BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

ROBBI METTLER-STERN, Appellant, v. LIQUOR CONTROL BOARD, Respondent.	Case No. DEMO-05-0013 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF THE BOARD

I. INTRODUCTION

1.1 **Hearing.** This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair; BUSSE NUTLEY, Vice Chair; and GERALD L. MORGEN, Member. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on April 27, April 28, and May 5, 2006.

1.2 **Appearances.** Appellant Robbi Mettler-Stern was present and was represented by Michael Hanbey, Attorney at Law. Morgan Damerow, Assistant Attorney General, represented Respondent Washington State Liquor Control Board.

1.3 **Nature of Appeal.** This is an appeal from a disciplinary sanction of demotion for cause of a Washington Management Service (WMS) District Manager. Respondent alleges Appellant failed to investigate employee complaints, including harassment, in a timely manner, which then escalated and required an outside investigation that revealed other significant problems at a store in her district.

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1.4 **Preliminary Matter.** At the outset of the hearing, Appellant presented a Motion in Limine to exclude from evidence the testimony and/or Investigation Report of Katherine Cooper Franklin, who was hired by the Liquor Control Board to conduct an investigation of Store #4. Appellant argued that the information obtained from Ms. Cooper Franklin was hearsay, unreliable, and presented no opportunity for cross examination. Appellant further argued that the appointing authority interviewed the employees identified as witnesses and that any testimony by Ms. Cooper Franklin or admission of her report was unnecessary.

Respondent argued the rules of evidence did not apply to this Board and argued the Board typically allowed hearsay evidence and that it was the Board's role to determine what weight, if any, to apply to the evidence. Respondent further argued that Ms. Cooper Franklin's testimony and/or report was relevant because the appointing authority considered it as part of her decision making process.

The Board ruled that Ms. Cooper Franklin's investigation report was admissible because the appointing authority considered it and because it was attached to the disciplinary letter. The Board, however, noted that Respondent still carried the burden of proving the charges in the disciplinary letter. The Board deferred the decision of whether to admit Ms. Cooper Franklin's sworn deposition; however, Ms. Cooper Franklin testified at this hearing, and her deposition was admitted through her testimony.

II. FINDINGS OF FACT

2.1 Appellant is a permanent employee for Respondent Washington State Liquor Control Board. Appellant and Respondent are subject to Chapters 41.06 and 41.64 RCW and the rules promulgated thereunder, Titles 356 and 358 WAC. Appellant filed a timely appeal with the Personnel Appeals Board on May 13, 2005.

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2.2 Appellant began her employment with Liquor Control Board in 1978. Appellant had previously worked as a Liquor Store Manager, and in March 1992, she promoted to the position of District Manager. In July 2000, Appellant began managing a district that included Store #4 in Tacoma. As a District Manager, Appellant was responsible for managing personnel issues for the stores in her district, which included monitoring employees for compliance with polices and initiating disciplinary or corrective action, if necessary. Appellant has not received any previous disciplinary or corrective actions.

2.3 By letter dated April 29, 2005, Administrative Director Pat Kohler notified Appellant of her demotion from District Manager to the position of Liquor Store Manager 2 for cause. Ms. Kohler outlined allegations stemming from an outside investigation conducted by Katherine Cooper Franklin of Littler Mendelson, who was hired by the agency to investigate various complaints of harassment made by employees at Store #4. Specifically, Ms. Kohler alleged Appellant failed to investigate employee complaints, including harassment, in a timely manner; failed to recognize the inappropriate behavior of an employee and failed to initiate disciplinary action; disseminated confidential information; failed to understand and enforce policies and procedures; failed to follow through with operational and corrective action issues; and generally failed to recognize workplace problems, all of which caused problems at Store #4 to escalate to the point of requiring the outside investigation.

2.4 Problems at Store #4 began to surface in the fall of 2002. At that time, Store Manager Cindy Rimestad was on an extended medical leave, and Assistant Store Manager Diane Hiatt served as the Acting Store Manager. In November 2002, Ms. Hiatt informed Appellant about an incident with a subordinate employee, Peter Hernandez, in which Mr. Hernandez exhibited harassing and abusive behavior and had directed profanity toward her. Store #4 employee Debra Munford also witnessed Mr. Hernandez's abusive and threatening behavior. At that time, Appellant admittedly

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did nothing to address Mr. Hernandez's behavior because she said Ms. Hiatt "begged [her] not to do anything."

