



# City of Seattle

## CIVIL SERVICE COMMISSIONS

### Civil Service Commission

Commission Chair Mary Wideman-Williams

Commissioner Charlene MacMillan

Commissioner Joshua Werner

### Staff

Andrea Scheele, Executive Director

Sarah Butler, Operations & Policy Advisor

Teresa Jacobs, Executive Assistant

## CIVIL SERVICE COMMISSION MEETING AGENDA

*The agenda is subject to change to address immediate Commission concerns.*

**DATE:** Monday, September 18, 2023

**TIME:** 2:00 p.m.

**LOCATION:** WebEx and CSC Hearing Room, 16<sup>th</sup> floor of Seattle Municipal Tower. To attend in person, request access to the 16<sup>th</sup> floor from SMT security at building entry and follow the signs on 16 to the commission hearing room 1679.

### Join from the meeting link

<https://seattle.webex.com/seattle/j.php?MTID=mcc35dee22749f9647a33f2fc180bc1a3>

### Join by meeting number

**Meeting number (access code):** 2496 181 4710 **Meeting password:** J2nHnmN46nq

### Tap to join from a mobile device (attendees only)

+1-206-207-1700,,24961814710## United States Toll (Seattle)

+1-408-418-9388,,24961814710## United States Toll

### Join by phone

+1-206-207-1700 United States Toll (Seattle) +1-408-418-9388 United States Toll

Global call-in numbers

### Join from a video system or application

Dial [24961814710@seattle.webex.com](mailto:24961814710@seattle.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <https://help.webex.com>

### City of Seattle Civil Service Commissions

Seattle Municipal Tower, 700 Fifth Avenue, Suite 1670 PO Box 94729 Seattle, W98124-4729

Tel (206) 233-7118, Fax: (206) 684-0755 <https://www.seattle.gov/civil-service-commission>

An equal employment opportunity employer. To request accommodation, please contact us.

**CIVIL SERVICE COMMISSION  
MEETING AGENDA  
September 18, 2023 @ 2:00 p.m.**

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**AUDIO/VIDEO TECH CHECK**

**CHAIR (CSC 2.05)**

1. CALL TO ORDER
2. LAND ACKNOWLEDGEMENT
3. INTRODUCTIONS
4. PUBLIC COMMENT

**ACTION/DISCUSSION ITEMS**

5. APPROVAL OF MEETING MINUTES (Pages 1-3)
  - July 17, 2023
6. NOVEMBER 2023 CIVIL SERVICE EMPLOYEE ELECTION UPDATE (Pages 4-14)
7. SAVE THE DATE: 42<sup>ND</sup> ANNUAL CIVIL SERVICE CONFERENCE (Page 15)
8. COMMISSION RETREAT- October 2, 2023 @ SMT 1670 (No document)

**STANDING ITEMS**

9. CASE STATUS REPORT and APPEALS UPDATE (Pages 16-17)
  - Reichenbach v. SPU-CSC #23-01-002 –*Prehearing conference October 6, 10 am*  
(No document)
  - Sivage v. SDOT-CSC #22-01-014-*Update* (Pages 18-20)
  - Clemons v. SDOT-CSC #22-01-015-*Update* (Pages 21-24)
10. EXECUTIVE DIRECTOR DEPARTMENTAL AND BUDGET UPDATE (Page 25-Budget)
11. EXECUTIVE SESSION (May be cancelled if not needed)
12. OLD/NEW BUSINESS
13. ADJOURN

**NEXT CSC MEETINGS:  
October 2, 2023 @ 10:00 am (Retreat)  
October 16, 2023 @ 2 pm (Meeting)  
END OF AGENDA**

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## CIVIL SERVICE COMMISSIONS

Civil Service Commission  
Commission Chair Mary Wideman-Williams  
Commissioner Charlene MacMillan  
Commissioner Joshua Werner

### Staff

Andrea Scheele, Executive Director  
Sarah Butler, Operations & Policy Advisor  
Teresa R. Jacobs, Executive Assistant

July 17, 2023

### Civil Service Commission Meeting Minutes

*Approved: September 18, 2023*

#### 1. CALL TO ORDER:

Commission Chair Mary Wideman-Williams called the meeting to order at 2:01 pm. The meeting was held via WebEx and in person in the Commission's Hearing Room 1679 at SMT.

#### 2. LAND ACKNOWLEDGEMENT:

Commission Chair Wideman-Williams opened the meeting with the Land Acknowledgment-*The City of Seattle Civil Service Commission acknowledges that we are on the traditional land of the first people of Seattle, the Duwamish. We honor with gratitude the land, and the Duwamish people, past and present.*

#### 3. INTRODUCTIONS

**Commission:** Commission Chair Mary Wideman-Williams, Commissioner Joshua Werner. and Commissioner Charlene MacMillan

**Staff & Counsel:** Andrea Scheele, Executive Director; Joe Levan, Assistant City Attorney; Sarah Butler, Operations & Policy Analyst. **Not Present:** Teresa Jacobs, Executive Assistant.

