

2828 Capitol Blvd.
PO Box 40911
Olympia, WA 98504-0911



VOICE (360) 586-1481
FAX (360) 753-0139
E-MAIL info-pab@pab.state.wa.us

STATE OF WASHINGTON
PERSONNEL APPEALS BOARD

HOME PAGE www.wa.gov/pab

June 1, 1999

Roger Barrett
8216 York Ave S
Bloomington, MN 55431

RE: Bruce Barrett v. Department of Corrections, Suspension Appeal,
Case No. SUSP-97-0031

Dear Mr. Barrett:

Enclosed is a copy of the order of the Personnel Appeals Board in the above-referenced matter. The order was entered by the Board on June 1, 1999.

Sincerely,

A handwritten signature in black ink that reads "Don Bennett".

Don Bennett
Executive Secretary

DB:mt
Enclosure

cc: Elizabeth Van Moppes, AAG
Jennie Adkins, DOC



BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

RECEIVED
MAY 27 1999
PERSONNEL APPEALS BOARD

BRUCE BARRETT,

Appellant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. SUSP-97-0031

MOTION AND ORDER OF DISMISSAL

The Appellant, by and through the undersigned Personal Representative of the Estate of Bruce Barrett, hereby notifies the Personnel Appeals Board that he wishes to withdraw the above-entitled appeal.

DATED

5/17/99

Roger P. Barrett
Personal Representative

This matter came on regularly before the Personnel Appeals Board on the consideration of the request of the Appellant's Personal Representative to withdraw the above-entitled appeal. The Board having reviewed the files and records herein, being fully advised in the premises, and it appearing to the Board that the Personal Representative of the Estate of Bruce Barrett has requested to withdraw the appeal, now enters the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the request to withdraw the appeal is granted and the appeal is dismissed.

DATED this 1st day of June, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Walter T. Hubbard

WALTER T. HUBBARD

Nathan S. Ford, Jr.

NATHAN S. FORD, JR.

Gerald L. Morgen

GERALD L. MORGEN

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

IN THE MATTER OF THE ESTATE OF

No. 99 4 00531 0

BRUCE HAGEN BARRETT

LETTERS OF ADMINISTRATION

Deceased

STATE OF WASHINGTON)

) ss.

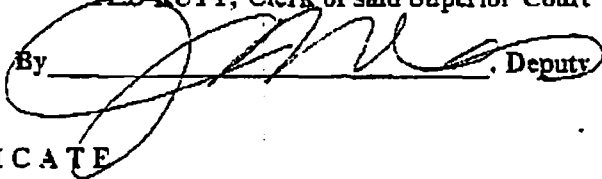
County of Pierce)

WHEREAS, BRUCE HAGEN BARRETT late of Pierce County, Washington, on or about MARCH 10, 1999, died intestate, leaving at the time of his/her death, property in this state subject to administration;

NOW, THEREFORE, know all men by these presents, that we hereby appoint ROGER P. BARRETT administrator/trix upon said estate, and whereas said administrator/trix has duly qualified, hereby authorize him/her to administer the same according to law.

WITNESS my hand and the seal of said court this APRIL 6, 1999.

TED RUTT, Clerk of said Superior Court

By  Deputy

CERTIFICATE

STATE OF WASHINGTON)

) ss.

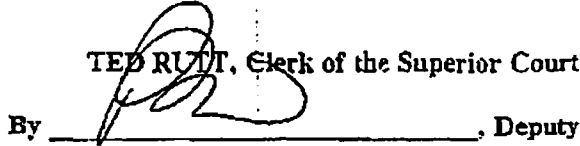
County of Pierce)

I, TED RUTT, Clerk of The Superior Court of said County and State, do hereby certify that the above and foregoing is a true and correct copy of the Letters of Administration in the above entitled case, and were on APRIL 6, 1999, duly entered of record;

AND, I further certify said Letters are still in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Superior Court, this April 6, 1999.