2.5 On March 3, 2003, Ms. Hiatt confronted Mr. Hernandez about some overtime issues. Mr. Hernandez once again responded to Ms. Hiatt in an abusive and threatening manner, stating something to the effect of "I'll get you, you fucking bitch." Ms. Hiatt contacted Appellant, who told her to write up the incident in a counseling memo. Ms. Hiatt issued Mr. Hernandez the counseling slip on March 6, 2003. At that time, Appellant did not review the counseling memo, nor did she visit Store #4 or speak with any other employees regarding the incident.

2.6 On March 10, 2003, Ms. Rimestad returned to work as Manager of Store #4. On March 31, 2003, Ms. Hiatt wrote Appellant a letter detailing a number of concerns about Ms. Rimestad's management style, which she described as intimidating and harassing. Ms. Hiatt also reported that Ms. Rimestad had destroyed the counseling memo Ms. Hiatt had written regarding Mr. Hernandez's behavior on March 6 but said she had retained her own copy, which she enclosed with her letter to Appellant. Ms. Hiatt wrote that she was concerned Mr. Hernandez had received a message that his behavior was appropriate since Ms. Rimestad had torn up the counseling memo, and Ms. Hiatt had concerns about supervising him in the future. Additionally, Ms. Hiatt wrote that Ms. Rimestad had issued her a written warning two days after returning to work and implied she did so with Appellant's knowledge and consent. Ms. Hiatt also addressed safety issues in the store.

2.7 Around the same time, Appellant received a written account of Ms. Munford's concerns about Mr. Hernandez. Ms. Munford described the November 2002 and March 3, 2003, incidents in which she observed Mr. Hernandez lose his temper with Ms. Hiatt. Ms. Munford described the March 3 incident as follows:

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> Peter came into the store and looked at the schedule and yelled to Diane 'is there anything else you are going to do to fuck me over you fucking bitch I'll get you.' . . . Diane asked Peter not to raise his voice . . . she would be glad to discuss it in a professional manner . . . Pete yelled 'no that her day will come and she'll get hers when Cindy gets back.'

2.8 Mr. Hernandez and Ms. Rimestad reportedly were friends. While Ms. Munford considered herself Mr. Hernandez's friend, she did not approve of the way he treated Ms. Hiatt, and she tried to intervene and speak to Mr. Hernandez about his anger during one of his confrontations with Ms. Hiatt. After speaking with Ms. Munford on that occasion, Mr. Hernandez apologized to Ms. Hiatt.

2.9 Appellant acknowledged that significant problems existed at Store #4, which she communicated to her direct supervisor, Christopher Liu, Director of Retail Services. Appellant also contacted Maureen Clingman in Human Resources regarding Ms. Hiatt's March 31 letter. Ms. Clingman asked Appellant to send her a copy of Ms. Hiatt's letter. On May 6, 2003, Appellant responded to Ms. Hiatt's March 31, 2003 letter. In part, Appellant wrote:

> . . .
>
> As per our conversation regarding the counseling and guidance that you gave to Peter, I knew nothing of the destruction of that document until after the fact. . . . I did agree that it was not timely. As far as the content, I was unable to comment because I had not seen the document. . . .
>
> I am uncertain what 'point' was made with the [counseling memo from Ms. Rimestad] issued to you on March 12, 2003. Did you ask her? You need to seek that clarification from her yourself.
>
> . . . It appears as though you have dilemmas with both Cindy and Peter. I have forwarded a copy of your letter to our Human Resources Department, and am awaiting further guidance and assistance.

2.10 In reviewing Appellant's initial response to Ms. Hiatt on May 6, we find that although she apprised her supervisor and human resources staff about Ms. Hiatt's concerns, she waited over a month to personally address the serious allegations coming from a store in her district. We also find

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Appellant dismissed the destroyed counseling memo as untimely when in fact the portion relating to Mr. Hernandez's behavior on March 3 was timely. In addition, the overall tone of her letter to Ms. Hiatt demonstrated her reluctance to directly address the conflict developing at Store #4.

