

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE
UNDER DELEGATION FROM THE CIVIL SERVICE COMMISSION**

SOLOMON ADAMS ET. AL.

CSC No. 04-04-002

Appellants

Hearing Examiner File:
CS-04-04-002

v.

**SEATTLE CITY LIGHT,
CITY OF SEATTLE**

Respondent

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CITY OF SEATTLE
JG 03 2004
CIVIL SERVICE COMMISSION

Introduction

The Director, Seattle City Light, administered an examination for the position of Cable Splicer Crew Chief on December 16, 2003. Appellant Solomon Adams, on behalf of himself and Rodney Dunlap, Frank McDonald, Michael Yi, Al McCargo and Doug Moffat, timely filed a Notice of Appeal with the Civil Service Commission, stating that the hiring process violated City Personnel Rule 4.1. Pursuant to SMC 4.04.250 L.7, the Civil Service Commission delegated the appeal to the Hearing Examiner for hearing and decision.

At the first prehearing conference, the parties discussed the Notice of Appeal, and the following were established as the issues to be addressed in this case:

1. Did the advertisement for the January 20, 2004, examination for the position of CSCC ("examination") comply with the Department's Guidelines and Process and with Personnel Rule 4.1?
2. Did the examination comply with the Department's Guidelines and Process and with Personnel Rule 4.1?
3. Following the examination, did the selection process for the position of CSCC comply with the Department's Guidelines and Process and with Personnel Rule 4.1? and
4. Did the Department's review of, and response to employee complaints about the examination and selection process comply with the Department's Guidelines and Process and with Personnel Rule 4.1?

Seattle City Light (City Light or Department) often uses questions from a prior exam on future examinations, and allows applicants to review their exams but does not provide them with copies. Therefore, the Department was allowed to provide the 2003 examination and the benchmarks for answers only to the Hearing Examiner (Examiner).

Although there was a significant amount of testimony at the hearing concerning the content of the exam, the Examiner reviewed the hard copy of the examination and replaced it in a sealed envelope in the file.

During the course of the appeal, Mr. Adams notified the Examiner and the Department that two of the Appellants, Al McCargo and Doug Moffat, had dropped their appeals.

The matter came on for hearing before the Examiner on July 19, 2004, and the hearing was concluded on July 20. Represented at the hearing were the remaining Appellants, by Solomon Adams, *pro se*, and City Light, by Tina Canul, Labor Relations Coordinator. At the hearing, the date of the challenged examination was corrected to December 16, 2003. The parties submitted post-hearing closing statements on July 26.

After considering the evidence in the record, the Examiner enters the following findings of fact, conclusions and decision on the appeal.

Findings of Fact

Background

1. The Appellants are journey-level Cable Splicers for City Light. All are assigned to the Network Services and Construction Unit and work the night shift, from 5 p.m. to 1 a.m. The night shift was started in approximately 2000, and employees assigned to it receive a 10% pay differential.
2. The International Brotherhood of Electrical Works, Local 77, (Union) represents the Appellants. The agreement between the City and Department, and the Union (Union Contract) (Exhibit 11), states its effective dates as January 23, 1999 to January 22, 2002, but both parties regard it as still in effect, so Examiner will assume that it is, as well.
3. In accordance with the Union Contract, those assigned to the night shift were either volunteers from the day shift or new employees. Some of the Appellants volunteered for night shift, and some were assigned to it as employees new to the Network Unit.
4. All Appellants are eligible to bid to the dayshift as positions become available. However, each one testified that he has not done so because he would lose the 10% pay differential and, having "arranged his life" to fit the night shift, he has no desire to rearrange it.
5. Some of the Appellants have switched to day shift for short periods of time to take advantage of particular training opportunities, although some testified that they found it difficult to do so because of the change required in their sleep pattern.

