

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 LINDA BELANGER,)
 4 Appellant,)
 5 vs.)
 6 DEPARTMENT OF CORRECTIONS,)
 7 Respondent.)
 8)

PRB Case No. R-JUR-15-013

ORDER OF DISMISSAL

9 This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair, and
10 VICKY BOWDISH, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

11
12 On December 8, 2015, Ms. Belanger filed an appeal of her Letter of Reprimand dated November 10,
13 2015.

14 By letter dated December 15, 2015, board staff sent a Letter of Dismissal to both parties. The letter
15 stated reasons why the board does not have jurisdiction over the appeal and directed the parties to
16 submit affidavits and/or written argument within twenty-one (21) calendar days why the appeal
17 should not be dismissed. On January 4, 2016, Kari Hanson, Senior Assistant Attorney General,
18 responded to the letter stating the reasons why the board does not have jurisdiction over the case.
19 Ms. Belanger did not respond to the letter.

20
21 The Notice of Potential Dismissal was sent on January 6, 2016, in accordance with WAC 357-52-
22 035. The notice stated the appeal would be dismissed unless, within fifteen (15) calendar days
23 following the date of the notice, the Board received a written request showing good cause why the
24 appeal should not be dismissed. On January 12, 2016, board staff received a response stating
25 reasons why the Letter of Reprimand should be removed from her personnel file and why the board
26 should hear her case.

1 On January 15, 2016, board staff received another response from Ms. Belanger stating reasons why
2 she believes the board should hear her case, citing WAC 357-40-015, which states in part:
3 "...Actions taken by an appointing authority in accordance with the employer's corrective discipline
4 policy carry the same weight as disciplinary actions which impact pay."

5 Ms. Hanson did not reply to the Notice of Potential Dismissal.

6
7 WAC 357-52-010 states, in relevant part:

8 (1) Within WGS, the following actions may be appealed:

9 (a) Any permanent WGS employee subject to the statutory jurisdiction of the board who is
10 **dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal**
11 **to the board (emphasis added).**

12 While letters of reprimand are a form of discipline, they are not an appealable action within the
13 board's jurisdiction, per WAC 357-52-010 (1)(a). Therefore, the appeal should be dismissed.

14
15 The Board having reviewed the file and records herein and being fully advised, now enters the
16 following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal Linda Belanger vs. the Department of Corrections, PRB Case No. R-JUR-15-013, is dismissed.

DATED AND MAILED this ____ day of _____, 2016.

WASHINGTON PERSONNEL RESOURCES BOARD

NANCY HOLLAND YOUNG, Chair

VICKY BOWDISH, Member