

1 **BEFORE THE CITY OF SEATTLE**  
2 **PUBLIC SAFETY CIVIL SERVICE COMMISSION**

3 **In the matter of**

4 **Douglas Johnson,**  
Appellant

5 v.

6 **Public Safety Civil Service Commission,**  
Respondent

**DISMISSAL ORDER**

**PSCSC No. 25-07-046A**

7  
8 **BACKGROUND**

9 This matter was initiated by a Notice of Appeal (“Appeal”) letter by Seattle Fire Department  
10 employee Fire Captain Douglas Johnson (“Appellant”) received by the Public Safety Civil Service  
11 Commission (“PSCSC”) on October 10, 2025<sup>1</sup>. The Appeal states that the action appealed is: “This  
12 Notice of Appeal is timely for appropriate reasons. The procedural harm and exclusion are  
13 continuing in effect, and I was not provided written notice or confirmation of the decision’s non-  
14 appealability until September 2025. The appeal is therefore filed promptly upon receipt of that  
15 confirmation.” Appeal, at p. 1.

16 Regarding specific dates of alleged PSCSC actions, one date referenced by the Appellant is  
17 September 11, 2025. In part, the Appellant states: “On September 11, 2025, I was notified by  
18 PSCSC staff that I was excluded from participation on PSCSC committees based on unspecified  
19 “behavior.”” Appeal, at p. 1. Another specific date to which the Appellant refers related to alleged  
20 PSCSC actions is September 24, 2025. In part, the Appellant states: “... I was later informed on  
21 September 24, 2025, that a PSCSC investigation had been initiated under Rule 9.29 regarding  
22 events from June 2024, over fourteen months earlier.” Appeal, at p. 1. The Appellant also states, in  
23 part: “... At no point prior to September 24, 2025, was I provided notice of any pending  
24 investigation, complaint, or referral.” Appeal, at p. 1.

25  
<sup>1</sup> The appeal letter from the Appellant is dated “Sept. 10, 2025” but events it describes occurred subsequent to that date, and the letter was received by the PSCSC via email dated October 10, 2025.

1 August 14, 2025, which is not referenced by the Appellant, is the material date at issue in  
2 this Appeal. On that date, an email was sent to the Appellant by Thivia Mogan, Senior Fire Exams  
3 Analyst for the Public Safety Exams Unit. In that email, Senior Fire Exams Analyst Mogan, on  
4 behalf of the Exam Development Committee, stated:

5 Thank you for your application to the Battalion Chief/Captain Promotional  
6 Development Committee. At this time, you have not been selected as a member  
7 of this committee. We sincerely appreciate your interest to participate in this very  
8 important process and continued dedication to serving the Seattle community.

8 Exhibit 1.

9 Regarding references to alleged specific rule or law violations, the Appellant refers to  
10 PSCSC Rule 3.03 and Rule 9.29. Rule 3.03 does not exist. Rule 9.29 states:

11 9.29 PROHIBITED EMPLOYEE CONDUCT IN EXAMINATIONS.

12 a. Any person who by themselves or in collusion with another person does or  
13 attempts to cheat, obstruct any other person's right of examination, disclose the  
14 content of an exam or aid in doing so, or make a false representation regarding  
15 an examination, will be disqualified from the civil service exam process, and may  
16 also be subject to investigation for possible policy violations by their appointing  
17 authority.

18 b. Departmental members of a promotional exam development committee who  
19 engage in prohibited conduct such as discussing or disclosing exam related  
20 information with individuals not on the committee, will be disqualified from exam  
21 development processes, and may also be subject to investigation for possible  
22 policy violations by their appointing authority.

23 c. Exam participants are notified of and required to follow instructions related to  
24 conduct while participating in an exam and/or at the exam site. Failure to follow  
25 instructions related to conduct at the exam may result in a candidate being  
disqualified from the exam process.

21 Regarding specific reference to Rule 9.29, the Appellant indicates, in part (emphasis added):

22 On September 11, 2025, I was notified by PSCSC staff that I was excluded from  
23 participation on PSCSC committees based on unspecified "behavior." No rule  
24 citation, written notice, or opportunity to respond was provided. I was later  
25 informed on September 24, 2025, that a PSCSC investigation had been initiated  
**under Rule 9.29 regarding events from June 2024, over fourteen months  
earlier.**

\*\*\*\*

1 I understand Executive Director Scheele has indicated that this exclusion “is not  
2 appealable.” However, because these actions resulted in the loss of access to  
3 PSCSC duties, privileges, and opportunities without notice, cause, or opportunity  
4 to be heard, they are effectively adverse employment actions and thus subject to  
5 appeal under PSCSC Rule 3.03 (Appeals by Employees) and **Rule 9.29**  
6 **(Disciplinary Investigations)**.

