

BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION (CSC)

Susan McClure,
Appellant,
V.
Seattle City Light (SCL)
City of Seattle, Respondent

MODIFIED
MEMORANDUM DECISION
AND
DISMISSAL ORDER
CSC Number 09-01-009

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2 The Commission issued a decision on the above appeal July 23, 2010. On July 28, 2010, the Respondent SCL
3 entered a motion to modify the decision so that it "accurately reflects the record...and to efficiently implement the
4 decision."
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6 **BACKGROUND**
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8 The Appellant Susan McClure filed an appeal of her 3 day suspension with the Civil Service Commission on July
9 21, 2009. In her Notice, the Appellant alleges a violation of "Personnel Rule 1.3.3, Order of Severity of the
10 Disciplinary Action". The CSC delegated the appeal to the Office of the City's Hearing Examiner (HE). The HE
11 issued a decision on the appeal on May 21, 2010. The Appellant filed a Petition for Review of the decision on
12 June 1, 2010. SCL responded to the Petition July 8, 2010, in accordance with their filing extension resulting from
13 entering a Notice of Appearance and Motion to Extend Time to File Response on June 8, 2010.
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15 During the process of the appeal the parties participated in mediation. As a result of the mediation the parties
16 agreed to settle. One of the terms of the settlement called for City Light to place the Appellant on paid
17 administrative leave from November 23, 2009 until March 2, 2010. City Light placed the Appellant on paid leave
18 beginning November 23, 2009. On December 29, 2009, the Appellant notified City Light that she would not sign
19 the settlement agreement. The Appellant did not sign the agreement and returned to work on the agreed upon
20 date of January 5, 2010.
21

22 Because the Appellant did not sign the settlement agreement, City Light charged the Appellant for vacation hours
23 for the time she was absent. On February 12, 2010, the Appellant filed a request with the Civil Service
24 Commission seeking to amend her appeal to add a claim that City Light should not have charged her for vacation
25 pay during her absence but should have provided her with paid administrative leave. The Appellant was told that
26 since the issue was related to her appeal (that was before the HE) she should present that claim to the HE. On
27 April 26, 2010, the HE issued an order on the claim and ruled that the Commission lacked jurisdiction over this
28 issue. A Petition for Review of this decision was filed by the Appellant on May 6, 2010 and SCL filed a response
29 on May 12, 2010.
30

31 The Commission considered the HE Decisions and both Petitions for Review and related Responses.
32 Commissioner Ellis Casson was the Reviewing Officer. Commissioner Steven Jewell recused himself.
33

34 **FINDINGS/CONCLUSIONS**
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36 The Commission is charged with hearing appeals of demotions, suspensions and terminations to determine
37 whether they are supported by justifiable cause. In addition, the Commission has jurisdiction to hear allegations
38 regarding a violation of the personnel ordinance or personnel rules. SMC 4.04.260(A).
39

40 Per SMC 4.04.250, Civil Service Commission, L. Duties. The duties of the Commission are as follows:

41 5. To issue such remedial orders as it deems appropriate; provided, that no remedial order may
42 supervene the exclusive authority of the City Council as it relates to the financial transactions of the City.
43 The Commission shall have the power to reinstate employees. It may introduce legislation for lost wages
44 and benefits, and may make recommendations to the Mayor and City Council;

45 7. Delegation of Powers. The Commission may delegate its powers, in whole or in part, to a hearing
46 examiner who may be from the City Hearing Examiner's office. Decisions of a Hearing Examiner may be
47 appealed to the Commission...

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BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION (CSC)

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The Commission delegated the above Appeal to the Office of the City's Hearing Examiner.

On the issue of paid administrative leave, the HE ruled:

"The Commission does not have jurisdiction over whether City Light was required to provide paid administrative leave to the Appellant during her absence from work during and after the settlement discussions... No Code or Rule has been cited which could require City Light to provide paid administrative leave pursuant to the terms of the proposed settlement agreement. Therefore, City Light's motion to dismiss this issue, and its motion in limine, are hereby granted".

This Commission affirms this decision.

On the Appellant's three-day suspension, the HE ruled

"... The Appellant did commit errors and omissions in her handling of the hiring file, and there is justifiable cause for a one-day suspension." As a result the Appellant's three-day suspension was reduced to one day.

The Commission also affirms this decision. However, since the Appellant was on administrative leave for 21 days, one of those days is to be used as the one-day suspension.

The Civil Service Commission hereby enters the following to include the requested modification of its 2nd decision in this appeal

DECISION

1. The Commission affirms the HE's decisions:
 - a. The Commission does not have jurisdiction over the issue of repayment for paid administrative leave.
 - b. There is justifiable cause for a one-day suspension.
2. City Light will reimburse Ms. McClure her wages for two of the three days of unpaid suspension that she served on August 5, 6, and 7, 2009.

ORDER

This appeal is hereby dismissed with prejudice.

Dated this *11th* day of *August, 2010*

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION¹



Glenda Graham-Walton, CSC Executive Director

¹ Commission decisions are final and conclusive unless a party of record makes application for a Writ of Review to the Superior Court of the State of Washington for King according to applicable law.

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