- Commissioner Charlene MacMillan was welcomed by commission and staff to her first meeting as the Council appointed commissioner. Commissioner MacMillan provided a brief overview of her work with the City and as an arbitrator in private practice.

#### 4. PUBLIC COMMENT: There was no public comment written or in person.

**5. APPROVAL OF MEETING MINUTES June 12, 2023- CSC Monthly Meeting:**

Commissioner Werner moved to accept the minutes as written. Commission Chair Wideman-Williams seconded the motion. The motion passed unanimously. The minutes for CSC monthly meeting on June 12, 2023, were approved.

**6. COMMISSION RETREAT-Discussion on Potential Dates and Topics:** The commission and staff discussed the annual retreat of the Civil Service Commission. There was emphasis on the need for the retreat to align with the commission's commitment to racial equity and an opportunity for the commission and staff to bond and work as a team. The retreat will be held in either late September or early October. Director Scheele suggested a Doodle poll to finalize the date. Director Scheele also suggested having the retreat facilitated by a training partner from SDHR and she offered to collaborate with the facilitator to outline topics. Director Scheele recommended training on the commission hearing and decision of an appeal, and Open Public Meetings Act. A draft agenda will be sent to the commission and staff after a date is determined.

**7. NOVEMBER 2023 CIVIL SERVICE ELECTION UPDATE:** Director Scheele gave an update on the Civil Service and Public Safety Civil Service Election for the employee elected commissioner position. Director Scheele and Sarah Butler are working closely with the Clerk's Office to determine the election timeline. Director Scheele reported that leading up to the election the commission staff and the clerk's office will hold various election information sessions that will take place in person and online. Director Scheele also notified the commission on the clerk's upcoming rulemaking to update the ordinance on who can be a candidate and who can vote in the election.

**8. CASE STATUS REPORT and APPEALS UPDATE**

Director Scheele informed the commission of the current open appeals. The commission reviewed the case status report.

***Reichenbach v. SPU, CSC 23-03-002:*** Director Scheele reported the first prehearing conference for which she would preside has been scheduled for August 18. Director Scheele informed the commission that parties will submit their preliminary witness and exhibit lists and she stated she would share those lists with the commissioners for review to determine if any commissioners had any potential conflicts.

***Clemons v. SDOT, CSC No. 22-01-015:*** Director Scheele notified the commission that

she would work with the commission's counsel on dismissal of this appeal.

9. **EXECUTIVE DIRECTOR REPORT**

**Departmental Work and Budget Update:** Director Scheele provided an update to the commission on ongoing departmental work and budget. **Staff Retreat:** On July 17, staff met for part 1 of a 2-part annual retreat. There was work on team building, identifying our own leadership strengths, and articulating our values. Part two of the retreat is scheduled for later this week. There was also discussion on improving commission visibility and access to the CSC processes to those that have the least accessibility. **Budget:** Director Scheele shared the budget and reported there were no significant changes other than the addition of funds to cover the additional CSC employee. **PSCSC Exams:** Director Scheele informed the commission that staff has ongoing work with the exam unit on hiring and promotional exams with the Seattle Police and Fire Departments.

**OLD/NEW BUSINESS:** There was no old/new business.

10. **EXECUTIVE SESSION (MAY BE CANCELLED IF NOT NEEDED):** The commission did not go into executive session. .

11. **ADJOURN:** All other business before the Commission having been considered, Commission Chair Wideman-Williams adjourned the meeting at approximately 2:35pm.

Respectfully submitted on **September 18, 2023**, for the CSC:

\_\_\_\_\_  
Teresa Jacobs, Executive Assistant

Approved

\_\_\_\_\_  
Mary Wideman-Williams, Chair

# Get involved. Exercise your right to vote.

Civil Service Employee Commissioner Election  
Candidate Declaration Week - October 2-6  
Vote - November 6-13



Seattle

## NOTICE OF ELECTION & CALL FOR CANDIDATES

An Election for the Employee-Elected Member of the City of Seattle  
**Civil Service Commission**  
will be conducted **November 6, 2023 – November 13, 2023**  
pursuant to [SMC 4.04.050](#).

Election information web page: <https://www.seattle.gov/cityclerk/city-clerk-services/employee-elections>

### ELECTION CALENDAR

<b>Sep. 11 – 26</b>	Notification period, candidate information sessions held
<b>Oct 2-6</b>	Candidacy Week (filing period for Candidacy Declarations)
<b>Oct. 6, 5 p.m.</b>	Deadline to submit Candidacy Declaration forms, voter pamphlet statement, and photo to Office of the City Clerk
<b>Oct. 27</b>	Ballots, instructions, and voter pamphlets mailed to eligible voters' home addresses
<b>Nov. 6-13</b>	Election Week – ballots returned by mail or completed online
<b>Nov. 17 or earlier</b>	Election results certified by the City Clerk
<b>Nov. 17 or earlier</b>	Candidates notified of election results by City Clerk

You may choose to vote electronically or with a paper ballot.

