

April 05 2018 11:09 AM

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

JON S. HARDY, individually; CONNIE
HARDY, his wife; and their marital community;

Plaintiffs,

v.

STATE OF WASHINGTON;

Defendant.

No.

COMPLAINT

COME NOW, the above-named Plaintiffs, by and through their attorneys of record, Samuel J. Daheim, Jackson R. Pahlke, and John R. Connelly, Jr. of Connelly Law Offices, PLLC and by way of claim aver and allege on personal knowledge as to their own actions, and on information and belief as to all other matters, as follows:

I. INTRODUCTION

1.1 Plaintiff, Jon S. Hardy was hired by the State of Washington as a Supervisor of maintenance operations on McNeil Island by the State of Washington, Department of Social and Health Services, in January 2016. At the time he was hired he was recruited away from a position that he had held for over 30 years at Sysco, Inc. in Arizona based on representations made by the Defendant as to work that they wanted him to come to Washington and perform. He was asked to actively manage the existing situation and “problems” on McNeil Island and

1 told that he would have full supervisory authority to do so. He and his family left his
2 position, in Arizona and moved to Washington in reliance on the request.

3 1.2 When Mr. Hardy arrived at McNeil Island he found that the “situation” was
4 extremely concerning, that state workers were getting paid for work they were not doing, that
5 they had established a practice of doing very little work, getting paid for work that was not
6 being done, abusing alcohol while on the job and that state workers were engaging in ongoing
7 fraud. Maintenance staff were actively defrauding Washington taxpayers by systematically
8 avoiding their work, abusing alcohol and other substances, and being paid for full days of
9 work when in reality they weren’t working or weren’t even at the jobsite on days they were
10 claiming wages for working.

11 1.3 As he had been specifically requested, Mr. Hardy began working to end the
12 fraud and to require workers to do the work they were being paid to do. His work was
13 initially rewarded with excellent reviews, until the extent of the employee fraud began
14 becoming increasingly clear and higher-level employees at McNeil Island began to realize
15 that his work in ending the fraudulent activities, and doing what he had been requested to do,
16 was disturbing an ongoing boondoggle and jeopardizing the McNeil Island workers and
17 supervisors’ ability to receive taxpayer funds for doing little to no work. He was told not to
18 try to stop the practices. Ultimately, he was terminated from his job because he would not
19 agree to “look the other way,” while the fraud continued. It was not until he was wrongfully
20 terminated for his work toward putting an end to these corrupt practices, that he discovered
21 how high up in the ranks this fraud reached.

22 1.4 Mr. Hardy brings this claim for wrongful termination, retaliation, loss of
23 wages, breach of contract, negligence, negligent infliction of emotional distress, negligent

1 misrepresentation, fraud, and all other causes of action under Washington law applicable to
2 the factual scenario set forth below.

3 **II. PARTIES**

4 2.1 PLAINTIFF JON S. HARDY was wrongfully terminated from his position as
5 Supervisor with the Consolidated Maintenance Operations (CMO) for the Special
6 Commitment Center (SCC) on McNeil Island. He was fired for his efforts to stop the staff's
7 exploitation of Washington state taxpayers in a workplace that lacked oversight and
8 accountability, and had allowed significant fraudulent workplace practices to develop.
9 PLAINTIFF CONNIE HARDY is Jon's wife and partner. As a result of his wrongful
10 termination, Plaintiffs and their family experienced substantial stress, anxiety about Jon's
11 employment, emotional anguish, humiliation, reputational damage, and other general and
12 special damages to be proven at trial.

13 2.2 DEFENDANT STATE OF WASHINGTON through its employees at the State
14 Department of Social and Health Services ("DSHS"), including its Consolidated Maintenance
15 Operations ("CMO") employees, control and operate the McNeil Island Special Commitment
16 Center ("SCC"). Defendant has ignored a workplace on McNeil Island that allows, even
17 encourages, workers to defraud Washington taxpayers by engaging in ongoing fraud and
18 neglecting their duties while still being paid as if they were doing their jobs. The State
19 purportedly brought Jon Hardy in to help solve this problem and put an end to this deception.
20 After moving his family from Arizona, however, Mr. Hardy was wrongfully discharged for
21 doing exactly what he had been requested to do.

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1 told, confronted with these issues. He found that the employees were taking advantage of the
2 system and receiving taxpayer funds for little or no work. He learned that his bus drivers had
3 obvious and severe problems with attendance and substance abuse, often on the job. His
4 construction and maintenance staff members were not only consistently failing to complete
5 any work, but they were taking extremely long meal breaks, often as long as 2-3 hours, in
6 violation of CMO work schedule policies. The situation was so bad with this group of
7 employees that there were outstanding and unfilled work orders dating several years back, but
8 that staff were still not bothering to fill them. He also found that some workers were being
9 dishonest about the time they worked, were falsifying time records and/or were being paid for
10 time they weren't working and weren't even on the island when they said they were or when
11 they were required to be according to the job requirements for the job they were being paid to
12 do.

