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CITY OF SEATTLE

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CIVIL SERVICE COMMISSION

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**UNDER DELEGATION FROM THE
CITY OF SEATTLE, CIVIL SERVICE COMMISSION**

In the Matter of the Appeal of,

Drucilla A. Hardee,
Appellant

v.

**Department of Planning and
Development, City of Seattle,**
Respondent

CSC No. 04-01-003

PRESIDING OFFICER'S DECISION

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BACKGROUND

6 Drucilla Hardee, a Housing/Zoning Inspector for the Seattle Department of Planning &
7 Development, appeals the two-day suspension imposed on her in a March 4, 2004 memorandum
8 from Department Director Diane Sugimura. Ms. Hardee's appeal, received by the Civil Service
9 Commission on March 24, 2004, is timely.

10 The appeal originally came on for hearing on Friday, August 6, 2004, but due to Appellant's
11 illness on that day, the hearing was continued until September 20, 2004. The hearing took place on
12 September 20, lasting one day. Appellant represented herself, and the Seattle Department of
13 Planning & Development ("the Department") was represented by Assistant City Attorney Angelique
14 Davis. The hearing officer left the record open at the conclusion of the hearing in order to receive
15 additional information concerning Exhibit 35, the Department's comparable discipline chart. The
16 Department provided the requested information and a corrected Exhibit 35 on September 23.

ORIGINAL

1 **Department's Position:**

2 The Department contends that Appellant was disciplined appropriately for her failure to
3 follow proper case file handling procedures, and for her lack of integrity, honesty and
4 professionalism in her interactions with her supervisors, including her division director Karen
5 White. Appellant was not able to locate one of her case files, the *Durland* file, when questioned
6 about the file by Ms. White in late July 2003. Although Appellant either had the *Durland* case file
7 in her possession or located it shortly thereafter, Appellant failed to inform Ms. White that she had
8 located the file before leaving on an extended medical leave in mid-August. Ms. White did not
9 obtain access to the file until late August, when a search of Appellant's work area uncovered
10 approximately 20 case files locked inside a drawer in Appellant's file cabinet. The Department
11 contends that Appellant's actions, combined with her prior history of improper or poor case
12 management practices and previous history of not being fully honest with a supervisor, justify the
13 two day suspension.

14 **Appellant's Position:**

15 Appellant admits the basic facts presented by the Department. However, she contends that
16 she did not have the *Durland* file when first questioned about it by Ms. White, claiming that she had
17 transferred the file to Greg LaMont, her former supervisor, at his request. Appellant contends that
18 she located the *Durland* file some time later misfiled in the Department's stacks. Appellant claims
19 that Ms. White was not available when she looked for her to tell her that she had located the file, but
20 has no explanation for why she did not leave a message or email for Ms. White informing her that
21 she had located the file or turn over the file to Ms. White at some point before Appellant left for
22 medical leave.

1 Appellant admits locking the case files in her filing cabinet, stating that it was not her usual
2 practice, but that she was late to catch her ferry, and she needed to lock the cabinet because she also
3 kept medicine in another drawer in the same cabinet. Appellant claimed she intended to return to
4 work the next day and finish sorting the files and turning them over to her supervisor before her
5 leave, but that she was prevented from returning to work by her medical condition. She contends
6 that she came into the office to unlock the files as soon as she was able after her operation in late
7 August, but discovered that the file drawer had already been unlocked and the files removed.

8 Appellant contends the Department's concerns about her prior improper or poor case
9 management practices are unjustified, and that her prior discipline for not being fully honest with a
10 supervisor was unwarranted. She contends that a two day suspension for a first offense of locking
11 files in a cabinet is overly harsh, and that the Department did not give sufficient consideration to her
12 medical condition at the time of the offense.

13 The Hearing Officer, having heard the testimony of witnesses, including Diane Sugimura,
14 Karen White, Greg LaMont, Clay Thompson, Paula Barrett, Drucilla Hardee, Ed Backmon, and
15 Christine Bruno, and the arguments of the Assistant City Attorney and Appellant, and having
16 considered all the exhibits in the record, including the updated discipline chart submitted with the
17 Declaration of Stacie Bonathan on September 23, 2004, now makes the following findings and
18 conclusions, and decision.

