Chapter 41.06 RCW, and the Washington Administrative Code, Title 356 WAC (MSR), and Sections 356-34-010 (1) (a) Neglect of duty; (b) inefficiency; and (h) gross misconduct, and 356-34-020 Reduction in salary-Demotion-Procedures.

Specifically, On May 14, 1994 Offender R., DOC# 640396, who has a heart disease, presented herself to you with complaints of dizziness, lightheadness and fatigue. In response, you admittedly took her blood pressure and found abnormally low blood pressures (less than 60 in the second figure). Subsequently, you failed to record the offender's complaints or blood pressures in the medical record or chart (Primary Encounter Report, DOC 13-435). Furthermore, you did not inform Dr. Christopher Badger, Medical Duty Officer, of the complaint or low blood pressures. Instead, you dismissed the offender from the clinic, and she returned to her living unit without specific instructions. These incidents are described in more detail in the Employee Conduct Report (ECR) completed on September 8, 1994 which is attached hereto and incorporated herein as Attachment #1.

Beverly Traweek
Page 2
May 26, 1995

Minimum Health Record Documentation Requirements effective
September 3, 1993 states in pertinent part:

"DEFINITION:

ENCOUNTER: Any face-to-face contact made by a health provider/practitioner (other than those occurring in connection with a group session) with an offender, whether for diagnostic, therapeutic or instructional purposes, which is sufficiently substantive in nature to require an entry in the clinical record, log or treatment record...

HEALTH RECORD: The record which contains all health-related information about an offender to include, but not limited to, medical, mental and dental health items of an identifying nature, data bases, assessment, treatment plans, diagnosis, treatment, progress, clinical events, and discharge or other summaries...

PROCEDURE:

GENERAL DOCUMENTATION PRINCIPLES: ...

10. At the conclusion of each encounter, the health care provider/practitioner shall document diagnosis, impression, and/or assessment."

You understood it was your responsibility to thoroughly review each section of the health care manual as evidenced by your signature on the signature sheet dated October 30, 1993. Your signature on this sheet certified that you reviewed, understood and could perform each procedure outlined in the Health Care Manual. A copy is attached hereto and incorporated herein as Attachment #2.

As a Registered Nurse(RN) you have a duty to work efficiently, exercise sound medical judgement and comply with standard nursing practices which are a part of any basic nurses training. A trained RN should know that a physician should be made aware of any or all abnormal physical condition(s) found during a patient examination and that it is required to record patient contact (i.e. vital signs) in medical charts and records whenever a patient is examined or treated. Recording requirements and standards were reinforced by clinic practices regarding medical record documentation as published under "Minimum Health Record Documentation Requirements" in the nurses procedures manual at this institution as stated above

Beverly Traweek
Page 3
May 26, 1995

You neglected your duty and were inefficient when you admittedly "forgot" to write the offender's complaints and blood pressure readings in her medical records on May 14, 1994 in order to be in compliance with standard nursing practices and the "Nurses Procedure Manual" located in the clinic. Forgetting to record critical medical information related to the progression of a heart patients condition and treatment places the patient at risk for severe medical complications and thereby cannot be tolerated.

You further neglected your duty, were inefficient and committed an act of gross misconduct when you failed to notify Dr. Badger, the Medical Duty Officer, of the offender's complaints and blood pressure levels. You state that you didn't contact Dr. Badger because the offender had shown abnormally low blood pressure in the past. But, according to Dr. Badger, your actions could have had serious implications as stated in his memorandum to Donna Morgan dated May 18, 1994 (Attachment #1, page 5 of 9) in pertinent part:

"...The occurrence of this episode is extremely disturbing because Inmate R. has significant ischemic heart disease for which she receives a variety of medications. The level of her blood pressure was such that she would be at risk for life threatening complication such as a heart attack or a ... (stroke) as injury from a syncopal episode if the low blood pressure continued. Fortunately, Inmate R. is quite insightful regarding her illness and its treatment. She appropriately attributed this low pressure to her medication changes and discontinued the Prozac on her own. Fortunately, this was sufficient to correct the hypotension and there were no adverse consequences. Her blood pressure on May 16, 1994, was 110/80..."

