



City of Seattle

CIVIL SERVICE COMMISSIONS

The Civil Service Commission

Commission Chair Amy S. Bonfrisco

Commissioner Angelique M. Davis

Commissioner Mary Wideman-Williams

Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Executive Assistant

AGENDA*

THE CIVIL SERVICE COMMISSION

**The Agenda is subject to change to address immediate Commission concerns.*

DATE: Monday, March 15, 2021

TIME: 2:00 pm

LOCATION: WebEx

Meeting Link:

<https://seattle.webex.com/seattle/j.php?MTID=mbc43ec7cceb4bfc6018c10912381101c>

Meeting Number (access code): **146 461 2516** Meeting Password: **W9v33ZtPEc6**

Tap to join from a mobile device (attendees only)

+1-206-207-1700,,1464612516## United States Toll (Seattle)

+1-408-418-9388,,1464612516## United States Toll

Join by phone

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

+1-408-418-9388 United States Toll

[Global call-in numbers](#)

Join from a video system or application

Dial [1464612516@seattle.webex.com](tel:1464612516@seattle.webex.com)

You can also dial [173.243.2.68](tel:173.243.2.68) and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business:

Dial [1464612516.seattle@lync.webex.com](tel:1464612516.seattle@lync.webex.com)

Need help? Go to <http://help.webex.com>

AGENDA

The Civil Service Commission

March 15, 2021

Meeting documents will be posted to the commission website the day of the meeting.

<http://www.seattle.gov/civil-service-commission/monthly-meetings>

AUDIO/VIDEO TECH CHECK

CALL TO ORDER- INTRODUCTIONS, LAND RECOGNITION

1. APPROVAL OF MINUTES

- February 16, 2021

2. CASE STATUS REPORT/APPEALS/UPDATES

- Gina Kim v. Seattle Public Utilities, CSC No. 20-07-013- Ms. Kim requested review of the Executive Director's dismissal of her appeal.

3. CSC ADMINISTRATION

- April 19 Commission Retreat- Discussion
- Financial Interest Statements

4. EXECUTIVE DIRECTOR REPORT

- Departmental Work Update
- Budget Update
- SDHR-Rules Revisions for Ordinance Nos. 126010 and 125148

5. OLD/NEW BUSINESS

ADJOURN

NEXT MEETING: April 19, 2021 @ 2:00 pm

***Agendas and Special Meeting Notices**

You may sign up at the CSC website <http://www.seattle.gov/civil-service-commission> to receive regular and special meeting notices and agendas.

Request for public records can be made through the City Public Records Request Center: <http://www.seattle.gov/public-records>

- 1. APPROVAL OF MINUTES**
February 16, 2021



City of Seattle

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February 16, 2021

Civil Service Commission Special Meeting*

Approved: March 15, 2021

Call to Order: Commission Chair Amy Bonfrisco called the meeting to order at 3:04 pm. The meeting was held via WebEx per the Washington Governor's Proclamation No. 20-28.

In Attendance:

Commission Chair Amy S. Bonfrisco

Commissioner Angelique M. Davis

Commissioner Mary Wideman-Williams

Andrea Scheele, Executive Director

Teresa Chen, Assistant City Attorney

Teresa R. Jacobs, Executive Assistant

Commission Chair Bonfrisco opened the meeting with the Land Acknowledgement:

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.

PUBLIC COMMENT: No one signed up to speak.

1. APPROVAL OF MINUTES

- **January 11, 2021:** The Commission reviewed the minutes of the January 11, 2021 monthly meeting. Commissioner Davis moved to accept the minutes as written. Commissioner Wideman-Williams seconded the motion. The minutes were approved by acclamation and will be signed by the chair.

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Seattle Municipal Tower, 700 Fifth Avenue, Suite 1670 PO Box 94729 Seattle, WA 98124-4729

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2. EXECUTIVE DIRECTOR REPORT

- **Departmental Work Update: Smith Hearing:** Ms. Scheele reported that the March appeal hearing the commission was prepared to hear has been cancelled. **ADA Planning:** Ms. Scheele reported that staff will work on the best practices and procedures for coordinating accommodations requested by City employees. Staff will meet with City Title I & Title II representatives for guidance on the process. **PSCSC:** Ms. Scheele reported the Public Safety Civil Service Commission completed a four-day hearing in January. The panel will meet weekly to deliberate on a decision. **Staff Remote Work:** Staff continues to work from home and meets regularly with HR and IT.
- **Budget Update** Ms. Scheele reported the adopted budget was loaded. 28k will be requested of City Council to legislate as a carryover for the department. The 2022 schedule has been received and change requests will be due in March Ms. Scheele announced the commission has a new budget analyst, Arushi Kumar. Ms. Kumar will be invited to a future commission meeting.

3. CASE STATUS REPORT/APEALS UPDATE

The commission reviewed the current case status report.

- **Gina Kim v. Seattle Public Utilities, CSC No. 20-07-013:** Ms. Scheele reported Ms. Kim who is appealing the Executive Director's decision dismissing her appeal for lack of jurisdiction, will meet with staff for a Q&A on appeal process and procedures. The department has also been invited to the meeting.
- **Robert Smith v. Department of Finance and Administrative Services:** The appellant withdrew his appeal and the hearing in March has been cancelled. A Dismissal Order will be sent to the parties.

4. OLD/NEW BUSINESS: No Old/New Business.

ADJOURN: All other business before the Commission having been considered, Commission Chair Bonfrisco adjourned the meeting at approximately 3:31 pm

Respectfully Submitted By:

/s/ Teresa R. Jacobs 3/15/2021

/s/ Amy S. Bonfrisco 3/15/2021

Date:

Teresa R. Jacobs
Executive Assistant

Date:

Amy S. Bonfrisco
Commission Chair

*Request for public records, including audio recording of meetings can be made through the City Public Records Request Center <http://www.seattle.gov/public-records>

DRAFT

2. CASE STATUS REPORT/APPEALS/UPDATES: Gina Kim v. Seattle Public Utilities, CSC No. 20-07-013- Ms. Kim requested review of the Executive Director's dismissal of her appeal.

November 20, 2020
Kim Appeal

From: [Gina kim](#)
To: [Jacobs, Teresa](#)
Cc: [Scheele, Andrea](#)
Subject: Fw: Complaint/Appeals
Date: Thursday, November 19, 2020 11:57:00 PM

CAUTION: External Email

Hi Teresa,

I apologize for sending this late but I wanted to submit this within the 20 days allowed to appeal without having to request a disability accommodation for more time. Like before, I am having to submit this via email.

