

MAY 2 2002

CIVIL SERVICE COMMISSION

BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

JULIA BUMP,

Appellant,

CSC No. 02-01-001

v.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION**

SEATTLE PUBLIC UTILITIES,

Respondent.

Julia Bump, an Administrative Specialist III for the Seattle Public Utilities Department, timely appeals her two-week (10 days) suspension from employment. This matter came on for hearing on April 30, May 1 and 2, 2002. Appellant represented herself, and Seattle Public Utilities Department (hereinafter, "SPU") was represented by Valerie Heidi Mudra, SPU Labor Relations Coordinator. The positions of the parties are as follows:

Seattle Public Utilities' Position:

SPU contends that appellant made threatening statements to two other employees in the work place.

Appellant's Position:

Appellant admits making the statements, but contends that she was joking, and that her words were misinterpreted by the other employees, and SPU management.

1 The Hearing Examiner, having heard the testimony and the arguments of the
2 parties, and having reviewed the evidence in this case now makes the following:

3 **FINDINGS OF FACT**

4 1. Appellant Julia Bump has been an Administrative Specialist III in the
5 Engineering Services Division of SPU since March 2000, and has been employed with
6 the City of Seattle since at least 1992. Notice of Appeal. Appellant is supervisor of
7 the Engineering Records Vault staff consisting of three permanent employees and one
8 intern. Exhibits 3, 15.

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10 2. It is undisputed that during the week of November 4, 2001, appellant
11 had difficulties with one of her subordinate employees. Numerous meetings were
12 held during that week with appellant's supervisor, Brian Patton, Director of
13 Engineering Support, in an attempt to resolve appellant's complaints about that
14 employee and the employee's complaints about appellant. At some of those meetings
15 other employees who had knowledge of events that had occurred between appellant
16 and the subordinate employee were present, including another co-worker, Joyce
17 Hildebrant.
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19 3. Joyce Hildebrant is a TES employee working on a project in the vault
20 called the Virtual Vault. There are three TES, including Ms. Hildebrant and another
21 co-worker, Elizabeth Honrado, and one intern working on the Virtual Vault project.
22 Appellant does not directly supervise the employees working on the Virtual Vault
23 Project, but interacts with them in the same workspace on a daily basis.
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1 4. It is undisputed that the atmosphere in the vault during the week of
2 November 4, 2001 was tense. It is undisputed that appellant had several meetings
3 with her supervisor, Mr. Patton, to discuss the work situation in the vault, on
4 Thursday, November 8, 2001, including a meeting late in the afternoon.

5 5. It is undisputed that at approximately 5:00 p.m. on Thursday November
6 8, appellant went back into the vault where Joyce Hildebrant and Elizabeth Honrado
7 were preparing to leave for the day, pointed her fingers at them, and said "don't think
8 I won't kill you Mother Fuckers if I lose my job." [Ms. Honrado stated that appellant
9 pointed her fingers "like a gun." Ms. Hildebrant merely reported that appellant
10 pointed her fingers. Exhibits 16, 17; Testimony of Elizabeth Honrado; Testimony of
11 Joyce Hildebrant.] It is undisputed that appellant, Ms. Hildebrant and Ms. Honrado
12 were alone in the vault at the time.
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14 6. Appellant admits making the statement, but said that she was joking,
15 and that her intention was lighten the tense atmosphere in the vault. Exhibit No. 24.
16 It is undisputed that after appellant made the threatening statement, she smiled and
17 said "just kidding."
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19 7. One of the threatened employees, Ms. Hildebrant was unsure whether
20 appellant was actually joking or not when she made the statement, but did not feel
21 physically threatened by appellant. Hildebrant Testimony; Exhibit 17.
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23 8. The other employee, Ms. Honrado, did not believe that appellant was
24 joking when she made the threat. Ms. Honrado was upset, intimidated and scared
25 about her personal safety. Honrado Testimony; Exhibit 16.

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9. It is undisputed that SPU prohibits threatening or intimidating statements or behavior in the workplace. SPU Policy HR-202 – Workplace Harassment and Violence states: “SPU will not sanction discourteous, hostile, violent, aggressive or threatening behavior from or to its employees” The same policy requires that “employees treat others respectfully and ensure that their actions and behavior are not harassing or intimidating.” and prohibits behavior including “name calling, swearing, threats, [and] intimidation” Exhibit 8, Sections 2.1, 3.1.3, 4.2.

