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BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

)	Case No. SUSP-04-0050
ANDREA BONNER,)	
Appellant,)	FINDINGS OF FACT, CONCLUSIONS OF
v.)	LAW AND ORDER OF THE BOARD
NORTH SEATTLE COMMUNITY COLLEGE,)	
Respondent.)	

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 in the Board Room at North Seattle Community College in Seattle, Washington, on September 14, 2005.

1.2 **Appearances.** Appellant Andrea Bonner was present and was represented by Christopher J. Coker, of Parr, Younglove, Lyman & Coker, P.L.L.C. David LaRaus, Assistant Attorney General, represented Respondent North Seattle Community College (NSCC).

1 1.3 **Nature of Appeal.** This is an appeal from a disciplinary sanction of a one-day suspension
2 for just cause. Respondent alleges Appellant mistreated and abused a member of the public and
3 violated published rules of the NSCC's Security Officers' Manual.

4 5 **II. FINDINGS OF FACT**

6 2.1 Appellant is a Campus Security Officer and permanent employee for Respondent North
7 Seattle Community College. Appellant and Respondent are subject to Chapters 41.06 and 41.64
8 RCW and the rules promulgated thereunder, Titles 251 and 358 WAC. Appellant filed a timely
9 appeal with the Personnel Appeals Board on September 7, 2004.

10
11 2.2 Appellant has been employed as a Campus Security Officer with North Seattle Community
12 College since approximately 1998. As part of her duties, Appellant issues parking tickets and
13 assists students and members of the public at the security office window. Appellant has previously
14 received an oral reprimand regarding abusive language and a written reprimand for inappropriately
15 handling a telephone complaint from a student.

16
17 2.3 As part of Appellant's written reprimand, dated April 29, 2003, Interim Safety and Security
18 Manger Michael Crist provided recommendations about handling parking complaints and reminded
19 Appellant that security officers are expected to encounter angry individuals and must professionally
20 handle difficult situations. Additionally, Appellant's supervisor, Safety and Security Manger Jeff
21 Caldwell, verbally counseled Appellant about her need to remain calm and respectful, despite any
22 negative behavior exhibited by students and members of the public.

23
24 2.4 When dealing with the public, Appellant is expected to follow the rules of conduct outlined
25 in the Security Department's manual. Specifically, Appellant is required to be "polite, firm, fair,
26 courteous and impartial." The manual further instructs officers to speak in a calm manner and not

1 use derogatory phrases. Appellant acknowledged her familiarity with the requirements in the
2 manual.

3
4 2.5 On June 17, 2004, a student complained that Appellant acted inappropriately and
5 unprofessionally while working at the security office window. The student alleged Appellant
6 became argumentative and used abusive language toward her, stating something to the effect that
7 she would not help her as long as she continued to “bitch.” The student also complained that
8 Appellant replied to her by saying, “screw you.” Appellant admits she said “screw you” but claims
9 she said it under her breath and not directly to the student, who she characterized as being
10 confrontational and rude. Appellant denied ever using the word “bitch.”

11
12 2.6 Approximately an hour prior to Appellant’s interaction with the student, Safety and Security
13 Program Coordinator Toni Bajado assisted the same student at the security office window. The
14 student had wanted to pay a parking ticket but did not have the actual ticket or the correct license
15 plate number necessary to look up the ticket information. Ms. Bajado testified that the student was
16 “extremely rude” and upset about having to go out to her car and get the correct license number.
17 Appellant, who was also working in the security office, observed the student’s behavior and felt the
18 student was abusive to Ms. Bajado.

19
20 2.7 Ms. Bajado’s credible testimony supports Appellant’s claim that the student was
21 confrontational and difficult to assist. Therefore, we find the student more likely than not provoked
22 Appellant. Nevertheless, Appellant had been trained and counseled on appropriate methods for
23 dealing with difficult individuals. Further, Appellant admitted using inappropriate language by
24 saying “screw you,” which alone violates the rules of conduct outlined in the Security Department’s
25 Manual.

1 2.8 By letter dated July 1, 2004, NSCC President Ronald LaFayette advised Appellant that he
2 was considering taking disciplinary action for misconduct, charging her with mistreating and
3 abusing a member of the public and violating published NSCC rules. In his pre-disciplinary letter,
4 President LaFayette also notified Appellant that he was providing her with an opportunity to
5 respond to the charges.