APPEAL

PERSONAL INFORMATION

Full Name, Address, Contact Number

Gina Kim

[REDACTED]

[REDACTED]

[REDACTED]

Position and Department

Utility Account Representative II

Employee Number

[REDACTED]

DISCIPLINE: Suspension; Discharge; Demotion; Political Patronage; City of Seattle

Personnel Ordinance or Rule(s) Violation: What Personnel rule, regulation, or provision, do you believe was violated

SPU Workplace Expectations for All

SPU Workplace Expectation for Managers, Supervisors and Directors

Contact Center Supervisor Expectations

SMC code 4.04.070 B. Employee Rights to timely resolution to grievances

SMC code 4.04.070. Fair and Equal treatment

City of Seattle Philosophies

Personnel rules 1.5 Training

Misconduct

Other Personnel related issue?

Related to retaliation and discrimination over protected activities and disabilities. No department wants to enforce state and federal laws/nor act with Integrity

Briefly state the reason for your appeal? Remedy sought?

It was recommended I be suspended for violating Workplace Expectations related to Respect, Productivity and Partnership. Not only was just cause not followed, no charge or evidence was ever provided that proved there were "problematic behaviors" that warranted a specialized, costly training designed specifically for high profile bullies. Rather than mandate normal Cornerstone Training that already had had a work place bullying training course, what I was subjected to is not available for all employees and therefore punitive. This is also a misuse of tax payers dollars. "Training" will not help with upward mobility. It is character sabotage to indicate I have behavior problems.

The City said I suffered no discipline but I suffered emotionally and physically for over a year; there is no consideration of the emotional toll employees endure when facing discipline. Before imposing discipline all rules must be followed and valid supporting evidence provided. The appointing authority should not be the one to decide on their own rulings. The Ethics board, the Union and/or Seattle Silence Breakers would ensure just and fair outcomes. Develop anti-bullying policies and training on bullying for everyone and immediate protection and resources for targets.

UNION

Union Name and Local Number

Protec17

Have you filed a grievance with your union or bargaining unit?

Union declined to file

Is this matter the subject of arbitration pursuant to a collective bargaining agreement?

Unknown

INTERDEPARTMENTAL GRIEVANCE PROCESS

Did you receive notification of your right to a timely resolution of this grievance from your Department? (SMC 4.04.070)

Yes

Have you filed a grievance on the issues that are identified in this appeal, through the intra-departmental grievance procedure? (Personnel Rule 1.3 and 1.4)

Yes

If you filed a grievance through the intra-department grievance process, what was the outcome?

The grievance was revised that training was not a disciplinary action

The decision letter shall not be placed in my personnel files

Conduct towards co-worker should not be characterized as bullying but to correct problematic behavior

Training file per Dr. Namie will be called positive interpersonal relations; not to correct bullying behaviors

ATTORNEY

Do you have any attorney or another person representing you for this appeal?

No

From: Gina kim [REDACTED]
Sent: Friday, April 10, 2020 4:01 PM
To: Jacobs, Teresa <Teresa.Jacobs@seattle.gov>
Cc: Scheele, Andrea <Andrea.Scheele@seattle.gov>
Subject: Re: Complaint

Hi Teresa,

Please see below. I have more examples and stories to share. I received a certified letter attached that contained no outcome. I had to contact my union rep to have Lee McGuire email that to me even though previously I had requested the final decision to be emailed. That will come in another email.

Thank you for looking into this!

Gina

From: Jacobs, Teresa <Teresa.Jacobs@seattle.gov>
Sent: Friday, April 10, 2020 2:45 PM
To: Gina kim [REDACTED]
Cc: Scheele, Andrea <Andrea.Scheele@seattle.gov>
Subject: RE: Complaint

Hi Gina,

Please fill out the form below, and if you can, send a copy of the letter you received from the department, that would be helpful. We will send you a letter via email acknowledging we received an appeal. Andrea Scheele, the Executive Director will review the information you submit for timeliness and jurisdiction and we will reach out to you regarding next steps.

Thank you.

Teresa R. Jacobs | Administrative Staff Assistant
City of Seattle, Civil Service Commissions | CSC & PSCSC
O: 206.386.1301 | E: Teresa.Jacobs@Seattle.gov
IO Mail: SMT-16-01

Commission Websites

<http://www.seattle.gov/civil-service-commission>

<http://www.seattle.gov/public-safety-civil-service-commission>

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From: Gina kim [REDACTED]
Sent: Friday, April 10, 2020 2:36 PM
To: Jacobs, Teresa <Teresa.Jacobs@seattle.gov>
Cc: Scheele, Andrea <Andrea.Scheele@seattle.gov>
Subject: Complaint

CAUTION: External Email

Hi Andrea and Teresa,

I am hoping to get assistance with filing a complaint. It had been recommended that I be suspended for insubordination, disrespect and combativeness. We had a Loudermill Hearing that resulted in my favor to which there was not enough evidence to accuse me of any of those things. However, it was required that I take a mandatory training on bullying, which basically labels me as a bully. I was never accused of being a bully nor did they provide me with any evidence of bullying behaviors. I will comply to the training but this action is demoralizing and destroys any trust I had with the City. But this problem does not only lie with me. It has impacted multiple co workers of mine. What I hope for most is call to the attention that there are multiple violations of policies, procedures, expectations and seattle municipal codes that management is not ever accountable for. We are being harmed

over and over again and it seems no one can help stop the pain.

The letter was drafted 3/4/20. The postmark date on the letter was 3/17/20 but I did not get it until well after that date.

Please let me know asap.

Sincerely,

Gina Kim

How can I make a formal complaint? Do I fill out the information for the form below?

APPEAL

PERSONAL INFORMATION

Full Name, Address, Contact Number

Gina Kim [REDACTED]

Ph# [REDACTED]

Position and Department

Utility Account Rep II

SPU Contact Center

Employee Number

[REDACTED]

DISCIPLINE: Suspension; Discharge; Demotion; Political Patronage; City of Seattle Personnel Ordinance or Rule(s) Violation: What Personnel rule, regulation, or

provision, do you believe was violated?

SPU Workplace Expectations for All

SPU Workplace Expectation for Managers, Supervisors and Directors

Contact Center Supervisor Expectations

Personnel rule 1.3 Section D and possible #15

SMC Code 4.04.230

City of Seattle Philosophies

Failure to Accommodate

To name a few...

Other Personnel related issue?

We try to exercise our rights and we are immediately silenced or disciplined for doing the very thing we are told that it was acceptable to do.

Why are we accountable for everything and management isn't accountable for anything?

Briefly state the reason for your appeal? Remedy sought?

To have someone ensure that rules are enforced and followed. Don't discipline unless you have strong evidence. That all evidence is taken into account and witness testimonies are taken seriously.

UNION

Union Name and Local Number

Protec17

Have you filed a grievance with your union or bargaining unit?

Training is not grievable

Is this matter the subject of arbitration pursuant to a collective bargaining agreement?

No

Did you receive notification of your right to a timely resolution of this grievance from your Department? (SMC 4.04.070)

Have you filed a grievance on the issues that are identified in this appeal, through the intra-departmental grievance procedure? (Personnel Rule 1.3 and 1.4)

No

If you filed a grievance through the intra-department grievance process, what was the outcome?

