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BEFORE THE PERSONNEL APPEALS BOARD  
STATE OF WASHINGTON

SHARON KIESEL,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. D93-145

MOTION AND  
ORDER OF DISMISSAL

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

DATED June 6, 1994

Robert A. Spr WSBA #17323  
Appellant/Attorney/Representative

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 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 request to withdraw her appeal is granted and the appeal is dismissed.

DATED this 13<sup>th</sup> day of June, 1994.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Frank Alexander  
Douglas E. Rayner  
Noel Reynolds



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

STATE OF WASHINGTON  
PERSONNEL APPEALS BOARD

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

June 13, 1994

Robert F. Spaulding  
Attorney At Law  
P.O. Box 7846  
Olympia, Washington 98507-7846

Re: Sharon Kiesel v. Department Of Corrections, Suspension  
Appeal, Case No. D93-145

Dear Mr. Spaulding:

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 13, 1994.

Very truly yours,

*Judy K. Larson*

Judy K. Larson  
Confidential Secretary

gmh

Enclosure

cc: Sharon Kiesel, APP  
Joe Olson, AAG  
Jennie Adkins, PO  
Sue Zukowski, WFSE





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

STATE OF WASHINGTON  
PERSONNEL APPEALS BOARD

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

June 1, 1994

Robert F. Spaulding  
P. O. Box 7846  
Olympia, Washington 98507-7846

Re: Sharon Kiesel v. Department of Corrections, Case Nos.  
D93-144 and D93-145

Dear Mr. Spaulding:

The Personnel Appeals Board (PAB) has recently been authorized by the Legislature and the Governor to become a full-time board. Therefore the Board requested that all cases which have not yet been heard on the merits be returned by hearings examiners.

As you know, the above-referenced cases were previously assigned to be heard by Hearings Examiner Jennifer Woods.

In reviewing these cases, it appears that a settlement is pending between the parties. Please let us know by June 17, 1994, what the status of the cases are or whether we should begin the scheduling process.

If the cases have settled, please sign, date and return the enclosed Motion and Order of Dismissal.

Very truly yours,

*Judy K. Larson*

Judy K. Larson  
Confidential Secretary

njh  
Enclosure

cc: Sharon Kiesel, App  
Joseph Olson, AAG  
Jennie Adkins, PO  
Sue Zukowski, WFSE  
Jennifer Woods, HE



CERTIFICATE OF MAILING

I certify that I mailed a copy of this document by depositing with Consolidated Mail Services on 2-4-94 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 2-4-94 at Lacey, WA.

RECEIVED

FEB 8 1994

PERSONNEL  
APPEALS BOARD

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BEFORE THE PERSONNEL APPEALS BOARD  
STATE OF WASHINGTON

SHARON KIESEL,

Appellant,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS,

Respondent.

NO. D93-144

NO. D93-145

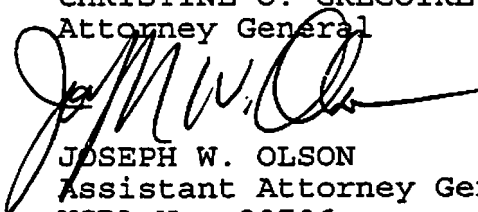
NOTICE OF SUBSTITUTION  
OF COUNSEL

TO: VICTORIA W. SHELDON, Executive Secretary, Washington State  
Personnel Appeals Board;  
SHARON KIESEL, Appellant, and her attorney, ROBERT F.  
SPAULDING.

NOTICE IS HEREBY GIVEN that JOSEPH W. OLSON, Assistant  
Attorney General, hereby substitutes for MICHAEL P. SELLARS,  
Assistant Attorney General, as the attorney for Respondent in the  
above-entitled action. It is requested that any and all further  
pleadings herein be served upon the undersigned attorney at the  
Office of the Attorney General at the address given below.

DATED this 4th day of February, 1994.

