



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

STATE OF WASHINGTON  
PERSONNEL APPEALS BOARD

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

June 24, 1996

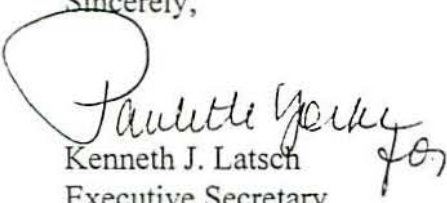
Michael South  
Washington Public Employees Association  
401 W. Main Suite B  
Walla Walla, WA 99362

RE: Tina Duvall v. Department of Corrections, Reduction in Salary Appeal,  
Case No. RED-95-0063

Dear Mr. South:

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 June 24, 1996.

Sincerely,

  
Kenneth J. Latsch  
Executive Secretary

KJL:tmp  
Enclosure

cc: Tina Duvall  
Geoff Boodell, AAG  
Jennie Adkins, PO

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BEFORE THE PERSONNEL APPEALS BOARD  
STATE OF WASHINGTON

Tina Duvall,

Appellant,

Case No. RED-95-0063

v.

MOTION AND  
ORDER OF DISMISSAL

Dept. of Corrections,

Respondent.

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

DATED 6-17-96

Michael South - WPea  
Appellant/Attorney/Representative

This matter came on regularly before the Personnel Appeals Board on the consideration of the request of the Appellant to withdraw his/her appeal. The Board having reviewed the files and records herein, being fully advised in the premises, and it appearing to the Board that the Appellant has requested to withdraw his/her appeal, now enters the following:

ORDER

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

DATED this 24<sup>th</sup> day of June 19 96.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Nora Reynolds  
Clark Department

# WPEA

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

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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

JUN 19 1996

TO: Kenneth Latsch, Executive Secretary  
Personnel Appeals Board  
2828 Capitol Blvd. PO Box 40911  
Olympia, WA 98505-0911

FROM: *M South*  
Michael South, WPEA Area Rep  
401 W. Main, Suite B  
Walla Walla, WA 99362

DATE: June 17, 1996

RE: Duvall v. DOC Case No. RED-95-0063

Enclosed please find a motion and order of dismissal regarding the above referenced matter.

cc: Tina Duall  
File

(dh/mlk/jun96/61796/latsch)

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on 5-1-96 as follows.

XX US Mail Postage Prepaid

Tina Duvall  
Michael South, WPEA

RECEIVED

MAY 02 1996

PERSONNEL  
APPEALS BOARD

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

2 Dated: 5-1-96 at Olympia, WA.

*Sharon J. Kezar*

3  
4  
5 **BEFORE THE PERSONNEL APPEALS BOARD**  
6 **STATE OF WASHINGTON**

7 TINA DUVALL,

8 Appellant,

9 v.

10 DEPARTMENT OF CORRECTIONS,

11 Respondent.

NO. RED 95-0063

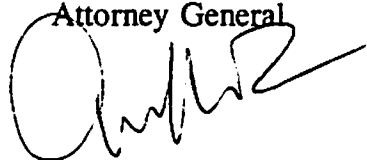
NOTICE OF SUBSTITUTION  
OF COUNSEL

12  
13 TO: KENNETH LATSCH, Executive Secretary, Personnel Appeals Board;  
14 AND: TINA DUVALL, Appellant;  
15 AND: MICHAEL SOUTH, Area Representative, Wash. Public Employees Assn.

16 PLEASE TAKE NOTICE that GEOFFREY M. BOODELL, Assistant Attorney  
17 General, has been substituted as counsel for STEWART A. JOHNSTON, Assistant Attorney  
18 General, and will hereafter represent the Respondent in this matter.

19 DATED this 29<sup>th</sup> day of April, 1996.

20 CHRISTINE O. GREGOIRE  
21 Attorney General



22 GEOFFREY M. BOODELL  
23 Assistant Attorney General  
24 WSBA No. 22200  
25 Attorney for Respondent  
26

ATTORNEY GENERAL OF WASHINGTON  
Labor & Personnel Division  
905 Plum Street SE, Bldg. 3  
PO BOX 40145  
Olympia, WA 98504-0145  
(360) 664-4167



CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on December 11, 1995 as follows:

US Mail Postage Prepaid

Tina Duvall  
Michael South, WPEA

ABC/Legal Messenger

State Campus Delivery

Hand delivered by

to \_\_\_\_\_

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

Dated: December 11, 1995 at Olympia, WA.

