



City of Seattle

CIVIL SERVICE COMMISSIONS

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

Staff
Andrea Scheele, Executive Director
Teresa Jacobs, Executive Assistant

CIVIL SERVICE COMMISSION MEETING AGENDA

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

DATE: Monday, June 12, 2023

TIME: 2:00 p.m.

LOCATION: WebEx and CSC Hearing Room, 16th floor of Seattle Municipal Tower.

To attend in person, request access to the 16th 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=mf46a65c5982402d8f43cce03476ecf73>

Join by meeting number

Meeting number (access code): 2482 207 4069 Meeting password: KHsABTjU723

Tap to join from a mobile device (attendees only)

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Join by phone

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

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CIVIL SERVICE COMMISSION

MEETING AGENDA
June 12, 2023 @ 2:00 p.m.

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*)
 - May 15, 2023

STANDING ITEMS

6. CASE STATUS REPORT and APPEALS UPDATE (*Pages 4-5*)
 - Reichenbach v. SPU-CSC #23-03-002 *New Appeal (Pages 6-24)*
7. DEPARTMENTAL AND BUDGET UPDATE (*Page 25 End of Documents*)
8. EXECUTIVE SESSION (May be cancelled if not needed)
9. OLD/NEW BUSINESS
10. ADJOURN

NEXT CSC MEETING: July 17, 2023 @ 2 pm
END OF AGENDA



CIVIL SERVICE COMMISSIONS

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

Staff

Andrea Scheele, Executive Director
Teresa R. Jacobs, Executive Assistant

May 15, 2023
Civil Service Commission Special Meeting Minutes
Approved: June 12, 2023

1. **CALL TO ORDER:**

Commission Chair Mary Wideman-Williams called the meeting to order at 2:00 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

Staff & Counsel: Andrea Scheele, Executive Director; Gary Smith, Assistant City Attorney, Joe Levan, Assistant City Attorney, Anne Vold, Assistant City Attorney, Teresa Jacobs, Executive Assistant

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

5. **APPROVAL OF MEETING MINUTES**

March 20, 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 March 20, 2023, were approved.

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

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

Clemons v. SDOT, CSC 22-01-015: Ms. Scheele reported this case was referred to the Office for Civil Rights and there is no further update.

Rogers v. SDOT, CSC No. 23-01-001: Director Scheele reported Mr. Rogers had filed a motion for reconsideration, and the city was preparing its response, which is due on May 26th. The commission would hear and decide on the matter.

Sivage v. SDOT, CSC 22-01-014: Ms. Scheele reported the case has been referred to the Seattle Office of Hearing Examiner.

Reichenbach v. SPU, CSC 23-01-002: Director Scheele reported that an appeal had been filed by Ms. Reichenbach, and its timeliness and jurisdiction were still being determined.

7. **EXECUTIVE DIRECTOR REPORT**

Departmental Work and Budget Update: Director Scheele provided an update to the commission on ongoing departmental work and budget. **Budget:** The commission reviewed the budget document. Ms. Scheele informed the commission she was

preparing the 2024 departmental budget proposal. **PSCSC: Exams:** Director Scheele informed the commission that she continues working with the exam unit on hiring and promotional exams with the Seattle Police and Fire Departments. **Community**

Preference Points: PSCSC is also developing the community service preference points program for entry-level police officers. **Reinstatement Requests:** Ms. Scheele said there is an uptick in reinstatement requests related to the lifting of the vaccine mandate.

New PSCSC Commissioner: Ms. Scheele notified the commission that Richard Greene was appointed by the City Council as the new PSCSC commissioner. **Conference**

Attendance: Ms. Scheele reported she recently attended the Pacific Coast Labor Employment conference in April, which focused on recent developments in labor law.

Operations and Policy Advisor Position: Ms. Scheele reported on the upcoming onboarding of Sarah Butler as the new operations and policy analyst. Sarah is a

welcome addition to CSC who will give additional assistance to the department in the capacity of outreach, training, and policy development.

8. **EXECUTIVE SESSION (MAY BE CANCELLED IF NOT NEEDED):** The commission did not go into Executive Session
9. **OLD/NEW BUSINESS:** N/A
10. **ADJOURN:** All other business before the Commission having been considered, Commission Chair Wideman-Williams adjourned the meeting at approximately 2:16 pm

Respectfully submitted on **June 12, 2023**, for the CSC:

Approved

Teresa Jacobs, Executive Assistant

Mary Wideman-Williams, Chair

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 flawed investigation.	The Executive Director determined timeliness and jurisdiction. Commission will review and a prehearing will be scheduled.	CSC
23-01-001	Rogers	SDOT	12-21-2022	1.3.2 (D) Justifiable Cause	Discharge	-ED determined CSC lacks subject matter jurisdiction, referral to SOCR. -CSC affirmed ED determination re jurisdiction. -5-Appellant requested reconsideration	OHE
22-01-015	Clemons	SDOT	8-24-2022	5.01B, Personnel Rules	Discharge Appellant Alleges Discrimination	CSC Appeal In Abeyance until completion of Investigation by SOCR	TBD Discrimination Referred to SOCR
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.	OHE