2.11 On May 12, 2003, Ms. Clingman sent an email to Appellant reminding her that she had not yet received a copy of Ms. Hiatt's March 31 letter. In early May 2003, Ms. Clingman had received clarification from Mr. Liu and Human Resources Manager Barb Vane that she was to provide Appellant clarification and consultation regarding the incidents but that Appellant was responsible for conducting the investigation.

2.12 District Managers at the Liquor Control Board are expected to investigate allegations of misconduct and prepare written reports, if necessary. They are also expected to provide guidance in resolving workplace issues to store managers within their assigned districts. Appellant had received training in a number of areas pertinent to her role as a District Manager handling personnel issues, including a course in Human Resource Education and Liability Prevention (HELP) that addressed investigations of employee misconduct and corrective action.

2.13 On May 15, 2003, Appellant sent an email to Ms. Clingman asking what to do next, and Ms. Clingman referred her to Mr. Liu. Appellant continued to email Mr. Liu and Human Resources to request assistance in handling the issues at Store #4. Mr. Liu suggested Appellant conduct a store meeting; however, in an email dated May 19, 2003, she asked Mr. Liu to reconsider because she was concerned about retaliation due to the hostile working environment. Instead, Appellant asked Mr. Liu for further assistance and guidance in dealing with the issues at Store #4.

2.14 On May 20, 2003, Mr. Liu sent Appellant an email requesting that she develop an action plan to resolve issues at Store #4. In an effort to narrow the scope, Mr. Liu told Appellant to

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identify the issues by looking at the documents she had received and applying specific questions to determine the timeliness of the reported incidents, any ability to take action, and the specific action representing possible misconduct. Mr. Liu indicated he would meet with her after she compiled a list of the issues, and he identified specific training materials Appellant could reference to assist her. Mr. Liu also offered to accompany Appellant to employee interviews, if necessary.

2.15 Meanwhile, Appellant continued to receive complaints from Ms. Hiatt. On May 21, 2003, Ms. Hiatt left a message for Appellant, stating that she was unable to finish her shift due to harassment by Mr. Hernandez that Ms. Rimestad refused to acknowledge. On May 22, Ms. Hiatt documented the incident in which Mr. Hernandez called her a "fucking bitch" after she made a remark to him because he smirked after hearing Ms. Rimestad deny Ms. Hiatt leave for a personal issue. When Ms. Hiatt pointed out his behavior to Ms. Rimestad, she reportedly smiled and said she did not hear a thing. Ms. Hiatt also sent Appellant an email describing sexual, offensive remarks made by Ms. Rimestad, and she wrote, "[c]indy is creating a hostile environment here and seems to enjoy it. This harassment must stop."

2.16 There is no evidence Appellant responded to Ms. Hiatt's above complaints until July 2003. Rather, Appellant continued to seek assistance from Mr. Liu and human resources staff, and she forwarded documentation from Store #4 to Mr. Liu. On May 25, 2003, Appellant forwarded Mr. Hernandez's request for anger management training to Mr. Liu and Ms. Vane, per their instructions, but indicated training through the Department of Personnel was not offered at that time. There is no evidence Appellant pursued further training for Mr. Hernandez.

2.17 On May 26, 2003, Mr. Liu sent Appellant an email instructing her to identify and then substantiate the issues. Appellant responded by asking that either he or human resources staff assist her in dealing with the problems at Store #4. By email dated May 27, 2003, Mr. Liu directed

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Appellant to perform an analysis of the issues at Store #4, to act on the matter, and to bring a resolution to the store in a timely manner. Mr. Liu emphasized his belief that Appellant had the training and experience to analyze the problems and work on a solution. He stated his availability for her to meet with him and offered his assistance in answering questions.

2.18 On May 28, 2003, Ms. Munford wrote Appellant, again describing the hostile work environment. Ms. Munford offered to meet and discuss the issues with Appellant, stating, "I have many more bits of information . . . I am perplexed as to why you haven't asked me to share with you what I witnessed transpire between Peter and Diane." There is no evidence that Appellant followed up with Ms. Munford at that time.

2.19 On June 3, 2003, Mr. Liu met with Appellant to discuss the issues she identified as problems at Store #4. They discussed the analysis process, and he provided her guidance on documenting concerns, issues to discuss with employees, and preparing questions to ask employees during the interview process of the investigation. Mr. Liu also suggested Appellant consult with other district managers on handling investigations.