The "Opportunity for Advancement"

6. In 2003, the Manager of the Network Services and Construction Unit, Tom Greeley, initiated the process for hiring a Cable Splicer Crew Chief (CSCC). He first met with the Department's Human Resource (HR) Specialist, Susan McClure, to discuss the steps in the hiring process. Mr. Greeley prepared the final draft of the City's job posting, or

“Opportunity for Advancement” (OFA), which was based upon the OFA for the 2002 hiring process for the same position. Ms. McClure reviewed the OFA for consistency with the Class Specification for CSCC.

7. The November 25, 2003 OFA for the position (Exhibit 3) stated that applicants must pass “a written test that will include questions on electrical theory and application, safety, knowledge of trade tools, materials work procedures, and customer and human relations. Candidates with top written test scores will advance to the interview process.” It also stated that the position instructs crew members on safety procedures and provides technical advice, training and assistance for crew members and evaluates their work performance.

8. The Job Class Specification for CSCC (Exhibit 4) states that the work requires “advanced knowledge of the principles of electricity and electrical theory, the tools and procedures used in cable splicing and electrical systems repair, supervisory and personnel policies and procedures, and safety rules and practices. Independent judgment is required to assess job site problems, resolve personnel problems, meet project deadlines, and interpret and apply guidelines and specifications. These positions work under limited supervision.”

9. Appellants claim that the OFA was misleading. Two of them testified that, had they known from the OFA that the test would include questions on the University District and on constructing vaults, they would have studied those subjects and could have passed the exam, despite their limited practical experience in these areas. The Appellants also stated that the 2003 exam did not test the areas the OFA indicated would be tested, specifically electrical theory and application. This was disputed in testimony from the Department’s witnesses.

The Examination

10. Ms. McClure reviewed the 25 resumes submitted in response to the OFA and determined that all applicants met minimum qualifications for the CSCC position.

11. The Network Manager, Mr. Greeley, reviewed and approved the examination for the CSCC position after delegating actual preparation of the questions to Wendy Zeldner, who had also worked on the 2002 exam. Ms. Zeldner has been a line apprentice, an electrician constructor apprentice, a journey-level Cable Splicer and a CSCC with City Light prior to her present position as Electrical Construction Supervisor.

12. Ms. Zeldner asked two CSCCs for input on questions for the 2003 examination. The questions were taken from source materials available in the crew trucks, in the Network office, on-line and/or on laptop computers that are in the crew trucks and are updated periodically, as well as from textbooks used in apprenticeship programs and in training handouts, including those from a January, 2003 training that was held at different times of day for each of the shifts. (See Exhibits 19 through 38.)

13. Ed Hill, who has been a CSCC for 11 years testified that prior to the 2002 exam "everyone passed" the test, but that in 2002, it became "a real test." Mr. Hill testified that in prior years, management determined the number of CSCCs they needed, an exam was administered to those who were qualified to take the exam, and the number of people needed determined the passing score. Thus, if 10 crew chiefs were needed, the exam score of the person scoring 10th from the top determined the minimum passing score, which was sometimes as low as 30%.

14. The 2003 exam was similar to the one that had been given in 2002, which had introduced the use of essay questions and was the first exam for which a minimum passing grade of 70% was established prior to the exam. Ms. Zeldner selected the 70% figure, and Mr. Greeley approved it. The 70% minimum was maintained for the 2003 exam.

15. The 2003 examination included 30 short answer, or fill-in-the-blank questions and three essay questions. The essay questions, which covered "safety watch," "clearances" in the University District Network, and building a vault, were worth 58 points out of the total 100 points for the entire exam. (A "clearance" is all the tasks that must be done in order to assure that assigned work on the Network can be performed safely.)

16. Several City Light employees who are, or have been Cable Splicers and CSCCs testified that the 2003 examination tested for information and knowledge every journey-level Cable Splicer should know and would be able to access. In their opinion, the test would have required preparation, but was clearly job-related. They stated that the CSCC is one of the most important positions in the Network Unit because the Crew Chief is responsible for the supervision and safety of the crew, the quality of the crew's work and the safety of the public.

