

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

RONALD ALEXANDER,

Appellant,

v.

UNIVERSITY OF WASHINGTON,

Respondent.

) Case No. SUSP-03-0001

)  
) 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; GERALD L. MORGEN, Vice Chair; and BUSSE NUTLEY, Member. The hearing was held at Harborview Medical Center, Personnel Building, Conference Room 16, Seattle, Washington, on August 22, 2003.

1.2 **Appearances.** Appellant Ronald Alexander was present and was represented by Darren Spang, Attorney at Law, of Parr, Younglove, Lyman & Coker, P.L.L.C. Jeffrey W. Davis, Assistant Attorney General, represented Respondent University of Washington.

1.3 **Nature of Appeal.** This is an appeal from a disciplinary sanction of a suspension for Appellant's deficient work performance.

## II. FINDINGS OF FACT

2.1 Appellant Ronald Alexander is a permanent employee for Respondent University of Washington. Appellant and Respondent are subject to Chapters 41.06 and 41.64 RCW and the rules promulgated thereunder, Titles 251 and 358 WAC. Appellant filed a timely appeal with the Personnel Appeals Board on January 10, 2003.

2.2 Appellant began working for the University of Washington in September 1998. At the time of his suspension, Appellant was employed as a Patient Services Coordinator (PCS) at Harborview Mental Health Services (HMHS) in the Outpatient Clinic. Appellant worked Tuesday through Saturday, from 8 a.m. to 4:30 p.m. Appellant's responsibilities included checking in and registering patients at the front desk before each appointment, indicating in the electronic appointment system that the patient had arrived, answering the phones, filing, and scheduling appointments. Appellant's registration duties included gathering patient information such as contact information, financial history and Medicaid/DSHS information and verifying financial and insurance information. The position required a high degree of accuracy, otherwise, mistakes in registrations could result in possible denials of benefits by Medicaid or DSHS, incorrect billing and recording of incorrect or incomplete information about the patient.

2.3 Diana Brackett, Program Support Supervisor II, supervised Appellant. Beginning August 2001, Ms. Brackett noted problems with Appellant's registration responsibilities. Appellant's registrations were illegible, inaccurate and incomplete. Ms. Brackett explained to Appellant the importance of gathering accurate information when registering clients and the impact it had on providing client services. Ms. Brackett directed Appellant to review his work before turning it in.

2.4 On October 30, 2001, Ms. Brackett issued Appellant a Letter of Counsel in which she addressed repeated errors in his work. Ms. Brackett met with Appellant on a weekly basis to

1 discuss his performance, to provide him with feedback and to discuss ways he could improve the  
2 accuracy of the registrations he processed. However, Appellant failed to show any improvement in  
3 the quality and accuracy of his work. On February 26, 2002, Ms. Brackett issued Appellant a Letter  
4 of Reprimand after a review of his work showed that he had made errors in over three-fourths of his  
5 registrations. Ms. Brackett also discussed Appellant's failure to understand the department's  
6 policies.

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8 2.5 In March 2002, Ms. Brackett significantly reduced Appellant's registration duties by  
9 requiring that he perform registration duties only on Saturdays. Additionally, she reduced his level  
10 of responsibility during the registration process by limiting him to gathering demographics, housing  
11 and financial documents; completing Confidential Financial information and Medicare Secondary  
12 Payer forms; and making copies of all supporting documents. Ms. Brackett prohibited Appellant  
13 from entering registration information into the department's computer system, and she directed  
14 Appellant to submit Saturday's registration packets to her for review. Ms. Brackett continued to  
15 meet with Appellant on a weekly basis to discuss concerns with his work.

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17 2.6 The events for which Appellant was suspended took place over a six-month period from  
18 April 2002 to September 2002. During this time period, Appellant failed to accurately perform his  
19 job responsibilities, complete assigned tasks and projects and follow established department  
20 procedures, and he failed to attend a pre-scheduled supervisor meeting on April 16. Appellant  
21 continued to demonstrate a pattern of inadequate work performance, including an unacceptable  
22 number of errors on his registrations. Appellant forgot how to complete Voiding Exiting  
23 procedures and how to properly fill out registration entry pages. Appellant also failed to complete a  
24 work assignment given to him by Ms. Brackett on February 29, 2002. On April 11, May 3, 11, and  
25 August 15, Appellant used a database program that had been replaced by a different program.

