



City of Seattle

2012 Civil Service Commissions

Public Safety Civil Service Commission

Commission Chair Terrence Carroll

Commissioner Christian M. Halliburton

Commissioner Joel A. Nark

Civil Service Commission

Commission Chair Ellis H. Casson

Commissioner Steven A. Jewell

Commissioner Eric de los Santos



2012 ANNUAL REPORT

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Seattle CIVIL SERVICE COMMISSIONS 2012 ANNUAL REPORT

Introduction

The Seattle Civil Service Commissions is pleased to present its 2012 annual report. This report provides an overview of the Commission's activities for the past year and information on citywide personnel activities related to the Commission's chartered responsibilities.

Commissions Established by Ordinance

The City of Seattle established the Public Safety Civil Service Commission by Ordinance in 1979, to provide Civil Service System members of the Police and Fire departments. By an amendment to the City's charter, in 1979 the Civil Service Commission for non-uniformed or civilian employees was established.

Civil Service Commissions

On November 21, 2011, the Seattle City Council approved the City's 2012 Budget and voted to approve the reorganization of the Public Safety Civil Service Commission and the Civil Service Commission, thereby forming the **Civil Service Commissions (CIV)**. The reorganization included consolidating staff from both Commissions. The Civil Service Commission (CSC) and Public Safety Civil Service Commission (PSCSC) remain separate in duties and responsibilities.

The Commissioners

Each Commission has three members, one elected by the City's civil service employees, one appointed by the Mayor and one appointed by the Seattle City Council. The Commissions are impartial and primarily conduct quasi-judicial hearings related to appeals of disciplinary actions and alleged violations of the City Charter, Personnel Rules and the Personnel Ordinance. The Commissioners serve staggered three year terms. The **Public Safety Civil Service Commission** hears appeals for sworn police and uniformed fire employees involving disciplinary actions, examination and testing. The **Civil Service Commission** hears appeals related to the administration of the City's personnel system and submitting to the Mayor and Council recommendations concerning the personnel system, as it deems appropriate.

Members of your 2012 Civil Service Commissions:

Civil Service Commission:

- **Commissioner Ellis Casson, Chair:** Commissioner Casson is the Council appointee to the Commission. Commissioner Casson was first appointed by the City Council in September of 2001 to fulfill a term that expired in 2003. This was followed by an appointment that expired in 2006. In 2006, he was reappointed for a term that expires in December 2009. During his tenure, he has served several times as the Commission Chair. Commissioner Casson's term expired December 2012.
- **Commissioner Steven Jewell:** Steven Jewell is the employee elected Commissioner. Civil Service employees elected Commissioner Jewell to a three-year term in December of 2005. This term expired on December 31, 2008. In November 2011, employees reelected Commissioner Jewell to a third term, which expires in December 2014.
- **Commissioner Eric de los Santos:** Commissioner de los Santos is the mayoral appointee to the Commission. Mayor Mike McGinn appointed Eric de los Santos to the Commission in March of 2012. Commissioner de los Santos term expires in December 2014. Commissioner de los Santos replaces Gregg Hiraoka who was appointed in February 2008.

Public Safety Civil Service Commission:

- **Commissioner Terrence Carroll, Chair:** Commissioner Carroll was appointed by the City Council in January 2009 and reappointed to a term of three years in January 2011. Commissioner Carroll's term expires in December 2013.
- **Commissioner Christian M. Halliburton:** Commissioner Halliburton was appointed by the Mayor in April 2010 and reappointed in December 2012. Commissioner Halliburton's term expires in December 2015.
- **Commissioner Joel A. Nark:** Commissioner Nark is serving his third term as the employee elected commissioner. His first term began in 2003. In November 2011, employees reelected Commissioner Nark to a term that will expire in December 2014.