TED RUTT, Clerk of the Superior Court

By  Deputy

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Olympia, WA 98504-0911



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STATE OF WASHINGTON
PERSONNEL APPEALS BOARD

HOME PAGE www.wa.gov/pab

May 7, 1999

Roger Barrett
8216 York Ave. S.
Bloomington, MN 55431

RE: Bruce Barrett v. Department of Corrections, SUSP-97-0031

Dear Mr. Barrett:

Thank you for calling me regarding the appeal pending before the Personnel Appeals Board at the time of your brother's recent death. Please accept my condolence on behalf of the Board.

We discussed your prerogative to pursue the appeal on behalf of Bruce Barrett's estate or notify the Board of your intent to withdraw the appeal.

I prepared the enclosed Motion and Order of Dismissal for your signature. The Board will enter an order dismissing the appeal upon receipt of your request and I will see that you receive a copy of the order for your records.

I have also enclosed the copy of the disciplinary letter dated July 28, 1997 that was filed with the appeal. This letter is the employer's notice to the employee of the basis for the disciplinary action and the sanction imposed – a seven-day suspension in this case. As we discussed, the underlying incident occurred over two years ago and the appeal of the suspension had been pending without much activity for several months.

Again, I want to express my sincere sympathy for your loss and thank you for your assistance in resolving this matter. Please call me again if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Don Bennett".

Don Bennett
Executive Secretary

Enclosures



1 BEFORE THE PERSONNEL APPEALS BOARD

2 STATE OF WASHINGTON

3
4 BRUCE BARRETT,

5 Appellant,

6 vs.

7 DEPARTMENT OF CORRECTIONS,

8 Respondent.

) Case No. SUSP-97-0031

) MOTION AND ORDER OF DISMISSAL

9 The Appellant, by and through the undersigned Personal Representative of the Estate of Bruce
10 Barrett, hereby notifies the Personnel Appeals Board that he wishes to withdraw the above-entitled
11 appeal.

12 DATED _____

Personal Representative

13 This matter came on regularly before the Personnel Appeals Board on the consideration of the
14 request of the Appellant's Personal Representative to withdraw the above-entitled appeal. The
15 Board having reviewed the files and records herein, being fully advised in the premises, and it
16 appearing to the Board that the Personal Representative of the Estate of Bruce Barrett has requested
17 to withdraw the appeal, now enters the following:

18 ORDER

19 NOW, THEREFORE, IT IS HEREBY ORDERED that the request to withdraw the appeal is
20 granted and the appeal is dismissed.

21 DATED this _____ day of _____, _____.

22 WASHINGTON STATE PERSONNEL APPEALS BOARD

23 _____
WALTER T. HUBBARD

24 _____
NATHAN S. FORD, JR.

25 _____
GERALD L. MORGEN

2828 Capitol Blvd.
PO Box 40911
Olympia, WA 98504-0911



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FAX (360) 753-0139
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STATE OF WASHINGTON
PERSONNEL APPEALS BOARD
HOME PAGE www.wa.gov/pab

April 27, 1999

Bruce Barrett
PO Box 88250
Steilacoom, WA 98388

RE: Bruce Barrett v. Department of Corrections, Suspension Appeal,
Case No. SUSP-97-0037

Dear Mr. Barrett:

Enclosed is a copy of the Order Granting Continuance in the above-referenced matter.
The order was entered by the Board on April 27, 1999.

Sincerely,

A handwritten signature in black ink that reads "Don Bennett".

Don Bennett
Executive Secretary

DB:mt
Enclosure

cc: Elizabeth Van Moppes, AAG
Jennie Adkins, DOC



BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

1			
2			
3	BRUCE BARRETT,)	
)	
4	Appellant,)	Case No. SUSP-97-0031
)	
5	v.)	ORDER OF CONTINUANCE
)	
6	DEPARTMENT OF CORRECTIONS,)	
)	
7	Respondent.)	
8	<hr/>		

9 This matter came before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and
 10 NATHAN S. FORD JR., Vice Chair, on consideration of the Board's motion to continue the
 11 hearing. Due to the Board's inability to contact Appellant's heirs and after consultation with
 12 Respondent, the Board determined that the hearing scheduled for April 28, 1999, should be
 13 continued. The Board having reviewed the files and documentation and being fully advised in the
 14 premises, now enters the following:

ORDER

15 NOW, THEREFORE, IT IS HEREBY ORDERED that the hearing scheduled for April 28, 1999, is
 16 continued to a date to be determined.

