



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
CLALLAM BAY CORRECTIONS CENTER

June 22, 2018

1830 Eagle Crest Way • Clallam Bay, WA 98326-9723 • (360) 963-2000
FAX (360) 963-3390

John Gray

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Personal Delivery

Dear Mr. Gray:

**Notification of
Potential
Disciplinary
Action**

This is to advise you that the Department of Corrections (DOC) at Clallam Bay Corrections Center (CBCC) is considering taking disciplinary action against you, up to and including discharge. This contemplated action is in accordance with Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union 117.

The purpose of this letter is to extend to you an opportunity to respond to the allegations, and to present any information you believe should be considered prior to my determining if you engaged in the alleged misconduct.

Allegation

The following allegations have been investigated, and if true, may be the basis for taking disciplinary action against you:

1. It is alleged that on or about February 1, 2018 you displayed inappropriate, disrespectful, and unprofessional behaviors towards offenders to include but not limited to yelling vulgarities through the booth drawer and over the loud speaker such as "none of you assholes are going anywhere until that asshole puts his i.d. on".
2. It is alleged that on or about February 1, 2018 you displayed inappropriate, disrespectful, and unprofessional behavior towards Correctional Officer (CO) Gentry. The behaviors you displayed include, but are not limited to, shouting over the loudspeaker at the staff member instructing a fellow Correctional Officer to "tell that fucker to shut his door" and demanding she stop performing her assigned porter supervision duties.
3. It is alleged that on or about February 1, 2018 you created an unsafe work environment by improperly operating the unit doors by placing them on override and not checking out your personal carry OC (oeroresin capsicum) as required.
4. It is alleged that on or about the week of January 26, 2018 you created an unsafe work environment by shoving an offender and directing an offender to stand for search three consecutive times.

"Working Together for SAFE Communities"

Potential policy violations include, but are not limited to; DOC Policy 850.030, Relationships/Contacts with Offenders; DOC 420.310, Searches of Offenders.

- Evidence** Lorne Spooner, Associate Superintendent, completed an investigation into these matters. A copy of the report is included as Attachment 1.
- Pre-disciplinary Meeting** A pre-disciplinary meeting has been scheduled for June 27, 2018 at 10:00 a.m., in the Superintendent's Conference Room at CBCC. Human Resources Consultant Jennifer Schwenker will also be in attendance.
- Representation Rights** You may have representation of your choice at the pre-disciplinary meeting. It is your responsibility to invite your representative, and make all necessary arrangements for them to attend the meeting.
- Responding in Writing** You may respond to these allegations and evidence in writing if you prefer. If you choose to respond in writing, please address your response to myself. I must receive your response by 10:00 a.m. on June 27, 2018 at CBCC, attention Human Resources Department; or fax to 360-963-3291.
- Decision** I encourage you to take advantage of the opportunity to respond to the allegations listed. I will carefully consider information you present and will make no final decision about what, if any, action to take until you have had the opportunity to respond.



Jeri Boe, Superintendent
Clallam Bay Corrections Center

JB:js

Enclosure

cc: Teamsters Local 117
Administrative File



DISCIPLINARY ACTION CHECK LIST

Employee Name:	John Gray	Assigned to Home:	Yes (For other reasons also)	Employee Hire Date:	1/13/97
Location:	CBCC	Begin Date:	2/9/18	HR Rep Name:	Paula Gaumond
Job Class:	CO2	End Date:	7/16/18	HR Rep Phone:	360-963-3210
Misconduct Type:	Sexual Harassment	Proposed Action Type:	Termination	Represented?	Yes
Other Misconduct:		Description:		CBU:	Teamsters-Institut

Summary of Last Three Evaluations:

Date	Summary	Type
1/16/18	Met all expectations of his position. Reports to work on time and assumes his post professionally. Is vigilant of his surroundings and continues to use safe and secure practices while working. Is proficient in the performance of his duties. Works efficiently and effectively with little to no supervision. Is an integral team player and communicates well with his fellow officers. Confronts inmate behavior consistently and professionally.	Annual
2/21/17	Maintains regular attendance. Gives excellent passdown to fellow staff. Holds offenders accountable for their behavior. Can be counted on to respond and assist in emergent and non-emergent situations.	Annual
2/16/16	During this review period, supervisors discussed professionalism and why it is important to remain professional at all times during the course of his work shift. Has a good security mindset. Addresses inmate behavior and documents in behavior log. Completes all tasks assigned to him in a timely manner.	Annual