Commission Staff:

- Jennifer A. Greenlee, Executive Director
- Teresa R. Jacobs, Administrative Staff Assistant

BUDGET

The Commission's budget comes from the City's General Fund. The revised 2012 budget totaled \$356,582.56. Ninety-three percent (93%), \$331,890.56 was designated for personnel expenses. This includes salaries and benefits for staff, Commissioner stipends, and pay for pro-tem Hearing Officers and interns.

Seven percent (7%), \$24,692.00 was designated for other purchases and charges. This must cover any and all department costs including all office supplies, equipment (copier) rental and maintenance, telephone, computer, and internet related charges, travel and training, and any services needed such as copying or transcription. In 2012, \$14,490, was spent on "other charges." Forty-five percent (45%) of the other charges, \$6,572, went to WMBE contractors. This included Copy Services (\$4900.60), Legal Resources (1562.15, used in 2011, payment came out of 2012 budget), and Office Supplies (\$109.57).

The Department has no on-going contracts for services. Contracted services include the occasional use of a court reporter, transcription, or copying services. The Department hires pro-tem Hearing Officers to hear employee appeals. They are processed through the City's personnel system as intermittent temporary employees. Due to budget constraints, the Department did not use Hearing Officers in 2012, but instead referred appeals to the City's Office of the Hearing Examiner.

MONTHLY MEETINGS

Each Commission schedules regular monthly meetings: CSC on the third Wednesday of the month and PSCSC on the third Friday of the month. A quorum must be present, two of the three Commissioners, to conduct Commission business. Occasionally the Commissions will hold special meetings including joint meetings of the PSCSC and CSC. In 2012 joint PSCSC and CSC meetings were held in January, June and November. Commission meetings are open to the public and subject to the Open Public Meetings Act (RCW 42.30). Schedules, agendas and minutes for the meetings can be found on the Commission websites.

CSC: <http://www.seattle.gov/csc/agendasandminutes.htm>

PSCSC: <http://www.seattle.gov/pscsc/agendas.htm>.

SUMMER INTERN RECORDS RETENTION AND ORGANIZATION PROJECT

The Commissions hired Kristen Gelino, a graduate student at the University of Washington, as the 2012 summer intern. Ms. Gelino worked from June to November in the Commission offices focusing on its organizational structure for records. She obtained information and guidance from the Personnel, Information Technology, Legislative, and Law Departments when necessary.

Accomplishments during her tenure include:

- Review of all paper and electronic PSCSC files and documents for destruction, retention, or archiving and ensuring appropriate disposal of records;
- Developing naming and numbering protocols and labeling templates for appeal and subject files;
- Restructuring and combining of the PSCSC and CSC network drives;
- Updating and revising the Commission retention schedule;
- Updating and standardizing the PSCSC appeal database;
- Updating and standardizing the PSCSC Findings web page.

OUTREACH AND TRAINING PROJECTS

Website:

The objective of the Commission website is to provide information that is useful, helpful and easily understood. With the support of Pablo Mendoza, Technical Support Services, DoIT, the websites for the CSC and PSCSC were updated, standardized, and made to correspond to each other. The information was organized in a user-friendly and commonsense manner so that employees and the public are able to obtain general information and answers to the most frequent questions online. Web pages include: Home; About Us; Contact Us; News & Updates; Monthly Meetings; Laws, Rules, Policies; Resources & Links; Appeals; Findings; and Archives. The PSCSC website also has a page for Exams & Registers. Staff have the ability to update the website using Adobe Contribute and so can ensure the pages are always current. As another way to reach employees, the Executive Director has been using the City's Yammer network to post schedules, agendas, registers, and other news related to the Commissions.

Training:

While the majority of City employees are covered by Civil Service, many are not aware of the Civil Service Commission or what rights and protections it affords. In 2012, the Executive Director began presenting on the Civil Service Commission during the New Employee Orientations (NEO) and New Supervisor Orientations (NSO) facilitated by the Personnel Department. There were four NEO and four NSO trainings scheduled quarterly throughout 2012. Over twenty (20) employees attend each session. In addition to the

presentations the employees receive materials they can keep for future reference. Generally, employees in attendance have not been familiar with the Commissions and have been encouraged to view the websites or stop by the office for additional information.