19 FINDINGS

20 1. Appellant Drucilla Hardee has been a Housing/Zoning Inspector for the City of
21 Seattle Department of Planning & Development (formerly DCLU) since June 12, 1997. Testimony
22 of Appellant, Notice of Appeal. Although Appellant's annual performance appraisals generally

1 indicated that she met or exceeded expectations in most areas, she had received repeated comments
2 from different supervisors indicating that she needed continued improvement in case management,
3 responding promptly to customer calls, timeliness, and dependability. Exhibit 13, 27; Testimony of
4 Greg LaMont, Karen White.

5 2. Appellant received a verbal warning in 2001 for lying to her supervisor when
6 questioned about a citizen complaint concerning Appellant's failure to return his phone calls.
7 Exhibit 25. The Department had also had previous complaints from citizens about Appellant not
8 returning phone calls. Testimony of Diane Sugimura; Exhibit 13.

9 3. In July 2003, Code Enforcement Director Karen White received a phone call from a
10 citizen inquiring about the status of his complaint about a property on Durland Avenue. Ms. White
11 checked the Department records, found that the case was assigned to Appellant, and questioned her
12 about the file. Testimony of Karen White, Appellant; Exhibits 23, 30, 31. Appellant told Ms.
13 White that she did not have the file because she had transferred the case to her former supervisor,
14 Greg LaMont, although there was no record noting the transfer in the file itself or the Department
15 computerized case tracking system. Testimony of Karen White, Appellant; Exhibits 12, 32, 33.
16 Greg LaMont did not remember requesting or authorizing such a transfer. Testimony of Greg
17 LaMont; Exhibit 27.

18 4. Appellant later located the *Durland* file, but did not inform Ms. White or anyone else
19 in the Department that she had found the file. Testimony of Appellant, Karen White; Exhibits 30,
20 31. The file was uncovered during a search after Appellant went out on medical leave for
21 previously scheduled surgery. Testimony of Appellant, Paula Barrett, Clay Thompson; Exhibit 30.
22 The file was located in late August in a locked drawer in the file cabinet near Appellant's desk,

1 along with approximately 19 other case files locked in the same drawer. Testimony of Clay
2 Thompson, Paula Barrett. Appellant had the only key to the file cabinet, and had not left the key
3 with anyone before she went out on medical leave. Testimony of Appellant. The Department had
4 to have a key made so that the file drawers could be unlocked during Appellant's absence.

5 Testimony of Clay Thompson, Paula Barrett; Exhibit 30.

6 5. The Department did not have a written case file handling procedure directing
7 inspectors not to lock drawers or cabinets containing case files. Testimony of Diane Sugimura,
8 Christine Bruno. It was, however, a clear division-wide workplace requirement that inspectors keep
9 case files organized and accessible to co-workers and supervisors. Testimony of Karen White, Clay
10 Thompson, Greg LaMont, Christine Bruno. Most case files were kept in open stacks where they
11 could be easily located. Housing/Zoning inspectors were allowed to keep the files they were
12 working on in their desk areas, but were required to keep these files organized in such a way that
13 they could be easily accessible to others needing to use them, and were required to post their
14 organization system in a visible location in their work area. Testimony of Karen White, Clay
15 Thompson, Paula Barrett; Exhibit 26. Appellant was aware of this requirement, as well as the need
16 to keep files available and accessible for others in the Department who had questions or need to
17 review them. Testimony of Appellant; Exhibit 36. Appellant testified that it was "common sense"
18 to keep the files available to other inspectors in case they had questions, and that she had never
19 locked case files in a drawer or filing cabinet before the incident in August 2003. Testimony of
20 Appellant.

21 6. Appellant admitted locking the case files in her filing cabinet, stating that the reason
22 she had done so was that she was working on organizing the files in preparation for her upcoming

1 medical leave and needed more work space to do so which required her to use the filing cabinet.
2 When she noticed it was time for her to leave to catch her ferry, she had to close the filing cabinet
3 quickly, leaving the files inside. She locked the filing cabinet because she had medicines contained
4 in another drawer in the cabinet. Appellant intended to return to work the next day and complete
5 the file organization project but was prevented from doing so by her medical condition. Appellant
6 did not leave a key with someone in the Department, or attempt to contact anyone at her work place
7 to notify them of the files being locked inside the filing cabinet. Rather, Appellant returned to the
8 workplace briefly at some point after her surgery to unlock the filing cabinet herself, but discovered
9 it had already been unlocked and the files removed. Testimony of Appellant. Appellant did not
10 attempt to discuss the situation with anyone at her workplace until she was questioned about the
11 missing files after her return from medical leave in October. Testimony of Appellant, Karen White.