Other Documentation:

Date	Summary	Code (+, -, =)
7/16/18	Suspension – 15 calendar days (4 charges) inappropriate, disrespectful and unprofessional behavior towards offender (to include vulgarities) towards offender; towards a staff member; creating an unsafe environment by placing unit doors on override (having two open at same time; and creating unsafe work environment by pat searching an I/M three times consecutively then shoving him.	-
1/30/17	Letter of Reprimand – Inappropriate, disrespectful, and racially slanderous communications towards a coworker and a supervisor.	-
8/23/11	Letter of Appreciation – Response during a critical incident.	+
11/25/10	Letter of Appreciation – Job performance as a temp sergeant.	+
5/11/06	Letter of Commendation/Appreciation – Professionalism during emergent situation.	+
1/31/05	Letter of Reprimand – Loss of restraint keys while making a snow angel in the recreation yard.	-
12/2/99	Letter of Appreciation – Participation in cell extraction team.	+
3/1/99	Letter of Appreciation – Attendance.	+
12/17/97	Letter of Commendation – Conducting thorough, efficient, and timely searches resulting in the discovery of homemade weapons.	+
10/5/97	Letter of Congratulations – Academy Completion	+
8/17/97	Letter of Commendation – Response to staff assault	+

Tracking:

	Date	Incident
1	2/6/18	Incident Start Date
2	2/6/18	Incident End Date
3	2/6/18	Management Became Aware
4	3/16/18 *	Investigation Assigned

	Date	Review
11	8/28/18**	Appointing Authority Determines Misconduct or Not & Determines Sanction
12	9/11/2018	Letter Draft Completed by Local HR
13	9/12/18	Letter Reviewed by Appointing Authority
14	9/20/18	Letter Reviewed by HR Manager/RHRM

5	7/16/18	Investigation Completed
6	7/16/18	Appointing Authority Informs HR of Next Action
7	7/18/18	Pre-Disc Letter Draft Completed by Local HR
8		Pre-Disc Letter Reviewed by Appointing Authority
9	7/20/18	Pre-Disc Letter Reviewed by RHRM
10	8/14/18	Pre-Disc Meeting

15	9/20/18	Letter to LR Admin for Review
16	10/05/18	Letter Reviewed by Labor Relations
17		Letter Reviewed by Assistant Secretary (if applicable)
18		Letter Reviewed by Secretary (if applicable)
19	10/05/18	Letter Returned to Local HR
20	10/17/18	Letter Served to Employee

*As this was turned in as an IDC, local HR or Superintendent Boe had no control of assigning the investigation. Workplace Diversity was responsible for controlling the investigation.

**At the pre-discipline meeting, the employee and the business representative asked for statements from 4 additional staff members. This took over an additional week to get these statements.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
 PRISONS DIVISION
 PO BOX 41118 · Olympia, WA 98504-1118

October 17, 2018

John Gray

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Confidential and
 Personal Delivery

Mr. Gray:

Notification of
 Disciplinary
 Action

This is your official notification that I am suspending you for fifteen (15) calendar days from your position #1498, as a Corrections and Custody Officer 2, with a working title of Correctional Officer 2 (CO) 2, with the Department of Corrections (DOC) at Clallam Bay Corrections Center (CBCC) effective the beginning of your shift on October 18, 2018 through the end of your shift on November 1, 2018. This disciplinary action is being taken pursuant to Article 8 of the Collective Bargaining Agreement between the State of Washington and Teamsters Local Union 117.

Misconduct

This disciplinary action is for the following misconduct:

1. On February 6, 2018 you engaged in inappropriate and unprofessional conduct that was sexually charged during training on the Prison Rape Elimination Act (PREA) in the Religious Activity Center at CBCC. The PREA training included a video showing two women conducting a female/female pat search and how to apply the techniques when searching transgender offenders. During the video, you made inappropriate comments and sounds such as, "Here we go" and "ooh...oh yeah baby...mmmmm".

