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SUPERIOR COURT OF WASHINGTON  
FOR YAKIMA COUNTY

Dawne Hyde,  
  
Plaintiff  
  
vs.  
  
State of Washington,  
  
Defendant.

Case No. **162 0059539**

COMPLAINT FOR DAMAGES,  
INJUNCTIVE AND DECLARATORY  
RELIEF

**I. PARTIES AND JURISDICTION**

1.1 The Plaintiff, Dawne Hyde ("Ms. Hyde" or "Plaintiff"), is a resident of Yakima County, Washington. Ms. Hyde brings a whistleblower retaliation claim pursuant to RCW 42.40, *et seq.* and RCW 49.60.210.

1.2 The Defendant State of Washington ("State" or "Defendant") is a state.

1.3 Plaintiff is a state employee working at the Yakima Valley School in Yakima County, Washington.

1.4 This Court has jurisdiction over this matter pursuant to RCW 4.28.020 and RCW 4.92.010.

COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF -- 1

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1 **II. FACTS**

2 2.1 Plaintiff Dawne Hyde has worked for the State since May 2008, and has  
3 been employed since August 2009 as a Fiscal Analyst 3 at the Yakima Valley School  
4 (YVS) run by the Department of Social and Health Services, Developmental Disabilities  
5 Administration (DSHS/DDA).

6 2.2 Ms. Hyde's work has always been satisfactory, and she has always received  
7 satisfactory performance evaluations, including the most recent evaluation performed by  
8 her direct supervisor, Tracy Durels, on October 21, 2014.

9 2.3 From August 2009 until December 2014 Ms. Hyde reported directly to  
10 Durels, while Durels was in the position of Financial Services Manager at YVS. In that  
11 position, Durels was head of the YVS Business Office, and Ms. Hyde was a lead. Durels  
12 reported directly to Tammy Winegar, YVS Superintendent.

13 2.4 Sometime in 2013, Ms. Hyde began to complain about a hostile work  
14 environment created by Durels, or attributable to Durels' management style, in the  
15 Business Office. Ms. Hyde made these complaints to Superintendent Winegar. Ms. Hyde  
16 complained that Durels interacted with employees including yelling, slamming drawers  
17 and other unprofessional acts. In addition, Ms. Hyde had complained to Durels and to  
18 Winegar about bullying and crying by several employees and a generally tense atmosphere  
19 in the office.

20 2.5 Ms. Hyde's complaints resulted in an investigation of Durels' management.  
21 Ms. Hyde requested that her interactions behind closed doors with Durels occur in the  
22 presence of her appointing authority (Winegar) and a union representative.

23 2.6 On or about September 12, 2014, an anonymous whistleblower complaint  
24 was filed against Durels with the State Auditor's Office, alleging that Durels used state  
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1 resources and time for her outside tax business and that she used her position to obtain  
2 clients for her outside business.

3 2.7 Durels was made aware of this investigation sometime in September, 2014.

4 2.8 Upon information and belief, a number of members of YVS management  
5 are clients of Durels' tax business, including Superintendent Winegar.

6 2.9 In October 2014, Durels attempted to take an unwarranted disciplinary  
7 action against Ms. Hyde but was prevented from doing so by Winegar. However, Durels  
8 did reorganize Ms. Hyde's job duties and denied her on-site training that other leads  
9 received.

10 2.10 Durels resigned in December 2014, however, she returned to work in April  
11 2015 and upon information, and on information and belief, she is still employed at  
12 DSHA/DDA.

13 2.11 In December 2014, Ms. Hyde initiated a request for an audit of the Business  
14 Office at the behest of the Superintendent. Ms. Hyde initially welcomed the audit,  
15 believing it would address some of the issues that she had expressed concerns about.  
16 However, the State did not use the audit to address her concerns. Instead, the audit  
17 investigated Ms. Hyde and was critical of Ms. Hyde. The audit was biased.

18 2.12 Ms. Hyde was in a position as acting Financial Service Manager from  
19 January 2015 until April 2015; however, she received no additional compensation or  
20 benefit during that time.

21 2.13 The final report was released on April 1, 2015, and found systemic issues  
22 attributable only to the Financial Services Manager and Superintendent. In Ms. Hyde's  
23 position as lead, she did not have supervisory authority to make the required changes.

24 2.14 In February, 2015, Durels told the whistleblower investigator that she  
25 believed Ms. Hyde filed the whistleblower complaint against her.

1           2.15    The whistleblower investigation report regarding Durels was issued March  
2 5, 2015 by the State Auditor's Office.

3           2.16    On March 20, 2015, a long-time DSHS employee, Don Higgins, e-mailed  
4 Ms. Hyde to complain about a probationary new employee, Ed Baker, who had recently  
5 joined the office from the private sector. Higgins had complained about Baker's actions,  
6 including yelling in the office, and treating co-workers disrespectfully. Ms. Hyde had also  
7 noticed these actions and wrote an email to the entire Business Office, entitled "Trying An  
8 Approach that Helps Us All". Without singling out any specific employee, Ms. Hyde  
9 requested that all co-workers treat each other respectfully and professionally and suggested  
10 ways that co-workers should approach each other with requests for assistance and  
11 documents.