CHRISTINE O. GREGOIRE  
Attorney General



JOSEPH W. OLSON  
Assistant Attorney General  
WSBA No. 20706  
Attorney for Respondent

ATTORNEY GENERAL OF WASHINGTON  
Labor & Personnel Division  
670 Woodland Square Loop SE  
PO BOX 40145  
Olympia, WA 98504-0145  
(206) 407-0009

NOTICE OF SUBSTITUTION  
OF COUNSEL

C. F. (RICK) CORDES, III  
JOHN McCUTCHEON PARR  
DARREL L. PEEPLES  
R. ALAN SWANSON  
EDWARD EARL YOUNGLOVE, III

SWANSON, PARR, CORDES,  
YOUNGLOVE & PEEPLES, P.S.  
ATTORNEYS AT LAW  
EASTSIDE PROFESSIONAL PLAZA  
924 EAST SEVENTH AVENUE  
P.O. BOX 7846  
OLYMPIA, WASHINGTON 98507-7846  
FACSIMILE (206) 754-9268

WILLIAM LEE PARR (1976)  
CLIFFORD F. CORDES, JR. (1980)

—  
RALPH G. SWANSON  
OF COUNSEL

(206) 357-7791

February 2, 1994

RECEIVED

FEB 3 1994

PERSONNEL  
APPEALS BOARD

Ms. Victoria Sheldon  
Personnel Appeals Board  
2828 Capitol Boulevard  
KKK-11  
Olympia, WA 98504-4911

Re: Kiesel vs. DOC  
Case No. D93-144 & D93-145

Dear Ms. Sheldon:

Enclosed, for filing, is our Notice of Withdrawal and Consent to Substitution of Counsel in this matter.

By copy of this letter we are hereby serving Mike Sellars, Assistant Attorney General.

Very truly yours,

SWANSON, PARR, CORDES,  
YOUNGLOVE & PEEPLES, P.S.

  
Judith E. Luther  
Legal Assistant

DLP/jel  
Enclosure

cc: Mike Sellars, AAG  
Sue Zukowski, WFSE  
Jennifer Woods, HE



C. F. (RICK) CORDES, III  
JOHN McCUTCHEON PARR  
DARREL L. PEEPLES  
R. ALAN SWANSON  
EDWARD EARL YOUNGLOVE, III

—  
RALPH G. SWANSON  
OF COUNSEL

SWANSON, PARR, CORDES,  
YOUNGLOVE & PEEPLES, P.S.  
ATTORNEYS AT LAW  
EASTSIDE PROFESSIONAL PLAZA  
924 EAST SEVENTH AVENUE  
P.O. BOX 7846  
OLYMPIA, WASHINGTON 98507-7846  
FACSIMILE (206) 754-9268

(206) 357-7791

January 27, 1994

WILLIAM LEE PARR (1976)  
CLIFFORD F. CORDES, JR. (1980)

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JAN 28 1994

PERSONNEL  
APPEALS BOARD

Ms. Victoria Sheldon  
Personnel Appeals Board  
2828 Capitol Boulevard  
KKK-11  
Olympia, WA 98504-4911

Re: Kiesel vs. DOC  
Case No. D93-144 & D93-145

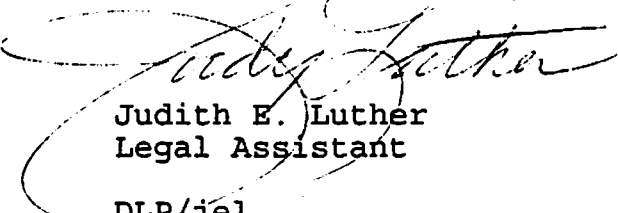
Dear Ms. Sheldon:

Enclosed, for filing, is our Notice of Withdrawal and Consent to Substitution of Counsel in this matter.

By copy of this letter we are hereby serving Mike Sellars, Assistant Attorney General.

Very truly yours,

SWANSON, PARR, CORDES,  
YOUNGLOVE & PEEPLES, P.S.