12 7. Upon Appellant's return from medical leave, Karen White investigated the situation,
13 including meeting with Appellant, questioning Paula Barrett, Clay Thompson and Ed Backmon, and
14 having Stacie Bonathan question Greg LaMont as to whether he had ever instructed Appellant to
15 transfer the *Durland* file to him. Testimony of Karen White; Exhibits 23, 27, 28. Based on her
16 investigation, Ms. White determined that Appellant failed to follow proper file handling procedures
17 and had failed to perform her job duties with integrity, honesty and professionalism, as required by
18 Department workplace expectations. Ms. White found that Appellant had not been truthful in her
19 statements about the *Durland* file, and was not professional in failing to turn over the file to Ms.
20 White once it was located, as well as in locking that file and the other files in her filing cabinet
21 before departing on a lengthy medical leave. Ms. White recommended a one or two day disciplinary
22 suspension. Testimony of Karen White.

1 proposed discipline. Considering previous discipline imposed in other situations, the Department's
2 two day suspension of Appellant was reasonable and justified, and does not violate the City's
3 Personnel ordinance.

4 **DECISION**

5 Based upon a consideration of the whole record, the Hearing Officer finds there is sufficient
6 evidence in the record to support the Department's decision, and concludes the Department had
7 justifiable cause to impose a two day disciplinary suspension on Appellant. The Department's
8 March 4, 2004 disciplinary decision is affirmed.

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10 Dated this 7th day of October, 2004

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15 Jennifer S. Divine, Hearing Officer
16 City of Seattle Civil Service Commission
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20 **CONCERNING FURTHER REVIEW**

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22 It is the responsibility of the person seeking to appeal the Hearing Officer's decision to consult Code
23 sections and other appropriate sources to determine applicable rights and responsibilities.
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25 The decision of the Hearing Officer in this case is subject to review by the Civil Service
26 Commission. To be timely, the petition for review must be filed with the Civil Service Commission
27 no later than ten (10) days following the date of issuance of this decision, as provided in Civil
28 Service Commission Rules 7.01 and 7.03 (*per Commission Rules adopted 12/10/2002*).
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33 cc: Drucilla Hardee
34 Angelique M. Davis, Assistant City Attorney, Employment Section
35

BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

Drucilla A. Hardee

Appellant

Vs.

**Department of Planning and
Development**

City of Seattle, Respondent

DISMISSAL ORDER

CSC APPEAL No. 04-01-003

The Executive Director of the City of Seattle, Civil Service Commission hereby enters the following

DISMISSAL ORDER

WHEREAS Presiding Officer, Jennifer Divine issued a Decision regarding the appellant's appeal, on October 7, 2004.

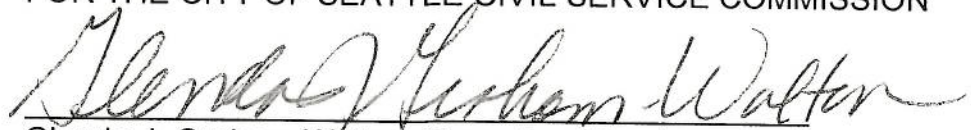
WHEREAS the Appellant did not file a Petition for Review of the Presiding Officer decision (due no later than October 18, 2004).

WHEREAS the Commission reviewed, discussed and voted to affirm the Presiding Officer's decision, at its November 18, 2004 meeting.

The Civil Service Commission hereby dismisses this appeal with prejudice.

Issued this *23rd* day of *November*, 2004

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION



Glenda J. Graham-Walton, Executive Director

Note: Commission decisions are final and conclusive unless a party of record makes application for a writ of review to the Superior Court of the State of Washington for King County within fourteen days of issuance

ORIGINAL

**CITY OF SEATTLE
CIVIL SERVICE COMMISSION**

**Affidavit of Service
By Mailing**

STATE OF WASHINGTON }
COUNTY OF KING }

TERESA R. JACOBS, deposes and states as follows:

That on the 23rd day of November, 2004, I deposited in the U.S. mail, postage prepaid, a copy of **Dismissal Order** to:

**Drucilla A. Hardee
11361 Ogle Road NE
Poulsbo WA, 98370-7915**

And copies of same via interdepartmental and U.S. mail addressed to:

Norma McKinney, Director, Personnel
Angelique M. Davis, Assistant City Attorney
Jennifer S. Divine, Hearing Officer, CSC

In the appeal of:

Drucilla A. Hardee v. Department of Planning and Development

CSC Appeal No. 04-01-003

DATED this 23rd day of November, 2004


TERESA R. JACOBS

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