

1
2
BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

SAMUEL TUCKER,
Appellant
vs.
CITY OF SEATTLE,
SEATTLE CITY LIGHT
Respondent

**MEMORANDUM DECISION
AND
DISMISSAL ORDER**
CSC No. 09-07-005

4
5
6
7
8
INTRODUCTION

9 Mr. Tucker filed a Notice of Appeal (Notice) with the Seattle Civil Service Commission on May
10 20, 2009.

11
12 On May 28 the Department responded to the Appellant's Notice requesting that the appeal be
13 dismissed because 1) the Appellant was vague in his description of fact, 2) the Commission
14 had no jurisdiction and 3) the appeal was not timely filed. On June 9, the Commission's
15 Executive Director responded setting a pre-hearing for June 22, 2009 to establish the merits of
16 the appeal. The Appellant filed a response on June 15.

17
18 The Commission considered the appeal at its June 17, 2009 meeting. The appeal was
19 delegated to Hearing Officer, Christopher Mathews to decide if the Department's internal
20 grievance process had been exhausted. A pre-hearing was held on June 22, 2009. Responses
21 and documentation related to the issue before the Hearing Officer was due from all parties by
22 July 16, 2009.

23
24 On July 30th, 2009 Hearing Officer Mathews issued a Findings of Fact, Conclusions of Law,
25 Decision and Order on the Respondent's Motion to Dismiss and dismissed the appeal for lack
26 of jurisdiction.

27
28 On August 8, 2009, the Respondent filed a Notice of Appearance for Assistant City Attorney
29 Katrina Kelly and a Petition for Review of the Hearing Officer's Decision. The Petition
30 requested that the Commission amend the Hearing Officer's decision by deleting Conclusions
31 of Law 3, 4, 5, 6,7,8,9 and 11, concluding that they are "confusing, misleading and erroneous",
32 to modify Finding of Fact 12. "...to accurately reflect Personnel Rule 1.4.3" and to strike
33 references to due process.

34
35 The Appellant submitted a response to the Petition on August 19, 2009 requesting that the
36 Respondent's motion be denied.

37
38 After consideration of the Hearing Officer's Decision and Order, the Respondent's Petition for
39 Review and the Appellant's response at its September 16, 2009 meeting, the Seattle Civil
40 Service Commission enters the following
41
42

1 DECISION

2
3 The Commission will modify the Hearing Officer's decision as follows:

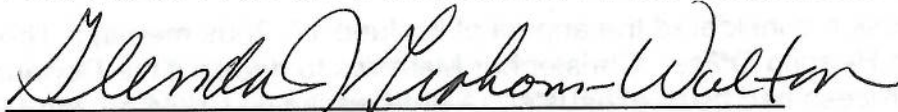
- 4
- 5 • Conclusions of Law 3, 4, 5, 6,7,8,9 and 11 is *dictum proprium* and will be placed under
 - 6 "Conclusions/Observations".
 - 7
 - 8 • Conclusions of Law 1, 2, 10 and 12 will remain under Conclusion of Law.
 - 9
 - 10 • Finding of Fact 12 will be restated to more accurately reflect Personnel Rule 1.4.3.
 - 11
 - 12 • Reference to "due process" will be footnoted to reflect that the Commission's
 - 13 assessment that the Hearing Officer is referring to the Respondent's documented
 - 14 policies and practices and employee fair treatment and not due process in a
 - 15 constitutional context.
 - 16

17 ORDER

18
19
20 A modified decision will be issued in the above appeal. This appeal is hereby dismissed with
21 prejudice.

22
23 Issued this 21st day of *October, 2009*

24
25 FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

26
27 
28 _____
29 Glenda J. Graham-Walton, Executive Director