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3 **BEFORE THE CITY OF SEATTLE**  
**PUBLIC SAFETY CIVIL SERVICE COMMISSION**

4 In the matter of the Request for Decision of

5 **Lieutenant Robert Crawford,**  
6 **Seattle Fire Department**

7 **Re: Veteran Preference Points on Fire Captain**  
8 **Promotional Register**

**ORDER DENYING**  
**APPELLANT's REQUEST TO**  
**MODIFY DECISION OF**  
**EXECUTIVE DIRECTOR**

**PSCSC No. 20-03-014**

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10 This matter came before the Public Safety Civil Service Commission ("PSCSC") on July 30, 2020,  
11 on Seattle Fire Lieutenant Robert Crawford's request to modify the Executive Director's denial of  
12 his Request for Decision No. 20-03-014. For the reasons indicated below, the Commission hereby  
13 denies the appellant's request.

14 **Procedural History**

15 Lieutenant Crawford submitted his Request for Decision No. 20-03-014 on July 1, 2020. The  
16 Executive Director of the PSCSC denied his request on July 13, 2020. Lt. Crawford filed a  
17 timely appeal on July 23, 2020, and the appeal was argued to a quorum of commissioners at a  
18 special meeting of the PSCSC on July 30, 2020.

19 **Facts**

20 Lieutenant Robert Crawford is an employee of the Seattle Fire Department, and a member of the  
21 Public Safety Civil Service. In 2018, Lt. Crawford sat for the Fire Captain promotional exam, and  
22 his name and score were ranked on the Fire Captain promotional register, initially published  
23 August 15, 2018. The Fire Captain promotional register will expire on August 15, 2020.

Lt. Crawford is also presently listed on the certified list<sup>1</sup> of Fire Captain candidates who the Fire  
Chief may consider for promotion to the rank of Fire Captain. He has been interviewed by the Fire  
Chief for the position of Fire Captain. The Chief has the right to promote any person on the  
certified list, whatever their exam score.

<sup>1</sup> Upon request from the employing department, the PSCSC provides a certified list of the five (or more) highest  
scoring candidates on a promotional register pursuant to PSCSC Rule 11.03(c)(1). Additional names will be certified  
to the list if there is more than one vacancy at that rank.

1 Lt. Crawford requests the PSCSC revoke veteran's preference points from former Fire Lieutenant  
2 Osmant Pyle's Fire Captain promotional exam score, even though former Fire Lieutenant Pyle has  
3 already been promoted to the rank of Fire Captain. Any change to Lt. Pyle's exam score would not  
result in promotion or demotion of any employee, as promotion or demotion authority reside solely  
with the Fire Chief.

4 On May 21, 2020, the PSCSC voted to amend Rule 9.17, which states that "[a]mendments to Rule  
5 9.17 shall not apply to registers with an initial publication date before August 1, 2020." Amended  
Rule 9.17(b) interprets RCW 41.04.010(3)<sup>2</sup> and sets forth that in promotional examinations:

6 1. The appropriate percentage shall, upon the applicant's proper request, be added  
7 to the passing score for each promotional examination after the veteran returns from  
active military service until they successfully attain promotion by using the added  
percentage.

8 2. During the veteran's career, the preference may be utilized for a promotion only  
9 once, even if they are called to active military service from employment more than  
once.

10 The effect of the amendment is to cap the number of times a candidate may be promoted utilizing  
11 veteran's preference points to once per an employee's career, rather than once per deployment, as  
the PSCSC had interpreted RCW 41.04.010(3) via the historical interpretation of Rule 9.17 since  
12 at least 2011.<sup>3</sup>

### 13 **Analysis and Conclusions of Law**

14 Lt. Crawford argues that the Executive Director's denial was improper, and that he has been  
15 improperly aggrieved by the PSCSC's prospective application of Amended Rule 9.17, which  
applies prospectively to the scores of SPD and SFD promotional candidates when a register is  
published after August 1, 2020. The PSCSC rejects Lt. Crawford's contention that the rule or its  
16 application are improper.

17 He has pointed to no error or violation of PSCSC Rule of Practice and Procedure 4.01 or SMC  
3.03.030, which describes the administrative rulemaking procedure for City of Seattle agencies.

18 We find that Lt. Crawford was not aggrieved by the PSCSC's application of its rules or state law.  
19 He stated that he is named on the Rule 11 certified list for promotion to the rank of Fire Captain,  
and that the Fire Chief interviewed him for a vacancy. The appointing authority's sole discretion

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20 <sup>2</sup> RCW 41.04.010(3) says, "(3) Five percent to a veteran who was called to active military service from employment  
21 with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to  
promotional examinations until the first promotion only."

22 <sup>3</sup> Historical PSCSC Rule 9.17- VETERANS' SCORING CRITERIA STATUS. Anyone who is entitled to war  
23 veterans' scoring criteria status according to State of Washington law and who submits acceptable proof of release  
from active service in the armed forces under conditions other than dishonorable, shall have percentage points added  
to the grade of competitive City of Seattle examinations he or she passes after release from active service, as prescribed  
by law.

1 to select any of the candidates on the certified list was affirmed by the Washington State Supreme  
2 Court in *Seattle Police Officers Guild v. City of Seattle, et al.*, 151 Wn.2d 823, 9 P.3d 243 (2004).  
3 The PSCSC may not abridge or infringe on that right.

4 In addition, the Commission clearly and repeatedly in open public meetings prior to the rule being  
5 amended, expressed its intention to *prospectively* apply its modified interpretation of RCW  
6 41.04.010(3) as described in Amended Rule 9.17(b) and also denied multiple requests by Lt.  
7 Crawford's peers on the Fire Captain promotional register to revoke Lt. Pyle's veteran's preference  
8 points from his score. In addition, the Commission notified all four unions with members in the  
9 Public Safety Civil Service of the rulemaking process and intended changes.

10 This issue is settled, and therefore the Commission affirms the decision of the Executive Director  
11 and denies Lt. Crawford's request.

12 Dated this 11<sup>th</sup> day of August, 2020,

13 **FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION**

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16 Joel Nark, Commission Chair

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19 Stacy Connole, Commissioner