2.20 On July 21, 2003, Appellant responded in writing to Ms. Hiatt's May 21 complaint. In her letter to Ms. Hiatt, Appellant wrote that after interviewing four people she determined there were two versions of the events and "was unable to gather any conclusive evidence." Appellant also wrote, "Diane, I am very concerned . . . but I am unable to substantiate the majority of your claims." It is unclear who Appellant interviewed, but we find that by July 2003, Appellant had already received significant documentation from Ms. Munford that corroborated Ms. Hiatt's claims of harassment.

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2.21 Ms. Hiatt continued to receive counseling memos from Ms. Rimestad during July and August 2003 for relatively minor issues. No other employees had received counseling for similar issues. In addition, Ms. Rimestad had adjusted Ms. Hiatt's lunch schedule, and she believed Ms. Rimestad's actions were forms of harassment.

2.22 On September 5, 2003, Appellant met with Ms. Hiatt to discuss her concerns and go over her documentation. Mr. Liu and Ms. Clingman were also present as observers. Appellant met with Ms. Munford one time at another store location in the fall of 2003 to discuss her concerns. In October 2003, Ms. Clingman drafted interview questions for Appellant to use during the investigation, in an effort to bring closure and resolution to the problems at Store #4.

2.23 After the September 2003 meeting with Ms. Hiatt, Mr. Liu suggested that Appellant transfer Ms. Hiatt to another store on a temporary basis to remove her from the stressful environment at Store #4. Appellant found a temporary position for Ms. Hiatt in another store. However, when Appellant met with Ms. Hiatt to discuss the transfer, she did not explain the reason for the transfer, and Ms. Hiatt indicated she did not want to be transferred. Ms. Hiatt told Appellant she could not make her go, and Appellant admittedly replied, "actually, we can make you go." Similarly, Ms. Cooper Franklin credibly testified that when she spoke with Appellant as part of her investigation, Appellant admitted she did not tell Ms. Hiatt the transfer was temporary and referred to Ms. Hiatt as "a troublemaker."

2.24 In November 2003, Ms. Hiatt wrote a letter to Ms. Kohler, stating that she did not want to be transferred and that she viewed the transfer as retaliatory because others viewed her as being the problem at Store #4. Ms. Munford's November 26, 2003 letter to Appellant affirms that perception because she indicated that Ms. Rimestad called her to "gloat about her winning the situation against

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Diane . . ." Because Ms. Hiatt viewed the transfer as retaliatory, Ms. Kohler ultimately decided not to transfer her at that time.

2.25 On February 2, 2004, Appellant provided Mr. Liu with her completed report of the investigation into Ms. Hiatt's complaints. Appellant concluded that a number of issues pointed to inappropriate behavior by one or more staff members at Store #4 that could have been avoided if staff had followed polices and procedures and shown respect and courtesy for one another. Appellant also made some recommendations for staff that included treating others with respect and being personally accountable for behavior. Appellant further recommended classes for employees that addressed a collaborative workplace, managing stress and emotions, and interpersonal conflict management. In addition, Appellant recommended that Ms. Rimestad set quarterly store meetings, that Ms. Hiatt understand that "being given direction is not harassment," and that Mr. Hernandez "be aware of how his behavior can be interpreted." In March 2004, Appellant provided each of the employees at Store #4 a letter detailing her investigative report.

2.26 While Mr. Liu found Appellant's report to be satisfactory, Ms. Kohler did not agree with his assessment. By March 2004, Ms. Vane had received new allegations from Ms. Rimestad against Ms. Hiatt. Ms. Vane included Appellant in discussions regarding a new investigation. Ms. Vane suggested Operations Manager John Redal conduct the investigation, but Appellant knew Ms. Rimestad would have concerns about Mr. Redal because he personally knew Ms. Hiatt. Ultimately, Ms. Vane concluded that an outside investigation was necessary, and Katherine Cooper Franklin was hired to conduct the investigation surrounding allegations at Store #4 in March 2004.

2.27 On October 19, 2004, Ms. Cooper Franklin submitted her investigative report to the Liquor Control Board. After reviewing Ms. Cooper Franklin's report, Ms. Kohler determined that Appellant had failed to investigate serious allegations of harassment brought forth by Ms. Hiatt and

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Ms. Munford in early 2003 and due to Appellant's inactivity, the problems in Store #4 continued to fester and grow increasingly volatile for more than a year. As a result, Ms. Kohler notified Appellant that she was considering disciplinarily action and provided Appellant a detailed outline of the allegations on December 28, 2004.