17 DATED this 27th day of April, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

18
 19 Walter T. Hubbard

Walter T. Hubbard, Chair

20
 21 Nathan S. Ford Jr.

Nathan S. Ford Jr., Vice Chair

The Washington Public Employees Association • 1-800-544-WPEA

OLYMPIA HEADQUARTERS

MAILING ADDRESS: PO Box 7159 • Olympia WA 98507
LOCATION: 140 Percival St NW • Olympia WA
TELEPHONE: (360) 943-1121
FAX: (360) 357-7627

EASTERN REGIONAL OFFICE

8382 Gage Blvd Suite 1 • Kennewick WA 99336
TELEPHONE: (509) 734-1244
FAX: (509) 734-8643
TOLL FREE: (877) 734-WPEA

NORTHWEST REGIONAL OFFICE

PO Box 22438 • Seattle WA 98112-0438
TELEPHONE: (206) 328-1793
FAX: (206) 328-1827
TOLL FREE: (877) 328-WPEA

October 14, 1998

Don Bennett
Executive Secretary
Personnel Appeals Board
2828 Capitol Blvd.
PO Box 40911
Olympia, WA 98504-0911

Re: Bruce Barrett v. Department of Corrections
PAB No. SUSP-97-0031


Dear Mr. Bennett:

This letter is to confirm that WPEA is withdrawing representation and will not be representing BRUCE BARRETT in the above-identified appeal. Any further correspondence on this issue should be directed to Mr. Barrett at his home address listed below:

Bruce Barrett
P.O. Box 88250
Steilacoom, WA 98388

Thank you for your attention to this matter.

Very truly yours,


Louis Baker
Paralegal for WPEA

C: Mr. Bruce Barrett
Elizabeth Van Moppes, Assistant Attorney General
Eugene L. St. John – WPEA Executive Director
Mark S. Lyon – WPEA General Counsel
Kirk Burress, Chair, Representation Services Committee
Ken Brett – WPEA Staff Rep
File

2828 Capitol Blvd.
PO Box 40911
Olympia, WA 98504-0911



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STATE OF WASHINGTON
PERSONNEL APPEALS BOARD
HOME PAGE www.wa.gov/pab

September 23, 1998

PROPOSED LIST OF CUT-OFF DATES

Bruce Barrett v. Department of Corrections
Case No.: SUSP-97-0031 (Suspension appeal)

This statement is issued to record dates controlling the subsequent course of the proceedings in the above-referenced appeal. In lieu of a pre-hearing conference, the following dates for completing discovery, exchange of lists of witnesses and exhibits and other prehearing matters are proposed.

1. Discovery is to be completed by March 29, 1999. Requests for discovery must be served with sufficient time for responses to be completed by March 29, 1999.
2. Witness lists and exhibit lists are to be exchanged on or before April 21, 1999. The parties reserve the right to supplement the lists.
3. Pre-hearing briefs, if prepared at the discretion of the parties, will be filed on or before April 23, 1999 in accordance with WAC 358-30-045.
4. The hearing in this matter will be held on April 28, 1999 beginning at 9:00 AM in Olympia, Washington.

The pre-hearing conference is scheduled for 9:00 AM on April 21, 1999. At that time, the Executive Secretary or designee will initiate a conference call with the parties' representatives to discuss possible stipulations on witnesses, exhibits, and the issue to be presented for determination by the Personnel Appeals Board.


The parties shall arrive at the hearing location thirty (30) minutes before the hearing time for the purpose of exchanging copies of exhibits and, if possible, stipulating to admission of exhibits. The parties shall bring six (6) copies of the pre-marked exhibits which they intend to offer into evidence.

Statement of Results of Pre-hearing
September 23, 1998
Page 2

Any objections or corrections must be filed with the Executive Secretary within 20 days of the date of this statement and shall, at the same time, be served upon each of the participants named above. This statement becomes part of the official record of the proceedings, and the stipulations will be binding on the parties, unless this statement is modified for good cause.

Dated: Sept 23, 1998

PERSONNEL APPEALS BOARD

By: 
Don Bennett
Executive Secretary

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BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

BRUCE BARRETT,) Case No. SUSP-97-0031
Appellant,)
vs.) NOTICE OF SCHEDULING
DEPARTMENT OF CORRECTIONS,)
Respondent.)