17. There was a clear difference of opinion among the CSCCs who testified, about whether a journey-level Cable Splicer with textbook and class training, but no practical experience with the University District, or with constructing a vault, could correctly answer the exam questions on those topics. Three testified that study of available training materials would be sufficient, while one stated that because of different learning styles, some Cable Splicers would need hands on experience to properly answer the questions on Network areas with special characteristics.

18. All Appellants failed both the 2002 and the 2003 exams. They believe that the introduction of the essay questions, and the particular subjects tested on the 2003 exam, were designed to prevent anyone on the night shift from passing it. They assert that the heavily-weighted essay questions on the 2003 examination did not test all candidates fairly and violated the Department's Hiring Guidelines.

19. The Appellants testified that the examination was not job-related, in that it did not relate to their jobs as Cable Splicers on the night shift. Appellants' focus at the hearing was on training and experience. They and Robert Cannon, a CSCC on the night shift,

testified that employees on nights do not get the same training opportunities or the same "hands-on" practical experience afforded the day shift.

20. There was testimony that all crews on the night shift had participated in some training on constructing vaults, and that some night shift crews had done work in the University District and First Hill Networks, which have unique characteristics. However, the Appellants testified that they had had little or no practical experience in those areas. All Appellants had attended the January, 2003 training on safety watch and clearances, which included instruction on station and system characteristics that affect clearances, including those in the First Hill Network and the University District Network. Nonetheless, three night shift employees who attended that training testified that they did not remember much about it by the time of the December, 2003 exam.

21. Appellants stated that their lack of training and on-the-job experience in areas covered by the 2003 examination violate the Union Contract, specifically Appendix H, Section B.9 (Exhibit 11), which governs "second shift" personnel and states that they will have safety meetings and training opportunities equivalent to day crews "consistent with contract language." They also interpret the Department's Guideline that calls for consistent and fair evaluation of all applicants as requiring that their lack of training and practical experience be taken into account in rating their examinations.

22. The Appellants also contend that the 2003 exam violated Personnel Rule 4.1.4 B, which they believe allows for testing of only the minimum knowledge required for the position of CSCC.

Rating the Examination

23. The raters for the examination included at least two CSCCs, one of whom had not passed the test for the position the first time she took it. All the raters were from the day shift.

24. Two of the exam raters testified at the hearing. They stated that the rating process began with an introduction by HR concerning the rules for the rating process, and then continued for three days as the raters took each question, reviewed the answer to it on each exam against the established benchmarks and then discussed their ratings. If differences in their ratings remained following the discussion, the different ratings for an answer were given to the HR Specialist, who put them into a matrix to compute the final exam score. The exams had no names attached to them as they were rated.

25. The exam raters testified that it was important that the exam was rated by those with detailed technical knowledge of the subject area so that answers, or parts of answers that were correct, but not written in the language of the benchmarks, were still given proper credit.

26. A total of 18 day shift employees and seven night shift employees took the exam. All four employees who passed were on day shift, one having moved from nights to days in May of 2003.

The Final Selection Process

27. Once the exam results were available, Ms. McClure reviewed them to see if there were any significant differences between the scores given by each rater. Finding no major discrepancies, she sent letters to all candidates informing them of the results of the examination and notifying those who passed the exam of the time and date for the interview.

28. Mr. Greeley had worked with the Department's HR staff on the interview questions and benchmarks for the answers. He selected the interview panel to assure diversity in the panel, technical knowledge in the areas covered by the position and "outside representation" - one person from outside the Network Unit. A CSCC from the night shift who had asked to be on the rating panel was selected for the interview panel instead.

29. Pursuant to PR 4.1.7, the name of the person selected for CSCC as a result of the 2003 exam and interviews was sent to the Personnel Director, who conducted a qualifications audit, comparing the finalist's qualifications with those advertised for the job.

30. The Appellants claim that the selection process for Crew Chiefs outlined in Department memos from 1991, 1993, and 1995 (Exhibits 14, 15, 16 and 18) was ignored.

Employee Complaints

31. In mid-January, Appellants Adams and Dunlap send emails to HR expressing concerns about the December, 2003 examination and asking to meet with her to discuss it. Several emails were exchanged, and Ms. McClure arranged meetings with Adams and Dunlap on February 9. She also met that evening with other night shift employees concerned about the test, including Appellant McDonald.