2.28 On February 17, 2005, Ms. Kohler met with Appellant to discuss the allegations. Ms. Kohler also provided Appellant follow-up questions, and she considered all of Appellant's responses. Ms. Kohler was particularly concerned about the length of time it took Appellant to respond to the serious allegations raised by Ms. Hiatt in March 2003. Ms. Kohler firmly believed that had Appellant followed up with the initial complaints in March 2003, she could have obtained some resolution either through corrective action to point out unacceptable behavior or recommendations such as she proposed nearly a year later. Appellant's explanation for the delays was that she kept waiting for Human Resources to provide her assistance and that she did not have the skills to perform the investigation. However, Ms. Kohler concluded that both Mr. Liu and human resources staff provided her guidance and that Appellant simply wanted someone else to perform the investigation, which was her responsibility.

2.29 Ms. Kohler also considered other areas where Appellant ignored her responsibility. For example, when Appellant failed to address the counseling memo destroyed by Ms. Rimestad, she not only missed an opportunity to address Mr. Hernandez's inappropriate behavior but also failed to follow up on budgetary matters concerning overtime. In addition, Appellant admitted to Ms. Kohler that she knew Ms. Hiatt received a high number of counseling memos in comparison to other employees, yet she did nothing to address the situation and, instead, chose to believe Ms. Rimestad was simply performing her duty as a store manager.

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2.30 Ms. Kohler was also concerned about other allegations that came to light during Ms. Cooper Franklin's investigation. For instance, Appellant admittedly shared confidential information, such as telling a union representative that Mr. Hernandez had nothing to worry about and informing Ms. Rimestad that Mr. Redal did not like her. Finally, Ms. Kohler was troubled that Appellant apparently did not understand that agency policy prohibited alcohol consumption at work, though Appellant denied ever allowing employees to drink alcohol at work.

2.31 In considering the allegation related to sharing confidential information, we find Appellant admitted discussing Mr. Redal's opinions of Ms. Rimestad with her but stated it was prior to the investigation. Appellant also admitted that she told Mr. Hernandez's union representative he had nothing to worry about, though she said her comment was taken out of context. Nonetheless, we find it was inappropriate to openly discuss either of the above issues.

2.32 In considering the allegation related to alcohol consumption in the workplace, we find the possibility exists that Appellant misstated the agency's policy. However, we find Appellant's assertion that she had zero tolerance for drinking alcohol on duty to be credible.

2.33 In determining the level of discipline, Ms. Kohler considered Appellant's role as a Washington Management Service District Manager with the responsibility of understanding management principles and handling sensitive personnel issues, including corrective action. Ms. Kohler also believed that as a WMS employee, Appellant was held to a higher standard. Ms. Kohler considered Appellant's years of experience and training, including Appellant's strengths and positive work history. However, she determined that Appellant's failure to effectively manage the potentially volatile situation at Store #4 created a liability for the agency. As a result, Ms. Kohler concluded that she had no option other than to demote Appellant to a store manager position where

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she had less responsibility related to personnel actions and would have the chance to succeed in other areas of management, as well as the opportunity for further improvement.

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III. ARGUMENTS OF THE PARTIES

3.1 Respondent argues that as a District Manager with years of training and experience, Appellant failed to promptly investigate serious allegations of misconduct or provide corrective action for unacceptable, hostile behavior of an employee. Consequently, Respondent asserts the working relationships between the employees at Store #4 continued to deteriorate and problems grew increasingly worse. Respondent also contends Appellant failed to recognize the severity of the harassment claims made by employees and failed to follow up with employees and monitor behavior. Respondent asserts Appellant, instead, relied on her supervisor and human resources staff to lead her through an investigation that was clearly her responsibility. Respondent argues that even after receiving guidance, clarification, and specific directives, Appellant failed to intervene or take any action in a timely manner. Respondent asserts Appellant's inaction created a liability for the agency and argues that demotion to a position with less responsibility was appropriate.