DISMISSED/CLOSED:

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	DISPOSITION
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 st 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



City of Seattle

CIVIL SERVICE COMMISSIONS

Civil Service Commission

Commission Chair Mary Wideman-Williams
Commissioner Joshua Werner

Staff

Andrea Scheele, Executive Director
Teresa R. Jacobs, Executive Assistant

June 7, 2023

Delivery by email only

Amy Reichenbach
[REDACTED]

Adrienne Thompson, HR Director, SPU
Adrienne.Thompson@seattle.gov

Re: Amy Reichenbach v. Seattle Public Utilities (SPU) CSC #23-03-002 (Amended Case Number)

Dear Parties,

The Civil Service Commission (CSC) acknowledges receipt of Ms. Reichenbach's complaint appeal, filed April 5, 2023. Pursuant to CSC Rule 5.03, the Executive Director reviewed the appeal to determine 1) whether the Employee Grievance Procedure was exhausted, pursuant to Personnel Rule 1.4, 2) whether the appeal was timely, and 3) whether the subject matter of the appeal is within the jurisdiction of the CSC. All elements must be satisfied in order for the appeal to proceed to hearing. The Notice of Appeal and associated filings are attached.

Based on my initial review of the appeal and documents that were provided, it appears that:

- Ms. Reichenbach followed and exhausted the Employee Grievance Process as required by the City's Personnel Rule 1.4.
- Ms. Reichenbach's appeal was filed timely on the nineteenth (19) day after the Step 3 grievance notification.
- The subject matter of the appeal, a complaint of the department's violation of Personnel Ordinance or City of Seattle Personnel Rules, is within the jurisdiction of the CSC.

On Monday **June 12, 2023, at 2 pm**, at the CSC's regular meeting, the commission will receive a status update on Ms. Reichenbach's appeal. Attendance at the meeting is welcome, but not required. We will contact the parties at a later date to schedule a first prehearing conference.

When appropriate, the CSC may hear its own appeals or delegate a matter to the Seattle Office of Hearing Examiner, to hear an appeal. When this occurs, the CSC retains jurisdiction and conducts a final review of the record and decision. The CSC may affirm, modify, or remand a decision of a Presiding Officer. See [Civil Service Commission Rules of Practice and Procedure, Rule 5](#) for more on this process.

We encourage parties facing conflict to utilize the services of the Office of the Employee Ombud Ombud@seattle.gov or seek other conflict resolution.

Please contact me directly if you have any questions or concerns and copy the other party to avoid ex parte communication¹. I have attached a draft agenda, which includes WebEx attendance details. Meetings are being conducted in a hybrid manner; therefore, you may attend remotely or in person at the commission's hearing room 1679 in SMT.

Sincerely,

Andrea Scheele

Andrea Scheele
Executive Director

Copy w/ Encl:

¹ **Ex-parte Communication-** A conversation or discussion with the Presiding Officer, Commissioners, or Executive Director, and staff about the merits of an appeal outside of the hearing, or at a time when all parties are not present. Ex-parte communication may include e-mails and other written notes or correspondence. Parties are directed to cc each other on all correspondence with the commission. Ex-parte communication does not include questions to staff about hearing or appeal procedures.

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

In the matter of the appeal of

Amy Reichenbach
Appellant

V.

**Seattle Public Utilities
(SPU)**

Respondent

DECLARATION OF SERVICE

CSC no. 23-03-002

(Amended Case Number)

I, Teresa 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: **Appeal Acknowledgement.**

Party	Method of Service
Amy Reichenbach [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: Adrienne Thompson, HR Director, SPU Adrienne.Thompson@seattle.gov Abdul Omar, Deputy Assistant HR Director, SPU Abdul.Omar2@seattle.gov	<input checked="" type="checkbox"/> E-Mail

DATED: June 7, 2023, at Seattle, Washington.

Teresa R. Jacobs

Executive Assistant
Civil Service Commission



CIVIL SERVICE COMMISSIONS

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Commissioner Joshua Werner

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Andrea Scheele, Executive Director
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CIVIL SERVICE COMMISSION MEETING AGENDA

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Join by meeting number

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Join by phone

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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>

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**CIVIL SERVICE COMMISSION
MEETING AGENDA
June 12, 2023 @ 2:00 p.m.**

AUDIO/VIDEO TECH CHECK

CHAIR (CSC 2.05)

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 - May 15, 2023

STANDING ITEMS

6. CASE STATUS REPORT and APPEALS UPDATE
7. DEPARTMENTAL AND BUDGET UPDATE
8. EXECUTIVE SESSION (May be cancelled if not needed)
9. OLD/NEW BUSINESS
10. ADJOURN

**NEXT CSC MEETING: July 17, 2023 @ 2 pm
END OF AGENDA**



City of Seattle
CIVIL SERVICE COMMISSION

700 5th Avenue, Suite 1670
PO Box 94729
Seattle, WA 9124-4729
Office: 206-233-7118
Fax: 206-684-0755

APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)
INSTRUCTIONS

Disciplinary appeals to the Commission must be filed within twenty (20) calendar days of delivery of the Step Three grievance response. See [Personnel Rule 1.4-Employee Grievance Procedure](#).