32. On February 9, 2004, Appellant Adams sent a formal written complaint to Ms. McClure. Appellant Dunlap filed his written complaint on February 18.

33. Ms. McClure testified that following the meetings with the night shift employees, she reviewed the exam, consulted with the Personnel Department, reviewed the Union Contract, and discussed the exam questions with "subject matter experts" and with "management". The written complaints raised the same issues she had discussed with the Appellants in the February 9 meetings.

34. Ms. McClure's formal response to Appellants Adams and Dunlap was sent on May 14, 2004. Meanwhile, on March 4, Appellants had filed their Notice of Appeal with the Civil Service Commission.

Other Issues

35. Appellants' Notice of Appeal states that "confidentiality rules" were not followed. The testimony on this issue at hearing was two-fold: 1) the identity of some of the exam raters and interview panel members was known to Network employees before they rated the exams or interviewed finalists for the position of CSCC; and 2) there were rumors

that some day shift employees had been given the opportunity for experience in the University District Network just prior to the exam.

36. At hearing, Appellants for the first time raised an issue about the absence of a "Crew Chief relief list" for the night shift, citing Appendix J to the Union Contract.

Applicable Rules and Guidelines

37. SMC 4.04.250 L.3 provides that the duties of the Civil Service Commission include hearing appeals that involve the administration of the personnel system.

38. SMC 4.04.260 A states that an employee who is "aggrieved thereby may appeal to the Civil Service Commission . . . violation of this chapter or rules passed pursuant thereto

39. The relevant sections of Personnel Rule 4.1 read as follows:

4.1.1 Definitions

....

C. "Classification specification" shall mean a written description of a classification that includes a title, a description of distinguishing characteristics, a statement of duties and responsibilities, and a statement of minimum qualifications.

4.1.2 Application of this Rule

....

B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any established and recognized practice relative to the members of the bargaining unit.

....

E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with this Rule.

4.1.3 Merit Principles

A. The Personnel Director shall provide for the recruitment, selection, transfer and advancement of individuals based on their relative ability, knowledge and skills, without regard for political beliefs or activities.

B. Recruitment and selection processes shall include the advertisement of employment opportunities and open consideration of applicants based on a job-related assessment of their qualifications.

4.1.4 Employment Advertisement

A. Employing units must submit notice of all classified service employment opportunities for publication in the Opportunity for Advancement bulletin

B. Published descriptions of the level, nature and complexity of duties assigned to a classified service position and the minimum qualifications required to perform them must be consistent with the adopted classification specification

4.1.6 Selection Process

A. To ensure that selection processes are conducted in a fair and reasonable manner, each employing unit will provide a copy of its current selection procedures to the Personnel Director within 30 days of adoption by the employing unit.

B. The employing unit will evaluate resumes from all qualified applicants in order to determine which applicants are most competitive to proceed to the next phase of the selection process.

C. The employing unit may develop and administer any job-related skills tests and interviews that the appointing authority deems necessary. All available information related to the suitability of the applicant for the job will be used to evaluate each applicant.

4.1.7 Final Selection

A. The Personnel Director will conduct qualifications audits of all applicants identified by the employing unit as finalists for a job vacancy. The audit will include a comparison of the finalist's or finalists' qualifications with those qualifications advertised for the job. No job offer will be made to any finalist for a job vacancy until the Personnel Director has conducted a qualifications audit.

40. Pursuant to PR 4.1.5 A, City Light adopted and forwarded to the Personnel Department 1994 "Hiring Guidelines" and a "Hiring Process" (Exhibit 1). The Hiring Guidelines state that the Department "recognizes that the recruitment, selection, and hiring of well qualified candidates is a key step, and will apply the following guiding principles" during the hiring and selection process:

- Comply with the content of the Fair Employment Practices Ordinance [Chapter 14.04 SMC] and all other appropriate laws, contracts and regulations.
- . . . Include, whenever possible, representation in the selection processes which reflects the diversity of the workforce.
- Include only applicants who meet the minimum advertised qualifications. Use advertised qualifications that are not lower than the class specifications.