1 Appellant used the old database programs despite several directives from Ms. Brackett to use the  
2 new program.

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4 2.7 Ms. Brackett received a complaint that Appellant worked on his resume at the front desk  
5 during work hours. She also received complaints about Appellant's customer service skills,  
6 including an incident on May 28, 2002, where Appellant kept a patient waiting in the lobby for one  
7 and a half hours for a case manager that was not at work that day. In an incident on June 5, 2002,  
8 Appellant kept a patient waiting for two hours to be seen by his case manager because Appellant's  
9 failure to indicate in the electronic appointment system that the patient had arrived.

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11 2.8 Ms. Brackett also observed that Appellant failed to follow established department  
12 procedures. In one incident, Appellant failed to inform the correct personnel staff after a physician  
13 called in sick on June 4, 2002. Instead, Appellant sent an email to all staff informing them of a  
14 physician's illness. The physician, who was upset when he learned of the email, contacted Ms.  
15 Brackett to complain.

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17 2.8 Based on Appellant failure to make any significant or sustained improvements in his work  
18 performance, the incidents of poor customer service, and his failure to follow established  
19 department procedures, Ms. Brackett recommended that Appellant be disciplined in the form of a  
20 four-day suspension.

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22 2.9 By letter dated January 3, 2003, Johnesse Spisso, Chief Operating Officer for Harborview  
23 Medical Center, notified Appellant of his suspension effective January 7, 2003 through January 10,  
24 2003. Ms. Spisso charged Appellant with neglect of duty for failing to follow procedures, failing to  
25 accurately perform his job responsibilities and complete assigned tasks/project.

### III. ARGUMENTS OF THE PARTIES

3.1 Respondent argues that Appellant repeatedly failed to satisfy the major responsibilities of his position, despite his supervisor's efforts to counsel and provide training to him. Respondent argues that Appellant's repeated failure to do his job properly damaged his department and lowered the quality of care received by its patients. Respondent argues Appellant also failed to provide an acceptable level of customer service to patients and staff. Respondent argues despite six months of intensive training, Appellant continued to perform his duties at an unacceptable level and that the suspension was modest and should be affirmed.

3.2 Appellant admits that he made numerous errors, but he asserts that he had difficulty learning the new database system, which was complicated and accounted for his errors. Appellant admits that he worked on his resume during work hours, that he forgot how to perform "voiding exit procedures," and admits he forgot to attend a meeting with his supervisor. Appellant asserts that other employees engaged in similar conduct; however, they were not disciplined. Appellant argues that he never received proper training to perform in his position, and that the suspension is not warranted.

### 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; WAC 251-12-240(1); Baker v. Dep't of Corrections, PAB No. D82-084 (1983).

1 4.3 Neglect of duty is established when it is shown that an employee has a duty to his or her  
2 employer and that he or she failed to act in a manner consistent with that duty. McCurdy v. Dep't  
3 of Social & Health Services, PAB No. D86-119 (1987).

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5 4.4 Respondent has met its burden of proving that Appellant failed to follow procedures, failed  
6 to accurately perform his registration duties and failed to provide an acceptable level of customer  
7 service. In addition, the registrations completed by Appellant contained an unacceptable level of  
8 mistakes and required Ms. Brackett to spend an inordinate amount of time auditing his work.  
9 Appellant's poor performance constitutes a neglect of duty and inefficiency.

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11 4.5 Although it is not appropriate to initiate discipline based on prior formal and informal  
12 disciplinary actions, including letters of reprimand, it is appropriate to consider them regarding the  
13 level of the sanction that should be imposed here. Aquino v. University of Washington, PAB No.  
14 D93-163 (1995).

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16 4.6 In determining whether a sanction imposed is appropriate, consideration must be given to  
17 the facts and circumstances, including the seriousness and circumstances of the offenses. The  
18 penalty should not be disturbed unless it is too severe. The sanction imposed should be sufficient to  
19 prevent recurrence, to deter others from similar misconduct, and to maintain the integrity of the  
20 program. An action does not necessarily fail if one cause is not sustained unless the entire action  
21 depends on the unproven charge. Holladay v. Dep't of Veterans Affairs, PAB No. D91-084 (1992).

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23 4.7 Ms. Brackett provided Appellant specific instructions regarding work expectations and  
24 improving his job performance and rate of accuracy. However, Appellant failed to show any  
25 significant improvement in the quality and accuracy of his work. Under the facts and circumstances  
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1 of this, the four-day suspension is not too severe in light Appellant's deficient work performance.  
2 Therefore, the appeal of Ronald Alexander should be denied.

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**V. ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Ronald Alexander is denied.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

WASHINGTON STATE PERSONNEL APPEALS BOARD

\_\_\_\_\_  
Walter T. Hubbard, Chair

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Gerald L. Morgen, Vice Chair

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Busse Nutley, Member