Not applicable

ATTORNEY

Do you have any attorney or another person representing you for this appeal?

Not at this time

A. Appellant

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

Mailing address:

[REDACTED]

email:

[REDACTED]

Cell:

[REDACTED]

Gina Kim
appellant name

Gina Kim
appellant signature 11/23/20



City of Seattle

CIVIL SERVICE COMMISSIONS

The Civil Service Commission

Commission Chair Amy S. Bonfrisco

Commissioner Angelique M. Davis

Commissioner Mary Wideman-Williams

Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Executive Assistant

December 17, 2020

Gina Kim



Via Email

Re: Gina Kim v. Seattle Public Utilities

CSC No. 20-07-013

Dear Ms. Kim:

On November 19, 2020, the Executive Director of Civil Service Commission (CSC) received your appeal via email and gathered additional documentation from you regarding your grievance through December 11, 2020.

Per CSC Rule of Practice and Procedure 5.03, Executive Director Scheele each of the allegations to determine:

- 1) whether the CSC has subject matter jurisdiction over the issue;
- 2) whether the Employee Grievance Procedure was exhausted as each issue; and
- finally,
- 3) whether the appeal was filed timely.

Upon reviewing your appeal, the documentations you provided, and applicable law and rules, I conclude that the CSC does not have jurisdiction over the subject matter of your appeal.

City of Seattle Civil Service Commissions

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A. Procedural history

After a human resources investigation found that you violated SPU Workplace Expectations, SPU HR recommended to SPU CEO/General Manager Mami Hara that you be suspended for one day. After a *Loudermill* hearing, SPU notified you that Ms. Hara had decided not to impose a suspension, and instead she assigned you to training. Unfortunately, the letter erroneously included information about the process for appealing a disciplinary decision, which an assignment to training is not.

You filed a grievance at Step 2, alleging that Seattle Public Utilities violated the following rules, policies, and philosophies:

- Personnel Rule 1.3.2 A, B, and D;
- Personnel Rule 1.3.3;
- Seattle Municipal Code 4.04.230 B and C;
- Seattle Municipal Code 4.04.180;
- SPU workplace expectations;
- City of Seattle Philosophies;
- National Labor Relations Board;
- Quality Assurance Program

SPU denied the Step 2 grievance.

You refiled the grievance at Step 3 with the Seattle Department of Human Resources (SDHR), alleging violations of the same rules, policies, and philosophies as at Step 2. SDHR's grievance report, dated October 2, 2020, explained that an assignment to training is not a disciplinary action as defined by the Seattle Municipal Code or the Personnel Rules, and that the other "alleged violations of workplace expectations, philosophies, National Labor Relations Board policies, and other policies are outside the scope of this grievance process."

You were notified by letter dated October 29, 2020 that SPU was denying the Step 3 grievance, "because an assignment to attend training is not disciplinary action under the Personnel Rules and/or the SMC, and because Personnel Rule 5.1 specifically permits the employer to assign employees to training at its discretion."

On November 19, 2020, the CSC received your appeal in which you alleged violations of:

- SPU Workplace Expectations for All
- SPU Workplace Expectation for Managers, Supervisors and Directors
- Contact Center Supervisor Expectations
- Personnel Rule 1.3 Section D and possibly #15
- SMC Code 4.04.230
- City of Seattle Philosophies
- Failure to Accommodate

B. Analysis

Does the Civil Service Commission have jurisdiction over the issues on appeal?

No, the CSC does not have subject matter jurisdiction over the issues in your appeal. The CSC is authorized by [SMC 4.04.260](#) to hear employees appeals in cases of "demotion, suspension, termination of employment, or violation of [SMC 4.04] or rules passed pursuant thereto, provided that the employee first exhausts the intradepartmental grievance remedies under section 4.04.240 and the Personnel Rules." The violations alleged in your appeal do not fall under any of those categories.

SPU did not suspend, demote, or demote you, and the assignment of training to an employee does not violate Chapter 4.04. Similarly, CSC has no authority to hear an appeal regarding alleged violations of SPU Workplace Expectations, (SPU) Contact Center Supervisor Expectations, City of Seattle Philosophies, or whether the City violated its obligation to reasonably accommodate a disabled employee.¹

As the CSC does not have jurisdiction over the subject matter of the appeal, I do not reach the issues of exhaustion and timeliness of the appeal.

It is therefore ORDERED that the appeal is **dismissed with prejudice.**²

Please contact me with any questions or concerns.

Thank you.



Andrea Scheele, Executive Director
Civil Service Commission

¹ You informed me that you are aware and in touch with the City of Seattle Human Resources Investigations Unit, which investigates disability discrimination allegations. If you need additional referrals, please contact me or CIV Executive Assistant, Teresa Jacobs.

² Civil Service Commission Rule of Practice and Procedure 5.03 APPEALS - INITIAL REVIEW-The Executive Director shall review all appeals to determine whether the employee has timely filed an appeal, whether the employee has exhausted the Employee Grievance Procedure, and if the appeal falls within the Commission's jurisdiction. If the Executive Director determines that an appeal is untimely, premature, or not within the Commission's jurisdiction, the Executive Director shall dismiss the appeal by a dismissal order stating the reasons for the dismissal. Decisions by the Executive Director may be appealed to the Commission within twenty calendar (20) days after the date of the order.

Cc: Mamie Hara, CEO, SPU

Robin Harris, Human Resources Director, SPU

Spruce Metzger, Employee & Labor Relations Manager,

Bobby Humes, Director, SDHR

BEFORE THE CIVIL SERVICE COMMISSION
OF THE CITY OF SEATTLE

Gina Kim

Appellant,

vs.

Seattle Public Utilities,
CITY OF SEATTLE

Respondent

DECLARATION OF SERVICE

CSC No. 20-07-013

I, Teresa R. Jacobs, Executive Assistant for the City of Seattle Civil Service Commissions, 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 the method of service listed below, a true and correct copy of the foregoing document:

Letter Re Jurisdiction

Party	Method of Service
Appellant: Gina Kim [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: Seattle Public Utilities Mamie Hara, CEO, SPU Mamie.Hara@seattle.gov Robin Harris, Human Resources Director, SPU Robin.Harris@seattle.gov Spruce Metzger, Employee & Labor Relations Manager, Spruce.Metzger@seattle.gov	<input checked="" type="checkbox"/> E-Mail
Cc: Bobby Humes, Director, SDHR Bobby.Humes@seattle.gov	<input checked="" type="checkbox"/> E-Mail

DATED December 18, 2020 at Seattle, Washington.