A review of your personnel file was conducted to assist me in determining an appropriate sanction. Overall your work performance was rated "normal" with a few areas assessed as "exceeds". Other information from your personnel record which is pertinent to this review include:

- 1.) Letter of appreciation - reporting for work under extreme weather condition.
- 2.) Letter of commendation - actions resulting in saving a staff's life.

Your work performance has been good in some respects, however there is a previous incident in which you failed to follow established written procedures and demonstrated indifference in complying with those reporting procedures.

Beverly Traweek
Page 4
May 26, 1995


This incident coupled with your present actions begins to establish a pattern in your behavior which is of concern.

In determining the appropriate disciplinary action in this case, I have weighted both your overall work history and your willingness in assuming responsibility for your conduct as expressed during our meeting on August 18, 1994. Therefore I am persuaded that a reduction in your salary is appropriate for these circumstances.

The delivery of poor Health Care performance which jeopardizes patient care or safety cannot and will not be tolerated at this institution. You are warned that future acts of this nature may result in further disciplinary action including dismissal.

Under the provisions of WAC 358-20-010 and 358-20-040, you have the right to appeal this action to the Personnel Appeals Board. Your appeal must be filed in writing at the Office of the Executive Secretary, Personnel Appeals Board, 2828 Capitol Boulevard, Olympia, Washington 98501, within thirty (30) days after the effective date stated in paragraph 1 of this letter. As an alternative, You may file a grievance under the provisions of Article 10 of the Collective Bargaining Agreement between the Department and the Washington Public Employees Association. If you elect to appeal this action to the Personnel Appeals Board, you may not pursue a grievance over the same issue.

The WACS, Department policies and Collective Bargaining Agreement are available for your review upon request.


Alice Payne
Superintendent

AP:rjt

Attachments

cc: Jennie Adkins, Director, DHR (w/o/a)
Kathy Nolan, Division Chief, Labor & Personnel Division
Eldon Vail, Assistant Director, Command B (w/o/a)
Donna Grazzini, Area Personnel Manager, DHR
Robert Turk, Personnel Officer, WCCW
Personnel file

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JUN 16 1995

PERSONNEL
APPEALS BOARD

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

BEVERLY TRAWEEK,)	
	)	NO.
Appellant,)	
	)	AFFIDAVIT
v.	)	OF SERVICE
	)	BY MAILING
DEPARTMENT OF CORRECTIONS,)	
)	
Respondent.)	
_____)	

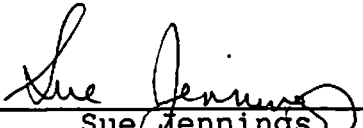
I, Sue Jennings, being duly sworn, say that I am employed by Washington Public Employees Association, and that on the 15th of June, 1995, did place in the United States mail, an Appeal Form in the above referenced case addressed to:

TO: PERSONNEL APPEALS BOARD
KENNETH LATSCH, Executive Secretary
PO Box 40911
Olympia WA 98504-0911

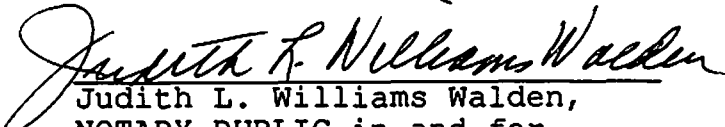
AND TO: ALICE PAYNE
Superintendent
WASHINGTON CORRECTIONS CENTER FOR WOMEN
PO Box 17
Gig Harbor WA 98335-0017

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AND TO: LYNN WISE
Assistant Attorney General
PO Box 40145
Olympia WA 98504-0145


Sue Jennings

SUBSCRIBED AND SWORN TO before me this 15th day
of June, 1995.


Judith L. Williams Walden,
NOTARY PUBLIC in and for
the State of Washington,
residing in Olympia.
My commission expires 7-24-96.

(s)/bt-afm12/s-m-5/6-15-94