

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

In the Matter of the Appeal of )	Findings of Fact,
)	Conclusions of Law
<u>Donald T. Casper, Appellant</u> )	and Order

I. INTRODUCTION

On November 5, 23, and December 9, 14, and 29, 1992, hearings were held by the Public Safety Civil Service Commission to investigate the suspension of Donald T. Casper from his position of Firefighter by the Seattle Fire Department.

1.1 Appearances.

1.1.1 Appellant. The Appellant was present and represented by Jon R. Gillis, Vice-President, Seattle Firefighters Union, Local 27.

1.1.2 Department. The Department was represented by Gregory Dean, Deputy Chief of Personnel.

1.1.3 Commission. Barbara Laners, Chairperson; Jason King and Daniel Oliver, Commissioners; and Ruby Dell Harris, Secretary and Chief Examiner.

1.1.4 Witnesses. Witnesses for the Department were: Lieutenant David Powers, Firefighter George Carter, Captain Michael Milam and Battalion Chief Angelo Duggins. Witnesses for the Appellant were: Deputy Chief Stewart Rose, Captain Jay Carnegie, Firefighter John Stone III, Firefighter Ferenc Feher, Senior Paramedic Michael Shlosser, Lieutenant Patrick Lucci, Chief Charles Sorros and the Appellant.

1.2 Proceedings.

1.2.1 On August 12, 1992, Firefighter Donald Casper was notified of a one (1) shift suspension by the Chief of the Seattle Fire Department for Insubordination (Emergency Conditions - minor, defined as a deliberate delay or failure to carry out assigned work or instructions in a reasonable period of time.)

1.3 Summary of Positions.

1.3.1 Appellant. The Appellant contends that he was ill during the fire scene on June 15, 1992, and any appearance of lackadaisical job performance could be attributed to his illness rather than a deliberate act on his part to be insubordinate. In addition, the appellant claimed he was singled out because he felt the overall fire scene was improperly handled, and further, that a prior personality conflict with another fire fighter was the source of his suspension.

1.3.2 Department. The Department contends that even if Firefighter Casper was ill, it was his responsibility to immediately inform his supervisor of his condition. Fire Chief Claude Harris acted in good faith and there was good cause for the one (1) shift suspension.

1.4 Commission.

Having considered the hearing record in this matter, including witnesses, exhibits, and the arguments of the parties, pursuant to our authority under Article XVI of the City Charter and Chapter 4.08, Seattle Municipal Code, we enter the following Findings of Fact, Conclusions of Law and Order:

II. FINDINGS OF FACT

2.1 On June 15, 1992 at 1447 hours, E-13 responded to a fire scene at 5828 16th Avenue South, Seattle, Washington.

2.2 Firefighter Casper was assigned to be the hydrant man by his supervisor, Lt. David Powers. During the evolution, Firefighter Casper failed to perform his responsibilities as the hydrant man in an acceptable manner. When work was performed, (laying the pre-connect on the hydrant, getting hydrant wrenches, hydrant gate, etc.) Firefighter Casper did not display a sense of urgency and also displayed inappropriate behavior on the fire ground while being given directions by a supervisor, e.g., rolling his eyes and walking at a slow pace.

2.3 During the fire, Firefighter Casper did not inform the medics at rehab, who were at the scene, that he was ill.

2.4 Firefighter Casper did not assume responsibility for reporting his illness immediately to his supervisor. Firefighter Casper gave an explanation for his behavior at a subsequent critique during which he claimed he was ill at the fire scene. Later, he admitted not informing his supervisor. Also, a month later, he provided a letter from his doctor stating that effects of Casper's high blood pressure medication may have been the cause of his questioned performance at the fire scene.

2.5 The Department presented evidence to show that the responsibility for notification of an illness is not just a required obligation of the member but is actively encouraged by the Department. Firefighter Casper knew or should have known the procedures to follow when becoming incapacitated during the course of an assignment.

### III. CONCLUSIONS OF LAW

3.1 Donald Casper is a civil service employee with the rank of Firefighter. The Commission has jurisdiction on the subject matter of and the parties to this action.

3.2 The notice of suspension and appeal to this Commission were brought by the respective parties in a timely fashion.

3.3 Pursuant to Article XVI of the City Charter and Chapter 4.08 of the Seattle Municipal Code, the tenure of every person holding civil service employment shall be only during good behavior and acceptable performance. Firefighter Casper may be suspended, demoted or discharged only for cause.

3.4 Firefighter Casper failed to expeditiously perform his duties as directed by his supervisor at the fire scene on June 15, 1992.

3.5 The decision of the Chief to suspend Firefighter Casper was made in good faith and for cause.

3.6 Based on the independent determination of the Commission, there was good cause for the imposition of a one (1) shift suspension against Firefighter Casper.

### IV. ORDER

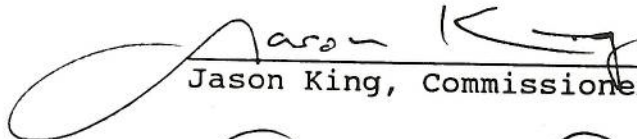
The one (1) shift suspension of Donald Casper by the Chief of the Seattle Fire Department is hereby sustained.

Signed at Seattle, Washington, this Tenth day of February, 1993.

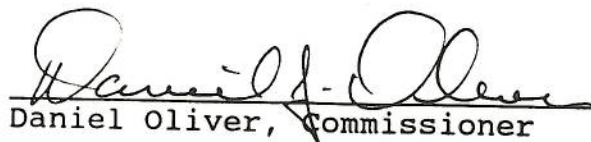
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Barbara Laners, Chairperson



Jason King, Commissioner



Daniel Oliver, Commissioner