Investigation

Erika Laurentz, Workplace Diversity Consultant, completed a fair and thorough investigation into the matter. A copy of the report, which described this charge in detail, was mailed to you, certified and regular U.S. mail, on July 20, 2018.

Pre-disciplinary
 Meeting

I held a pre-disciplinary meeting with you on August 14, 2018. Present besides the two of us were Paula Gaumont, Human Resources Manager (HRC); Union Representatives Talisa Boad and Matt House; and Shop Steward Bryan McGarvie.

At this meeting we discussed the investigation and the allegation brought against you. During the meeting I asked you to present any information you wanted me to consider before I made a decision regarding the alleged misconduct and appropriate sanction.

You discussed that you had been under investigation for a PREA allegation and were reassigned to B-Unit because of it during this time. You stated there was a lot of tension in the training on this day. You then denied that you stated anything during the training except for asking a question about how to process an offender kite

the training except for asking a question about how to process an offender kite related to PREA if you came across one. You stated, "I know I did not say anything. I just asked a question and that was it. I don't know what else to say."

I asked you if you had any relationship issues with the three staff members that identified the behavior you engaged in as reported in the investigation report. You replied, "I don't know them. Hughes is a good worker. Howell works in the kitchen, I don't know him. The other one, I would not know her if she walked in the room."

During our discussion, Ms. Boad made a statement that one of the instructors, Jason Earls, was not interviewed as part of this investigation and requested that he provide a statement. She also stated that COs Lawrence Adamire and Robert Bingham had approached her and wanted to be interviewed as part of this investigation. She also requested that CO Brandon Heimbigner provide a statement regarding the PREA training from February 6, 2018. You supported this request. I stated that I would request statements from these four staff members.

As such, on August 28, 2018 I mailed you a copy of the four statements received from the staff members identified above. (Attachment A)

Findings and Standards

I find the charge made against you to be substantiated based on my review of the investigative report, the investigatory interviews of staff that reported and were witness to your behaviors, and the additional statements that were mailed to you on August 28, 2018.

I find that on February 6, 2018 you made sexually charged comments and sounds such as, "Here we go" and "ooh...oh yeah baby...mmmm" during the video portion of the PREA training. I do not find your version of events credible due to witness accounts. There is no reason to believe that the four co-workers, whose statements are consistent that you engaged in this behavior and that you claim you barely know, would conspire against you to this degree.

You knew, or should have known, that your behavior was in violation of the Employee Handbook. Specifically the sections of the Handbook that address Department Expectations (pages 14 -16) which state (in part), (Attachment B)

"As an employee of the Department of Corrections, you will be expected to:

- Treat fellow staff with dignity and respect;

You acknowledged receipt of the Employee Handbook on January 13, 1997. (Attachment C)

Your behavior was also in direct violation of DOC Policy 850.625, Sexual Harassment, which states (in part) (Attachment D):

Policy:

- I. Sexual harassment is an unlawful employment practice prohibited under RCW 49.60 and Title VII of the Civil Rights Act of 1964.
- II. The Department strives to provide a work environment free from unsolicited,

unwelcome, and inappropriate behavior, and will not tolerate sexual harassment of any kind.

III. The Department has established guidelines for reporting sexual harassment complaints, and will ensure that all employees, contract staff, and volunteers are protected and provided relief from any form of sexual harassment in the workplace.

IV. The Department will promptly investigate allegations of sexual harassment and, where substantiated, will take appropriate corrective and disciplinary action(s), up to and including dismissal.

Directive:

I. General Requirements

A. Employees, contract staff, and volunteers will not engage in any form of sexual harassment. Sexual harassment is unwelcomed advances, requests for sexual favors, and verbal or physical conduct when:

3. Such conduct has the purpose or effect of:

a. Creating an intimidating, hostile, or offensive working environment, or

b. Interfering with work performance.