INSTRUCTIONS:

Complete all three pages and attach any related documents or correspondence that is related to your appeal. **Commission staff is teleworking until further notice and temporarily unable to accept appeals in person or through the commission mail slot at SMT.** We will accept a signed .pdf sent via email to the Executive Director Andrea.Scheele@seattle.gov and Cc: Executive Assistant Teresa.Jacobs@seattle.gov. If you are unable to email a .pdf, please send your appeal via US Postal or fax and notify staff by email that you mailed your appeal to the commission office.

Upon receipt of your appeal, the Executive Director will review the appeal. If the appeal is deemed to be timely and within the Commission's jurisdiction, it will be reviewed at the Commission's next regularly scheduled meeting. You and the employing department will be notified of the time and date of the meeting. If your appeal is accepted, staff will follow up with both parties to schedule the first prehearing conference. If you intend to be represented by an attorney, please have the attorney submit a [Notice of Appearance](#). **If you are appealing a disciplinary decision, you are required to complete the Employee Grievance Process before your appeal will be accepted by the Civil Service Commission. See [Personnel Rule 1.4](#) for more information about this exhaustion requirement.** For more information about appeal rights and deadlines, please review the Civil Service Rules of Practice and Procedure [Rules of Practice and Procedure](#)

Use additional page(s) if necessary.

APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)

Appeal No. <u>23-03-002</u> (Amended Case Number) Date Filed <u>4/5/2023</u>	<i>TRJ</i>
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Full Name of Appellant	Work Address
Amy Reichenbach	19901 SE Cedar Falls Rd, North Bend, WA, 98045
Residence Address	Work Telephone
██████████	206-733-9796 (work desk), 206-473-9389 (work cell)
City State Zip	Employee ID
██████████	██████████
Home/Cell Phone:	Department
██████████	Seattle Public Utilities
Email:	Job Title
██████████	Senior Environmental Analyst

1. <u>WHAT ACTION IS BEING APPEALED?</u> (CHECK ONE)	<input type="checkbox"/> Demotion (5.01A)
	<input type="checkbox"/> Suspension <input type="checkbox"/> Probation <input type="checkbox"/> Discharge (5.01B)
	<input checked="" type="checkbox"/> City of Seattle Personnel Ordinance or Rule(s) Violation (5.01C.):

What Personnel rule, regulation, or provision, do you believe was violated? _____
 PR 1.1 (see attached document for further information)

<p>Reason for this appeal _____ (see attached document for further information) _____ _____</p>	<p>Remedy Sought (What do you want?): (see attached document for further information) _____ _____</p>
<p>2. <u>UNION:</u> If you are a member of a union, what is the name of your union? Protec17 _____ Local Number: <u>17</u></p>	<p><input type="checkbox"/> I HAVE <input checked="" type="checkbox"/> I HAVE NOT</p> <p>filed a grievance on the same issues that I identified in this appeal, with my union or bargaining unit.</p> <p>This matter <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT the subject of arbitration pursuant to a collective bargaining agreement.</p>
<p>3. <u>EMPLOYEE GRIEVANCE PROCEDURE:</u> Did you receive notification of your right to a timely resolution of this grievance from your Department?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (SMC 4.04.070)</p>	<p>If you filed a grievance through the Employee Grievance Procedure, what was the outcome? (see attached document for further information) _____ _____ _____</p>
<p><input checked="" type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT</p> <p>filed a grievance on the issues that are identified in this appeal, through the Employee Grievance Procedure. (Personnel Rule 1.4.2)</p>	

Please include with your appeal form the Step 3 Grievance decision of your employing department and Investigatory Report from SDHR, and any documents or correspondence that you have received from the Department related to your appeal. To meet timely filing of your appeal, these documents can be sent after filing this document.

4. **ATTORNEY/AUTHORIZED REPRESENTATIVE:**

An attorney or a representative is **NOT** required for the appeal process.

Do you have an attorney or another person representing you for this appeal? YES NO

If yes, please have your attorney submit a **NOTICE OF APPEARANCE** to the Commission Office and the Department.

All documents and information related to the appeal will go to the attorney or representative.