Teresa R. Jacobs

Teresa R. Jacobs
Executive Assistant
Civil Service Commissions

January 5, 2021
ED Letter to Kim/SPU Re: Timely
Appeal of Ms. Kim of 12/17/20
Dismissal



City of Seattle

CIVIL SERVICE COMMISSIONS

The Civil Service Commission

Commission Chair Amy S. Bonfrisco

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Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Executive Assistant

January 5, 2021

Gina Kim



Spruce Metzger

Spruce.metzger@seattle.gov

Via Email

**Re: Gina Kim v. Seattle Public Utilities
CSC No. 20-07-013**

Ms. Kim and Mr. Metzger,

By email yesterday (see attachment), Ms. Kim filed a **timely** appeal of my December 17, 2020 dismissal of her matter for lack of subject matter jurisdiction, CSC #20-07-013. CSC Rule 5.03 requires that an appeal of the Executive Director's decision be received within 20 calendar days.

Ms. Kim also indicated in her email that she may need a disability accommodation when the Commission reviews whether my decision was proper.

Without having information about the nature or extent of any limitation, see below for a description of the appeal review procedure of a jurisdictional decision by the Executive Director:

- Due to a governor's proclamation related to COVID-19, the CSC is holding all public meetings remotely, and attendance is via WebEx. Attendees are requested to participate via WebEx video, if possible.
- The appeal will be listed on the agenda of a regularly scheduled CSC meeting. The next meeting is scheduled for **Monday January 11, at 2 p.m.** Because of the short notice from the date of this

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letter to January 11, either party may request that the matter be heard at the CSC's February meeting, which has not yet been scheduled.

- **If either party would like to be placed on the February agenda instead of the January agenda, they shall indicate so by sending an email to the CSC and the other party. If we do not receive a request from either party requesting that the matter be heard in February by 5 p.m. on Thursday, January 7, the appeal will be heard and decided at the January 11, 2 p.m. meeting.**
- Prior to the meeting, Commissioners will have been provided a copy of the administrative record for the appeal. The appellant and respondent will also be provided a copy, and it will be posted to the CSC website, redacted as required by the Washington Public Disclosure Act.
- Each party will have an opportunity to explain to the commissioners why they agree or not with the dismissal, and whether it should be upheld or overturned.
- The parties' presentation will be limited to the issue that is on appeal. In this appeal, the sole issue is whether the CSC has subject matter jurisdiction to hear Ms. Kim's appeal of the appointing authority's decision.
- The Commissioners may ask questions to clarify their understanding of the facts.
- The Commissioners may exit the main meeting and enter an executive session, which is closed to parties and the public, to receive legal advice and deliberate.
- After the executive session is concluded, the commissioners will reenter the meeting and announce their decision.
- A written order describing the decision will follow.

Parties have the right to be represented by a person of their choosing at their own expense. Representation is not required.

Ms. Kim, if you believe that you need an accommodation to participate in the process described above, please contact me or Teresa Jacobs directly, and as soon as possible. Please describe the nature of the limitation, and any accommodation suggestions. Such communication would not be improper *ex parte* contact, as it is related to the administration of the proceeding, and not the merits of your case. If your request for accommodation is related to your work and not the meeting where the Civil Service Commission will hear your appeal on the jurisdictional decision, please contact SPU's HR workplace accommodation contact person.

Thank you.



Andrea Scheele (she/her/hers)
Executive Director, Civil Service Commissions

Attachment: Kim email, January 4, 2021

Cc: Mami Hara - SPU General Manager/CEO via Mary Cornelius - SPU Interim HR Direc

February 3, 2021

**ED email to Ms. Kim setting schedule to submit
reasons for requesting to amend appeal**

From: [Scheele, Andrea](#)
To: [Gina kim](#); [Cornelius, Mary](#); [Metzger, Spruce](#)
Cc: [Jacobs, Teresa](#)
Subject: Kim v. SPU- Appellant's request to amend appeal- Action requested- TIME SENSITIVE
Date: Wednesday, February 03, 2021 4:17:35 PM
Attachments: [image002.png](#)
[image003.png](#)
[12-17-20_Kim_Letter_Signed.pdf](#)
[Title Seeking 20 Day Appeal with Disability Accommodation.msg](#)

Parties:

Please do not email me or Ms. Jacobs directly on substantive matters without cc'ing the opposing party. *Ex parte* contact on substantive matters is not permitted. *Ex parte* contact is verbal or written contact with one of the parties to a dispute, without including the other party. It is generally improper for a presiding officer to communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process. All parties must be cc'd on communications on substantive matters, such as a request to amend an appeal.

Ms. Kim's request: In an email dated January 22, 2021, and in the email chain below on January 29, Ms. Kim requested to amend her appeal. The January 22 email was part of an interactive process discussion, so I am not including the entire email. The relevant portion is quoted below:

- Question: How do I change or amend my appeal? I explained in email how the appeal process went sideways for me because my intent and purpose was to have a grievance/appeal process because of violations to the personnel system. Because of the interference I detailed in an earlier email, my grievance didn't present the detail in the right way because I unintentionally reverted to "discipline," but it was discipline process violations I was grieving in the collective actions through this one process, which clearly didn't result in suspension or worse discipline.

Civil Service Rule of Practice and Procedure 5.21 states, "The Presiding Officer may allow an appeal to be amended within thirty (30) days after it has been filed for shown good cause. In deciding whether to allow such an amendment, the Presiding Officer shall consider whether the fair hearing opportunity of other parties is prejudiced by the amendment."

- **Ms. Kim, you have until 4 p.m., Friday, February 5,** to submit an explanation of the amendment you are requesting of your January 4, 2021 appeal of my December 17, 2020 dismissal, and you must the reasons the presiding officer should grant your request. I have attached the January 4 appeal, and a copy of my December 17, 2021 dismissal. If your intent is to amend your original appeal, filed in November 2020, your request is untimely, per Rule 5.21.
- **SPU will have until 4 p.m., Tuesday, February 9 to file its response by email to the request to amend, cc'ing all necessary parties.**
- **No additional extensions will be granted for the parties' written submissions.**

- The request to amend the January 4, 2021 appeal of my December 17, 2020 dismissal will be listed on the February 16, 2021 meeting agenda. There will be no oral argument on this issue so the parties are advised to clearly explain all of the reasons the presiding officer should rule in their favor in their responsive emails.
- Argument on the merits of the January 4, 2021 appeal will be moved to the March meeting agenda.