By signing the Department of Corrections Acknowledgement Form on January 13, 1997, you agreed you were responsible for being aware of and following all DOC Policies, (Attachment C)

Your behavior was also in conflict with the Core Competencies required of all employees of the DOC. Specifically the Core Competencies of:

Treats Others with Respect and Courtesy – Consistently treats everyone with respect and courtesy, even when the other person is discourteous or unreasonable. Actively seeks feedback from customers and others we interact with on the quality of services provided. Demonstrates an ability to place oneself in the position of the customer. Listens fully to, is respectful of, and understands others' needs, concerns, and opinions.

Relationship Building – Builds and maintains effective networks of contacts that are useful in achieving work-related goals. Builds voluntary cooperation through credibility, expertise, influence, and persuasion. Goes out of our way to establish effective working relationships. Demonstrates an ability to build effective relationships and partnerships.

These competencies are outlined in the DOC Employee Handbook (pages 13 & 14) (Attachment B), which you acknowledged receipt of on January 13, 1997. (Attachment C) These competencies are also outlined in your Performance and Development Plan (PDP) Expectations. You acknowledged that your supervisor discussed the performance expectations with you most recently when you signed your PDP Expectations on January 16, 2018. (Attachment E)

Your behavior is in conflict with these competencies. Making sexually charged sounds and comments during a demonstration of a pat search is disrespectful to the trainers and to any other employees who may have heard you. Making such sounds and comments in the context in which you did during the video portion of the pat search disrupts your ability to build effective relationships with the employees you degraded with the behaviors you displayed.

These competencies are also outlined on the position description (PD) form for all Correctional Officers. You signed the PD for position #1499 on January 22, 2014. (Attachment F) In addition to the core competencies, this PD states under Qualifications, "...this position requires (in part):

Professional Standards - Knows and applies relevant law, policy, procedure, and practice. Adheres to productivity standards and timelines established by law and policy. Identifies own training needs and proactively seeks training opportunities.

Other - Effective oral communication skills in routine and emergent situations. Committed to develop and promote positive and professional interpersonal relationship skills."

Your behavior undermines these listed qualifications. I feel that you are no longer qualified for your position as a correctional officer as you no longer maintain professional standards in all of your actions. You do not demonstrate professional interpersonal relationship skills as you purposely made sexually charged sounds and comments during a demonstration of a pat search, upsetting two of the trainers who heard you and showing disrespect toward the trainers and attendees.

Your supervisor also set expectations for you for your 2018-2019 review period. Specifically, your supervisor stated, "Conduct yourself in a professional manner at all times. Adhere to all current CBCC/DOC policies and procedures." (Attachment E)

Training records indicate you also attended Sexual Harassment Prevention on December 2, 2009, and again on August 16, 2015. (Attachment G) You signed Training Acknowledgment - Unlawful & Sexual Harassment form, DOC 03-448 on December 2, 2009. (Attachment H)

**Determination
of Sanction**

When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and previous disciplinary actions. During a review of your personnel file, I found that you were previously issued the following:

- January 30, 2017 - Letter of Reprimand for inappropriate, disrespectful, and racially slanderous communications displayed towards your coworker and a supervisor. The Appointing Authority found you were in violation of the DOC's Core Competencies. This letter stated, "Your actions as described above demonstrate your failure to conduct yourself with the highest level of ethical and professional standards. You displayed inappropriate, disrespectful, and unprofessional communications towards, or regarding, your coworker and a supervisor while at work. This negative behavior is not conducive to this work environment." This letter warned you that any further misconduct on your part may result in further disciplinary action up to and including discharge from your

position.

- July 16, 2018 – 15 day suspension for inappropriate, disrespectful, and unprofessional behaviors towards offenders; inappropriate, disrespectful, and unprofessional behaviors towards staff and two different charges for creating an unsafe work environment. This letter stated, “CO Gray, your behavior as described above and throughout the investigation report is unacceptable. It is a fundamental expectation of DOC for you to be professional and respectful to those you come in contact with in the performance of your duties. Displaying the behaviors you have toward any staff member or offender is inappropriate, disrespectful, and unprofessional. Furthermore your behaviors were unsafe and put staff and offenders in harm’s way. As a trained correctional professional, you have been provided the skills on how to deescalate situations to avoid further conflict. However, you chose to engage in such erratic behaviors, placing staff, offenders, and ultimately the public at risk.” This letter warned you that any further misconduct on your part may result in further disciplinary action up to and including discharge from your position.