**Please check ESS to ensure that your correct address is on file.**

**CANDIDATE INFORMATION SESSIONS** for those interested in becoming a candidate or who want to learn more about the City's civil service system will be held on:

- Thursday, September 14 at 8:30 a.m. (via WebEx)
- Monday, September 18 at 1:00 p.m. (via WebEx and in SMT 1679)
- Wednesday, September 20 at 6:00 p.m. (via WebEx)

**Discussion topics will include:**

- Overview of Seattle's civil service system;
- Role of Commission;
- What commissioners do and what makes a good commissioner;
- Declaring candidacy and election details;
- Questions and Answers.

Although the sessions will be held online in WebEx, it will be possible to participate by telephone. RSVP to Sarah Butler ([sarah.butler@seattle.gov](mailto:sarah.butler@seattle.gov)) if you are interested in attending, or if you are interested in running but cannot attend. Meeting information is available online by visiting <https://www.seattle.gov/civil-service-commission/news-and-updates>.

Candidates wishing to run **MUST** fill out a **Candidacy Declaration Form**, available online at <http://clerk.seattle.gov/public/clerk/civil-service-elections/> or obtained in the Office of the City Clerk. **Completed Candidacy Declaration Forms** will only be accepted from **October 2, 8:00 a.m.** through **October 6, 2023, 5:00 p.m.** in the Office of the City Clerk. Late submissions will not be accepted.

Election rules and a backgrounder about the Commission and the election are also attached.

### **For information about the election, contact:**

Office of the City Clerk  
600 4<sup>th</sup> Avenue, Floor 3  
Seattle, WA 98104  
Phone: 206-386-4087  
Email: [janet.polata@seattle.gov](mailto:janet.polata@seattle.gov)

# Get involved. Exercise your right to vote.

Civil Service Employee Commissioner Election  
Candidate Declaration Week - October 2-6  
Vote - November 6-13



## CIVIL SERVICE COMMISSION

### EMPLOYEE ELECTIONS BACKGROUNDER

2023

*The purpose of this backgrounder is to provide information about the employee election process for the non-public safety civil service commissioner.*

Civil service systems protect public employees and provide value to taxpayers by ensuring that City employment is merit-based. The City has two civil service systems: one for public safety employees (police officers and firefighters), and another for non-public safety employees.

Each civil service system is governed by three commissioners: one appointed by the Mayor, one appointed by City Council, and one who is elected by covered City employees.

Civil Service Commission ("CSC") general information:

#### 1. What does the CSC do?

The CSC

- Conducts hearings on disciplinary and other employment-related appeals filed by non-public safety CSC civil service covered employees ,
- Investigates allegations of political patronage in hiring,
- Advises on the administration of the City's personnel system, and
- Jointly with the PSCSC, the commission supervises the Civil Service Commissions Executive Director.

#### 2. Who is covered by the CSC?

Most City positions are covered by the civil service system, but City Charter and Ordinance make some exceptions. Some civil service rights are dependent on passing a probationary period, but CSC members may vote to elect a commissioner regardless of probationary status.

Elected officials, department heads, assistant City Attorneys, executives, temporary employees, and Seattle Public Library employees are always exempt from the civil service

system. Certain other positions are exempted on a case-by-case basis, [as authorized by Ordinance](#).

Police officers and firefighters belong to a separate public safety civil service system.

Contact your HR representative or call (206)586-1991 to confirm your civil service status.

The office of CSC Commissioner:

**3. What qualities and skills are important for commissioners to have?**

- Ability to be neutral when making decision that impact City employees;
- Ability to put aside personal opinions and apply [Civil Service Rules](#), [Personnel Rules](#), etc.;
- Ability to work collaboratively with people from different backgrounds and perspectives;
- Willingness to learn about and implement City RSJI and anti-racist practices;
- Availability to participate in several trainings and workshops per year including Open Public Meetings Act training, and a joint retreat with both commissions; and
- Willingness to collaborate with Commission staff.

**4. Is the position paid?**

Yes, commissioners are paid a stipend of \$200 each pay period.

**5. What is the length of the term?**

Three years, beginning on January 1, 2024. Commissioners may be elected to serve multiple terms.

**6. What is the time commitment?**

Commissioners meet monthly, for one to two hours. Commissioners also preside over disciplinary appeal hearings, which may last several hours to several days, on an as-needed basis. Monthly meetings and appeals are scheduled during business hours (8 am – 5 pm, Monday through Friday, excluding holidays).

**7. What support is available for commissioners to fulfill their duties?**

Staff is available to help support the commission, and the City Attorney's Office provides legal advice as needed.



## Employee elections:

### **8. What is the election timeline?**

Candidate and Election Information Sessions will be held with remote and hybrid options for employees wanting to learn more about the election. Email [civilservice@seattle.gov](mailto:civilservice@seattle.gov) or call (206)586-1991 to obtain a link and further information.

- September 14 at 8:30 a.m. (remote)
- September 18 at 1:00 p.m. (hybrid, SMT Room 1679)
- September 20 at 6:00 p.m. (remote)

Candidate filing: October 2 – 6

Employee voting: November 6 - 13

### **9. How are election processes managed?**

The City Clerk oversees the election process for the employee elected civil service commissioner. Election Rules may be found [here](#). Employees who are engaging in the election process (as candidates or voters) are expected to use City time for such activities as reasonable.