Name: _____ Firm: _____

Address: _____ Email: _____

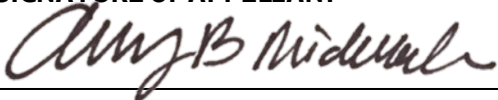
5. **APPELLANT:**

If you **do not** have an attorney or a representative, please enter the address where documents related to this appeal should be sent:

Mailing Address:  _____

Personal Email: amy.reichenbach@seattle.gov _____

Home/Cell Phone:  _____

SIGNATURE OF APPELLANT 	DATE 4/7/2023
SIGNATURE OF ATTORNEY OR REPRESENTATIVE: (IF FILLING OUT THIS FORM):	DATE

Contents

1. What Personnel rule, regulation, or provision, do you believe was violated?	2
A. PR 1.1.2, PR 1.1.7A, PR 1.1.7B, and PR 1.1.7C were violated.	2
B. Other relevant personnel rules for additional context and background information.....	2
C. Summary of my allegations and HRIU, Seattle HR, and my department’s responses.....	4
D. Brief summary of how personnel rules were violated.....	6
E. More information on how personnel rules were violated.	7
2. Reason for this appeal	9
3. Remedy Sought (What do you want?):.....	9
4. EMPLOYEE GRIEVANCE PROCEDURE: Did you receive notification of your right to a timely resolution of this grievance from your Department?	9
5. If you filed a grievance through the Employee Grievance Procedure, what was the outcome?	10

1. What Personnel rule, regulation, or provision, do you believe was violated?

A. PR 1.1.2, PR 1.1.7A, PR 1.1.7B, and PR 1.1.7C were violated.

1) PR 1.1.2 Inclusive Workplace Policy

The City of Seattle is committed to respect, dignity, civility and equity. To achieve this, employees' actions shall support a positive and inclusive work environment. Discrimination, harassment, retaliation and Workplace Misconduct are prohibited. The City does not tolerate prohibited behavior against City employees by coworkers, supervisors, managers, officers of the City or by non-employees conducting business with the City. Any employee who experiences or observes prohibited behavior should seek support or make a report pursuant to Personnel Rule 1.1.4. All reports will result in an intake and may be investigated subject to Personnel Rule 1.1.7 C. An employee found to have committed prohibited behavior may be subject to discipline under Personnel Rule 1.3, up to and including termination of employment. This policy applies to any employee's behavior in connection to City employment. Definitions of terms used in this policy are included in the Preamble of these Personnel Rules.

2) PR 1.1.7A

The Human Resources Investigation Unit shall receive and act on reports of prohibited behavior from employees, management representatives, and others consistent with this Personnel Rule 1.1.7.

3) PR 1.1.7B

The Human Resources Investigation Unit shall oversee or investigate allegations of prohibited behavior. In some cases, it may be appropriate for an outside investigator to complete the investigation. Investigations shall commence as soon as practicable.

4) PR 1.1.7C

The investigator shall complete the investigation as soon as practicable, while ensuring that the investigation is fair, impartial, and reasonably thorough.

B. Other relevant personnel rules for additional context and background information.

1) Preamble.2 Definitions "Harassment"

shall mean unwelcome conduct based on a protected status. Such conduct includes, but isn't limited to, jokes, slurs, name calling, physical assaults or threats, intimidation, ridicule, insults, offensive objects or pictures, and interference with work performance. The term includes sexual harassment.

2) Preamble.2 Definitions "Prohibited behavior."

shall mean harassment, discrimination, retaliation, and/or workplace misconduct as defined in these Personnel Rules.

3) Preamble.2 Definitions "Retaliation"

shall mean a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1. Retaliation includes harassment due to participation in a protected activity.

- 4) Preamble.2 Definitions “Workplace Misconduct”
occurs when someone engages in the adverse treatment of an individual, and that conduct unreasonably interferes with another person’s work performance, damages another person’s employment opportunities, or creates an environment that a reasonable person in a City workplace would consider intimidating, hostile, or abusive. Examples of Workplace Misconduct can include, but are not limited to, intimidating or hostile acts or other behavior that a reasonable person would find offensive, such as derogatory name-calling, taunting, shouting or swearing at someone, and other types of verbal abuse (e.g., “idiot”); written or graphic materials that humiliate a City employee, or show aggression or hatred, via electronic or physical bulletin boards, cyberbullying, email, or otherwise; retaliating against someone for reporting Workplace Misconduct; spreading malicious rumors about another; making or circulating a joke or jokes that are humiliating, demeaning, or belittling to another City employee; threatening harm to another or other conduct covered by Personnel Rule 8.1.J(3) or (4); or a pattern of that harms a person or group of people and is not a reasonable action taken by a person or management representative relating to the business needs of the workplace.. Workplace Misconduct generally does not include performance management consistent with Personnel Rule 1.5; a respectful and professional conversation or debate between colleagues about a work-related matter; or discipline consistent with Personnel Rule 1.3.
- 5) PR 1.1.4A
Employees are encouraged to promptly report allegations of experienced or observed prohibited behavior to the Seattle Department of Human Resources Investigation Unit. Employees may also report prohibited behavior to any management representative. A management representative who learns of possible prohibited behavior must report it as outlined in Personnel Rule 1.1.6, which will result in an intake as provided in Personnel Rule 1.1.7 C 1.
- 6) PR 1.1.4D
Retaliation for reporting discrimination, harassment, and employee misconduct is strictly prohibited.
- 7) PR 1.1.5H
An employee making a report is expected to report any additional prohibited behavior that they experience or observe, including retaliation for making the initial report.
- 8) PR 1.4.4B
The 20 calendar days begins to run on the date of delivery of the notice of the Step 3 grievance response and right to appeal is given to the employee personally or

delivered by messenger to the employee's most recent address as shown on departmental records. If the notice of grievance response and right to appeal is mailed, the 20 calendar days begins to run on the third calendar day after the notice is mailed.

