

School district ordered to pay fees, apologize in labor case

By DEBORAH BACH, SEATTLE POST-INTELLIGENCER REPORTER (Updated 10:00 p.m., Thursday, June 30, 2005)



Pat Larson, a custodian at Lawton Elementary, said that despite a ruling in his favor in an unfair labor practice case, it doesn't feel like a victory. Photo: Gilbert W. Arias/Seattle Post-Intelligencer / SEATTLE POST-INTELLIGENCER

Seattle Public Schools must repay about \$30,000 in legal fees and post notices of its wrongdoing in every school, after the district was found guilty of unfair labor practices in a case involving an elementary school custodian suspected of theft.

The [Public Employees Relations Commission](#) ruling, handed down last week, notes a pattern of "repetitive illegal conduct" by the district, and requires the School Board announce the findings at its regular meeting Wednesday night. "This decision will help us bring about some measure of accountability to principals in [Seattle Public Schools](#) by showing them that we're not fools and employee rights are not to be trampled," said [David Westberg](#), business manager of [International Union of Operating Engineers Local 609](#). The union represents custodians, security guards and other non-teaching school employees.

The case involves a custodian at Lawton Elementary, [Pat Larson](#), who had been working at the [Magnolia school](#) for 14 years when principal [Sylvia Hayden](#) arrived in fall 2002.

Hayden soon began complaining about Larson's performance, records show. In October 2002, she asked an assistant custodian about missing computer parts. The employee said he'd seen Larson taking parts out of a computer and dictated a witness statement to Hayden, who then notified her supervisor and the district's employee relations manager.

The following day, Hayden summoned Larson to her office. When he asked for union representation, she had him removed from the school and put on paid leave. A district investigator interviewed staff at the school and concluded there was no evidence that Larson took computer parts.

Hayden "intentionally destroyed" the assistant custodian's statement, the commission found, and ignored repeated requests to provide a time sheet for an office worker who was paid for four hours of custodial work.

The ruling orders the district to "cease and desist" from removing employees from the workplace without union representation, refusing to produce information requested by the union and otherwise interfering with employees' union rights.

The commission cited three other cases within the past eight years in which it has found that the district committed unfair labor practices. Seattle Public Schools "has engaged in a pattern of repetitive conduct showing a patent disregard of its statutory obligations," the ruling concluded.

In two of the cases cited, the district failed to provide Local 609 with evidence that was relevant to defending an employee. One case resulted in the commission ordering the district not to withhold information from the union, but the district appears not to have followed that order, the commission said in last week's decision.

To Westberg, the string of cases point to a systemic problem he blames on the decentralized system of management implemented under former Superintendent [John Stanford](#). The new model gave principals more authority over hiring decisions and greater autonomy.

"John Stanford created a system whereby principals have told me repeatedly that they could do whatever they feel like doing inside of their own buildings," Westberg said. "This has been damaging to the kids of Seattle. Until (the system) is broken and unraveled, it will continue to damage employees and use public resources that are better spent on education."

Seattle Public Schools spokesman [Peter Daniels](#) said the district's human resources manager is aware of the commission rulings and is consulting with her staff and the legal department to create additional training for principals.

"It's incumbent upon us to provide them that support and training," he said. Reached at home yesterday, Hayden said she believes Larson was treated fairly.

She had him removed from the school, she said, because a union representative was not available that day, and therefore, it was not possible to have a meeting about the theft allegations. Hayden, who retired from the district in May 2004, said she destroyed the assistant custodian's statement because he asked her not to use it.

Hayden said she considered the matter resolved after the investigation and even gave Larson a Christmas present the following year. "He was found free of any charges, and I considered the case closed at that point."

But for the 59-year-old Larson, a district employee since 1976, the ruling doesn't feel like a victory. After being removed from the school, he returned the following day and continued to work with Hayden in a tense environment until the principal retired, he said. The union, after numerous requests for information weren't met, filed an unfair labor practice complaint. "The school district has to apologize and pay attorney's fees. The attorney's a winner because he gets paid. I get nothing for it, except I still have my job," he said.

"But for all of the humiliation -- the rudeness, the garbage I had to endure from these people -- ... for all of that, I feel like I didn't win anything."