Judith E. Luther  
Legal Assistant

DLP/jel  
Enclosure

cc: Mike Sellars, AAG  
Sue Zukowski, WFSE  
Jennifer Woods, HE





RECEIVED

JAN 7 - 1994

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

PERSONNEL APPEALS BOARD

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SHARON KIESEL, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 DEPARTMENT OF CORRECTIONS, )  
 )  
 Respondent. )

Case Nos. D93-144 and 145  
NOTICE OF HEARING

TO: SHARON KIESEL, Appellant, and EDWARD EARL YOUNGLOVE, III,  
her attorney;

AND TO: MICHAEL P. SELLARS, Assistant Attorney General;

PLEASE TAKE NOTICE that the above-captioned matter will come  
on for hearing before JENNIFER WOODS, Hearings Examiner, on Monday,  
March 7, 1994 at 10:00 a.m. at the Department of Corrections,  
Division of Community Corrections, 10109 South Tacoma Way, Building  
C, Tacoma, Washington.

DATED this 6th day of January, 1994.

PERSONNEL APPEALS BOARD  
STATE OF WASHINGTON

JS

By: JENNIFER WOODS  
Hearings Examiner

cc: Jennie Adkins  
Laura Saint  
Linda Giles  
Victoria Sheldon

NOTICE OF HEARING

JENNIFER WOODS  
Attorney at Law  
715 North 193rd Place  
Seattle, WA 98133  
(206) 546-9081

CASE ASSIGNMENT

11/19/93

RE: Case No.: D93-145  
Case Name: Sharon Kiesel v. DOC

The above-referenced case has been assigned to:

Hearings Examiner Jennifer Woods  
715 N 193rd Pl  
Seattle, WA 98133

Phone: 206-546-9081

You will be contacted by the hearings examiner to arrange a date and location for the hearing.

cc: Sharon Kiesel  
Edward Earl Younglove  
Michael P. Sellars  
Sue Zukowski

TIFICATE OF MAILING

RECEIVED

I certify that I mailed a copy of this document by depositing with Consolidated Mail Services on 11-08-93 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.

NOV 10 1993

Dated 11-08-93 at Lacey, WA.

*Sharon J. Kezan*

PERSONNEL APPEALS BOARD

BEFORE THE PERSONNEL APPEALS BOARD  
STATE OF WASHINGTON

1	SHARON KIESEL,	)	
2		)	
3		)	
4	Appellant,	)	NO. D93-144 and <u>D93-145</u>
5		)	
6	v.	)	NOTICE OF APPEARANCE
7	STATE OF WASHINGTON,	)	
8	DEPARTMENT OF CORRECTIONS,	)	
9		)	
10	Respondent.	)	

TO: VICTORIA W. SHELDON, Wash. State Personnel Appeals Board;  
SWANSON, PARR, CORDES, YOUNGLOVE & PEEPLES, Attorneys for Appellant;  
SUE ZUKOWSKI, Washington Federation of State Employees.

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 MICHAEL P. SELLARS, 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 8th day of November, 1993.

CHRISTINE O. GREGOIRE  
Attorney General

*M Sell*

MICHAEL P. SELLARS  
Assistant Attorney General  
WSBA No. 21331  
Attorney for Respondent

ATTORNEY GENERAL OF WASHINGTON  
Labor & Personnel Division  
670 Woodland Square Loop SE  
PO BOX 40145  
Olympia, WA 98504-0145  
(206) 407-0009

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BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

NOV 04 1993

SHARON KIESEL,

Appellant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

NO. D93-145

NOTICE OF APPEARANCE

PERSONNEL APPEALS BOARD

TO: The Department of Corrections, by and through its Attorney, KATHY NOLAN:

NOTICE IS HEREBY GIVEN that the firm of SWANSON, PARR, CORDES, YOUNGLOVE & PEEPLES, P.S., hereby makes its appearance for and on behalf of the appellant, above named, and a copy of all pleadings should be served upon said firm at the office address below stated.