### **10. How do employees submit their filing for candidacy?**

The declaration of candidacy form is available in the Office of the City Clerk during the candidacy declaration week, October 2 - 6, 2023. Candidates are allowed to provide a written statement and photograph for inclusion in the voters' pamphlet.

The deadline for filing candidacy and providing a statement and / or photograph, or withdraw candidacy is October 6, 2023, 5:00 p.m.

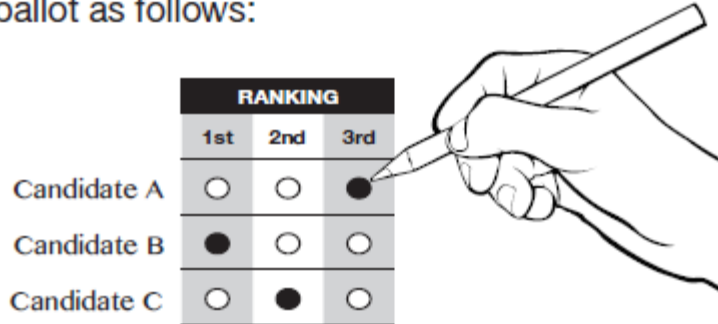
### **11. How do employees vote?**

Employees will receive instructions for voting, which may be done via paper ballot (mail) or electronically (online).

### **12. How are votes tabulated?**

Votes will be tabulated using ranked choice voting (sometimes known as preferential voting or instant runoff voting), in which voters rank the candidates in the order of the voter's preference.

**EXAMPLE:** To vote for Candidate B as a first choice, Candidate C as a second choice and Candidate A as your third choice, fill out your ballot as follows:



Additional resources:


13. Where can I find more information?

CSC/CIV Department -

- See the CSC website [for additional election news](#) and for links to attend information sessions, or [more information generally](#) about the CSC.
- Call or email Sarah Butler at (206)586-1991 / [sarah.butler@seattle.gov](mailto:sarah.butler@seattle.gov) for additional questions about the CSC.

City Clerk's Office -

- See the Clerk's [Employee Elections website](#) for a link to election Rules and for additional materials related to declaring candidacy and voting in the CSC election.
- Call or email Janet Polata at (206) 386-4087 / [janet.polata@seattle.gov](mailto:janet.polata@seattle.gov) for additional questions about administration of the CSC election.

Office of the City Clerk	Effective date: August 29, 2023
Rule 2023-01, Civil Service Commission Employee Elections	Supersedes: Rule OCC-2008-01
Approval: 	Scheereen Dedman, City Clerk

**Subject: Civil Service Commission Employee Election**

Purpose:

Governing the administration of the election for the employee-elected member of the Civil Service Commission

Background:

The Civil Service Commission’s (CSC) jurisdiction involves the operation of Seattle’s merit-based civil service civil service system, as authorized by City Charter, and the Personnel Ordinance (Seattle Municipal Code Title 4.04). The CSC conducts hearings on disciplinary and other employment-related appeals filed by non-PSCSC (Public Safety Civil Service)-covered employees, investigates allegations of political patronage in hiring, and advises on the administration of the City’s personnel system.

The CSC has three commissioners who each serve three-year staggered terms. One commissioner is appointed by the Mayor, one is appointed by the City Council, and one is elected by eligible voting employees.

Seattle Municipal Code 4.04.250 requires the City Clerk to administer regular elections for the employee-elected members of the CSC every three years, and to administer special elections if the position becomes vacant.

Elections for the employee-elected Civil Service Commissioner shall be administered in such a manner as to ensure openness and fairness, and to encourage the broadest possible participation by eligible employees.

References:

- Seattle City Charter [Article XVI](#) Personnel System and Civil Service, Sec. 3  
 SMC [4.04.250](#), Civil Service Commission  
 Civil Service Commission [Rules of Practice and Procedure](#)

Definitions

Eligible voting employees - All regular and probationary employees who are members of the Civil Service system are eligible to vote for an employee-elected Civil Service Commissioner, SMC 4.04.250.C.

Entities and roles

1. Office of the City Clerk (OCC)
  - a. Promulgate and regularly review and update election rules.
  - b. Work with CSC staff, City Attorney’s Office, and other groups to make updates to the election ordinance as needed.
  - c. Set and publish the schedule for the regular elections and any special elections that may be necessary if an elected commissioner cannot serve out their full term.
  - d. The City Clerk may select and contract with an election vendor to conduct the elections online and by mail, in which case the OCC will:
    1. Provide contact information for eligible voting employees to the election vendor.
    2. Provide candidate information to the election vendor.
    3. Approve election materials prepared by the election vendor.
    4. Certify the results provided by the election vendor.
  - e. Notify eligible employees of the elections.
  - f. Create and distribute a Declaration of Candidacy form.
  - g. Host at least one information session with staff of the CSC for employees interested in running.
  - h. Accept declarations of candidacy from candidates.
    - i. If not contracting with an election vendor, conduct the election, including preparing, distributing, and counting ballots, and certifying election results.
  - j. Publish election results and place certification of election results into official Clerk Files in the OCC.
  - k. Notify candidates, eligible employees and department heads and unions of election results.
    - l. Retain election materials and documentation in accordance with retention requirements established by the City Records Management Program.
2. Election vendor, when applicable
  - a. Conduct the election, providing paper ballots and online voting information to all eligible employees.
  - b. Tabulate election results and communicate them to the OCC.
  - c. Provide ballots to OCC if manual tally or recount is required.
3. Seattle Department of Human Resources
  - a. Provide the OCC with a list of employees eligible to vote in the election, including their name, title, department, employee identification number, mailing address,