7 Appeal, at p. 1.

### 8 **LEGAL AUTHORITY**

9 Such appeals submitted to the PSCSC are governed by the PSCSC Rules of Practice and  
10 Procedure above referenced, including PSCSC Rule 6.19, which states:

11 a. Any employee or department who is adversely affected by an alleged violation  
12 of Article XVI of the Charter of The City of Seattle, the Public Safety Civil Service  
13 Ordinance or the Public Safety Civil Service Commission Rules of Process and  
14 Procedure which does not fall under Rules 6.01(a) or (b), may within ten (10)  
15 days of the alleged violation, submit a written complaint to the Executive Director  
16 requesting review.

17 b. The complaint shall follow the same as Appeals, described in Rule 6.02. The  
18 Executive Director will review the complaint and determine appropriate action.  
19 Such action may include investigation into the alleged violation, decision by the  
20 Executive Director, and/or referral of the matter to the Commission for decision or  
21 a hearing subject to the same rules as an appeal.

22 The Appeal is untimely as a matter of law. Pursuant to PSCSC Rule 6.19.a., the Appellant  
23 was required to submit a written complaint “within ten (10) days of the alleged violation.” See also,  
24 Rule 6.02, which is referenced in Rule 6.19.b., and which requires a notice of appeal to be filed  
25 “within ten (10) days of the action that is the subject of the appeal.”

Based on the Appeal and associated documents submitted by the Appellant, as well as  
other communications material to this matter, the action or decision that is the basis for the Appeal  
is the decision by the Promotional Exam Committee to not select the Appellant to serve on the  
Battalion Chief/Captain Promotional Development Committee. As above described, the Appellant  
was informed of this decision on August 14, 2025, which is more than ten days from when the  
Appellant filed his Appeal on October 10, 2025.

1 The other dates to which the Appellant refers relate back to the foundational action at issue  
2 here, which is described in the August 14, 2025 email. For the sake of argument, and without  
3 agreeing that other dates described by the Appellant are material to the timeliness issue here, this  
4 Order will consider such other dates as well in reaching the conclusion that this Appeal is untimely.

5 Regarding such other dates, and for the sake of argument, the Appellant asserts, in part,  
6 that on or around September 11, 2025 he “was notified by PSCSC staff that I was excluded from  
7 participation on PSCSC committees based on unspecified “behavior.”” Appeal, at p. 1. One of the  
8 two documents Appellant submitted along with his Appeal is an email chain that includes an email  
9 message dated September 5, 2025 from PSCSC Public Safety Exams Manager Mike Nelson to  
10 Appellant communicating the decision not to select the Appellant to participate on the promotional  
11 exam development committee at issue, and stating: “You were not selected because of your  
12 inappropriate treatment of CIV staff members at the June 2024 Battalion Chief oral boards.” That  
13 email chain also includes a response from Appellant dated September 9, 2025 to Mike Nelson  
14 regarding, as described in part by the Appellant, the “decision to deny me a committee seat based  
15 on a finding of inappropriate behavior.” That email chain also includes an email dated September  
16 11, 2025 from Douglas Johnson to Doug Johnson.

17 For the sake of argument regarding another date referenced by the Appellant, the other  
18 document the Appellant submitted with his Appeal is an email chain that begins with an email  
19 message from him to Mike Nelson (cc’ing Helen Fitzpatrick, Seattle Fire Department, Executive  
20 Director of Administration) dated September 12, 2025 with the subject, “Follow up to request.” That  
21 email chain also includes a response dated September 15, 2025 from Andrea Scheele, PSCSC  
22 Executive Director, to the Appellant with the subject, “RE: Follow up request – Follow-Up on  
23 Committee Selection Inquiry.” In that email message and in response to the Appellant’s inquiry  
24 about why he was not invited to serve on the PSCSC development committee for the 2026 Battalion  
25 Chief/Fire Captain exam, Executive Director Scheele stated, in part:

1 ... As Mr. Nelson shared, you were not invited due to concerns regarding your  
2 conduct during the 2024 BC oral boards process. CIV/PSCSC staff routinely  
3 assemble committees to aid in development of civil service exams, and they may  
4 consider past or ongoing conduct in selection, including conduct currently under  
5 investigation. Committee member selections are part of their regular duties and  
6 are not subject to appeal.