DATED this 2 day of Nov, 1993.

SWANSON, PARR, CORDES, YOUNGLOVE & PEEPLES, P.S.

EDWARD E. YOUNGLOVE III, WSBA No. 5873 Attorney for Appellant

Office and Post Office Address:

Eastside Professional Plaza, Suite A 924 E Seventh Avenue PO Box 7846 Olympia, Washington 98507 (206) 357-7791

cc: Sue Zukowski

SWANSON, PARR, CORDES, YOUNGLOVE & PEEPLES, P.S. ATTORNEYS AT LAW EASTSIDE PROFESSIONAL PLAZA, SUITE A 924 EAST SEVENTH AVENUE P.O. BOX 7846 OLYMPIA, WASHINGTON 98507-7846 FACSIMILE (206) 754-9268 (206) 357-7791



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

STATE OF WASHINGTON  
PERSONNEL APPEALS BOARD

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

November 1, 1993

Sue Zukowski, Area Representative  
Washington Federation of State Employees  
10116 - 36th Avenue Court SW, #16  
Tacoma, Washington 98499

RE: Sharon Kiesel v. Department of Corrections, Suspension  
Appeal Case No. D93-145 and Dismissal Appeal Case No.  
D93-144

Dear Ms. Zukowski:

Your letters of appeal to the Personnel Appeals Board were  
received on October 27, 1993.

These matters are being assigned to Hearings Examiner  
Jennifer Woods. You will be contacted to arrange a date,  
time and location for the hearing.

Sincerely,

*Victoria W. Sheldon*

Victoria W. Sheldon  
Executive Secretary

VWS: njh

cc: Sharon Kiesel, App  
Cordes, Younglove & Peeples, Atty  
Kathy Nolan, AAG  
Jennie Adkins, PO

CHASE RIVELAND  
Secretary



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
McNEIL ISLAND CORRECTIONS CENTER  
P. O. Box 900 • Steilacoom, Washington 99388-0900

RECEIVED

OCT 29 1993

PERSONNEL  
APPEALS BOARD

RECEIVED  
OCT 14 1993  
Department of Corrections  
Division of Human Resources

October 7, 1993

Sharon Kiesel  
8521 29th Ave. Ct. S. #6  
Tacoma, WA 98409

CONFIDENTIAL --  
PERSONAL SERVICE



Ms. Kiesel:

This is official notification that you are being suspended without pay from your position as a Pharmacy Assistant-A from the beginning of your workshift on October 11, 1993 through the end of your workshift on October 15, 1993.

This disciplinary action is taken pursuant to the Civil Service Laws of Washington State, Chapter 41.06, Revised Code of Washington, and the Merit System Rules, Title 356, Washington Administrative Code (MSR), and Sections 356-34-010 (1)(a) Neglect of Duty, (b) Inefficiency, (c) Incompetence, and 356-34-030 Suspension - Duration - Procedure.

Specifically, you neglected your duty, and were inefficient and incompetent when on June 9, 1993 you 1) incorrectly filled a prescription for inmate Henry C., No. 177695, by dispensing a lower dosage than what was prescribed by the physician; and 2) produced two prescription labels with erroneous instructions and affixed them to containers which you filled with medication for dispensation to inmates Robert F., No. 177731, and Dean S., No. 177723, respectively. These actions are described in more detail in the Employee Conduct Report, which was completed on July 20, 1993 (attachment 1).

As a licensed Pharmacy Assistant A, you have a duty to dispense medication appropriately and accurately. In fact, the safety and well-being of inmates depend on it. With your nearly twelve years of relevant experience, I can find no excuse for you not accomplishing your job requirements in a timely, accurate and competent manner. You have an obligation to ensure that your work is done precisely; however, the errors which you made on June 9, 1993, illustrate a continuous pattern of inattention to detail which you have unfortunately developed subsequent to your assuming your Pharmacy Assistant position at this institution. You have been counseled relative to your carelessness and warned about the consequences should these serious errors continue. Evidence of this counseling and identification of possible consequences is included in two corrective interview documents, dated May 14, 1993, and June 2, 1993, (attachments 2 and 3 respectively) which specifically cite several instances of prescription dispensation errors on your part.