C. Summary of my allegations and HRIU, Seattle HR, and my department's responses.

- 1) During my intake with Human Resources Investigative Unit (HRIU) investigator Amy Bonfrisco (Amy B), from the first meeting on 12/21/22 and then continuing in subsequent meeting and emails, I described 1) the misconduct and retaliation of my manager for filing a complaint during my performance review meeting that took place on 11/2/22; 2) other incidents after the 11/2/22 incident that I believed was misconduct and retaliation by both my manager and division director for filing my complaint; 3) other incidents before the 11/2/22 incident that I believed showed a hostile work environment and pattern of misconduct in 2021, 2022, and 2023 and retaliation for filing a complaint. I also described how I believed my manager and division director's conduct fit the Preamble definitions of misconduct and retaliation; how the retaliation violated PR 1.1.4D, "Retaliation for reporting discrimination, harassment, and employee misconduct is strictly prohibited"; how the retaliation and misconduct violated PR 1.1.2, "...Discrimination, harassment, retaliation and Workplace Misconduct are prohibited..."; and how the failure of my manager and division director to report allegations of misconduct violated PR 1.1.6B "Management representatives who are told, observe, or otherwise have direct knowledge of possible prohibited behavior shall report it to the Human Resources Investigation Unit within a time period that is reasonably prompt with respect to the nature and severity of the allegation".
- 2) During my intake with HRIU and in my step 3 grievance meeting with Sarah Butler from Seattle HR, who was acting for Seattle HR Director Kimberly Loving who was not at the meeting, I described my manager's conduct during a performance meeting on 11/2/22 that I found to be aggressive, intimidating, and hostile, such as yelling; pointing at me aggressively; wildly flailing hands and hair; materially barring me from the excellence rating; and how I believed that her conduct was retaliation for making misconduct complaints against her and a co-worker in 2021 and 2022.

I also described other incidents before and after the 11/2/22 incident that I believe shows a hostile work environment and long standing pattern of misconduct that started mid-2021, and continued through 2022 and 2023 with many incidents of misconduct, such as yelling in anger; swearing in anger; aggressively pointing at me while yelling; wildly flailing hands and hair; failure of management to report my misconduct allegations and intimidating me to not formally reporting other misconduct allegations; my manager taking my work, using it as her own and then refusing to give me proper credit and then taunting and laughing at me after the complaint was settled; intimidating me to not have normal conversations with my co-workers; intimidating me to not gather the necessary information to do my job; forcing me to experience misconduct from a co-worker for months; and that some

of the aforementioned acts were retaliation for filing complaints of misconduct before and after the 11/2/22 incident.

I also described conduct that was materially adverse such as requiring me to do extra work compared to others; forcing me to quit a lead role in a project team in order to escape misconduct; unreasonably delaying out of class paperwork that resulted in loss of wages; and requiring me to file formal and informal complaints to get regular business process while my co-workers received regular business process without filing formal or informal complaints.

- 3) HRIU Amy B's response to my allegations in meetings and in emails was that misconduct and retaliation are not subject to HRIU investigation if the acts are not attributed to my protected class; 2) misconduct and retaliation is not a violation of PR 1.1 if the acts are not attributed to my protected class; and 3) my department is solely responsible for investigating misconduct and retaliation if the acts are not attributed to my protected class, and in such case, the misconduct and retaliation is not a violation of PR 1.1.
- 4) Seattle HR Sarah Butler's response to my allegations was that she did not have the authority to comment and instead would forward my allegations to Seattle HR Director Kimberly Loving, with particular emphasis on the misconduct and retaliation that occurred after I filed my complaint on 11/4/23. In addition, I described another retaliatory incident by my manager that occurred after HRIU closed my intake, where I followed up in an email to Sarah on 3/4/23 with more detail.
- 5) The final HRIU closure letter states "I did not find sufficient facts to support that Seattle Public Utilities (SPU) engaged in conduct in violation of the City of Seattle's Personnel Rule 1.1. No adverse acts were identified that would give rise to a harassment claim, and no EEO-protected classifications were identified as attributing to any of your allegations of disparate treatment or retaliation. However, as we discussed, HRIU will be recommending that SPU HR follow up with your supervisor and SPU's Watershed Division Director, Amy Labarge, to address the alleged workplace misconduct you identified, as these acts alone do not constitute a violation of Personnel Rule 1.1, but nonetheless may be inappropriate."
- 6) Seattle HR's step 3 grievance report states:
 - a. there were no violations of PR 1.1 because HRIU determined this to be so.
 - b. SPU workplace violations are not subject to a personnel rule grievance.
 - c. incorrectly states my job title history with the city and my desired remedy. I followed up with an email and asked for the report to be corrected and resent, but this was not granted and instead the errors were only acknowledged.
 - d. "Ms. Reichenbach said she wasn't satisfied with the outcome of the HRIU intake because she believed that the matter of workplace misconduct should be investigated by HRIU and not SPU". I want to offer additional context. I

stated during the step 3 grievance meeting that some of the allegations that I reported to HRIU involved my department not reporting my misconduct and retaliation allegations to HRIU in 2021 and 2022 per PR 1.1.6B, and this likely represents a conflict of interest for my department to find themselves in violation of personnel rules because they would be investigating themselves.