Notice is hereby given that pursuant to WAC 358-30-010(3), a hearing on the appeal before the Personnel Appeals Board has been set for **Wednesday, April 28, 1999, beginning at 9 a.m.** The hearing will be held in the Personnel Appeals Board Hearing Room, 2828 Capitol Boulevard, Olympia, Washington.

The parties shall arrive at the hearing location thirty (30) minutes before the hearing time for the purpose of exchanging copies of, and when possible, stipulating to exhibits. The parties shall bring six (6) copies of the premarked exhibits which they intend to offer into evidence. Whenever possible, the parties should exchange witness lists prior to the day set for the hearing.

If the services of an interpreter are needed, notify Personnel Appeals Board staff at least two weeks prior to the hearing. The hearing site is barrier free and accessible to the disabled.

DATED this 16th day of September, 1998.

WASHINGTON STATE PERSONNEL APPEALS BOARD



Teresa Parsons, Hearings Coordinator
(360) 664-0479

cc: Bruce Barrett, Appellant
Louis Baker, WPEA
Elizabeth Van Moppes, AAG
Jennie Adkins, DOC

RECEIVED
MAR 25 1998
PERSONNEL
APPEALS BOARD

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BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

BRUCE BARRETT,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

NO. SUSP-97-0031

NOTICE OF WITHDRAWAL AND
SUBSTITUTION OF COUNSEL

TO: DONALD BENNETT, Executive Secretary; and
BRUCE BARRETT, Appellant; and
KENNETH F. BRETT, Union Representative.

NOTICE IS HEREBY GIVEN that VALERIE B. PETRIE, Assistant Attorney General,
does hereby withdraw as attorney for Respondent, in the above-entitled action, and that
ELIZABETH VAN MOPPES, Assistant Attorney General, is hereby substituted as the attorney for
said Respondent. It is requested that any and all further pleadings herein be served upon the
undersigned attorney at the Office of the Attorney General at the address given below.

DATED this 19th day of March, 1998.

CHRISTINE O. GREGOIRE
Attorney General

Elizabeth Van Moppes
ELIZABETH VAN MOPPES
WSBA #27362
Assistant Attorney General

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**BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON**

BRUCE BARRETT,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

NO. SUSP-97-0031

CERTIFICATE OF SERVICE

I certify that I served a copy of the Respondent's Notice of Withdrawal and Substitution of Counsel on all parties or their counsel of record on March 23, 1998 as follows:

- US Mail Postage Prepaid via Consolidated Mail Service
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by:

TO:

1. Bruce Barrett
PO Box 88250
Steilacoom WA 98388

2. Kenneth F. Brett
WPEA
PO Box 7159
Olympia WA 98507

3. Rose Mattison-Personnel Officer
McNeil Island Corrections Center
PO Box 88900
Steilacoom WA 98388-0900

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 23 day of March, 1998 at Olympia, WA.


SUSAN M. BEATTY

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**BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON**

BRUCE BARRETT,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

NO. SUSP-97-0031

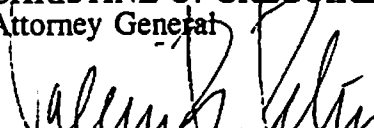
NOTICE OF APPEARANCE

TO: KENNETH LATSCH, Executive Secretary, Personnel Appeals Board;
AND TO: BRUCE BARRETT, Appellant;
KENNETH F. BRETT, Union Representative.

PLEASE TAKE NOTICE that the Respondent, Department of Corrections, without waiving objection as to the sufficiency of service of process or jurisdiction of this Board, does hereby enter its appearance in the above-entitled action, by and through its attorneys, CHRISTINE O. GREGOIRE, Attorney General, and VALERIE B. PETRIE, Assistant Attorney General, and requests that all further pleadings herein be served upon said Respondent at the Office of the Attorney General at the address given below.

DATED this 21 day of August, 1997.