(2)

Sharon Kiesel  
October 7, 1993  
Page 2 of 2

Additionally, on May 28, 1993, you received a letter of reprimand for incorrectly filling one prescription and failure to fill two others (attachment 4). By your failure to properly fill prescriptions you have placed this institution in an untenable position; open to litigation, and other repercussions to the inmates in our care ranging from minimal medical reactions to loss of physical well-being, up to and including the loss of life. You have seriously neglected your duty, and demonstrated inefficiency and incompetence by the careless way in which you have carried out your duties. Additionally, you have neglected your duty by disregarding the numerous instances of supervisory direction you received.

Although you have only been at MICC since March 15, 1993, I am appalled at the level of unacceptable performance in such a short time. Your previous work in a similar setting demonstrated your ability to perform your duties in an acceptable manner. I believe the disciplinary action outlined in paragraph one is warranted, and sincerely hope that it convinces you of the seriousness of your actions and deters you from further incidents of this nature. Future wrongdoing on your part may result in further corrective or disciplinary action being taken against you, up to and including dismissal.

Attachments one through four are attached hereto and by this reference, made a part hereof as though fully set forth herein.

Under the provisions of WAC 358-20-010 and WAC 358-20-040, you have a 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, thirty (30) days after the first day of your suspension as stated in paragraph one of this letter.

The Merit System Rules, Washington Administrative Code, and Department of Corrections policies are available for your review in the personnel office.



Eldon Vail, Superintendent

Attachment(s)

cc: Dennis Karras, Director, Department of Personnel  
Jennie Adkins, Director, Division of Human Resources  
James Blodgett, Assistant Director, Division of Prisons  
Kathy Nolan, Sr. Assistant Attorney General  
Donna Grazzini, Area Personnel Manager  
Katherine Nagel, MICC Personnel Officer  
Personnel file

093-145

RECEIVED

APPEAL FORM

OCT 27 1993

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: KIESEL, SHARON  
(Last name, first name, middle initial)

HOME ADDRESS: 8521 29th Avenue Ct S. #6  
(Number and street)  
Tacoma, WA 98409  
(City, state and ZIP code)

PHONE NUMBERS: WORK: (SCAN): (Off-SCAN):  
HOME: (Include area code) (206) 584-9325

EMPLOYING AGENCY OR INSTITUTION: Department of Corrections (McNeil Island CC)

Agency or institution that took action you are appealing: DOC

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

Swanson, Parr, Cordes, Younglove Sue Zukowski  
Peeples and Wyckoff, P.S. Area Representative  
PO Box 7846 10116 36th Avenue Court, #16  
Olympia, WA 98507 (PH:357-7791) Tacoma, WA 98499 (PH: 581-4402)

An Appellant may authorize a representative to act on 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:

- a. Disciplinary: (check applicable action(s)).  
    \_\_\_ Dismissal,  Suspension, \_\_\_ Demotion, \_\_\_ Reduction in Pay.
- \_\_\_ b. Disability Separation
- \_\_\_ c. Rule or Law Violation (complete PART IV. of this form)
- \_\_\_ d. Reduction in Force/Layoff (complete PART IV. of this form)
- \_\_\_ e. Allocation (position classification) (complete PART V. of this form)
- \_\_\_ f. Declaratory Ruling (see WAC 358-20-050)
- \_\_\_ g. Exemption of Position

①



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

What Rule(s) or 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?  Yes or  No

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

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

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

\_\_\_\_\_

*Eric Zubanski jr*  
SIGNATURE OF APPELLANT OR REPRESENTATIVE

10/26/93  
DATE SIGNED