6
7 2.9 In Appellant's written response, she stated that the student had berated her and was abusive
8 to her but acknowledged that her response to the student was not appropriate. Appellant further
9 stated that she loved her job and liked helping people on campus. Appellant also referenced other
10 issues, including problems she had working with her supervisor.

11
12 2.10 On July 19, 2004, President LaFayette met with Appellant to discuss the issues outlined in
13 her written response. President LaFayette considered Appellant's indication that stress and a
14 deteriorating relationship with her supervisor had impacted her behavior, and he also considered
15 Appellant's positive work record. However, President LaFayette determined that Appellant's
16 behavior was unacceptable while representing the college. President LaFayette felt Appellant's
17 demeanor had changed in recent months and that she was exhibiting a pattern of unprofessional
18 conduct. Consequently, President LaFayette determined that discipline was necessary to impress
19 upon Appellant the significance of her negative behavior.

20
21 2.11 By letter dated August 4, 2004, President LaFayette notified Appellant of her one day
22 suspension without pay from her position as a Campus Security Officer.

23
24 **III. ARGUMENTS OF THE PARTIES**

25 3.1 Respondent argues Appellant does not dispute she used improper language with a member
26 of the public. Respondent asserts Appellant attempted to minimize her actions by stating the

1 student was unpleasant and irate and that she made the comment, “screw you” under her breath.
2 Respondent further asserts Appellant had been recently instructed on ways to respond to members
3 of the public exhibiting rude behavior and argues Appellant’s behavior was unacceptable.
4 Respondent argues the one day suspension was necessary to make Appellant aware that her
5 negative behavior was intolerable.

6
7 3.2 Appellant admits she made a mistake by using inappropriate language under her breath.
8 However, Appellant asserts she did not direct the comment at the student, who Appellant asserts
9 was out of control and abusive. Therefore, Appellant contends there were mitigating circumstances
10 surrounding the incident. Appellant asserts her previous admonishments were in the form of
11 counseling memos and not formal letters of reprimand and argues a letter of reprimand in this
12 instance is sufficient to rectify her behavior.

13 14 **IV. CONCLUSIONS OF LAW**

15 4.1 The Personnel Appeals Board has jurisdiction over the parties and the subject matter.
16

17 4.2 In a hearing on appeal from a disciplinary action, Respondent has the burden of supporting
18 the charges upon which the action was initiated by proving by a preponderance of the credible
19 evidence that Appellant committed the offenses set forth in the disciplinary letter and that the
20 sanction was appropriate under the facts and circumstances. WAC 358-30-170; WAC 251-12-
21 240(1); Baker v. Dep’t of Corrections, PAB No. D82-084 (1983).

22
23 4.3 Mistreatment or abuse of fellow workers or members of the public is established when it is
24 shown that the employee wrongfully or unreasonably treats another by word or deed. Johnson v.
25 Lower Columbia College, PAB No. D93-077 (1994).

26

1 4.4 Respondent has proven that Appellant failed to treat a member of the public with respect
2 when she made the comment, “screw you.” The Security Department’s Manual specifically
3 prohibits security officers from using derogatory phrases. Despite the student’s behavior, Appellant
4 had been trained to act professionally when dealing with difficult individuals, and her use of
5 inappropriate language is unacceptable.

6
7 4.5 Although it is not appropriate to initiate discipline based on prior formal and informal
8 disciplinary actions, including letters of reprimand, it is appropriate to consider them regarding the
9 level of the sanction which should be imposed here. Aquino v. University of Washington, PAB No.
10 D93-163 (1995).

11
12 4.6 In determining whether a sanction imposed is appropriate, consideration must be given to
13 the facts and circumstances, including the seriousness of the offenses. The penalty should not be
14 disturbed unless it is too severe. The sanction imposed should be sufficient to prevent recurrence,
15 to deter others from similar misconduct, and to maintain the integrity of the program. An action
16 does not necessarily fail if one cause is not sustained unless the entire action depends on the
17 unproven charge. Holladay v. Dep’t of Veterans Affairs, PAB No. D91-084 (1992).

18
19 4.7 President LaFayette provided compelling testimony that despite Appellant’s recent pattern
20 of negative behavior, he believed her to be an asset to the college and the security department. As a
21 result, he imposed a one day suspension in an effort to correct Appellant’s behavior. Campus
22 security officers are clearly expected to represent the college in a positive manner, and Respondent
23 has proven the disciplinary sanction is appropriate.

V. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Andrea Bonner is denied.

DATED this _____ day of _____, 2005.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Walter T. Hubbard, Chair

Busse Nutley, Vice Chair

Gerald L. Morgen, Member

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