CHRISTINE O. GREGOIRE
Attorney General


VALERIE B. PETRIE
WSBA #21126
Assistant Attorney General

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BEFORE THE PERSONNEL APPEALS BOARD
STATE OF WASHINGTON

BRUCE BARRETT,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

NO. SUSP-97-0031

CERTIFICATE OF SERVICE

I certify that I served a copy of the Respondent's Notice of Appearance on all parties or their counsel of record on September 3rd, 1997 as follows:

- US Mail Postage Prepaid via Consolidated Mail Service
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by:

TO:


1. Bruce Barrett
Po Box 88250
Steilcoom WA 98388

2. Kenneth F. Brett
WPEA
124 Tenth Avenue SW
Olympia WA 98501

3. Kathy Deuel, Personnel Officer
McNeil Island Corrections Center
1403 Commercial Street
PO Box 88900
Steilacoom WA 98388-0900

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 3rd day of September, 1997 at Olympia, WA.


SARA J OLSON



2828 Capitol Blvd.
PO Box 40911
Olympia, WA 98504-0911

STATE OF WASHINGTON
PERSONNEL APPEALS BOARD

(360) 586-1481
FAX (360) 753-0139

August 21, 1997

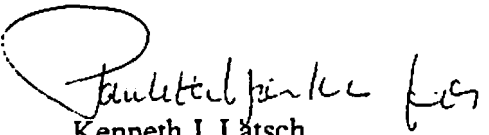
Kenneth F. Brett
Washington Public Employees Association
124 - 10th Avenue SW
Olympia, WA 98501

RE: Bruce Barrett v. Department of Corrections, Suspension Appeal,
Case No. SUSP-97-0031

Dear Mr. Brett:

This letter is to acknowledge receipt of the above entitled appeal by the Personnel Appeals Board on August 21, 1997.

Sincerely,


Kenneth J. Lätsch
Executive Secretary

KJL:lh

cc: Bruce Barrett
Linda A. Dalton, AAG
Jennie Adkins, DOC

SUSP-97-0031

APPEAL FORM

WASHINGTON STATE PERSONNEL APPEALS BOARD
2828 Capitol Blvd.
P.O. Box 40911
Olympia, WA 98504-0911

PH: SCAN 321-1481
(360) 586-1481
FAX: (360) 753-0139

This form will help you provide necessary information to the Personnel Appeals Board when you file an appeal. You are not required to use this form; however, appeals must be filed in accordance with the requirements set forth in Chapter 358-20 WAC.

If the space on the form is insufficient or if you wish to provide additional information, you may attach additional pages.

PRINT OR TYPE - SIGN ON PAGE 2

PART I APPELLANT IDENTIFICATION

NAME: BARRETT, BRUCE
(Last name, first name, middle initial)

HOME ADDRESS: P.O. BOX 88250
(STELLA COON, WA 98388)
(City, state and ZIP code)

PHONE NUMBERS: WORK (253) 588-5281
(Include area code) HOME:

EMPLOYING AGENCY OR INSTITUTION: DOC/MICC

AGENCY OR INSTITUTION THAT TOOK ACTION YOU ARE APPEALING: DOC/MICC

PART II REPRESENTATIVE'S NAME, ADDRESS AND TELEPHONE NUMBER

KENNETH A. BRETT - WPEA EMPLOYEE RELATIONS SPECIALIST
124 10TH AVE SW
OLYMPIA, WA 98541

An appellant may authorize a representative to act on his/her behalf. The Board must be notified of any change in representation.

PART III TYPE OF APPEAL

CHECK ONE OF THE FOLLOWING TO INDICATE THE TYPE OF APPEAL YOU ARE FILING:

- a. Disciplinary: (check applicable action(s))
Dismissal, Suspension, Demotion, Reduction in Salary;
b. Disability Separation;
c. Rule or Law Violation (complete Part IV. of this form);
d. Reduction in Force/Layoff (complete Part IV. of this form);
e. Allocation (position classification) (complete Part V. of this form);
f. Declaratory Ruling (see WAC 358-20-050);
g. Exemption of Position.

PART IV. RULE VIOLATION OR REDUCTION-IN-FORCE APPEALS ONLY

What Rule(s) or Law(s) do you believe were violated?

Explain the particular circumstances of the alleged violation:

How were you adversely affected by the alleged violation?

What remedy are you requesting in this case?