10. It is undisputed that appellant has been a good employee, with fair to good performance evaluations, and has no prior disciplinary record.

11. Appellant was suspended for two weeks (ten days) without pay for making the threatening comments to the two co-workers and exhibiting unprofessional conduct in the workplace as a supervisor. Exhibits 18, 19, 20 and 21.

12. SPU has disciplined employees for, among other things, inappropriate behavior with another supervisor – no threats (three days suspension); verbal altercation with a citizen (twenty day suspension, ten days in abeyance); leaving a threatening note on a vehicle (twenty day suspension, five days in abeyance); horseplay which other employee considered threatening (three day suspension); and a threatening statement overheard by another employee (five days suspension). Exhibit 22.


Based upon the above Findings of Fact, the Hearing Examiner now makes the following:

CONCLUSIONS OF LAW

1 1. SPU had justifiable cause to discipline appellant.

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3 2. Under the circumstances of this case, which involve serious threatening
4 statements made to co-workers, a ten-day suspension without pay is an appropriate
5 discipline.

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7 DATED this 16th day of May, 2002.

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11 Jennifer S. Divine, Hearing Examiner
City of Seattle Civil Service Commission

DECISION

1 It is clear that SPU had justifiable cause to impose a ten-day suspension on
2 appellant. There is no dispute about the events that took place. Appellant admitted
3 going back into the vault at the end of the workday and saying to two coworkers who
4 were preparing to leave for the day: "Don't think I won't kill you Mother Fuckers if I
5 lose my job." Appellant and her two coworkers were alone in the vault at the time.
6 SPU has clear policies forbidding threatening or intimidating statements. There is no
7 doubt that appellant's statement violated SPU rules.
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9 Appellant argues that she was joking when she made the statement, that her
10 remarks were misconstrued, that she was friends with these two coworkers, and they
11 should have known that she was joking. But the employees to whom appellant made
12 the statement did not believe that she was joking. One of the coworkers did not know
13 whether she was joking or not, but felt that the remark was inappropriate for the
14 workplace. The other coworker definitely did not believe that appellant's threat was a
15 joke. That co-worker was genuinely scared and intimidated. It is immaterial whether
16 she believed that appellant might actually kill her, was frightened at the thought of
17 some lesser physical harm, or merely was scared and intimidated by the prospect of
18 possible future threats or some other kind of retaliation within the workplace.
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20 A grave threat was made in circumstances that indicated that even if appellant
21 was partially joking, her intent was also partially to intimidate her coworkers. Once
22 this threat was made, SPU had no choice but to take the matter very seriously. The
23 possibility of irrational workplace violence is a real and present danger. An employer
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1 must take strong action against threats of violence to protect its employees not only
2 from actual physical harm, but from the fear and intimidation that such threats cause.

3 Certainly there is a place for humor and good-natured bantering in the
4 workplace. Appropriate use of humor may ease stress and tension, and smooth
5 relations between co-workers. Appellant's statement, however, whether or not she
6 intended to be humorous, crossed the line into unacceptable behavior. There is no
7 place in the workplace for threats of violence, bodily harm, or death, even in jest.

8 The ten-day suspension imposed on appellant was fair and reasonable. It was
9 within the range of discipline given other employees for similar offenses, and was not
10 unduly harsh given the circumstances and seriousness of the threat made.

11 Appellant's supervisors had originally considered recommending a longer period of
12 suspension, or even termination, but decided because of appellant's past good work
13 record and lack of prior discipline to limit the suspension recommendation to two
14 weeks. Other than appellant's claim that she was joking, there were no other
15 extenuating or mitigating circumstances to justify reducing the discipline further. It
16 was reasonable for the final SPU decision maker to accept the recommendation for the
17 two weeks suspension. SPU has met its burden of showing justifiable cause for the
18 discipline imposed in this case.
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21 DATED this 16th day of May, 2002.

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Jennifer S. Divine, Hearing Examiner
City of Seattle Civil Service Commission