and work email address.

4. Candidates

- a. Obtain a declaration of candidacy form from the City Clerk, and submit their completed form to the City Clerk during candidacy declaration week.
- b. If so desired, provide the City Clerk by the established deadline a written statement not to exceed 200 words, for inclusion in the voters' pamphlet. The statement should include the candidate's name and department, which are not included in the 200-word count. Proper names such as the jurisdiction or department names count as one word towards the 200-word total.
  1. The statement may be provided to the OCC on paper or electronically
  2. If provided electronically, the statement shall be provided in the body of an email, or as a Microsoft Word, plain text, or rich text format document.
- c. If so desired, provide the City Clerk a photograph of the candidate that meets established and announced standards, to accompany the candidate statement in the voters' pamphlet.
- d. File the candidate statement and photograph with the City Clerk no later than COB on the final day of candidacy declaration week. If candidates do not submit statements, the City Clerk will use candidate information from the declaration of candidacy forms.
- e. If they decide to withdraw their candidacy, notify the City Clerk no later than COB the final day of candidacy declaration week.
- f. If desired, appoint one representative to witness the ballot handling process. Provide notification of any such appointment to the City Clerk, in writing, no later than COB the Wednesday before the election week begins.

5. Eligible voting employees

- a. Keep their current and correct mailing address on file with Seattle Department of Human Resources.
- b. Look out for election notices and voting materials.
- c. Read and follow instructions distributed with voting materials.
- d. Reach out promptly to the designated OCC contact person with questions or concerns.
- e. Vote online or mail paper ballot before the close of election week.
- f. Vote only once.

6. Civil Service Commission staff

- a. Consult with OCC on the conduct of the election.
- b. Attend the OCC information session and respond as needed to questions from voting employees and potential candidates. Commission staff may host additional information sessions to address questions about commissioner responsibilities, if needed.
- c. Publicize elections and information sessions to eligible voters.

- d. If possible, secure the attendance of a sitting Commissioner at the candidate information session.
  - e. Communicate with labor relations staff about election-related matters (election notices and call for candidates, election results), for them to share with bargaining units.
  - f. Confirm voting eligibility of employees who inquire about their civil service status.
  - g. Answer questions from voters and candidates about the activities of the Commission and the role and responsibilities of Commissioners.
7. City departments, bargaining units, and employee affinity groups
- a. Post notices of election and election rules on department bulletin boards and/or send to email distribution lists.
  - b. If desired, each department, union or affinity group may appoint one representative to witness the ballot handling process. Provide notification of any such appointment to the City Clerk, in writing, no later than COB the Wednesday before the election week begins.
  - c. Unions or affinity groups choosing to endorse a CSC candidate are encouraged to review materials from all candidates before doing so.
  - d. To preserve the independence of the Commission, no member of the Mayor's office, the City Council staff, the Civil Service Commission staff, elected official, head of a City department, or Civil Service-exempt City employee shall endorse a candidate or otherwise attempt to influence the election.

### Process and timeline

1. Announcement of election
  - a. OCC announces the upcoming election, issues a call for candidates, and provides the election rules using a variety of media, including but not limited to online postings and announcements distributed to eligible employees.
2. Information sessions
  - a. The candidate information sessions, hosted by the OCC and attended by CSC staff, are an opportunity for potential candidates to meet CSC staff and ask questions about the role of commissioner and the conduct of the election before deciding whether to run.
3. Candidacy Week
  - a. In an election year, candidacy declaration week begins at 8:00 a.m. on the first Monday of October, and ends at close of business the following Friday, or, if a City holiday falls during candidacy declaration week, COB

the following Monday.

- b. Candidates must file their declaration of candidacy with the OCC no later than COB on the final day of candidacy declaration week.
4. Mailing of voting information
    - a. Paper ballots and individualized information on voting electronically are mailed by the OCC or the election vendor.
  5. Election week
    - a. The regular election is held during the week that begins with the first Monday of November in an election year.
    - b. Election week runs for five business days, typically Monday through Friday. If a City holiday falls during an election week, the election week will extend from a Monday to the following Monday.
    - c. During election week, eligible voting employees cast their electronic votes or return their completed paper ballots.
    - d. Online ballots must be cast no later than midnight PDT on the last day of election week. Paper ballots must be postmarked no later than the last day of election week and received by the election vendor within seven days of the last day of election week.
    - e. In the event that only one eligible person has declared candidacy during the designated week, the election/voting process described in SMC 4.04.250. and in this rule will be foregone and the City Clerk will verify that candidate as the employee-appointed commissioner.
  6. Results, recounts and runoffs
    - a. The votes shall be tabulated using ranked choice voting (sometimes known as preferential voting or instant-runoff voting), allowing eligible voters to rank candidates in the voters' order of preference.
    - b. Votes for any candidate not listed on the ballot will not be counted.
    - c. In the event that the difference in votes received by the top two candidates is less than .5% of the votes cast, the ballots will be recounted. The candidate with the greater number of votes in the recount shall be the winner.