7 That email chain also includes an email dated September 15, 2025 from Douglas Johnson  
8 to Doug Johnson.

9 As described above, the Appeal states that the action appealed is: "This Notice of Appeal is  
10 timely for appropriate reasons. The procedural harm and exclusion are continuing in effect, and I  
11 was not provided written notice or confirmation of the decision's non-appealability until September  
12 2025. The appeal is therefore filed promptly upon receipt of that confirmation." Appeal, at p. 1.  
13 Presumably, the "receipt of that confirmation" is in reference to the email message described above  
14 from Executive Director Scheele dated September 15, 2025. As also described above, the  
15 Appellant refers as well to a date of September 24, 2025 in relation to receiving notice that an  
16 investigation had been initiated related to the Appellant's conduct.

17 The Appeal is untimely as a matter of law because, as above described, the Appellant has  
18 failed to establish that the Appeal was brought, as required by Rule 6.19.a., within ten days of the  
19 alleged violation. See also, Rule 6.02 (requiring appeals to be filed within ten days of the action that  
20 is the subject of the appeal). The alleged violation or action occurred more than ten days before the  
21 filing of the Appeal, which was filed on October 10, 2025. Therefore, the Appeal related to the  
22 alleged violation or action is untimely. See, e.g., *Pleuss v. City of Seattle*, 8 Wn.App. 133 (1972).

23 The material action at issue here which is foundational to the alleged violation is the  
24 decision by the Civil Service Department staff to not select the Appellant to serve on the Battalion  
25 Chief/Captain Promotional Development Committee. The Appellant was informed of this decision  
on August 14, 2025, which is more than ten days from when the Appellant filed his Appeal on  
October 10, 2025.

1           Regarding one of the other dates that is included in the Appeal, based on the emails  
2 provided by the Appellant he was also informed about not being invited to participate in the PSCSC  
3 development committee for the 2026 Battalion Chief/Fire Captain exam via email from Executive  
4 Director Scheele on September 15, 2025. However, as above described, the Appellant was initially  
5 informed about this decision on August 14, 2025. For the sake of argument, and not agreeing that  
6 the September 15, 2025 date is the date of the alleged action or alleged violation at issue, the  
7 Appeal would still be untimely because the October 10, 2025 date of filing is more than ten days  
8 from September 15, 2025.

9           The Appellant refers as well to a date of September 24, 2025 and he describes that date in  
10 relation to receiving notice that an investigation had been initiated regarding his conduct related to  
11 events in June 2024. The September 24, 2025 date is immaterial to the timeliness of the Appeal  
12 because it relates to a notice of investigation and not to the alleged violation or action at issue,  
13 which is the decision not to invite the Appellant to participate on the PSCSC development  
14 committee for the 2026 Battalion Chief/Fire Captain exam. However, even if, for the sake of  
15 argument, that date is material to the timeliness issue, which it is not, the Appeal would still be  
16 untimely because the October 10, 2025 date of filing is more than ten days from September 24,  
17 2025.

18           In *Pleuss*, the plaintiff, who was a firefighter, resigned from the fire department and later  
19 contended to the Firemen's Pension Board that his resignation was not voluntary. The city  
20 contended that the resignation was voluntary, and the court agreed. In so doing, the court referred  
21 to a provision in the Charter of the City of Seattle as it existed at that time which stated, in relevant  
22 part: "... one who is removed must demand investigation within ten days after his removal and, in  
23 the absence of such a demand, the removal is complete and, of course, will not be interfered with."  
24 *Id.* at 136. In agreeing with the city's decision, the court stated, in part: "The review must be  
25 demanded 'within ten days after his removal.'" *Id.* at 136. The court explained further that the

1 plaintiff “knew the facts when he resigned,” “he was aware of his remedies,” and “[i]nstead, 9  
2 months later he brought the action below.” Id. at 136-37.

3 Similarly, here Rule 6.19.a., as well as Rule 6.02, provide that the complaint or appeal at  
4 issue must be brought within ten days of the alleged violation or within ten days of the action that is  
5 the subject of the appeal. The Appellant has failed to establish compliance with Rule 6.19.a. or Rule  
6 6.02 and, therefore, the Appeal is untimely as a matter of law.