- 7) My department's step 3 response states that there were no violations of PR 1.1 because the Seattle HR and HRIU determined this to be so, and that my allegations will be investigated by SPU HR investigators for SPU workplace violations.
- 8) My department has conducted an intake of my allegations on 2/8/23 and 3/4/23, however, follow up actions that they state are going to occur do not occur, and when I inquire, I get no response. In addition, since the investigation is not evaluating personnel rule violations per my department's step 3 response letter, there is no due process available to me for timelines, follow up, or procedure.

D. Brief summary of how personnel rules were violated.

- 1) PR 1.1.7C was violated because the HRIU investigator did not ensure "that the investigation is fair, impartial, and reasonably thorough" as the rule states. The HRIU investigator incorrectly applied the meanings of misconduct and retaliation, resulting in a skewed and incomplete investigation that prevented the meaningful discovery and analysis of relevant facts related to misconduct and retaliation. Follow up emails with the HRIU investigator and the HRIU closure letter support that follow up questions and analysis focused on my protected class, even though the Preamble definitions of retaliation (for materially adverse actions) and misconduct and do not require that the conduct be attributed to a person's protected class. In other words, HRIU created a higher burden of proof than what is necessary to determine misconduct and retaliation, and in doing so, the investigation was not fair, impartial, or reasonably thorough.
- 2) According to PR 1.1.7B, HRIU "shall oversee or investigate allegations of prohibited behavior". Since HRIU incorrectly applied the meanings of misconduct and retaliation by creating a higher burden of proof than what is necessary, an investigation into in misconduct and retaliation was impossible.
- 3) According to PR 1.1.7A, HRIU "shall receive and act on reports of prohibited behavior from employees...consistent with this Personnel Rule 1.1.7". Since HRIU violated PR 1.1.7B and PR 1.1.7C, it follows that HRIU was not consistent with PR 1.1.7 and therefore violated PR 1.1.7A.
- 4) According to PR 1.1.2, "...Any employee who experiences or observes prohibited behavior should seek support or make a report pursuant to Personnel Rule 1.1.4. All reports will result in an intake and may be investigated subject to Personnel Rule 1.1.7 C..." Since HRIU violated PR 1.1.7C, it follows that HRIU was not consistent with PR 1.1.2 and therefore violated PR 1.1.2.

- 5) Since Seattle HR based their determination on HRIU's determination, it follows that Seattle HR also violated PR 1.17C, PR 1.1.7B, PR 1.1.7A, and PR 1.1.2, same as HRIU.
 - 6) Since my department based their determination on HRIU's determination and Seattle HR's determination, it follows that my department also violated PR 1.17C, PR 1.1.7B, PR 1.1.7A, and PR 1.1.2, same as HRIU and Seattle HR.
- E. More information on how personnel rules were violated.
- 1) HRIU's closure letter states that PR 1.1 was not violated because my allegations could not be attributed to my protected class. The letter states, "I did not find sufficient facts to support that Seattle Public Utilities (SPU) engaged in conduct in violation of the City of Seattle's Personnel Rule 1.1. No adverse acts were identified that would give rise to a harassment claim, and no EEO-protected classifications were identified as attributing to any of your allegations of disparate treatment or retaliation. However, as we discussed, HRIU will be recommending that SPU HR follow up with your supervisor and SPU's Watershed Division Director, Amy Labarge, to address the alleged workplace misconduct you identified, as these acts alone do not constitute a violation of Personnel Rule 1.1, but nonetheless may be inappropriate." I detail below the Preamble definitions of prohibited behavior, misconduct, and retaliation and how HRIU created a higher burden of proof than what is necessary to determine misconduct and retaliation.

According to Preamble definition, "Prohibited behavior shall mean harassment, discrimination, retaliation, and/or workplace misconduct as defined in these Personnel Rules".

Misconduct does not require that the conduct be attributed to a person's protected status. According to Preamble definition, "Workplace Misconduct occurs when someone engages in the adverse treatment of an individual, and that conduct unreasonably interferes with another person's work performance, damages another person's employment opportunities, or creates an environment that a reasonable person in a City workplace would consider intimidating, hostile, or abusive. Examples of Workplace Misconduct can include, but are not limited to, intimidating or hostile acts or other behavior that a reasonable person would find offensive, such as... taunting, shouting or swearing at someone...retaliating against someone for reporting Workplace Misconduct...or a pattern of that harms a person...and is not a reasonable action taken by a person or management representative relating to the business needs of the workplace..."