APPEALS

The Commission hears appeals related to disciplinary actions and the interpretation and application of personnel rules, policies and procedures. Appeals of disciplinary actions include:

- Suspensions
- Demotions
- Discharges

Appeals involving alleged violations of personnel rules, policies and procedures, include:

- Classification and/or Compensation
- Reclassification and other Job Reassignments
- Selection Process/Hiring/Promotions
- Employee Evaluation Process
- Political Patronage or Influence in the Hiring Process
- Alleged violations of Personnel Laws, Rules, Policies and Procedures

The Commission does not hear appeals related to:

- Salary or job title determinations
- Disciplinary actions resulting in reprimand letters
- Written statements or assessments in performance reviews
- Discrimination or other equal employment opportunity issues
- Disciplinary actions against temporary or probationary employees

Employees are required to exhaust their departments Internal Grievance process before filing an appeal with the Civil Service Commission. After the Internal Grievance process has been exhausted and the employee receives a final determination letter from the department director that states the final personnel action or decision, the employee may then file an appeal with the Commission.

Uniformed fire and police must file an appeal with the Public Safety Civil Service Commission within (ten) 10 days of receiving final notice of discipline. The Public Safety Civil Service Commission also has a *Non-Disciplinary Request for Decision* appeal procedure, for the Commission to reconsider a candidate's reinstatement to a register and/or exam eligibility. In addition, the PSCSC makes final determinations on examination protests for Fire and Police promotional exams.

City of Seattle employees filing appeals are encouraged to resolve the issue of their appeal using the City's Alternative Dispute Resolution program (ADR). This process is independent from the Commission's quasi-judicial process and encourages discussion and mutual agreements in order to resolve the issue. Most appeals must be filed within twenty days of the personnel action or decision. If an employee wants to pursue ADR, an appeal must be filed and the Commission holds the appeal in abeyance until the ADR process is complete. If the issue is not resolved through ADR, the employee can continue with the Commission appeal process.

The Commission's decision on an appeal may affirm, modify or dismiss a personnel action. The Commission's final decision on the issue of an appeal is also the City's final decision. Final decisions from the Commission must be timely appealed in the Superior Court of the State of Washington for King County.

WORK OVERVIEW

PUBLIC SAFETY CIVIL SERVICE COMMISSION 2012 WORK OVERVIEW

APPEALS AND HEARINGS- The Public Safety Civil Service Commissions primary responsibility is to hear appeals of sworn police and uniformed fire employees involving the disciplinary actions, examination and testing, and alleged violations of the City Charter, Personnel Rules and the Personnel Ordinance. Unlike the Civil Service Commission, PSCSC conducts all hearings for appeals filed by police and fire. PSCSC does not delegate appeals to hearing officers or the OHE. Within ten (10) days of the Commission issuing a final decision, any party may file a *Petition for Review* with the Commission of all or any part of the decision on the basis of fraud, mistake, or misconception of facts.

APPEALS FILED WITH PSCSC IN 2012 AND NON-DISCIPLINARY REQUEST FOR DECISION*

The Commission's case status report provides summary details on all appeals filed with the Commission. During 2012 there was one appeal filed regarding an alleged demotion and one filed regarding a written reprimand. There was one appeal previously filed in 2009 regarding a termination of employment that was carried over into 2012.

The Non-Disciplinary Request for Decision appeal procedure is used to reconsider a fire or police candidate's reinstatement to a register and/or exam eligibility. In 2012 there were five requests under eligibility, three under exam issues, and four reinstatements. Generally these requests are considered and decided at the Commission meeting and do not require a separate hearing.

REQUESTS FOR EXTENSIONS-The Executive Director has the authority to approve extension requests for certifications and received one such request in 2012.

After the Commission issues a decision, the Commission's records of an appeal are public. Copies of Commission decisions are available for review. Links to appeal Findings and Decisions are available online <http://www.seattle.gov/pscsc/findings.htm> or by request through the Commission's office.