Andrea Scheele (she/her/hers)

Executive Director, Civil Service Commissions

City of Seattle | [Civil Service Commission](#) and [Public Safety Civil Service Commission](#)

Phone: 206-233-7118 | Cell: 206-437-5425 | Fax: 206-684-0755 | andrea.scheele@seattle.gov

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From: Jacobs, Teresa <Teresa.Jacobs@seattle.gov>

Sent: Wednesday, February 3, 2021 8:47 AM

To: Scheele, Andrea <Andrea.Scheele@seattle.gov>

Subject: FW: Amended Appeal

FYI



Teresa Jacobs

Executive Assistant, Civil Service Commissions

City of Seattle | [Civil Service Commission](#) and [Public Safety Civil Service Commission](#)

Phone: 206-605-9014 | teresa.jacobs@seattle.gov

[Please contact me via email or mobile to arrange mailing or delivery of \(hard copy\) documents.](#)

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From: Gina kim [REDACTED]

Sent: Wednesday, February 03, 2021 8:34 AM

To: Jacobs, Teresa <Teresa.Jacobs@seattle.gov>

Subject: Re: Amended Appeal

CAUTION: External Email

Hi Teresa,

Thank you for responding. If Civil Service Commission does not have a form to Amend the

February 10, 2021

ED Email to Ms. Kim re: Amending Appeal

From: [Gina kim](#)
To: [Scheele, Andrea](#); [Metzger, Spruce](#); [Cornelius, Mary](#)
Cc: [Jacobs, Teresa](#)
Subject: Re: Kim v. SPU- request to amend appeal
Date: Wednesday, February 10, 2021 2:23:12 PM
Attachments: [image001.png](#)

CAUTION: External Email

Thank you for your patience and understanding. Please note neither Ms. Waschke and Ms. Jones came as union representatives. They were only there for support. The union had no role in the grievance process.

Have a good day,

Gina

From: Scheele, Andrea <Andrea.Scheele@seattle.gov>
Sent: Wednesday, February 10, 2021 11:33 AM
To: Gina kim [REDACTED]; Metzger, Spruce <Spruce.Metzger@seattle.gov>; Cornelius, Mary <Mary.Cornelius@seattle.gov>
Cc: Jacobs, Teresa <Teresa.Jacobs@seattle.gov>
Subject: Kim v. SPU- request to amend appeal

Hello Ms. Kim and Mr. Metzger,

Thank you for taking the time to speak with us this morning about process and procedure. I hope that everyone has clarity, but you are always welcome to ask more questions by email.

Ms. Kim, if you opt to amend your request that the CSC reconsider my decision, please do so in writing by 5 p.m. in February 16. Mr. Metzger, if SPU has a response, please submit that by 5 pm on 2/18. Thank you for working with us to establish these dates and times.

Ms. Kim, I am not forwarding this to your shop steward and Ms. Jones, but you may do so if you like.

Please remember to include all parties on email submissions.

Thank you, and have a good day.



Andrea Scheele (she/her/hers)

Executive Director, Civil Service Commissions

City of Seattle | [Civil Service Commission](#) and [Public Safety Civil Service Commission](#)

Phone: 206-233-7118 | Cell: 206-437-5425 | Fax: 206-684-0755 |

andrea.scheele@seattle.gov

The City of Seattle is an equal employment opportunity employer. Accommodations for people with disabilities provided upon request.

February 16, 2021
Ms. Kim's timely response to February 3, 2021 ED
Email

From: Gina kim
To: [Scheele, Andrea](#); [Jacobs, Teresa](#); [Cornelius, Mary](#); [Metzger, Spruce](#)
Subject: TIME SENSITIVE***Reasons for Reconsideration and Amendment to Appeal
Date: Tuesday, February 16, 2021 9:06:21 AM

CAUTION: External Email

Hi Andrea,

First of all, I want to start off by saying thank you. I was really confused and unsure of what I was doing. I was intentionally misled and consistently interfered with from other departments whom I tried to seek assistance from. I acted in good faith and still did not have valid questions answered or serious allegations resolved. I was extremely concerned if I was following policies and procedures correctly. I appreciate that you put in the effort into making sure I understood policies revolving Civil Service. I have to admit that it has been difficult due to my disabilities so I hope you can continue with your patience.

I know the request to amend the appeal was a surprise but accommodations were necessary for additional time for the previous reasons stated. The entire discipline/grievance process was untimely and harmful; it began August 2019 and is still unresolved as of this day. It is a very painful process to have to constantly review and relive all these terrible things that have happened to me.

Despite the Q&A session, however, I still had a difficult time on how I should format an amended appeal; it would have been so much easier to have been given a form of some sort to fill out as a guide. I understand that I must prove "Why Andrea is wrong" first though. I did the best I could below to reason why you should reverse your decision on the dismissal to base it on the overall discipline process and whether or not the actions were fair.

To make it easier, I have included a timeline of the harm to help understand why it was important for me to continue with the Civil Service route as well as ensure those rules mentioned but not adequately addressed in the appeal. This is in part based on my understanding of what Civil Service Commission does:

- * Its primary duties is to hear appeals involving disciplinary actions and alleged violations of personnel rules and laws
- * It also reviews personnel rules, laws and policies to ensure that they are consistent with Civil Service laws and practices
- * The Commission can also issue remedial orders as appropriate
- * The Commission can submit recommendations to the Mayor and the City Council related to the City's Personnel Systems

After exhausting the Employee Grievance Procedure and remaining unsatisfied, I submitted a timely appeal. Your decision on the appeal was that it was not within the Commission's jurisdiction and initially notated as "dismissed with prejudice". You now say that it is "not with prejudice" so I dispute your analysis on whether the Civil Service Commission had jurisdiction. You initially determined:

The CSC is authorized by SMC 4.04.260 to hear employees appeals in cases of "demotion, suspension, termination of employment, or violation of [SMC 4.04] or rules passed pursuant thereto, provided that the employee first exhausts the intradepartmental grievance remedies under section 4.04.240 and the Personnel Rules."

The violations alleged in your appeal do not fall under any of those categories. SPU did not suspend, demote, or demote you, and the assignment of training to an employee does not violate Chapter 4.04. Similarly, CSC has no authority to hear an appeal regarding alleged violations of SPU Workplace Expectations, (SPU) Contact Center Supervisor Expectations, City of Seattle Philosophies, or whether the City violated its obligation to reasonably accommodate a disabled employee. As the CSC does not have jurisdiction over the subject matter of the appeal, I do

not reach the issues of exhaustion and timeliness of the appeal.

Aside from the violation of the City for failure to accommodate a disabled employee, my interpretation and reason for reconsideration of the dismissal and amending my appeal are based on Civil Service Rules and Practice, City policies and procedures and law:

- * Per Civil Service Commission of Rules and Practice, section V. Hearings and Appeals, 5.01 C states that any individual or department adversely affected by an alleged violation of Article XVI of the Charter of the City of Seattle, Personnel Ordinance or the administration of the personnel system may appeal such violation to the Commission;
- * Per SMC code 4.04.260 Appeals to Civil Service Commission, Section A states that a regular employee who is aggrieved thereby may appeal to the Civil Service Commission his/her demotion, suspension, termination of employment, OR violation of this chapter or rules passed pursuant thereto, provided that the employee first exhausts the intra-departmental grievance remedies under section 4.04.240 and the Personnel Rules.
- * Per Civil Service Commission of Rules and Practice, section 5.5 Referral states that if an issue of an appeal falls under the jurisdiction of the Commission and another City agency and can be clearly separated, the Commission shall process the portions of the matter that are within the Commission's jurisdiction;
- * Per Civil Service Commission of Rules and Practice, section 5.21 Amendment states that the Presiding Officer may allow an appeal to be amended within 30 days after it has been filed for shown good cause. In deciding whether to allow such an amendment, the Presiding Officer shall consider whether the fair hearing opportunity of other parties is prejudiced by the amendment;
- * Per the Charter of the City of Seattle Article XVI-Personnel System and Civil Service Section 1-Personnel System says "the ordinance shall establish uniform procedures for...but not limited to...training/career development, grievance procedures, discipline and other personnel matters (Res. 30894, 2006; Res. 2564, 1997);
- * Per the Charter of the City of Seattle Article XVI-Personnel System and Civil Service Section 2-Non Discrimination says the personnel system shall be administered in such a manner to assure equal opportunity and affirmative action, as shall be determined by ordinance (Res. 25624, 1997)
- * Per Civil Service Commission Code 4.04.250 Section K Duties state that you hear appeals involving the administration of the personnel system;