You have been employed with the DOC for over twenty-one (21) years, all in the capacity of a CO, to include two (2) non-permanent appointments as a CO3 (Sergeant). You knew, or should have known, that the behavior you engaged in was prohibited. The DOC has a zero-tolerance for inappropriate sexual behaviors within the workplace. The behavior you displayed on February 6, 2018 is clearly in violation of the core competencies, DOC Employee Handbook, and DOC Policy that provides specific guidance on how you are to conduct yourself during the performance of your duties.

During the course of the investigatory interviews, CO Chantal Hughes, one of the trainers, reports that she was shocked by your behavior. She reported that she has never been uncomfortable in her role up until that moment when you were making inappropriate noises and comments during the video. She reported, “...it was kind of like-Okay, now my body is getting framed in front of 45 of my working peers and now everyone’s focused on my breasts, being outlined and now it’s my body and, coincidentally, I’m the only lesbian in the room and I’m instructing the class. (She paused) It was frustrating...I gotta be singled out.” CO Hughes shared that she then had to get up and demo the pat search immediately after the video and said that her “skin crawled.” Sergeant Ron Howell, another instructor reports that your conduct during the training was unprofessional and made him so uncomfortable it made it challenging to complete the training.

Tara Prechel, Administrative Assistant 3, who was sitting with the instructors, also identified you as making the inappropriate sexual noises and comments. She shared that she felt trapped as she could not leave. She also stated she could see that CO Hughes was visibly upset after you started your vocalizing during the video. Jason Earls, another one of the instructors, also provided a statement indicating you were the person making the inappropriate sexually charged noises and statements during the video portion of the training.

The Department has a comprehensive policy regarding sexual harassment in the workplace. By your actions, you willfully disregarded the requirements of that

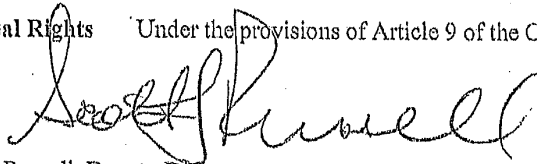
policy as well as other Department policies and expectations. You displayed highly inappropriate and unprofessional behavior in a PREA training class. I will not tolerate this type of egregious conduct.

An employee with your years of service is well aware of the importance of safety and security in a prison environment, and of the expectations surrounding appropriate and professional behavior in the workplace. Your actions are in direct violation with the tools and training that have been provided to you from the beginning of and throughout your career with the Department. You violated the most basic and fundamental rules and directives by which the Department abides. As a senior Correctional Officer, it is your responsibility to model and promote appropriate behaviors in the workplace. You failed this responsibility when you made sexually inappropriate comments and noises during the PREA training on February 6, 2018.

Your behavior negatively impacted multiple staff at CBCC. You engaged in behavior that does not convey a professional image and jeopardizes the working relationships with your fellow co-workers. You compromised your own credibility and effectiveness in the work environment by your actions, and you failed to exercise sound judgment.

You have presented no information for your behavior that would mitigate my determination to end your employment with the DOC. Furthermore, I do not have faith that a lesser sanction would effect change in your behavior. I cannot and will not risk your continual inappropriate unprofessional behaviors. Consequently, I have determined that discharge is the appropriate level of discipline.

Appeal Rights Under the provisions of Article 9 of the CBA, you may appeal this discipline.



Scott Russell, Deputy Director
Prisons Division, Command A

- Attachment A – Additional Statements
- Attachment B - Employee Handbook; Pages 13-16
- Attachment C – CBCC Acknowledgement Form
- Attachment D – DOC Policy 850.625, Sexual Harassment
- Attachment E – Performance and Development Plan (PDP) Expectations for Non-Supervisors
- Attachment F – Position Description for position #1499
- Attachment G – Student Training Record for John Gray
- Attachment H – DOC 03-448, Training Acknowledgement – Unlawful & Sexual Harassment

Enclosures

SR:pdg

cc: Melia Olsen, Human Resources Director
Labor Relations
Payroll (first paragraph only)

John Gray
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Personnel File (including investigation) - John Gray
Administrative File