POLICE AND FIRE EXAMINATION PROTESTS- The Commission hears and makes determinations on protests regarding the scoring, scope, content, or practicality of any part of an examination. Protests include requests that a question or portion of the test be thrown out or that alternative answers be accepted. Scoring of the examination is completed pursuant to the Commission’s determination.

**The 2012 PSCSC Case Status Report can be found in the Appendix section at the end of this report.*

FIRE AND POLICE EXAMS

FIRE EXAM

Exam	# of Applicants	# took Written Exam	# Participated in Assessment Center	# on Final Register
Fire Battalion Chief	29	22	17	17
Fire Captain	78	57	45	45
Fireboat Pilot	7	6	5	3

Responded to 14 Requests for Certification from the Fire Department

POLICE EXAM

Entry-level Police Officer

Exam	# of Applicants	#Took Written/ Video Exams	# on Final Register
June	1938	965	518
November	104	482	237

Lateral Police Officer

Exam	# of Applicants	#Took Written Exam	# Participated in Assessment Center	# on Final Register
February	109	45	41	36
October	104	32	30	28

Sergeant

Exam	# of Applicants	#Took Written Exam	# Participated in Assessment Center	# on Final Register
March/April	95	67	55	46

Responded to 11 Requests for Certification from the Police Department.

CIVIL SERVICE COMMISSION 2012 WORK OVERVIEW

The Civil Service Commission hears appeals involving the disciplinary actions and/or alleged violations of the City Charter, Personnel Rules and the Personnel Ordinance.

APPEALS AND HEARINGS- Upon exhausting the department’s internal Grievance Process an employee may file an appeal with the Commission.

The Executive Director can make a determination to dismiss an appeal for lack of jurisdiction or lack of timeliness in filing an appeal. If the appeal has met all criteria related to jurisdiction, timeliness, and/or exhaustion of the Internal Grievance Process, the Executive Director assigns the appeal to a CSC Hearing Officer, Pro Tem (HO) or delegates the appeal to the Office of the Hearing Examiner (OHE), unless the Commission (CMSN) will hear the appeal. The body hearing the appeal is the Presiding Officer.

Within ten (10) days of an issuance of the Presiding Officer’s final decision, any party may file a *Petition for Review* with the Commission of all or any part of the decision. Whether or not a Petition for Review is filed, the full Commission may review and discuss the Presiding Officer’s decision in an executive session. The Commission then votes in open session to modify, reject or affirm the Presiding Officer’s (HO, OHE) decision. A majority of the Commissioners (2/3) must affirm all final decisions.

The Commission dismisses all appeals upon closure. The Commission will dismiss an appeal without a hearing by request of the Appellant (withdrawal or settlement), for jurisdictional issues and for timeliness. The Commission will also dismiss an appeal after they have reviewed, voted, approved and/or modified the Presiding Officer’s findings and decision.

When the decision is issued, the Commission’s records of an appeal are public. Copies of all commission decisions are available for review. Links to appeal Findings and Decisions are available online <http://www.seattle.gov/csc/findings.htm> or by request through the Commission’s office.

Appeals Filed with CSC in 2012

Type of Appeal	Filed	Status Year End 2012	Assigned
Demotion	March 2012	Dismissed/Lack of Jurisdiction/PSCSC Appeal	OHE
Suspension	March 2012	Appellant Withdrew	OHE
Progressive Discipline	April 2012	Department Prevailed	OHE

Suspension	May 2012	Carried Over to 2013	OHE
Termination	July 2012	Carried Over to 2013	OHE
Termination	August 2012	Carried Over to 2013	OHE
Suspension	October 2012	Carried Over to 2013	OHE
Interdepartmental Grievance Process	October 2012	Carried Over to 2013	CMSN
Suspension	December 2012	Carried Over to 2013	HO

The Commission's case status report provides summary details on all appeals filed with the Commission in 2012. The case status report for 2012 is included in the Appendix section at the end of this report.