*Sharon J. Kezar*

RECEIVED

DEC 13 1995

PERSONNEL  
APPEALS BOARD

BEFORE THE PERSONNEL APPEALS BOARD  
STATE OF WASHINGTON

TINA DUVALL,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

NO. RED-95-0063

NOTICE OF APPEARANCE

TO: KENNETH LATSCH, Executive Secretary, Personnel Appeals Board;  
TINA DUVALL, Appellant;  
MICHAEL SOUTH, Area Representative, Washington Public Employees  
Association.

PLEASE TAKE NOTICE that the Respondent, 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 11 day of December, 1995.

CHRISTINE O. GREGOIRE  
Attorney General

*Lynn Wise*

LYNN WISE  
Assistant Attorney General  
WSBA No. 21654  
Attorney for Respondent



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

STATE OF WASHINGTON  
PERSONNEL APPEALS BOARD

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

November 15, 1995

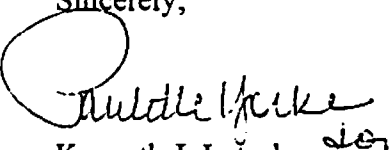
Michael South  
Area Representative  
401 W. Main, Suite B  
Walla Walla, WA 99362

RE: Tina Duvall v. Department of Corrections, Reduction in Salary Appeal,  
Case No.: RED-95-0063

Dear Mr. South:

This letter is to acknowledge receipt of the above entitled appeal by the Personnel Appeals Board on November 9, 1995.

Sincerely,

  
Kenneth J. Latsch  
Executive Secretary

KJL:tmp

cc: Tina Duvall  
Linda A. Dalton, AAG  
Jennie Adkins, PO



APPEAL FORM

RECEIVED

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

NOV 13 1995
On fax 11/9/95
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: Duvall Tina
(Last name, first name, middle initial)

HOME ADDRESS: 1319 Shelton Road
(Number and street)

Walla Walla, WA 99362
(City, state and ZIP code)

PHONE NUMBERS: SCAN: Off-SCAN: (509) 525-3610

HOME: (Include area code) (509) 522-5484

EMPLOYING AGENCY: Washington State Penitentiary

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

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

WPEA
Michael South, Area Rep.
401 W. Main, Suite B
Walla Walla, Wa. 99362 509-529-8632

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:

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



**PART IV. FOR RULE VIOLATION OR REDUCTION-IN-FORCE APPEALS ONLY**

What Merit System Rule(s) or State Civil Service Law(s) do you believe were violated?

Explain the particular circumstances of the alleged violation.

How were you adversely affected by the alleged violation?

What remedy are you requesting in this case?

**PART V. FOR ALLOCATION APPEALS ONLY**

Has there been a review of your allocation request by the Director of Personnel or designee?      Yes or      No

If so, by whom? \_\_\_\_\_

What is your present classification? \_\_\_\_\_

To which class do you think your position should be allocated?  
\_\_\_\_\_

**SIGNATURE OF APPELLANT OR REPRESENTATIVE**

**DATE SIGNED**

*Michael South*

*11-9-95*

I declare under penalty of perjury under the laws of the State of Washington that on 11-9-95 I deposited in the mails of the United States a properly stamped and addressed envelope directed to the addressee of this document containing a copy of this document.

*Stemmer* 11-9-95 *Walla*<sup>2</sup>  
2Name Date & Place

CHASE RIVELAND  
Secretary



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

WASHINGTON STATE PENITENTIARY

P O Box 520 • Walla Walla, Washington 99362

September 26, 1995

PERSONAL SERVICE

Tina Duvall  
1319 Shelton Road  
Walla Walla, WA. 99362

Ms. Duvall:

This is official notification that you will be reduced in pay within your present class of Licensed Practical Nurse 2, Range 39, Step I, \$2508 per month to Range 39, Step G, \$2393 per month effective at the beginning of your shift on October 16, 1995 through the end of your shift on January 15, 1996, inclusive.

This disciplinary action is taken pursuant to the Civil Service Law of Washington State, Chapter 41.06 RCW, and the Merit System Rules, Title 356 WAC (MSR), and Section 356-34-010 (1), (a) (Neglect of Duty), (i) (Willful Violation of the published employing agency or department of personnel rules or regulations), and 356-34-020 (Reduction in Salary - Demotion).

You neglected your duty, and willfully violated agency policy when on June 26, 1995, Nancy Hartzell, your supervisor, became aware that you had falsified a medical certificate. Specifically, you failed to submit a medical certificate for your absences on June 18 and 20, 1995 as required in accordance with WAC 356-18-070 (2), and Division Directive 830.150 Employee Medical Verification Requirements Process. After being reminded by your supervisor, Nancy Hartzell, to submit a medical certificate for your absences, you submitted to her as authentic, a photocopy of a medical certificate previously given to you by Dr. Joseph Meyer which you had knowingly and deliberately altered to cover your absences on June 18 & 20, 1995.