According to Preamble definition, "Retaliation shall mean a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1. Retaliation includes harassment due to participation in a protected activity". I assert that materially adverse action does not require that the conduct be attributed to a person's protected status, while harassment does require that the conduct be attributed to a person's protected status per Preamble definition "Harassment shall mean unwelcome conduct based on a protected status...". In my step 3 grievance

and in meetings and emails with HRIU and Seattle HR, I describe misconduct and retaliation. To be clear, I am referring to retaliation in the form of materially adverse action and not harassment. I can't find any emails or grievances where I claim harassment or discrimination.

- 2) PR 1.1.2 states that "...Discrimination, harassment, retaliation and Workplace Misconduct are prohibited...Any employee who experiences or observes prohibited behavior should seek support or make a report pursuant to Personnel Rule 1.1.4. All reports will result in an intake and may be investigated subject to Personnel Rule 1.1.7 C. An employee found to have committed prohibited behavior may be subject to discipline under Personnel Rule 1.3...". Nowhere PR 1.1.2 does it state that misconduct and retaliation must be attributed to a person's protected status.
- 3) PR 1.1.4A states that employees can report alleged prohibited behavior to HRIU, and management must report all alleged prohibited behavior to HRIU per PR 1.1.6B, and in both instances, an investigation intake will commence according to PR 1.1.7C. PR 1.1.7A states that "The Human Resources Investigation Unit shall receive and act on reports of prohibited behavior from employees". PR 1.1.7B states that HRIU "shall oversee or investigate allegations of prohibited behavior". Nowhere in PR 1.1.4 or PR 1.1.7 does it state that HRIU requires an EEO-protected classification to conduct an intake, investigate, or determine that an allegation of misconduct or retaliation is supported.
- 4) The questions asked of me by HRIU were always focused on my protected status. One example of this is in Amy B's email response dated 1/9/23 6:34 PM, "From what you summarized, it sounds like you believe Julia is retaliating against you for filing a grievance. However, I would like to understand better why you believe the statements and conduct she engages in are tied to your protected classifications of being a woman over 40. I would like to ask you this because this is a critical factor that needs to be weighed when deciding if sufficient facts warrant an investigation of workplace retaliation".
- 5) To be clear, I never stated that my allegations were attributed to my protected status. Rather, when Amy B asked me during my first meeting with her what EEO-protected classes I belonged to, and I said "woman" and "over 40 years of age". Then she asked me if I thought my allegations were related to my protected status, and I said no. Amy B stated that my allegations needed to be attributed to my protected class in order for HRIU to move forward with an investigation or for there to be a finding that PR 1.1 was violated. I routinely stated in meetings and emails that I did not believe that the misconduct and retaliation allegations were attributed to my protected status, and I didn't think protected status was necessary to make a finding of misconduct or retaliation based on the Preamble definitions of misconduct and retaliation.
- 6) If HRIU wants to delegate an investigation into allegations of PR 1.1 violations because their work unit has evolved into only investigating allegations that can be

attributed to protected status, that may be an option according to PR 1.1.7, however, HRIU did not delegate my investigation. Instead, HRIU determined that PR 1.1 was not violated (incorrectly so, as I stated earlier in [section 1.D](#) and [section 1.E](#) above), closed the investigation, and sent a recommendation to my department to follow up with me on what is effectively described in the HRIU close out letter as non-PR 1.1 allegations and what my department interpreted as SPU workplace violations according to my department's step 3 response letter.

2. Reason for this appeal

- A. If investigations into misconduct and retaliation are skewed and incomplete because the meanings of misconduct and retaliation have been incorrectly applied (specifically, a higher standard of proof is used to determine misconduct and retaliation than what is required), I have no reasonable chance in getting an investigation determination that finds my allegations of misconduct and retaliation are supported. The investigation is not fair, impartial, or reasonably thorough because the meaningful discovery and analysis of relevant facts related to misconduct and retaliation are prevented because investigators are not looking for it at a reasonable level of detail or focus.
- B. If Seattle HR and my department base their grievance determinations on investigations that are flawed, I have no reasonable chance of being successful in those grievances.

3. Remedy Sought (What do you want?):

- A. A determination that PR 1.1.2, PR 1.1.7A, PR 1.1.7B, and PR 1.1.7C were violated as I describe in [section 1.D](#) and [section 1.E](#) above.
- B. An order or determination that the intake and investigation into my allegations of misconduct and retaliation be re-done and/or forwarded to an outside investigator where the Preamble definitions of workplace misconduct and retaliation are used, where specifically, my allegations of retaliation (for materially adverse actions) and misconduct do not require that those allegations be attributed to my protected class.

4. EMPLOYEE GRIEVANCE PROCEDURE: Did you receive notification of your right to a timely resolution of this grievance from your Department?

- A. Yes, I received a certified mail of the step 3 response and the Notice of Right to Appeal to the Civil Service Commission from my department. The timestamp on the envelope shows that the certified mailing was mailed from Seattle, WA on 3/22/23. The first notice, second notice, and return dates listed on the envelope are 3/24, 3/29, and 4/8. I signed for the certified mail before 4/8/23.