### Special elections

1. Vacancies occurring in the office of the employee-appointed Commissioner shall be filled at a special election to be called for such purpose by resolution of the City Council. Such special election shall be held as soon as practicable.

### Revision history

- Updated 2023 to:

- Update rule format
- Eliminate matters moved to the employee elections ordinance
- Incorporate electronic voting and election vendor information
- Specify the tabulation measure for votes (ranked choice voting)
- Establish a threshold for recounts
- Establish a procedure for withdrawing candidacy
- Address the eventuality of a candidate running unopposed



# 42nd Annual CIVIL SERVICE CONFERENCE

Hosted by:

Foster  
Garvey

Public Safety  
Testing

## Save the Dates

**October 24-26, 2023**

**9:00 AM - 12:00 PM (PDT)**

Foster Garvey is pleased to announce that the 42nd Annual Civil Service Conference, hosted in partnership with Public Safety Testing, will be taking place October 24-26, 2023, from 9:00 a.m. to noon each day.

Public Safety Testing's Annual Business Meeting will occur during Day Three of the conference on Thursday, October 26.

Please mark your calendars! An invitation with a formal agenda and RSVP details will be distributed in the coming weeks. Planned topics include:

- Basic Training for New Commissioners & Essentials Refresher for Commissioners and Staff
- Register Management in a Contentious Environment
- New Model Civil Service Rules for Washington State Local Governments
- Updates at the Washington CJTC
- Public Safety Testing's Annual Business Meeting

The conference will be complimentary for our guests and hosted via Zoom.

**About the Conference.** For more than four decades, the Civil Service Conference has provided civil service commissioners, secretaries and examiners, other local human resources officials, and legal counsel with practical information on best practices and emerging issues.

### We welcome your input and ideas!

Have a topic that you would like addressed at this year's conference?

Please send your suggestions to [events@foster.com](mailto:events@foster.com), and we will do our best to weave it into the discussion.

**Questions?** Please submit questions to [events@foster.com](mailto:events@foster.com).

**FILED/OPEN:**

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	STATUS	PRESIDING OFFICER
23-03-002	Reichenbach	SPU	4-5-2023	City of Seattle Personnel Rules Violations: PR 1.1.2; 1.1.7A; 1.1.7B; 1.1.7C	Alleged prohibited behavior by department and inadequate investigation.	Prehearing is scheduled for October 6, 2023. Director Scheele will preside.	CSC

**DISMISSED/CLOSED:**

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	DISPOSITION
22-01-015	Clemons	SDOT	8-24-2022	5.01B, SMC Title 4, SMC Title 12, Personnel Rule Preamble and PR 1	Discharge Appellant Alleges Discrimination	9/14/2023 ED determined CSC lacks subject matter jurisdiction, referral to OCR
23-01-001	Rogers	SDOT	12-21-2022	1.3.2 (D) Justifiable Cause		-ED determined CSC lacks subject matter jurisdiction, referral to SOCR. -CSC affirmed ED determination re jurisdiction. -Appellant requested reconsideration 7-6-23-Commission issued Order Denying Request for Reconsideration
22-01-014	Sivage	SDOT	4-2-2022 (extension granted until June 10, 2022)	5.01B, Personnel Rules (multiple), SMC 4.04.070	Discharge	2-2023 Appeal delegated to OHE. On August 1, 2023 Appellant withdrew appeal. OHE issued an Order of Dismissal on August 3, 2023.
22-01-013	Griffith	SPU	3-28-2022	5.01B	Discharge	Settled / Dismissed

21-01-041	LaBelle	Parks	10-15-2021	5.01B	Discharge	1 <sup>st</sup> Prehearing held December 10, 2021 Respondent filed a Motion to Dismiss. ED sent an Order Granting Motion Dismiss-1-28-2022
22-05-001	Garza	SDOT	1-13-2022	P.R. 1.4, 1.5, 2.1, 2.2, 2.3, 3.2, 3.3, 3.5, 4.1, 4.3, 11; SMC 4.04.260(A) & PR 5.8.100 Abuse of Employee Evaluation Procedures, retaliation for concerted and protected employment activity	Performance Evaluation	Withdrawal requested. Dismissed

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the	)	Hearing Examiner File:
	)	<b>CSC-22-01-014</b>
<b>GABRIELLE SIVAGE</b>	)	
	)	
Appellant,	)	
	)	
vs.	)	
	)	<b>ORDER OF</b>
	)	<b>DISMISSAL</b>
	)	
<b>CITY OF SEATTLE, DEPARTMENT OF TRANSPORTATION</b>	)	
	)	
Respondent.	)	

On August 1, 2023, the Appellant Gabrielle Sivage submitted in writing a request to withdraw their appeal. Pursuant to Hearing Examiner Rule 5.08, the matter should be, and hereby is, **DISMISSED**.


