



# City of Seattle

Paul Schell, Mayor

## Public Safety Civil Service Commission

Public Safety Civil Service Commissioners:

James A. Fossos

Barbara Laners

Noreen Skagen

Secretary and Chief Examiner

Ruby Dell Harris

## Before The Public Safety Civil Service Commission of the City of Seattle

In the Matter of the Appeal of  
Robert L. Boling from his )  
discharge from the Seattle )  
Police Department )  
\_\_\_\_\_ )

FINDINGS OF FACT,  
CONCLUSIONS AND  
ORDER OF THE PUBLIC  
SAFETY CIVIL SERVICE  
COMMISSION

### I: Summary of Proceedings

On the dates of June 28,29,30, July 1, & 2, 1999 hearings were held by the Public Safety Civil Service Commission to investigate the termination of Robert L. Boling by the Chief of the Seattle Police Department. At the hearings the appellant was present and represented himself. The Seattle Police Department was represented by LeighAnn Collings Tift, Assistant City Attorney for the City of Seattle. Witnesses for the Police Department were: Police Chief Norm Stamper, Janice Corbin, Renee Lawson, Sgt. Les Liggins, Carol Marier, Sgt. Terri McMillan, and Sgt. Dennis Ramm.

Witnesses for the appellant were: Woneta Airhart , Karen Anderson, Robert Bergland, Bill Brandner, Novella Frasier, John Gergich Jr., Ronald Hale, Curtis Linderman, Fred Little, Mike Petrus, Stephanie Rezentos, John Southard, Cyndie Sykes, Cleo Subido, William Ueno, Bob Vardin, Laverne Wiggins, Kim Ybarra, and Mae Yuen.

Testimony and documentary evidence, memoranda, post hearing briefs from both parties and arguments having been received and evaluated, the Commission now makes the following finding of facts, conclusions and order.



Robert L. Boling

## II: Findings of Fact

1. Robert L. Boling was appointed to the position of police officer in the Seattle Police Department on July 18, 1980 (As a Commissioned Officer)
2. On March 31, 1998 Officer Robert L. Boling was issued a Disciplinary Action (Report IIS Number 98-013, City Exhibit 24) sustaining charges conduct unbecoming an officer, pursuant to Seattle Police Department Manual section 1.029 (II) (A) Rules of Conduct unbecoming an officer- Police Officer.

The proposed Disciplinary Action was TERMINATION signed by Assistant Chief J. Mason in the capacity of Acting Chief on March 31, 1998.

3. On March 31, 1998 Officer Robert L. Boling was issued Disciplinary Action (Report IIS Number 97-283, City Exhibit 24) sustaining charges conduct unbecoming an officer pursuant to Seattle Police Department Manual Section 1.029 Rules of Conduct Philosophy.

The proposed Disciplinary Action was Termination signed by Assistant Chief J. Mason in the capacity of Acting Chief March 31, 1998.

4. The Final Disposition for Disciplinary Action (Reports IIS numbers 98-013 and 97-283) was TERMINATION by the order of Jim Deschane, Assistant Chief of Police, Professional Responsibility Bureau signed July 10, 1998.

## III: Conclusions

1. The Public Safety Civil Service Commission has jurisdiction over the subject matter and parties to this proceeding.
2. In accordance with the Public Safety Civil Service Commission Rules of Practice and Procedure 5.01 Suspension-Discharge: (b.) A department head may discharge a subordinate for good cause shown.

Appendix A, Ordinance 107791 "Appointing Authority" means a person who is authorized to employ others on behalf of the City, which means: (1) The Fire Chief with respect to any Seattle Fire Department position included in this system, or (B) The Chief of Police with respect to any Seattle Police Department position included in this system.

Robert L. Boling

And further SMC 4.08.100 Tenure of Employment-Removal for cause states in part...Any regular employee may be removed, suspended, demoted, or discharged by the appointing authority...Moreover, the SPOG City of Seattle Contract Article 15-Management Rights 15.4. B states...To suspend, demote, discharge, or take other disciplinary action against members, other than probationary employees, for just cause, and to suspend, discharge or take other action.

Review of the documentary evidence shows that it is past practice for disciplinary actions resulting in suspension or termination to be ordered by the “appointing authority”- the Chief or Assistant Chief of the Police Department.

4. The Final Disposition: Termination in IIS 97-283 and 98-013 was by Order of the Assistant Chief of Police, Jim Deschane, Professional Responsibility Bureau who is not the “Appointing Authority” as defined in the aforementioned Ordinance, Codes, Guild contract, and Public Safety Civil Service Commission Rules of Practice and Procedures.
5. After careful review of the record, documents, relevant Ordinance, Codes and Guild Contract, Public Safety Civil Service Commission Rule of Practice and Procedure, we conclude in our findings of fact, conclusion and order that officer Boling’s termination was procedurally flawed and accordingly invalid.

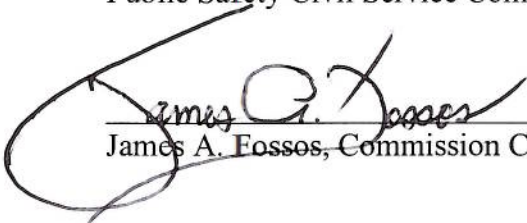
Robert L. Boling

#### IV: Order


That Robert L. Boling be restored to duty in the classification of Police Officer effective the date of this order. Further, Robert L. Boling shall be made whole from his initial termination date.

Signed at Seattle Washington this eleventh day of August 1999.

Public Safety Civil Service Commission of the City of Seattle.



James A. Fossos, Commission Chairperson



Barbara Laners, Commissioner



Brian Shearer, Commissioner, ProTeam