12           2.17    Durels returned to work at DSHS/DDA YVS in April 2015.

13           2.18    On April 6, 2015, Ms. Hyde's duties and lead role were removed when she  
14 was administratively reassigned to the DDA region office. The State claims that the  
15 reassignment was based on a complaint by Ed Baker, the probationary employee who had  
16 been hired in February 2015. In fact, the reassignment was in retaliation for Ms. Hyde  
17 being perceived as a whistleblower. Winegar used this complaint as a basis for launching  
18 an unwarranted internal DDA investigation against Ms. Hyde. A DDA internal  
19 investigation ensued.

20           2.19    Durels stated to the DDA investigator that she believed Ms. Hyde had filed  
21 the whistleblower complaint against her. Durels also made a number of complaints  
22 against Ms. Hyde that were similar to those made by Ms. Hyde about Durels beginning in  
23 2013. Further, Durels never raised issues about Ms. Hyde's performance or supervisory  
24 style in over five years of performance evaluations.

1           2.20    On or about April 6, 2015, DSHS promoted Ed Baker to a non-permanent  
2 position as supervisor over all of the staff in the Business Office without posting the  
3 position.

4           2.21    During the course of the investigation from April 6 through April 15, 2015,  
5 Durels, Baker, and a number of employees that Durels and Baker supervised, made  
6 complaints about Ms. Hyde's supervisory style in response to questions from the  
7 investigator. Many of these complaints were nearly identical to complaints that Ms. Hyde  
8 had made about a hostile work environment since 2013.

9           2.22    On April 16, 2015, DSHS/DDA issued an "Alternative Assignment  
10 Modification" letter to Hyde that modified the April 6, 2015 letter by instructing Ms. Hyde  
11 not to contact Durels, thus incorrectly implying that Ms. Hyde had violated the April 6 "no  
12 contact" provision. This was in retaliation for Ms. Hyde being perceived as a  
13 whistleblower.

14           2.23    Since her April 6, 2015 reassignment to the DDA Region office, the State  
15 has discriminated against and retaliated against Ms. Hyde by removing her lead duties,  
16 placing her in an office without appropriate computer, telephone and reference resources,  
17 denied her the ability to correctly perform her job where she is unable to communicate  
18 with co-workers and isolated her from her co-workers. She has been denied training  
19 opportunities available to others and appropriate and necessary for the performance of her  
20 job duties. These actions are in retaliation for Ms. Hyde being perceived as a  
21 whistleblower.

22           2.24    In May or June 2015, Winegar publicized false information regarding Ms.  
23 Hyde to a prospective employer where she stated that Ms. Hyde was "not ready for  
24 supervision" and "bitter, moody" in a reference check to DSHS/FSA. The hiring authority  
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1 at DSHS/FSA told Ms. Hyde that this reference was considered in denying her the  
2 position. This was in retaliation for Ms. Hyde being perceived as a whistleblower.

3 2.25 On June 11, 2015, the State further discriminated and retaliated against Ms.  
4 Hyde by issuing a written reprimand with false accusations of wrongdoing. This was in  
5 retaliation for Ms. Hyde being perceived as a whistleblower.

6 2.26 Since June 11, 2015, the State has continued to discriminate and retaliate  
7 against Ms. Hyde by refusing to transition her back to her duties at YVS, despite stating  
8 that it would be doing so in the June 11, 2015 reprimand. Instead, it has continued to  
9 isolate her from her co-workers and from others in the agency by keeping her off-site in an  
10 office with limited communication; by requiring that all of her work and communication  
11 be processed through the superintendent, yet not forwarding her completed work to the  
12 appropriate parties; by taking away her duties and responsibilities yet not appointing other  
13 employees to handle those duties, leading to the appearance that she is not doing her job.  
14 These actions are in retaliation for Ms. Hyde being perceived as a whistleblower.

15 2.27 Ms. Hyde has filed a Union Grievance regarding her reassignment and the  
16 written reprimand. The grievance process is still ongoing.

17 2.28 Prior to filing this lawsuit, Ms. Hyde timely filed an administrative claim  
18 with the Office of Financial Management on October 19, 2015, and waited the required  
19 time before filing in Yakima County Superior Court. The content of the administrative  
20 claim meets the requirements of RCW 4.29.100.

21 2.29 Ms. Hyde has suffered loss of enjoyment of life, emotional distress, injury  
22 to reputation, fear, personal indignity, embarrassment, humiliation, anxiety, and anguish,  
23 which were proximately caused by the actions of the defendant, some or all of which will  
24 continue into the future.

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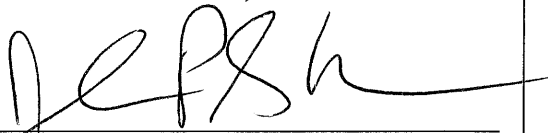
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**V. DEMAND FOR JURY**

5.1 Plaintiff hereby demands that this case be tried before a jury of twelve.

Respectfully submitted this 2<sup>nd</sup> day of March, 2016.

SHERIDAN LAW FIRM, P.S.

By: 

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