- Notify candidates in the advertisement of situations where the position requires work sampling, physical ability, or other performance demonstrations as part of the screening process
 - Evaluate all applicants on a consistent and fair basis using selection criteria that are job related, address critical job elements and are appropriate to the level of the position.
 - Notify each applicant/candidate regarding each significant stage of the selection process, including when significant delays occur.
 - Acknowledge the confidentiality of applicant information and not use [personal applicant information] in the selection process
-
- All relevant available information about the applicants will be used in hiring decision [sic].
 - Respond to complaints about hiring decisions and processes in a timely manner.

41. Relevant portions of the Department's adopted "Hiring Process" include

- City Light Personnel will coordinate the selection process which will include at least one of the following: initial panel interview, working test, written test, final interview and reference checks.
-
- An employment offer will be made after approval by the hiring authority, Human Resources Unit Director, the EEO Officer and the Personnel Department

Conclusions

1. The Hearing Examiner has jurisdiction over this appeal pursuant to delegation from the Civil Service Commission under SMC 4.04.250.
2. Because this appeal was filed before the current Civil Service Commission Rules took effect, the appeal is governed by the 2002 CSC Rules.
3. Under CSC Rule 6.30 C, because the Code does not provide that the Appellants have the burden of proof, the Department is required to make a prima facie showing that its actions concerning the 2003 recruitment and hiring for a CSCC in the Network Unit complied with PR 4.1 and the Department's Hiring Guidelines and Hiring Process adopted pursuant to that Rule. If the Department makes the prima facie showing of compliance, the Appellants must go forward to prove by a preponderance of the evidence that the Department's actions did not comply.
4. Appellants' reliance on the 1991, and two 1993 memos concerning employee participation on panels for selecting managers, supervisors and crew chiefs (Exhibits 14,15 and 16) is misplaced. Those memos were superseded by a 1995 memo, (Exhibit

18). The 1995 memo expressly states that it is "advisory only" and thus, does not bind the Department.

5. City Light's November 22, 1994 Hiring Guidelines and Hiring Process (Exhibit 1) are the "written policies and procedures" for implementation and administration of Personnel Rule 4.1 referenced in PR 4.1.2 E, and the "selection procedures" referenced in PR 4.1.6 A. They were referred to the City's Personnel Department, were not found to conflict with PR 4.1, and are controlling here.

6. Appellants' contention that PR 4.1.4 B addresses testing is incorrect. The Rule simply requires that the minimum position qualifications and duties stated in the OFA be consistent with the minimum qualifications and duties stated in the class specification for the position.

7. The Department complied with PR 4.1.3 B, PR 4.1.4 and the Department's Hiring Guidelines by advertising the CSCC position with a published description of the level, nature and complexity of the Crew Chief duties and minimum qualifications consistent with the classification specification for the position. (Exhibits 1 and 4.)

8. There is no requirement that applicants be told in advance the precise questions that will be on the exam, such as a question about the University District or First Hill Networks, and such specific notice would defeat the purpose of the test. The Hiring Guidelines do require that candidates be notified about "performance demonstrations" that will be a part of the screening process. Although a written test is not normally considered a performance demonstration, the Department included notice in the OFA of the general topics that would be covered on the written exam.

9. The term "job-related" in PR 4.1.6 and the in the Department's Hiring Guidelines means related to the job for which the test is being given, not to the job of the person(s) taking the test. The preponderance of the evidence indicates that the December, 2003 examination for CSCC was closely related to the job of a CSCC. Although the night shift is not often required to handle a clearance in a unique area, such as the University District Network, or to build a vault, testimony from both parties' witnesses indicated that some night crews have done this work in the past. Moreover, the OFA for the position stated that the Crew Chief could be assigned to either shift. Therefore the Crew Chief, who is responsible for the safety of the public and the crew, and for the quality of the crew's work, must be able to demonstrate that he or she is qualified to carry out that responsibility even in specialized areas of the Network. There is no evidence in this record that the Appellants were not evaluated in accordance with job-related selection criteria appropriate to the level of the Crew Chief position.