3.2 Appellant admits there were personality conflicts and huge problems at Store #4. Appellant contends she understood the enormity of the situation, which she asserts the agency did not fully recognize until the outside investigation occurred. Appellant asserts she had enough background and knowledge about the employees involved to recognize she did not have the ability to handle the situation. Appellant further asserts she realized a potentially hostile work environment existed and argues she alerted upper management early on of the need for an outside investigation. Appellant asserts the situation at Store #4 became increasingly difficult to handle and that new allegations surfaced almost daily. Appellant asserts she did not have enough time to successfully manage those issues and perform her other managerial duties. Appellant contends she repeatedly requested help from her supervisor and Human Resources but received very little assistance and unclear directives. Appellant asserts she has been a long-time, dedicated District Manager with a positive work history and no previous discipline and argues the demotion was unwarranted.

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IV. CONCLUSIONS OF LAW

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

4.2 In a hearing on appeal from a disciplinary action, Respondent has the burden of supporting the charges upon which the action was initiated by proving by a preponderance of the credible evidence that Appellant committed the offenses set forth in the disciplinary letter and that the sanction was appropriate under the facts and circumstances. WAC 358-30-170; Baker v. Dep't of Corrections, PAB No. D82-084 (1983).

4.3 As a Washington Management Service employee, Appellant was expected to use a high level of judgment, accountability and management. As a District Manager for the Liquor Control Board, it was Appellant's responsibility to manage personnel issues, monitor employees for compliance with polices, investigate misconduct, and initiate disciplinary and corrective action when necessary for the employees in her district. Respondent has proven by a preponderance of the credible evidence that Appellant neglected that responsibility when she failed to timely investigate allegations of harassment and take swift action to alleviate the hostile working environment at Store #4.

4.4 Although Appellant claimed she did not have the ability to handle an investigation of this magnitude, we conclude her years of experience and training prepared her for dealing with employee complaints and conflicts in the workplace. In November 2002, Appellant heard a complaint from Ms. Hiatt that Mr. Hernandez exhibited abusive and threatening behavior. As a manger, Appellant had an absolute duty to investigate a claim of threatening behavior, regardless of whether the employee asked her to follow up or not. In March 2003, Appellant should have recognized there was a pattern of potentially abusive behavior. As a result, Appellant should have followed up with Ms. Hiatt after instructing her to write a counseling memo to Mr. Hernandez on or

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around March 3 and at the very least when she learned Ms. Rimestad had destroyed the written record documenting unacceptable behavior. When Appellant received Ms. Hiatt's letter on March 31, 2003, and Ms. Munford's letter supporting her claims, Appellant had enough information to initiate her investigation.

4.5 Approximately a year later, Appellant concluded there was inappropriate behavior by one or more staff members that could have been avoided if staff followed polices and procedures and showed respect and courtesy for one another. Those issues were apparent in the spring of 2003, and it was Appellant's duty to address negative behavior and enforce workplace polices. While we conclude Mr. Liu could have provided more assistance, there was no evidence Appellant took any immediate action or proposed any solutions that either he or human resources staff could review and provide feedback on until significant time had passed.

4.6 Furthermore, the evidence has shown that Appellant minimized Ms. Hiatt's claims of harassment because she tolerated Ms. Rimestad issuing Ms. Hiatt an inordinate number of counseling memos and she was not forthright with Ms. Hiatt about the reason for her potential transfer in November 2003. Additionally, we conclude Appellant failed to understand the severity of the problems at Store #4, as evidenced by her report to Mr. Liu in February 2004. Appellant's statements that Ms. Hiatt "understand that being given direction is not harassment" and that Mr. Hernandez "be aware of how his behavior can be interpreted" minimized the threat of harassment and inexcusable behavior, and they further demonstrated Appellant's inability to grasp the seriousness of the situation.

4.7 WAC 356-56-500 authorizes appointing authorities to impose disciplinary sanctions on Washington Management Service employees "for cause." In this case, we conclude the disciplinary action imposed by the appointing authority, demotion to a Liquor Store Manager 2 position, was

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justified and appropriate under the facts and circumstances. Therefore, the appeal of Robbi Mettler-Stern should be denied and the demotion should be upheld.

V. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Robbi Mettler-Stern is denied.

DATED this _____ day of _____, 2006.

WASHINGTON STATE PERSONNEL APPEALS BOARD

_____
Walter T. Hubbard, Chair

_____
Busse Nutley, Vice Chair

_____
Gerald L. Morgen, Member

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