Entered August 2, 2023.

/s/ Susan Drummond  
Susan Drummond, Deputy Hearing Examiner

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **ORDER OF DISMISSAL** to each person listed below, or on the attached mailing list, in the matter of **GABRIELLE SIVAGE v. SDOT**. Hearing Examiner File: **CSC-22-01-014** in the manner indicated.

Party	Method of Service
<b>Appellant</b>  Gabrielle Sivage 	<input checked="" type="checkbox"/> U.S. First Class Certified Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Respondent</b> Jesse Green SDOT <a href="mailto:Jesse.Green@seattle.gov">Jesse.Green@seattle.gov</a>	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Respondent Legal Counsel</b>  Kathryn Childers Seattle City Attorney's Office <a href="mailto:kathryn.childers@seattle.gov">kathryn.childers@seattle.gov</a>	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Mailing</b>  Andrea Scheele Civil Service Commission <a href="mailto:andrea.scheele@seattle.gov">andrea.scheele@seattle.gov</a>  Teresa Jacobs Civil Service Commission <a href="mailto:Teresa.Jacobs@seattle.gov">Teresa.Jacobs@seattle.gov</a>	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

<p>Kimberly Loving Seattle Department of Human Resources <a href="mailto:Kimberly.Loving@seattle.gov">Kimberly.Loving@seattle.gov</a></p> <p>Greg Spotts SDOT <a href="mailto:Greg.Spotts@seattle.gov">Greg.Spotts@seattle.gov</a></p> <p>Kristen Simpson SDOT <a href="mailto:Kristen.Simpson@seattle.gov">Kristen.Simpson@seattle.gov</a></p>	
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Dated: August 3, 2023

/s/Angela Oberhansly

Angela Oberhansly, Legal Assistant

**BEFORE THE CITY OF SEATTLE  
CIVIL SERVICE COMMISSION**

In the matter of the appeal of

**Nathanael Clemons,**

Appellant

v.

**SEATTLE DEPARTMENT OF  
TRANSPORTATION (SDOT)**

Respondent

**DISMISSAL ORDER**

**CSC No. 22-01-015**

**FINDINGS OF FACT**

On August 24, 2022, the Appellant filed a Notice of Appeal with the Civil Service Commission, alleging that respondent Seattle Department of Transportation (“SDOT”) violated the City’s laws against discrimination (SMC Title 14), the Personnel Ordinance (SMC Title 4), and the City of Seattle Personnel Rules, Preamble, and Rule 1 when he was separated from employment for not being in compliance with the City’s COVID-19 vaccine requirement.

On September 1, 2022, Executive Director Scheele of the Civil Service Commission (“Commission” or “CSC”) wrote to the parties acknowledging receipt of the appeal, and explained that the CSC would refer the matter to the Seattle Office for Civil Rights (“SOCR”), in accordance with Rule 5.05 of Civil Service Commission Rules of Practice and Procedure. See Scheele letter, September 1, 2022.

The following are additional significant facts, including some of those stated in the September 1, 2022 Scheele letter referenced above:

- The appellant (Mr. Clemons) exhausted the Employee Grievance Process as required by City Personnel Rule 1.4.
- Mr. Clemons' appeal was filed timely on the twentieth day after SDOT notified Mr. Clemons of the Step 3 grievance decision (August 4, 2022).
- Mr. Clemons was an employee in the civil service prior to his separation from such employment.
- Mr. Clemons was non-disciplinarily separated from his employment with SDOT due to his non-compliance with the City's COVID-19 vaccination requirement.
- Mr. Clemons requested and received a religious exemption from the vaccination requirement, he sought an accommodation, Mr. Clemons and the City were not able to arrive at an accommodation that would allow him to continue working, and SDOT separated him from employment.
- Mr. Clemons is alleging that the City unlawfully discriminated against him due to his religious beliefs.

### **JURISDICTION AND CONCLUSIONS OF LAW**

The CSC's jurisdiction includes timely appeals by civil service employees who have been discharged or separated from City employment, but there is an exception for certain appeals based on the subject matter at issue. CSC Rule 5.05 states:

**REFERRAL** - An appeal or petition alleging a violation of a rule or ordinance related to employment enforced by another City agency, shall be referred by the Commission to the agency of the City having jurisdiction over such alleged violation.

If the issue of an appeal falls under the jurisdiction of the Commission and another City agency and can be clearly separated, the Commission shall process the portions of the matter that are within the Commission's jurisdiction.

