

TO:

Laurie Jackson

COMPANY:

FWPS - Human Resources

PHONE:

(253) 945 2029

FAX:

(253) 941 7576

FROM:

Kerry Blair

NUMBER OF PAGES INCLUDING THIS PAGE:

3

MESSAGES/COMMENTS:

FEDERAL WAY HIGH SCHOOL
30611 16TH AVENUE SOUTH
FEDERAL WAY, WA 98003

TELEPHONE: (253) 945-5400
FAX: (253) 945-5454



FILE

The District, in this case, seems to be taking an unnecessarily adversarial position. The District has refused in all respects to provide Mr. Collins with even the most rudimentary information. Instead, the District seeks to ambush Mr. Collins in a meeting wherein you have provided inadequate notice to his representative.

I continue to be mystified by the District's conduct. It would appear that the District is intending to attempt to dismiss Mr. Collins regardless of the evidence that he can provide to the District. In other words, by interfering with Mr. Collins' ability to provide the District with information that is exculpatory, the District must rely upon inadequate and incomplete information upon which to base any decision as to the existence, or non-existence of sufficient cause. I must therefore conclude that the District intends to take adverse action against Mr. Collins, and is now seeking simply to support its position.

Your refusal to cooperate with Mr. Collins at this stage of your investigation constitutes a violation of §3.3(A) of the CBA. That section assures Mr. Collins of due process, which would include notice and an opportunity to be heard during your investigation. However, if the District has already determined that it intends to discharge Mr. Collins for insubordination or otherwise, it is apparent that the District does not intend to fulfill the terms of its contract in good faith. This fact is very disappointing to Mr. Collins who has served the District proudly for more than a decade.

Pursuant to the above referenced contract provisions, Mr. Collins is requesting the following information to be delivered on March 23, 1999, at my office.

1. A copy of Mr. Collins' complete personnel file. (See CBA §3.5);
2. A copy of any confidential or evaluation file re: Mr. Collins;
3. A copy of any and all student records, mental health records, health records, confidential records, reports or files related to, referencing or discussing [redacted];
4. A copy of all grade reports and an academic file for [redacted];
5. A copy of Mr. Collins' attendance records for the past two years;
6. A copy of [redacted] class schedules for the past three (3) years;

In addition to the above information, I would like to interview the following staff members of Federal Way High School:

1. Pamela Ashe
2. Tina Jones
3. Doug Baldwin
4. Kerry Loh
5. Vickie Price
6. Carol Gleckner
7. Muelin Varner
8. Judy Eisher

9. Ingrid Lyden
10. Michael St. Louis

This request is made in accordance with §3.3(A). *See also* District's duty to cooperate in informal grievance procedure in §13.2(E).

I would again note that the District can hardly expect to determine whether sufficient cause exists, and whether the conduct alleged took place without first affording Mr. Collins an opportunity to fairly and comprehensively respond in an intelligent fashion. Ms. Sebree proposes to simply ask Mr. Collins questions without providing him with specific allegations. However, only Mr. Collins can provide relevant exculpatory evidence that would tend to disprove these false allegations. Therefore, the District's proposed method for performing an adequate investigation will be necessarily flawed. I strongly encourage you to rethink your adversarial approach to this case.

I also note that you make a number of bold assertions without citation to authority in your recent letter. For instance, you assert that Mr. Collins has a "professional duty to cooperate in an investigation that is necessary to carry out the District's duty." Please let me know what statute, regulation or contract provision this "duty" derives from.

I would also like to remind the District that Mr. Collins has been charged with a crime in municipal court. In accordance with §3.3(B) of the CBA, the District understands that Mr. Collins has certain constitutional rights, and must, under the contract, be afforded equal protection in the exercise of those rights. Insofar as the investigation envisioned by the District seeks to impair Mr. Collins' constitutional rights, the District deprives Mr. Collins of equal protection, and thereby violates the terms of the contract.

In summary, I fully expect that the District will (1) begin to comply with the terms of the CBA, (2) fully cooperate with Mr. Collins during his investigation, including sharing all relevant information and providing access to witnesses, (3) cease and desist all conduct that might impair Mr. Collins' constitutional rights, and (4) conduct this preliminary and informal investigation in a professional and cooperative manner, without having preconceived notions as to any conclusions that it might reach.

Finally, at the conclusion of the meeting to be held tomorrow at 8:30 a.m., Mr. Collins intends to enter the Federal Way High School to retrieve personal property, including certain files and records. Please make appropriate arrangements for this visit.

I firmly believe that if the District fairly affords Mr. Collins an opportunity to meet the allegations leveled against him, it will discover that the charges are unfounded. I look forward to

working with you hereafter in a spirit of cooperation so that Mr. Collins can return to the classroom as soon as possible. Thank you for your prompt response to the issues addressed in this letter.

Very truly yours,



Tyler K. Firkins

TKF/LL

cc: client
Curman Sebree

collins/jackson.32299