PART V. ALLOCATION APPEALS ONLY

What is your present classification? _____

To which class do you think your position should be allocated? _____

Has there been a determination made by the Director of the Department of Personnel or designee? Yes ___ No ___

If so, when and by whom? _____

Please identify the specific exceptions you are taking to the Director's determination and the portions of the determination to which you disagree: _____

Please attach a copy of the Director's determination to this form pursuant to WAC 358-20-040(5).

KENNETH F. BERT
[Signature]

SIGNATURE OF APPELLANT OR REPRESENTATIVE

8-21-97
DATE SIGNED

CHASE RIVELAND
Secretary



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
McNEIL ISLAND CORRECTIONS CENTER
P.O. Box 900 • Steilacoom, Washington 98388-0900

RECEIVED
AUG 15 1997
WPEA

July 28, 1997

Bruce Barrett
P O Box 88250
Steilacoom WA 98388

PERSONAL SERVICE --
CONFIDENTIAL

Mr. Barrett:

This is official notification of your suspension in your position as a Correctional Health Care Specialist 2 with the Department of Corrections (DOC), McNeil Island Corrections Center (MICC) Range 59 Step K at \$4,315 per month effective August 17, 1997 through August 24, 1997.

This disciplinary action is taken pursuant to the authority of the Civil Service Laws of Washington State, Chapter 41.06, RCW, and the Merit System Rules, Title 356 WAC (MSR), Section 356-34-010 (1) (a) Neglect of duty, (h) Gross misconduct and (i) Willful violation of published employing agency or Department of Personnel rules or regulations, and 356-34-030--Suspension--Duration--Procedure.

Specifically, you neglected your duty, committed gross misconduct and willfully violated departmental policy when on March 14, 1997, by your own admission, you were improperly masked when you accompanied Inmate C. DOC No. 973123, who was possibly infected with an active case of Tuberculosis (TB), to the Washington Corrections Center (WCC). You have a full beard, which does not allow the HEPA mask to form a proper seal. This incident is described in detail in the Employee Conduct Report (ECR) completed on June 10, 1997 (Attachment 1).

As an employee of this department, you have a duty to follow all departmental and institutional procedures and to perform your duties safely. Also, as a Correctional Health Care Specialist, you act as a role model for other staff to follow. When they see you blatantly disregarding established procedures, you reflect the poorest of examples.

You admitted being aware that you were violating policy. You knew that because you wear a full beard, the HEPA mask cannot be fit tested on you. Despite this knowledge, you dismissed the precautions as being a "farce." Even when a nurse told you that you were not properly masked, you disregarded her warning and chose to accompany the inmate. You knew what you did was wrong, but felt you were above following the appropriate protocols.

Bruce Barrett
July 28, 1997
Page 2 of 4

On September 10, 1993, you signed an "Acknowledgment of Receipt of DOC Employee Handbook" stating that you agreed to become familiar with and have a thorough knowledge and understanding of its contents (Attachment 2). By your actions, you failed to follow the Department Expectations outlined on Page 3 of that handbook (Attachment 3), which states in pertinent part:

"DEPARTMENT EXPECTATIONS

As a representative of the Department of Corrections, you will be expected to:

- * Conduct yourself and perform your duties safely;"

By your signature on a memorandum entitled, "Responsibility for Operation Instructions/Policies and Procedures" (Attachment 4), on March 1, 1993, you acknowledged your responsibility to become familiar with and follow MICC Operational Instructions, Policies and/or Procedures.

You failed to comply with MICC Field Instruction 890.610 - Employee Tuberculosis & HEPA Respirator Program (Attachment 1, pages 12 - 23), which states in pertinent part:

- "4. Respiratory Protection - HEPA Respirator Program
 - g. Facial Hair - Individuals assigned to wear HEPA respirators shall follow manufacturer's recommendations regarding facial hair that interferes with the seal of the HEPA respirator."

The manufacturer's recommendations (Attachment 5) state in pertinent part:

"Q: Is there a different protocol to be followed when Fit Testing an Employee who has facial hair?

A: No; however, OSHA will not allow a person with facial hair to be fit tested for a respirator if the facial hair interferes with obtaining a facial fit."

