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

FELTON MILES,
Appellant,

vs.

SEATTLE POLICE DEPARTMENT

CITY OF SEATTLE
Respondent

SUMMARY DECISION

PSCSC No. 07-007

I. Introduction

In order to apprise the parties of the nature of the Commission's decision in a case, the Commission has decided to experiment with issuing a Preliminary Order as soon as practicable after the conclusion of a hearing. The Commission will later issue final Findings of Fact, Conclusions of Law, and Order. It is the Commission's intent that applicable time periods, for example appeal time periods, begin to run only upon issuance of the Final Findings of Fact, Conclusions of Law, and Order.

II. Summary Decision

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1. The Seattle Police Department did not meet its burden of proving it had just cause to terminate Appellant Felton Miles. The Department did meet its burden of proving it had just cause to suspend Appellant Miles for a maximum period of twenty days.

2. The Commission therefore orders the Department to reverse the termination, to reinstate Appellant Miles if and when he is determined under applicable Department procedures to be fit for duty, and to make Appellant Miles financially whole if he loses any earnings or benefits between the date he is determined to be fit for duty and the date of his reinstatement, if any.

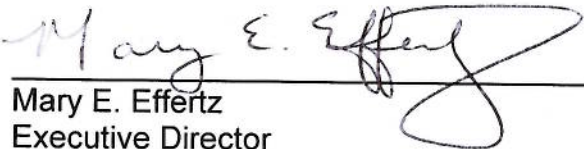
3. The present state of the factual record in this case presents challenges in crafting an appropriate make whole remedy. Appellant Miles was on paid disability leave for a period of time as provided under applicable state law. During that period of time, he was unable to perform the duties of Police Officer and presumably received his full pay. Appellant Miles later requested and obtained a service retirement, also as provided under applicable state law. The record does not presently include information sufficient to determine whether Appellant Miles is fit for duty as a Police Officer.

4. The Commission urges the Department and the Appellant to attempt to agree on an appropriate make-whole remedy. The Commission will retain jurisdiction over this case and may hear additional evidence and issue a subsequent additional order regarding remedies if the parties are unable to present

1 to the Commission an agreed remedy within 30 days after the Commission issues a
2 final Findings of Fact, Conclusions of Law, and Order in this case.

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4 Dated this 18TH Day of July, 2008

5 FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE
6 COMMISSION

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