According to PR 1.4.4B, "If the notice of grievance response and right to appeal is mailed, the 20 calendar days begins to run on the third calendar day after the notice is mailed". Since the grievance response and right to appeal was mailed to me via certified mail with a timestamp of 3/22/23, the 20 calendar days starts on 3/25/23. I am filing this appeal on 4/10/23, which is within the 20 calendar day requirement that started on 3/25/23.

5. If you filed a grievance through the Employee Grievance Procedure, what was the outcome?

A. HRIU, Seattle HR, and my department did not find in my favor.

- 1) HRIU determined that since my allegations could not be attributed to my protected class, PR 1.1 was not violated. I disagree that with the finding that a protected class violation is needed to determine a PR 1.1 violation for retaliation (for materially adverse actions) and misconduct.
- 2) Seattle HR determined that PR 1.1 was not violated because HRIU determined so, which again, I disagree that with the finding that a protected class violation is needed to determine a PR 1.1 violation for retaliation (for materially adverse actions) and misconduct.

Seattle HR also determined that my assertions that SPU Workplace Expectations have been violated cannot be filed in a PR 1.4 grievance, which I accept this finding.

Finally, Seattle HR determined that the discrimination against a union employee cannot be filed in a PR 1.4 grievance. I am slightly confused by this determination. If this is referencing a generic statement raised by Alisha Gregory-Davis during the Step 3 meeting that SPU is not following workplace expectations for union members, I accept Seattle HR's determination on this point.

There were errors in the Seattle HR step 3 grievance report related to my job title history and the remedy that I sought. I forwarded these errors to Seattle HR, who acknowledged the receipt of these errors but they did not edit the step 3 grievance report. I am attaching the communication so that the Civil Service Commission will receive an accurate report in case these errors and corrections have any bearing on my appeal. The remedy I sought was for the investigation of my allegations to continue and for someone other than my manager and division director to complete my performance reviews for 2021 and 2022.

- 3) My department's step 3 response letter states that PR 1.1 was not violated because the HRIU closure letter and Seattle HR step 3 grievance report stated so.

CIV Expenditures by Account and Month (June 2023)

Version 8.0

Year **2023**
 City Department ID And Nam VC000 - Civil Service Commissions Dept
 BSL - Budget Program - Mast All
 Fund ID And Name All

			Values														
Account Grouping Level One	Account Grouping Level Two	Account Grouping Level Three	Adopted Budget	Revised Budget	01 - Expenses	02 - Expenses	03 - Expenses	04 - Expenses	05 - Expenses	06 - Expenses	09 - Expenses	10 - Expense s	11 - Expense s	12 - Expens es	YTD Expenses	Available Balance	Percent Used
Expenditures	Labor	Personnel Benefits	165,962	165,962	11,239	10,622	10,645	10,669	10,685	5,196	-	-	-	-	59,056	106,907	35.6%
		Salaries and Wages	470,117	470,117	26,455	24,250	24,214	24,179	24,379	-	-	-	-	-	123,477	346,640	26.3%
	Non-Labor	Services	248,241	248,241	16,547	22,860	20,641	19,819	20,550	16,538	-	-	-	-	116,955	131,285	47.1%
		Supplies	10,700	10,700	-	51	1,576	1,701	474	748	-	-	-	-	4,550	6,150	42.5%
Grand Total			895,020	895,020	54,241	57,783	57,077	56,368	56,087	22,482	-	-	-	304,038	590,982	34.0%	

Year **2022**
 City Department ID And Nam VC000 - Civil Service Commissions Dept
 BSL - Budget Program - Mast All
 Fund ID And Name All

			Values															
Account Grouping Level One	Account Grouping Level Two	Account Grouping Level Three	Adopted Budget	Revised Budget	01 - Expenses	02 - Expenses	03 - Expenses	04 - Expenses	05 - Expenses	06 - Expenses	09 - Expenses	10 - Expense s	11 - Expense s	12 - Expens es	YTD Expenses	Available Balance	Percent Used	
Expenditures	Labor	Personnel Benefits	87,868	111,231	6,776	9,062	11,646	8,624	8,629	8,016	8,656	8,649	8,159	9,986	106,796	4,435	96.0%	
		Salaries and Wages	318,543	334,168	18,225	29,476	40,658	23,780	23,780	21,262	24,180	24,180	24,315	#####	317,792	16,376	95.1%	
	Non-Labor	Intergov Services And Payments	-	-	-	-	-	-	-	-	-	-	-	-	538	538	(538)	0.0%
		Services	181,446	296,446	11,295	14,505	17,154	14,470	15,240	14,273	14,245	14,579	14,448	#####	178,394	118,053	60.2%	
		Supplies	13,700	13,700	-	546	472	460	460	561	-	132	460	1,881	5,892	7,808	43.0%	
Grand Total			601,557	755,545	36,296	53,590	69,930	47,335	48,109	44,112	47,081	47,540	47,382	#####	609,411	146,134	80.7%	