BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

KENDRA TRECO, Appellant, v. LIQUOR CONTROL BOARD, Respondent.	)	PRB Case No. R-JUR-12-004 **ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board, JOSEPH PINZONE, Vice Chair, and NANCY HOLLAND YOUNG, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

WAC 357-52-215 provides, in relevant part:

> The board may dismiss an appeal on its own motion when:
>
> . . .
>
> (4) The board lacks jurisdiction over the subject matter or parties to the appeal. . . .

On August 28, 2012, Kendra Treco filed an appeal a letter of reprimand. In her appeal, Ms. Treco indicated that the letter of reprimand was dated July 11, 2012. Ms. Treco also alleged a violation of RCW 49.60.180(3) and RCW 49.60.210.

Actions that may be appealed to the Board are contained in RCW 41.06.170. Section 2 of the statute provides, in part:

> Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days

> after the effective date of such action to the Washington personnel resources board. . . .

Letters of reprimand are not disciplinary actions as anticipated by RCW 41.06.170. Additionally, Chapter 49.60 RCW addresses matters that are within the jurisdiction of the Human Rights Commission. Therefore, it appeared the Ms. Treco's appeal was not within the jurisdiction of the Board. By letter dated August 29, 2012, Board staff directed the parties to provided written argument addressing the Board's jurisdiction.

On September 21, 2012, Respondent filed written argument in support of dismissal. Respondent argued that dismissal was appropriate because the Board lacks jurisdiction to review letters of reprimand and lacks jurisdiction over violations of Chapter 49.60 RCW. Respondent further argued that even if the Board had jurisdiction over the subject matter of the appeal, the appeal was untimely because it was filed more than 30 days after the date of the letter of reprimand.

Ms. Treco did not provide written argument addressing the Board's jurisdiction.

On September 26, 2012, the Board served the parties with a Notice of Potential Dismissal. The notice stated that it appeared that letters of reprimand are not disciplinary actions as anticipated by RCW 41.06.170. The notice also stated that it appeared that the Board has jurisdiction to hear appeals of violations of the state civil service law and rules (Chapter 41.06 RCW and Chapter 357 WAC) and that Ms. Treco's allegations of a violation of RCW 49.60.180 and RCW 49.60.210 were not within the jurisdiction of the Board.

The Notice of Potential Dismissal notified that parties that the appeal would be dismissed unless, within fifteen calendar days following the date of service of the notice, the Board received a written request showing good cause why the appeal should not be dismissed.

Neither party provided a response to the Notice of Potential Dismissal.

In this case, Ms. Treco's appeal of a letter of reprimand and her alleged a violation of RCW 49.60.180(3) and RCW 49.60.210 are not matters that are appealable to the Board. Therefore, the Board lacks jurisdiction in this matter.

The Board having reviewed the file and records herein and being fully advised in the premises, now enters the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Kendra Treco v. Liquor Control Board, PRB Case No. R-JUR-12-004, is dismissed.

DATED AND MAILED this _____ day of _____, 2012.

WASHINGTON PERSONNEL RESOURCES BOARD

_____

JOSEPH PINZONE, Vice Chair

_____

NANCY HOLLAND YOUNG, Member