13 4.4 As instructed, Mr. Hardy began addressing these issues and seeing positive
14 results. Less than a month into his new job, upper management personnel were already
15 applauding Mr. Hardy because he was "actually assigning work and inspecting it once it is
16 done" – a welcomed change for CMO. Praise for Mr. Hardy's persistence in dealing with the
17 difficult staff continued. Shortly prior to his wrongful discharge, Jon was commended for the
18 "great job" he had been doing in "holding [his staff] accountable and forcing them to do work
19 they don't want to do."

20 4.5 However, the changes Mr. Hardy was implementing were not welcomed by all.
21 A number of workers on McNeil Island felt that they had a good thing going and were furious
22 that Mr. Hardy would take steps to try to prevent them from being paid for sitting around and
23 not working. Then-Administrator of CMO and Jon's supervisor, Thomas Blume, met Mr.

1 Hardy's efforts with resistance. Mr. Hardy's employees complained to Blume about the
2 disruption he had caused in their lazy, dishonest, and fraudulent work practices. Instead of
3 supporting Mr. Hardy in his efforts to rid CMO of these sort of workplace behaviors and
4 instill accountability in his staff, Blume began to work against Mr. Hardy and begin
5 pressuring him to fall in line and accept that "this is how things are done on McNeil Island."
6 Mr. Hardy, however, had been hired by the State to put an end to these practices and refused
7 to do so.

8 4.6 Mr. Hardy and Blume met on April 14, 2016 for his mid-term feedback
9 discussion. Blume mentioned to Mr. Hardy in a follow-up e-mail that their conversation had
10 covered his "team's perception of [him] and how best to mitigate the non-positive ones."
11 Finally, the two reviewed a Performance Development Action Plan, which was seemingly
12 intended to set goals, objectives, and expectations on when certain things should be
13 accomplished.

14 4.7 However, Mr. Hardy never had the opportunity to follow through with this
15 Plan because the next morning he was met by with a letter notifying him of his termination of
16 employment. The letter was hand-delivered by Thomas Blume.

17 4.8 Mr. Hardy's termination came as a shock. Less than two weeks earlier, his
18 performance had been applauded by his superiors, who noted "a very marked difference in
19 customer service from CMO since his arrival." And now he had been fired for just that -
20 doing his job.

21 **V. FIRSTS CAUSE OF ACTION – WRONGFUL TERMINATION IN**
22 **VIOLATION OF PUBLIC POLICY**

23 5.1 There is a clear public policy that Washington tax dollars should not be paid

1 out by means of systemic fraud and deception or for fraudulent activities including for
2 employees who are not doing the job for which they are being paid.

3 5.2 Additionally, there is a clear public policy in Washington state that employees,
4 especially public employees, should not be terminated for performing their jobs, for
5 safeguarding public funds and for holding staff and other employees accountable to do the
6 work for which they are being paid.

7 5.3 Terminating supervisors who are doing the job for which they were hired, and
8 discouraging supervisors and managers who work for the State from policing lazy, fraudulent,
9 and corrupt workplace practices jeopardizes these clear public policies. By discharging Mr.
10 Hardy for cracking down on egregious workplace behaviors, the State has committed the
11 intentional tort of wrongful termination in violation of public policy. Defendant State is
12 liable for wrongful termination, for negligence and negligent infliction of emotional distress,
13 and for breach of contract. Plaintiffs, and each of them, suffered significant emotional stress,
14 mental anguish, physical and emotional harm, economic loss and other general and special
15 damages which will be proven with specificity at the time of trial. Plaintiffs are entitled to
16 their reasonable attorney fees and costs pursuant to RCW 49.48.030 and otherwise as well as
17 damages allowed by Washington law.

18 **VI. SECOND CAUSE OF ACTION – NEGLIGENT INFLICTION OF**
19 **EMOTIONAL DISTRESS**

20 6.1 Defendant Washington State DSHS has a duty to act with the same level of
21 care as a reasonably prudent employer in the same or similar position and to treat its
22 employees with the same level of care as a reasonably prudent employer in the same or
23 similar position.

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VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request a judgment against Defendant Washington State:

- (a) Awarding general and special damages in an amount to be proven at trial;
- (b) Awarding reasonable attorneys' fees and costs; pursuant to RCW 49.48.030 and otherwise.
- (c) Awarding any and all applicable interest on the judgment; and
- (d) Awarding such other and further relief as the Court deems just and proper.

DATED this 4th Day of April, 2018.

CONNELLY LAW OFFICES, PLLC

By 

John R. Connelly, Jr., WSBA No. 12183
Samuel J. Daheim, WSBA No. 52746
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