A meeting was held on July 25, 1995 to discuss the incident. Present at the meeting in addition to yourself was: John Lambert, Acting Superintendent; Craig Hamada, Personnel Officer; and Earl Linn, your Union Representative. During the meeting and in your written response, you admitted altering the dates on your medical certificate and submitting a copy to your supervisor Nancy Hartzell. A copy of the Employee Conduct Report (ECR) describing this incident in more detail is attached hereto and incorporated by this reference (Attachment 1).

Duvall, Tina  
Page Two  
September 26, 1995

By your actions, you violated the following agency policies:

1. DOC Policy 801.001, Ethics, which states in part:

" ... Department employees are expected to maintain high professional and ethical standards at all times."

2. DOC Employee Handbook, Code of Ethics, which states:

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

On October 5, 1993, you signed an Acknowledgement of Receipt of DOC Employee Handbook indicating that you received and agreed to become familiar with and have a thorough knowledge and understanding of the contents.

A copy of DOC Policy 801.001, Page two of the DOC Employee Handbook, and the Acknowledge of Receipt of DOC Handbook are attached hereto and incorporated by this reference. (Attachments 2 through 4 respectively)

As a DOC employee, you have a duty and responsibility to be honest and forthright in all dealings with the agency. You neglected that duty and violated agency policy when you knowingly altered an existing physicians medical certificate and presented it to your supervisor as the requested medical certificate. Further, as a Licensed Practical Nurse you have a professional obligation to maintain a high standard of ethical behavior within the health care profession. You violated a nurses ethical standard by falsifying a physicians written medical certificate which is usually entrusted to you for direction. By your actions, your reputation as a credible, trustworthy employee has been considerably diminished.

As an explanation for your behavior, you stated that you were coerced to such actions by your supervisor's repeated requests to produce a medical certificate due to the medical verification requirement. I find this explanation questionable because you were placed on Medical Verification (requiring you to provide a medical certificate for absences due to illness of yourself or a family member) on March 1, 1995, and upon a 90 day review it was extend for another 90 days. The medical certificate requirement had been in effect for several months and therefore should not have been any added pressure to comply with the requirement for your absences on June 18 & 20, 1995. Copies of your Medical Verification

Duvall, Tina  
Page Three  
September 26, 1995

Requirement Letter and Medical Verification Review Form are attached hereto and incorporated by this reference (Attachments 5 and 6).

Based on the serious nature of your actions, I believe that this disciplinary action is warranted. You hereby forewarned that future performance problems/errors/omissions may lead to further corrective /disciplinary action, up to and including dismissal.

Under the provision 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 days of the effective date stated in the first paragraph of this letter.

You also have the right to file a grievance under the provisions of Article 10 of the Collective Bargaining Agreement between the State of Washington, Department of Corrections and the Washington Public Employees Association for the Institutions Bargaining Unit (effective date June 25, 1993). The WAC's, Department of Corrections policies, and Collective Bargaining Agreement are available for your review upon request.

*Tana Wood*

Tana Wood  
Superintendent

Attachments (6)

cc: Tom Rolfs, Director, Division of Prisons  
Jennie Adkins, Director, Division of Human Resources  
Linda Dalton, Assistant Attorney General  
Bobbi Collins, Area Personnel Manager  
Sherry Hartford, Personnel Officer  
Personnel File

RED-95-0063

APPEAL FORM

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Olympia, WA 98504-0911

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WPEA

Michael South, Area Rep.

401 W. Main, Suite B

Walla Walla, Wa. 99362

509-529-8632

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- a. Disciplinary: (check applicable action(s)).  
 \_\_\_\_\_ Dismissal, \_\_\_\_\_ Suspension, \_\_\_\_\_ Demotion,  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)

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If so, by whom? \_\_\_\_\_

What is your present classification? \_\_\_\_\_

To which class do you think your position should be allocated?  
\_\_\_\_\_

SIGNATURE OF APPELLANT OR REPRESENTATIVE

DATE SIGNED

*Michael South*

*11-9-95*

I declare under penalty of perjury under the laws of the State of Washington that on 11-9-95 I deposited in the mails of the United States a properly stamped and addressed envelope directed to the addressee of this document containing a copy of this document.

*11/10/95 11/10/2*