- * SMC Code 4.04.070 Rights of employees, Section B states that employees have the right to a timely resolution of their grievances, and appeals and Section D states that employees have the right to fair and equal treatment as provided in Ordinance 102562; as amended (Seattle Fair Employment Practice Ordinance);
- * Mayor's Executive Order 2018:04 Department regarding Accountability and Workplace Expectations;
- * IDT recommendations;
- * and RSJI Community agreements Seattle Office of Civil Rights.

If you need clarification or evidence to support the above, please let me know so that I can submit this as soon as possible. I want to understand if this what you are looking for when requesting a reconsideration. Please understand that I am like Mami Hara who is also wanting to strive for "a better day".

With respect,

Gina Kim

February 22, 2021
SPU's timely response to February 3, 2021 ED Email



Date: February 22, 2021

To: Andrea Scheele, Executive Director – Civil Service Commission

From: Spruce Metzger, Employee and Labor Relations Manager – Seattle Public Utilities

Re: Gina Kim v. Seattle Public Utilities – CSC No. 20-07-013

Dear Ms. Scheele,

Please consider this document as Seattle Public Utilities' (SPU) response to Ms. Kim's amended Appeal of February 16, 2021.

On November 19, 2020, Gina Kim filed an appeal to the Civil Service Commission (CSC) of a Step 3 response she received from Sarah Butler of SDHR to a Grievance she had appealed in accordance with Personnel Rule 1.4.

On December 17, 2020, CSC Executive Director, Andrea Scheele, issued a response denying Ms. Kim's Appeal.

In denying Ms. Kim's appeal, Ms. Scheele analyzed the following questions:

1. Whether CSC has the subject matter jurisdiction over the issue;
2. Whether the employee Grievance Procedure was exhausted; and
3. Whether the appeal was timely filed

Ms. Scheele found that the CSC did not have jurisdiction over the subject matter of the appeal.

Specifically, Ms. Scheele found that the CSC is authorized by SMC 4.04.260 to hear employee appeals in cases of "demotion, suspension and termination of employment, or violation of [SMC 4.04] or rules passed pursuant thereto, provided that the employee first exhausts the intradepartmental grievance remedies under section 4.04.240 and the personnel rules"

Ms. Scheele determined that the allegations alleged in Ms. Kim's appeal did not fall under any of those aforementioned categories.

SPU Agrees with that determination. SPU did not suspend, demote or terminate Ms. Kim. While Ms. Kim did receive a recommendation for a one (1) day suspension in 2019, the recommendation is only the initial part of the disciplinary process at SPU. Employees are entitled to a due-process Loudermill hearing with the appointing authority PRIOR to the implementation of discipline, so that they can provide the appointing authority with their perspective on the disciplinary proposal. Ms. Kim met with SPU GM Mami Hara and presented her case regarding why she should not be suspended. Ultimately, Ms. Hara agreed and decided that she would NOT follow the recommendation for discipline and instead of issuing a suspension assigned Ms. Kim to complete training. Under Personnel Rule 1.3.2, disciplinary actions in the Seattle of Seattle, in order of severity, are Verbal Warning, Written Reprimand, Suspension, Demotion and Termination. Training

is not discipline. Neither does assigning training to an employee raise an issue regarding whether the Personnel Rules have been violated. SPU therefore agrees with the CSC that assigning training to an employee does not raise an issue that falls within the jurisdiction of the CSC.

On February 16, 2021, Ms. Kim amended her appeal.

The new basis of Ms. Kim's appeal is as follows:

- *Per Civil Service Commission of Rules and Practice, section V. Hearings and Appeals, 5.01 C states that any individual or department **adversely affected by an alleged violation of Article XVI of the Charter of the City of Seattle, Personnel Ordinance or the administration of the personnel system may appeal such violation to the Commission;** [emphasis added by Ms. Kim.]*

Ms. Kim does not specify how she believes assigning training violates the City Charter, Ordinances or Personnel Rules. In fact, such an interpretation would be non-sensical because it implies that the City is unable to assign mandatory training to employees without violating the City Charter, ordinances or rules. The City's rules do not so constrain the City's role as an employer, and it is not uncommon for training to be mandated for City employees. Furthermore, training is not detrimental to employees: rather, it benefits employees by increasing their skill and knowledge. Accordingly, SPU does not see how Rule 5.01 C applies.

- *Per SMC code 4.04.260 Appeals to Civil Service Commission, Section A states that a regular employee who is aggrieved thereby may appeal to the Civil Service Commission his/her demotion, suspension, termination of employment, **OR** violation of this chapter or rules passed pursuant thereto, provided that the employee first exhausts the intra-departmental grievance remedies under section 4.04.240 and the Personnel Rules. [emphasis added by Ms. Kim.]*

Ms. Kim has failed to provide any specifics regarding how she believes SPU violated SMC Chapter 4.04 or the Personnel Rules.

- *Per Civil Service Commission of Rules and Practice, section 5.5 Referral states that if an issue of an appeal falls under the jurisdiction of the Commission and another City agency and can be clearly separated, the Commission shall process the portions of the matter that are within the Commission's jurisdiction; [emphasis added by Ms. Kim.]*

This is not a case where the issue, or part of the issue, falls within the jurisdiction of another agency. Rather, the CSC, in Ms. Scheele's December 17, 2020 letter, simply determined that it did not have jurisdiction over the subject matter of the appeal. As such, SPU does not see Section 5.5 as being applicable to this matter as there are no portions of this matter that are within CSC jurisdiction.

- *Per Civil Service Commission of Rules and Practice, section 5.21 Amendment states that the Presiding Officer may allow an appeal to be amended within 30 days after it has been filed for shown good cause. In deciding whether to allow such an amendment, the Presiding Officer shall consider whether the fair hearing opportunity of other parties is prejudiced by the amendment;*

SPU does not wish to contest the timeliness of Ms. Kim's amendment of her appeal.