7 Pursuant to Rule 6.05, in relevant part: “... Upon a determination that the appeal is not  
8 timely, the Executive Director may issue a written order of dismissal with prejudice (“with prejudice”  
9 meaning ineligible for refiling), setting forth the basis of the dismissal. ... .”

10 This Appeal is dismissed because it is untimely as a matter of law, so this Order does not  
11 reach other issues, such as whether the Appellant has stated a claim upon which relief can be  
12 granted.

1 **ORDER**

2 Pursuant to PSCSC Rules 6.19, 6.02, and 6.05, the Executive Director has reviewed and  
3 considered the Appeal and documents filed and related therewith and determined appropriate  
4 action. It is hereby ordered, pursuant to PSCSC Rules 6.19, 6.02, and 6.05, that the Appeal is  
5 untimely as a matter of law and this matter is dismissed, with prejudice.  
6

7 Dated this 17th day of November, 2025.  
8

9 FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION

10 *Andrea Scheele*

11 Andrea Scheele  
12 Executive Director, Public Safety Civil Service Commission  
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CERTIFICATE OF SERVICE

I, Teresa R. Jacobs, declare under penalty of perjury under the laws of the State of Washington, that on the date below, I caused to be served upon the below-listed parties, via the method of service listed below, a true and correct copy of the foregoing document: **DISMISSAL ORDER**.

Party	Method of Service
Appellant: <b>Douglas Johnson</b>  <a href="mailto:Douglas.Johnson@seattle.gov">Douglas.Johnson@seattle.gov</a> [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: <b>Public Safety Civil Service Commission</b>  Andrea Scheele, PSCSC Executive Director <a href="mailto:andrea.scheele@seattle.gov">andrea.scheele@seattle.gov</a>	<input checked="" type="checkbox"/> E-Mail

Dated this 17th day of November, 2025, at Seattle, Washington.

*Teresa Jacobs*

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Teresa R. Jacobs, Executive Assistant  
Public Safety Civil Service Commission

Sept. 10, 2025

Dear Commissioners,

I respectfully submit this Notice of Appeal under PSCSC Rules, seeking review of actions that have affected my civil service status and participation rights. This appeal concerns procedural and jurisdictional issues, not the underlying allegations under review.

On September 11, 2025, I was notified by PSCSC staff that I was excluded from participation on PSCSC committees based on unspecified “behavior.” No rule citation, written notice, or opportunity to respond was provided. I was later informed on September 24, 2025, that a PSCSC investigation had been initiated under Rule 9.29 regarding events from June 2024, over fourteen months earlier.

During this period, I was also denied participation in at least two PSCSC committees, including the Captain and Battalion Chief Promotional Development Committee. These exclusions materially affected my professional standing and opportunities for civil service involvement. Historically, committee selection has been a **joint process between the Seattle Fire Department and the PSCSC**, involving collaborative input rather than a unilateral decision by one party. The absence of consultation or notice from either entity represents a significant departure from established practice. At no point prior to September 24, 2025, was I provided notice of any pending investigation, complaint, or referral.

I understand Executive Director Scheele has indicated that this exclusion “is not appealable.” However, because these actions resulted in the loss of access to PSCSC duties, privileges, and opportunities without notice, cause, or opportunity to be heard, they are effectively adverse employment actions and thus subject to appeal under PSCSC Rule 3.03 (Appeals by Employees) and Rule 9.29 (Disciplinary Investigations).

This Notice of Appeal is timely for appropriate reasons. The procedural harm and exclusion are continuing in effect, and I was not provided written notice or confirmation of the decision’s non-appealability until September 2025. The appeal is therefore filed promptly upon receipt of that confirmation.

I request that the Commission:

1. Assert jurisdiction over this matter to review the procedural fairness of my exclusion and the denial of appeal rights.
2. Require production of the July 3, 2024 referral and any documentation authorizing or supporting the committee exclusions.
3. Clarify that “under investigation” status alone does not justify exclusion from committee participation absent written notice and due process.
4. Affirm that decisions labeled “not appealable” cannot be used to insulate potentially retaliatory or procedurally improper actions from Commission oversight.

This appeal is submitted in good faith to protect both the integrity of PSCSC processes and my right to fair treatment under City and Civil Service policies. All statements herein are supported by contemporaneous correspondence and documentation in my possession.

Sincerely,  
Captain Douglas Johnson  
Seattle Fire Department