Under the facts at issue here, the City of Seattle Office for Civil Rights ("SOCR") has sole jurisdiction over allegations of discrimination alleged by City employees. *See, e.g., SMC 4.04.260.D., and Order on City's Motion to Dismiss in [Hemmelgarn v. City of Seattle](#), CSC 10-01-*



004 (2011). As in Mr. Hemmelgarn’s case, here the SOCR has sole jurisdiction over the subject matter of this appeal, including as relates to the Appellant’s allegation that the City “failed to demonstrate cause” for termination. This is because the alleged “cause” violation relates to the City’s alleged failure to meet the Appellant’s request for accommodation based on his religious beliefs, which is a discrimination issue under the jurisdiction of the SOCR. Accordingly, Director Scheele referred the Appellant’s written discrimination allegations, Notice of Appeal, and attached documents to the SOCR on September 1, 2022, for proceedings consistent with the applicable legal requirements, including SMC Title 14.

**ORDER**

Pursuant to the foregoing, this appeal is hereby dismissed in its entirety on jurisdictional grounds because CSC Rule 5.05 requires that this appeal be referred to the City agency having jurisdiction over the alleged violations, which in this case is the Seattle Office for Civil Rights. Consistent with Rule 5.05 and the *Hemmelgarn* decision above described, the Seattle Office for Civil Rights has sole jurisdiction over the subject matter of this appeal because the issues on appeal cannot be clearly separated. Accordingly, the appeal in its entirety is under the jurisdiction of the Seattle Office for Civil Rights.

Dated this 14<sup>th</sup> day of September 2023.

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

Andrea Scheele  
Andrea Scheele, Executive Director

**BEFORE THE CITY OF SEATTLE  
CIVIL SERVICE COMMISSION**

In the matter of the appeal of

**Nathanael Clemons,**

Appellant

v.

**SEATTLE DEPARTMENT OF TRANSPORTATION  
(SDOT)**

Respondent

**CERTIFICATE OF SERVICE**

**CSC No. 22-01-015**

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 email, a true and correct copy of the foregoing document: **Dismissal Order**.

Appellant: Nathanael Clemons [REDACTED]
Respondent: Seattle Department of Transportation  Jesse Green, Director Human Resources  <a href="mailto:jesse.green@seattle.gov">jesse.green@seattle.gov</a>

DATED: September 14th, 2023, at Seattle, Washington.

*Teresa R. Jacobs*

Teresa R. Jacobs, Executive Assistant  
Civil Service Commission

**CIV Expenditures by Account and Month, Updated 9/2023**

Revenues are reported as negative values

Year 2022  
 City Department VC000 - Civil Service Commissions Dept  
 BSL - Budget Prc All  
 Fund ID And Nar All

		Values																
Account Grouping Level One	Account Grouping Level Two	Adopted Budget	Revised Budget	01 - Expenses	02 - Expenses	03 - Expenses	04 - Expenses	05 - Expenses	06 - Expenses	07 - Expenses	08 - Expenses	09 - Expenses	10 - Expenses	11 - Expenses	12 - Expenses	YTD Expenses	Available Balance	Percent Used
Expenditures	Labor	406,411	445,399	25,001	38,538	52,304	32,405	32,409	29,278	25,653	47,605	32,836	32,829	32,474	43,255	424,588	20,811	95.3%
	Non-Labor	195,146	310,146	11,295	15,051	17,626	14,930	15,700	14,834	16,672	15,515	14,245	14,711	14,908	19,336	184,823	125,323	59.6%
<b>Grand Total</b>		<b>601,557</b>	<b>755,545</b>	<b>36,296</b>	<b>53,590</b>	<b>69,930</b>	<b>47,335</b>	<b>48,109</b>	<b>44,112</b>	<b>42,325</b>	<b>63,119</b>	<b>47,081</b>	<b>47,540</b>	<b>47,382</b>	<b>62,592</b>	<b>609,411</b>	<b>146,134</b>	<b>80.7%</b>

Revenues are reported as negative values

Year 2023  
 City Department VC000 - Civil Service Commissions Dept  
 BSL - Budget Prc All  
 Fund ID And Nar All

0

		Values																
Account Grouping Level One	Account Grouping Level Two	Adopted Budget	Revised Budget	01 - Expenses	02 - Expenses	03 - Expenses	04 - Expenses	05 - Expenses	06 - Expenses	07 - Expenses	08 - Expenses	09 - Expenses	10 - Expenses	11 - Expenses	12 - Expenses	YTD Expenses	Available Balance	Percent Used
Expenditures	Labor	636,080	636,080	37,694	34,871	34,860	34,848	35,064	47,593	47,990	69,028	5,196	-	-	-	347,144	288,935	54.6%
	Non-Labor	258,941	356,613	16,547	22,911	22,218	21,520	21,024	20,558	22,683	22,340	21,000	-	-	-	190,801	165,812	53.5%
<b>Grand Total</b>		<b>895,020</b>	<b>992,692</b>	<b>54,241</b>	<b>57,783</b>	<b>57,077</b>	<b>56,368</b>	<b>56,087</b>	<b>68,152</b>	<b>70,674</b>	<b>91,368</b>	<b>26,196</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>537,945</b>	<b>454,747</b>	<b>54.2%</b>