10. The questions on the exam fairly tested the areas listed in the OFA. There were short answer and fill-in-the-blank questions on electrical theory and application, safety, and knowledge of trade tools, materials and work procedures. The essay questions also covered electrical theory and application, sometimes in specialized areas, using trade

tools, materials and work procedures. And the test questions touched on customer and human relations. The OFA was not misleading.

11. Nothing in PR 4.1.6 or the Department's Guidelines required the Department to use any particular type of questions on the test – true/false, fill-in-the-blank, short answer, essay or other, nor is there any rule or policy governing how the Department may score the test, or what the passing score will be. The requirement is that all applicants be evaluated consistently and fairly using job-related selection criteria appropriate to the level of the position. The questions on the 2003 examination were similar to those that had appeared on the 2002 examination. Beginning in 2002, (several years after the night shift was established), the exams for CSCC clearly became more difficult to pass. The questions became more challenging and required more preparation, and a firm passing score was established before the exam was administered. Those facts do not affect the legal validity of the test.

12. The evidence shows that exam raters evaluated the 2003 exams carefully and consistently. They reviewed all responses to each question at one time, reviewed the responses against the benchmarks for answers, checked to see that proper credit was given for answers that were substantively correct but written differently than the benchmarks, and discussed any disparities in grading among themselves before moving on to the next question. The Department's HR Specialist performed a second check for disparities among the rater's grades and found none. The rating process was a consistent and fair evaluation of all applicants for the position.

13. There was some testimony about selection of the interview panel and the rating process for applicants who were interviewed. However, no night shift employees qualified for interviews, and Appellants' did not raise an issue about the interview process in their appeal or at the prehearing conference.

14. By including a written test and a final interview in the hiring process for CSCC, and by making an offer of promotion only after the Department's HR Specialist had reviewed the exam and selection process and the Personnel Director had done a qualifications audit, the Department complied with the requirements of PR 4.1.7 and its own Hiring Process. Finally, all applicants were notified regarding each significant stage of the selection process in accordance with the Department's Guidelines.

15. There was a great deal of evidence offered at hearing about the relative training opportunities and practical experience provided to the night and day shift employees. Appellants' claim of a disparity in training and practical experience was not addressed in Appellants' Notice of Appeal or in the statement of issues that was developed at the prehearing conference. Yet had the issue been timely raised, the Commission would not have jurisdiction to address it. As discussed above, the Hiring Guidelines' requirement for fair and consistent evaluations of applicants relates to the use of selection criteria that are job-related, not to training requirements. The Appellants point to the Department's Hiring Guideline which requires compliance with "all other appropriate . . . contracts" as incorporating a section of the Union Contract that covers training requirements for

“second shift.” While this Hiring Guideline may incorporate any Union Contract requirements on hiring and promotion, it cannot be construed as incorporating Contract requirements on training. Nor is a claim of disparity in training and practical experience covered by Personnel Rule 4.1. With no link to a Personnel Rule or an implementing Guideline, Appellants’ claim that the Union Contract’s training requirements for the night shift have been violated cannot be resolved in this appeal; it must be addressed to a different forum.

16. Although Personnel Rule 4.1 does not address the matter of responding to complaints about the hiring process, the Department’s Guidelines require that such complaints be responded to “in a timely manner.” The Department’s initial review of and response to Appellants’ complaints about the 2003 hiring process for CSCC was timely. Ms. McClure sent an email and set up meetings with the Appellants within a short time of receiving the complaints. Further, the Department’s responses to the complaints (Exhibits 9 and 10) indicate that the questions raised were well researched, as Ms. McClure testified. Nonetheless, it should not have taken three months to research the process and prepare a response. Although there is no specific time limit imposed for the Department’s response, a somewhat analogous process found in PR 1.4.3, (the grievance procedure for employees in the classified service), imposes very short time limits. A three-month delay in responding to Appellants’ formal complaints cannot be considered “timely” action and violated the Department’s Guidelines. However, because the Appellants’ filed their appeal with the Civil Service Commission in March, just a month after emailing their initial complaints to Ms. McClure, they were not adversely affected by the Department’s delay in responding to the formal complaints.