On March 14, 1997, you took it upon yourself to diagnose Inmate C. DOC No. 973123, whom you were accompanying with the transport Correctional Officers to WCC, as not having active TB and wore the HEPA mask over your full beard during the trip. In fact, you fit tested the correctional officers who made up the rest of the transport team. It is inconceivable to me that you took the time to ensure other staff were properly fit tested and then modeled opposite behavior. Additionally, RN Nancy Armstrong confronted you, telling you that you could not be properly masked

Bruce Barrett
July 28, 1997
Page 3 of 4

with your full beard and should not accompany the inmate. You continued your poor judgment and disregarded her warning as being an overreaction.

You are not a physician. It is not your responsibility to independently diagnose a patient and arbitrarily decide that the precautions that were put in place could be disregarded based on your opinion. Yet, that is exactly what you did. Only a physician can make the determination that a patient does not have TB. That confirmation did not occur until March 17, 1997. By flagrantly disregarding the above cited procedures, you not only potentially put your own health at risk, but that of your fellow staff members and the inmates you are charged to medically treat. Your failure to perform your duties safely and per established policy also contributed to a \$2,000 fine being levied against MICC by the Department of Labor and Industries.

By your actions, you neglected your duty as a health care professional and DOC employee. By your own admission, you were familiar with the above cited policy but willfully choose to violate it and accompany the inmate to WCC. As a Health Care Specialist you have contact with inmates and staff throughout the institution, and your unrepentant disregard for policy carries a higher degree of potential to adversely impact MICC's ability to safely treat inmates and protect staff members and inmates from unnecessary infections. Your actions are so egregious that they rise to the level of gross misconduct.

As a health care professional with over 19 years of experience, I am disappointed in your lack of judgment and egotistical attitude. You are not above policy. I expect you to follow established policies and practice your profession safely. The policies you arbitrarily ignored are established for your and others' protection. Had your "diagnosis" been wrong, not only would you have possibly infected yourself with TB, but you would have needlessly secondarily effected countless staff members and inmates. You put yourself above medical protocol that is designed to not only protect you, but others as well. Your actions are inexcusable and this institution paid for your arrogance with a \$2,000 fine. The role you modeled was contradictory to the actions you took ensuring accompanying staff were properly fit tested and protected during the transport of the inmate. Sending a 'Do as I say, not as I do' message is completely unacceptable and below the standard of professional performance required of any DOC employee. Based on your actions and your inability to see the ramifications of your actions, I conclude that the sanction described in the first paragraph of this letter is appropriate.

Attachment(s) one through five are attached hereto and by this reference, made a part hereof as though fully set forth herein.

Bruce Barrett
July 28, 1997
Page 4 of 4

Under the provisions of WAC 358-20-010 and 358-20-040, you have the right to appeal this action OR to file a grievance per Article 10 of the Collective Bargaining Agreement between the Department of Corrections and the Washington Public Employees Association. If you file an appeal, it must be filed in writing at the Office of the Personnel Appeals Board, 2828 Capitol Boulevard, Olympia, Washington 98501, within thirty (30) days after the effective date stated in the first paragraph of this letter.

The Merit System Rules, WAC's, Department of Corrections policies and the Collective Bargaining Agreement are available for your review upon request.



Belinda D. Stewart, Superintendent
McNeil Island Corrections Center

Attachment(s):

cc: Tom Rolfs, Director, Division of Prisons
Jennie Adkins, Director, Division of Human Resources
Donna Grazzini, WWC Area Personnel Manager
Rose Mattison, MICC Personnel Officer
Linda Dalton, Sr. Assistant Attorney General
Employee Personnel File

WPEA

The Washington Public Employees Association • 1-800-544-WPEA

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FAX

Date: 8-21-97

Number of pages including cover sheet: 1

To: PERSONNEL APPEALS
BOARD

Phone: _____

Fax phone: _____

CC: _____

From: KENNETH F. BERT
EMPLOYEE RELATIONS SPECIALIST

Phone: 360-943-1121 X 114

Fax phone: 360-357-7627

REMARKS: Urgent For your review Reply ASAP Please comment

PLEASE ACCEPT THIS
SUSPENSION APPEAL.
THANK YOU!