

BEFORE THE CIVIL SERVICE COMMISSION (CSC)
FOR THE CITY OF SEATTLE

1
KENNETH MANION, Jr.,
Appellant,

vs.

CITY OF SEATTLE, PERSONNEL
DEPARTMENT,
Respondent / Employer

CSC No. 11-04-001

DISMISSAL ORDER

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BACKGROUND

On January 3, 2011 the Appellant, Kenneth Manion filed a "Notice of Appeal" with the Civil Service Commission (CSC), regarding an out-of-order lay-off decision, alleging a violation of Personnel Rule (PR) 6.2.5. The Commission considered the appeal at its meetings on February 16 and March 16, 2011. After considering the appeal the Commission enters the following Findings and Conclusions:

FINDING AND CONCLUSION

The Personnel Rules provide the Personnel Director with the discretion to approve out of order layoffs. PR 6.2.5, A, Out-of-Order Layoff states the following:

"Upon a showing by the appointing authority that the operating needs of an employing unit require such action, the Personnel Director may authorize an exception to the normal order of layoff and the retention in active employment of any employee who has some critically necessary special experience, training or skill."

The Appellant in the above appeal is employed by the Personnel Department. The Personnel Director is therefore the "Appointing Authority". To avoid any actual or perceived conflict of interest, the Personnel Director delegated his Personnel Director responsibilities under PR 6.2.5 A to Diane Sugimura, Director of the City's Department of Planning and Development. Although not specifically alleged by the Appellant, the Commission considered whether this delegation was consistent with the Personnel Rules and SMC Chapter 4.04.

SMC 4.04.30, Personnel Regulations, Definitions, states the following:

"10. "Director" means the Personnel Director or his/her designated representative."

The Commission concluded that the Personnel Director's delegation of authority did not violate the Personnel Rules. Further, the Commission considered the Personnel Director's original request for the out of order layoff to be his effective authorization of the decision.

Appellant does not set forth any other facts that establish Commission jurisdiction over this appeal.

Commission decisions are final and conclusive unless a party of record makes a timely application for a writ of review to the Superior Court of the State of Washington for King County, as provided by applicable law. The Commission will reconsider its decision only on the basis of fraud, mistake or in the event that new evidence comes to light that would justify reconsideration.

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ORDERED

This appeal is hereby dismissed as the CSC does not have jurisdiction.

ISSUED this 5th Day of April, 2011

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION



Glenda Graham-Walton, MS, SPHR
Executive Director

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