- *Per the Charter of the City of Seattle Article XVI-Personnel System and Civil Service Section 1-Personnel System says "the ordinance shall establish uniform procedures for...but not limited to...**training/career development**, grievance procedures, **discipline and other personnel matters** (Res. 30894, 2006; Res. 2564, 1997); [emphasis added by Ms. Kim.]*

SPU contends that it does have uniform procedures for training/career development, discipline and other personnel matters. But whether or not there are uniform procedures for training/career development is not relevant in this matter.

- *Per the Charter of the City of Seattle Article XVI-Personnel System and Civil Service Section 2-Non Discrimination says the personnel system shall be administered in such a manner to assure equal opportunity and affirmative action, as shall be determined by ordinance (Res. 25624, 1997)*

SPU contends that its personnel systems are administered in such a manner that is non-discriminatory. To the extent that Ms. Kim is alleging discrimination in her employment, those allegations are not within the jurisdiction of the Civil Service Commission and should be referred to the Seattle Office of Civil Rights or to the City of Seattle's Human Resources Investigation Unit.

- *Per Civil Service Commission Code 4.04.250 Section K Duties state that **you hear appeals involving the administration of the personnel system**; [emphasis added by Ms. Kim.]*

SPU does not contest the CSC jurisdiction to hear appeals involving the administration of the personnel system. However, the facts in Ms. Kim's case do not present such an issue.

- ***SMC Code 4.04.070 Rights of employees, Section B states that employees have the right to a timely resolution of their grievances, and appeals and Section D states that employees have the right to fair and equal treatment as provided in Ordinance 102562; as amended (Seattle Fair Employment Practice Ordinance)**; [emphasis added by Ms. Kim.]*

While SPU acknowledges that the disciplinary process for Ms. Kim in 2019-2020 was lengthy, the outcome of that process was that the General Manager of SPU did NOT implement the recommended discipline. Significantly, SMC 4.04.070 references timeliness only with respect to grievances and appeals. Both the Grievance process under Rule 1.4 of the personnel rule and the CSC appeals process itself have moved in a timely fashion. There is therefore no violation of SMC 4.04.070.

- *Mayor's Executive Order 2018:04 Department regarding Accountability and Workplace Expectations;*
- *IDT recommendations;*
- *and RSJI Community agreements Seattle Office of Civil Rights*

Based on the information provided by Ms. Kim in her February 16, 2021 appeal with respect to these specific bullets, SPU cannot determine the nature of Ms. Kim's contention as to Executive Order 2018:04, IDT recommendations or RSJI Community Agreements. As such, SPU is unable to provide a substantive response. If clarification can be provided, SPU will formulate a response.

On the evening of Friday, February 19, 2021, Ms. Kim stated in an email that her appeal was also based on the following issues:

- *The Loudermill Hearing was not conducted according to the policy and purpose for the employee, which caused harm and violated public policy SMC.*
- *SPU and the Loudermill Hearing Body grievously abused timeliness requirements, which harmed me and violated public policy under SMC.*
- *The Loudermill Hearing Body fabricated content within its issued letter that was not in the allegations of the examined disciplined, nor in the hearing discussion. It also made innuendos that I should accept blame and apologize if my supervisors are not meeting employment needs. This supports the public policy violation of the purpose for Loudermill Hearings, and it also slandered my character and behavior in a written record. This also harmed me.*
- *Mami Hara then reversed the punishment the Loudermill Hearing Body had upheld, while also producing a document that falsely depicted my character and professionalism in a negative light. This action from Mami Hara was contrary to policy and was done to prohibit me from accessing the Civil Service Commission on the basis of discipline, by removing a one day suspension that the Loudermill Hearing Body Upheld. This also speaks to the previous claims and caused harm.*

SPU's responses are as follows:

- *The Loudermill Hearing was not conducted according to the policy and purpose for the employee, which caused harm and violated public policy SMC.*

It is SPU's position that Ms. Kim's appeal does not specify how the 2019 Loudermill hearing, which she requested after receiving a recommendation for a 1-day suspension, was not conducted according to policy and purpose. The Loudermill process provides an employee with due process prior to disciplinary action being issued. This due process has two parts: notice and an opportunity to be heard prior to discipline. Ms. Kim received both notice of the recommended discipline (the August 31, 2019 Recommendation Letter), and the opportunity to be heard (the Loudermill Hearing).

While Ms. Kim alleges that the Loudermill process was not followed and caused her harm, in fact, the Loudermill hearing worked out in Ms. Kim's favor. As the result of Ms. Kim's Loudermill hearing, SPU General Manager Mami Hara decided not to implement the 1-day suspension recommended by her Management. Had the suspension been implemented, Ms. Kim would have lost one day of pay and had the suspension memo go in her Personnel File permanently. Instead, Ms. Hara directed Ms. Kim to attend a training, which is not disciplinary, does not have result in any negative documents in her personnel file and did not cause Ms. Kim to lose any pay. As such, it is SPU's position that due process was not violated and the Loudermill hearing worked as it was intended, in this case to Ms. Kim's benefit. Further, while Ms. Kim alleges that her Loudermill hearing violated the SMC, she has not specified which particular provision of the SMC was violated or how it was violated. Without that information, SPU cannot respond to that allegation.

- *SPU and the Loudermill Hearing Body grievously abused timeliness requirements, which harmed me and violated public policy under SMC.*

SPU acknowledges that in 2019, it experienced delays in scheduling Loudermill hearings due to scheduling difficulties. Beginning in January 2020, SPU addressed the root cause of these scheduling issues to avoid these delays and delays in scheduling Loudermill Hearings is no longer an issue. However, as explained above, the delay between Ms. Kim being issued the recommendation for discipline and the Loudermill date did not ultimately impact the outcome for Ms. Kim. Her presentation at Loudermill was successful and she was not issued the recommended suspension, or any discipline at all. Accordingly, it is SPU's position that any delays in this process did not negatively impact Ms. Kim or violate any public policy.

- *The Loudermill Hearing Body fabricated content within its issued letter that was not in the allegations of the examined disciplined, nor in the hearing discussion. It also made innuendos that I should accept blame and apologize if my supervisors are not meeting employment needs. This supports the public policy violation of the purpose for Loudermill Hearings, and it also slandered my character and behavior in a written record. This also harmed me.*

Ms. Kim does not specify what the alleged "fabricated content" is, or what she means specifically, and SPU therefore cannot respond to that generalized allegation. SPU notes that the Loudermill hearing is not a proscribed process. Rather it is an opportunity for an employee to respond to the recommendation for discipline. As SPU's appointing authority who is responsible for holding Loudermill hearings, Ms. Hara typically asks questions to ensure she fully understands the employee's position. In decision letter issued to Ms. Kim on March 9, 2020, Ms. Hara did refer to Ms. Kim's behavior, as described in the August 31, 2019 recommendation letter, as "bullying". However, in following Sarah Butler's Step 3 response to Ms. Kim's Grievance, Ms. Hara revised the Decision letter to remove that term. As such, there is no record in Ms. Kim's Personnel File with such language.