17. The Department did not violate rules on confidentiality. The Department’s Hiring Guidelines require that applicant information be kept confidential and not be used in the selection process. There is no requirement that the identity of those involved in the hiring process be kept confidential. Further, although there was testimony about rumors of day shift employees working on the University District Network just before the examination, there was no reliable evidence in support of this allegation.


18. Appellants’ claim that the Department has eliminated the CSCC relief list in violation of the Union Contract’s requirement that changes in working conditions be bargained was not timely raised. Moreover, it is not an issue within the Commission’s jurisdiction.

Decision and Order

1. The appeals of Al McCargo and Doug Moffat are dismissed.
2. City Light has made a prima facie showing that its OFA, examination and selection process for Cable Splicer Crew Chief complied with Personnel Rule 4.1 and the Department’s 1994 Hiring Guidelines and Hiring Process. The Appellants have not demonstrated a lack of compliance by a preponderance of the evidence

3. City Light has made a prima facie showing that its initial review and response to the Appellants' complaints about the examination were timely and complied with the Department's Hiring Guidelines. Although the Department has not made a prima facie showing that its response to Appellants' formal complaints complied with the Hiring Guidelines, the Appellants were not adversely affected by the delay.

Entered this 2nd day of August, 2004.


Sue A. Tanner
Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner is subject to review by the Civil Service Commission. To be timely, the petition for review must be filed with the Civil Service Commission no later than ten (10) days following the date of issuance of this decision, as provided in Civil Service Commission Rules (2002) 7.01 and 7.03.

BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

Solomon Adams, et al.,
Appellant

Vs.

Seattle City Light
City of Seattle, Respondent

DISMISSAL ORDER

CSC APPEAL No. 04-04-002

The Executive Director of the City of Seattle, Civil Service Commission hereby enters the following

ORDER OF DISMISSAL

WHEREAS the Office of the Hearing Examiner issued a Decision on August 2, 2004.

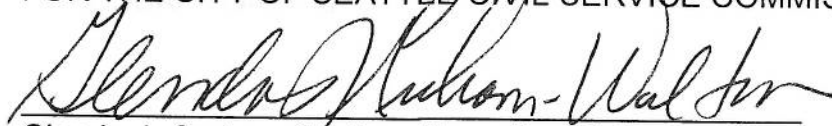
WHEREAS the Appellant did not file a Petition for Review of the Hearing Examiners decision (due no later than August 23, 2004).

WHEREAS the Commission reviewed, discussed and voted to affirm the Hearing Examiners decision, at its March 23, 2005 meeting.

The Civil Service Commission hereby dismisses this appeal with prejudice.

Issued this *24th* of *March*, 2005

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION


Glenda J. Graham-Walton, Executive Director

**CITY OF SEATTLE
CIVIL SERVICE COMMISSION**

**Affidavit of Service
By Mailing**

STATE OF WASHINGTON }
COUNTY OF KING }

TERESA R. JACOBS, deposes and states as follows:

That on the 24th day of March, 2005, I deposited in the U.S. mail, postage prepaid, a
copy of **Dismissal Order** to:

**Solomon Adams, et al.,
1507 Fitz Hugh Court SE
Olympia WA, 98513**

And copies of same via interdepartmental and U.S. mail addressed to:

Norma McKinney, Director, Personnel
Jorge Carrasco, Superintendent, City Light
Bea Hughes, Acting Director, City Light
Tina Canul, Labor Relations, City Light
Sue A. Tanner, Hearing Examiner, OHE

In the appeal of:

Solomon Adams, et al., v. Seattle City Light

CSC Appeal No. 04-04-002

DATED this 24th day of March, 2005


TERESA R. JACOBS