CLASSIFICATIONS

CIVIL SERVICE DESIGNATIONS-Another function of the Civil Service Commission is to monitor the City’s designation of positions from non-exempt to exempt from civil service resulting in exemption from the Seattle Municipal Code Chapters 4.04 and 4.08, the Personnel Rules, and the Civil Service Commission, and the Public Safety Civil Service Commission Rules regarding examination, selection, discipline, termination, and appeals. Departments submit request for exemptions to the City’s Personnel Director for positions they feel the appointing authority needs discretion to terminate immediately without cause, because of the nature of the work performed. Generally, these are positions requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary relationship with the appointing authority. The Personnel Director reviews the request and position and makes a determination for exemption. Proposed civil service position exemptions are submitted to the Seattle City Council for approval via quarterly salary ordinances.

The Public Safety Civil Service Commission is responsible for preparing and maintaining the class specification for each class in the classified Public Safety Civil Service System. Position classification studies of individual positions or groups of positions are made whenever it is deemed necessary, whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or may do so upon request of an appointing authority or department head or an effected employee if the classification of such position has not been reviewed within the last 12 months.

Civil Service Classifications

Department	Job Title	Designation	Personnel Approval Date	Council Consideration
City Light	Manager 3 Utilities	Executive 2	February 23, 2012	2 nd Quarter
Transportation (SDOT)	Manager 2 CSPI&P	Executive 1	February 23, 2012	2 nd Quarter

Uniformed Classifications

2012 Uniformed Classification Recommendations			
Police	Emergency Position	December 7	Detective
Police	Emergency Position	December 7	Detective
Police	Emergency Position	December 7	Detective
Police	Emergency Position	December 7	Sergeant - Detective
Fire	SFD130001	July 23	Prev Insp I
Police	Emergency Position	December 7	Detective

APPENDIX

CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS REPORT

**CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS**

FILED IN 2012 OR CARRIED OVER

CASE NUMBER	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	STATUS	PRESIDING OFFICER
12-01-012	HSD	12-5-12			Commission Review	Chris Mathews
12-07-009	SCL	10-28-12	1.1 Workplace Harassment; 8.1 Safety Programs	Appellant alleges harassment investigation had predetermined outcome.	Commission to review regarding timeliness and/or jurisdiction	CSC
12-01-006	SPU	8-27-12	SMC 4.04.230 PGD	Inaccurate Facts for Cause of Termination	Decision pending affirmation of the Commission	OHE
12-01-007	SPU	10-11-2012	1.1 Workplace Harassment*	Appellant alleges suspension & harassment is unjust Harassment & Protected Class issues delegated to Mayor's Office and SOCR	Delegated to the Office of Hearing Examiner	OHE
12-01-005	Parks	7-3-2012		Appellant Alleges Wrongful Termination	Pending Decision of the Hearing Examiner	OHE

**CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS**

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CASE NUMBER	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	STATUS	PRESIDING OFFICER
12-01-004	SPU	5-21-2012 10-28-2012 (PFR)	1.1 Workplace Harassment*	Appellant alleges suspension & harassment is unjust Harassment & Protected Class issues delegated to Mayor's Office and SOCR	Decision and Petition Pending Affirmation and Review of Commission	OHE
11-01-018	HSD	9-19-2011 (Appeal) 10-12-2012 (Writ)	SMC 4.04.070 C&D, PR 1-3	Termination/Demotion	Writ of Review Filed KCSC	OHE

CLOSED IN 2012

CASE NUMBER	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	DATE DISMISSED	PRESIDING OFFICER
12-07-003	DoIT	4-13-2012	1.3.3 Prog. Disc.	Whether Dept. followed the Progressive Discipline Steps	(Department Prevailed) September 13, 2012	OHE
12-01-002	Light	3-12-12	1.3 Prog. Disc.	Suspension	(Appellant Withdrew) April 10, 2012	OHE
11-01-016	Parks	9-20-2011		Suspension	(Department Prevailed) April 3, 2012	OHE

**CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS**

-CONTINUED-

CASE NUMBER	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	DATE DISMISSED	PRESIDING OFFICER
11-07-002	Personnel	1-3-2011	PR 8.1 Workplace Violence	Whether department followed policies and procedures re WPV.	Order Vacating Modified Order of the Commission/ Dismissing Appeal July 23, 2012	McLean
12-01-001	SPD	3-8-12		Demotion	No Jurisdiction under CSC. Position falls under PSCSC March 9, 2012	

PUBLIC SAFETY CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS REPORT

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS REPORT AND 2012 APPEAL REQUEST FOR DECISION**

APPEALS FILED IN 2012 OR CARRIED OVER

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	STATUS	PRESIDING OFFICER
12-002	Greg Schmidt	SPD	3/12/12		Demotion/Pay reduced without cause.	Discovery	PSCSC
09-006	Eric Werner	SPD	7/1/09		Termination/Discharge	Writ of Review. Record submitted 12/14/12.	KC Sup Ct
12-004	Mitzi Simmons	SFD	7/6/12		Alleged False Statements of Violation/ Reprimand	Commission Review – Jurisdiction Appellant Withdrew 8/27/12	PSCSC

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS REPORT AND 2012 APPEAL REQUEST FOR DECISION**

CLOSED (APPEAL REQUESTS FOR DECISION):

DEPT.	APPEAL #	FILED	CLOSED	ISSUE_TYPE	SUMMARY
SFD	12-03-012	12/19/2012	1/18/2013	Exam Issue	Appeal of failing grade on Fireboat Pilot Exam. Scores and register to be recalculated excluding simulator portion of practical exam.
SFD	12-03-011	12/19/2012	1/18/2013	Exam Issue	Appeal of failing grade on Fireboat Pilot Exam. Scores and register to be recalculated excluding simulator portion of practical exam.
SPD	12-03-010	10/11/2012	10/26/2012	Eligibility	Request for decision made on 10/11/12 regarding eligibility to take the March 2013 Lieutenant's Exam. Request Granted.
SPD	12-03-009	9/21/2012	10/26/2012	Eligibility	Request for decision made on 9/21/12 regarding eligibility to take the March 2013 Lieutenant's Exam. Request Granted.
SFD	12-05-008	8/24/2012	8/27/2012	Reinstatement	Firefighter wished to be returned to the register after resigning.
SFD	12-007	7/19/2012	7/24/2012	Reinstatement	Reinstatement to Register - Entry Level Firefighter
SFD	12-004	7/6/2012	8/27/2012	Reprimand	Alleged violation of personnel rules regarding statement of violation.

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
2012 YEAR END CASE STATUS REPORT AND 2012 APPEAL REQUEST FOR DECISION**

CLOSED (APPEAL REQUESTS FOR DECISION):

DEPT.	APPEAL #	FILED	CLOSED	ISSUE_TYPE	SUMMARY
SFD	12-006	7/5/2012	7/13/2012	Reinstatement	Reinstatement to Register - Entry Level Firefighter
SFD	12-005	7/3/2012	7/13/2012	Reinstatement	Reinstatement to Register - Entry Level Firefighter
SFD	12-003	3/21/2012	3/26/2012	Eligibility	Commission granted Eligibility to Take Exam for Fireboat Pilot - Approved Experience on Comparable Boat
SPD	12-002	3/8/2012	3/9/2012	Demotion	Communications Director. Pay reduced and duties taken away. Filed with CSC but PSCSC has jurisdiction. Appellant will file with PSCSC.
SFD	12-001	2/6/2012	3/26/2012	Eligibility	Alleges applied online through NeoGov but no record of application. Commission denied request to take exam.
SFD		1/19/2012	2/2/2012	Eligibility	Missed sign up for Fire Captain Exam. Requested permission to be able to take the exam, but could not provide any extenuating circumstances.