- *Mami Hara then reversed the punishment the Loudermill Hearing Body had upheld, while also producing a document that falsely depicted my character and professionalism in a negative light. This action from Mami Hara was contrary to policy and was done to prohibit me from accessing the Civil Service Commission on the basis of discipline, by removing a one day suspension that the Loudermill Hearing Body Upheld. This also speaks to the previous claims and caused harm.*

As SPU's appointing authority, Ms. Hara is the person who holds Loudermill hearings and makes disciplinary decisions following those hearings. The decision letter issued by Ms. Hara on March 9, 2020 stated that she came to her decision not to impose a suspension after having considered the August 31, 2019 Recommendation Letter and all the related documents in the case file as well as having had the opportunity to discuss these allegations directly with Ms. Kim during the Loudermill Hearing.

Ms. Kim's assertion that Ms. Hara's decision letter included a false depiction of her character and professionalism is speculative and not based upon the facts. Ms. Hara's role as the Loudermill Officer is to determine, based on the information provided by management in the recommendation and by Ms. Kim at the Loudermill, whether to uphold and implement the recommendation, or do go another direction. In this case, based on her role as the Appointing Authority for SPU, she decided not to implement the recommended termination. That did not mean that she determined that Ms. Kim's conduct that led to the recommendation was appropriate or warranted, just that she did not uphold the recommended discipline.

Finally, Ms. Kim has presented no evidence suggesting that Ms. Hara's decision NOT to issue the recommended discipline to Ms. Kim was contrary to policy or was done to prohibit Ms. Kim from accessing the Civil Service Commission.

In conclusion, it is SPU's position that the decision by Ms. Hara NOT to implement the recommended discipline, was a positive result for Ms. Kim, not a harm-inducing one. With respect to Ms. Scheele's December 17, 2020 determination that the CSC lacked the jurisdiction to hear Ms. Kim's appeal, SPU agrees. The language in SMC 4.04.260 clearly limits the CSC's jurisdiction to appeals based on "demotion, suspension and termination of employment...." Ms. Kim did not receive any such discipline. Furthermore, there are no facts indicating a Personnel Rule violation that would trigger CSC jurisdiction. Ms. Kim also was able to avail herself of the grievance process outlined in Rule 1.4 of Personnel Rules prior to filing the present appeal.

3. CSC ADMINISTRATION

April 19, Commission Retreat Discussion

Financial Interest Statements

CITY OF SEATTLE
STATEMENT OF FINANCIAL INTERESTS – BOARDS AND COMMISSIONS

The Seattle Ethics Code requires certain employees and members of boards and commissions to complete a financial interest statement each year. You have been identified by your department as a board or commission member who must complete one. Please complete this form and return it, **no later than Thursday, April 15, 2021**, to your department's representative. If you don't know how to contact your department's representative, send your form to the Seattle Ethics & Elections Commission. **New: For help completing the form, you may request a "Frequently Asked Questions" handout from your department's representative, or call the SEEC at 206-684-8500.**

**PLEASE
PRINT**

BOARD or COMMISSION: _____

MEMBER NAME: _____

Definitions:

For the purposes of this form, "immediate family" means:

- a. a spouse or domestic partner, or
- b. a parent, parent of a spouse or domestic partner, child, child of spouse or domestic partner, sibling, uncle, aunt, cousin, niece or nephew, if that person either resides with or is a dependent on the Covered Individual's most recently filed federal income tax return.

For the purposes of completing this form, purchasing utilities is not a "transaction" or an "activity."

Please answer every question by checking the appropriate box. **If you answer yes to any question, you must complete the corresponding numbered item on page 2 of this form. Each question refers to the period from January 1, 2020, through December 31, 2020.**

1. In 2020 did you, or any member of your immediate family, including family members employed by the City, **receive compensation** worth \$2,500 or more from any person or entity that engaged in any transaction or activity with the City? ☐ **No** ☐ **Yes, please complete item 1 on page 2.**
2. In 2020, did you, or any member of your immediate family, have a **direct financial interest** worth \$1,500 or more in any person or entity that engaged in any transaction or activity with the City? ☐ **No** ☐ **Yes, please complete item 2 on page 2.**
3. In 2020, did you, or any member of your immediate family, serve as an officer, director or trustee of an entity that engaged in any transaction with the City? ☐ **No** ☐ **Yes, please complete item 3 on page 2.**

I certify under penalty of perjury under the laws of the State of Washington that the information provided on this page and on page 2 and on all attached sheets is true and correct and that I have made reasonable inquiry to determine the truth, accuracy, and completeness of my responses.

Signature: _____

Date: _____

Signed at _____, Washington
(City or other location must be filled in.)

EXPLANATIONS FOR “YES” RESPONSES ON PAGE 1: *(Use additional sheets if necessary. For assistance, see Frequently Asked Questions, available from your department representative, or call 206-684-8500.)*

1. Please provide the name and address of each person or entity from which you or an immediate family member **received compensation** valued at \$2,500 or more.

Name: _____

Address: _____

Please provide the name of each City agency involved in each of the above transactions or activities, if known:

2. Please provide the name and address of each entity in which you or an immediate family member had a direct financial interest valued at \$1,500 or more:

Name: _____

Address: _____

Please provide the name of each City agency involved in each of the above transactions or activities, if known:

3. Please indicate (i) the name of the person holding the position (you or an immediate family member); (ii) the title of the office, directorship or trusteeship held; (iii) the name and address of the entity.

Person holding the position: _____

Position held with entity: _____

Entity name: _____

Entity address: _____

Please provide the name of each City agency involved in the above transaction or activity, if known:

PLEASE RETURN TO YOUR DEPARTMENT REPRESENTATIVE

4. Executive Director Report

Departmental Work Update

Budget

CIV-BUDGET
MARCH 2021

TRANS_TYPE									
			Balance before					% Available	
EXPENSE_CATEGORY	PROJECT_DESCR	ACCOUNT_DESCR	Adopted Budget	Actuals	Encumbrances	Available Balance	% Spent	(After Encumbrances)	
Nonpersonnel Svcs	VCADMIN - Leadersh	531030 - Supplies-Office Supplies	2,700.00	46.15	2,653.85	2,653.85	1.7%	98.3%	
		549020 - Isf-Fas Alloc	108,285.00	27,071.13	81,213.87	81,213.87	25.0%	75.0%	
		541310 - Services-Legal Notices	500.00		500.00	500.00	0.0%	100.0%	
		541320 - Services-Court Reporters	500.00		500.00	500.00	0.0%	100.0%	
		541550 - Services-Parking	500.00		500.00	500.00	0.0%	100.0%	
		542900 - Rentals-Other	2,000.00	199.07	1,800.93	1,800.93	10.0%	90.0%	
		544050 - Reimburse-Meetin Refresh&Meals	200.00		200.00	200.00	0.0%	100.0%	
		545010 - Travel Costs-Out-Of-City	1,500.00		1,500.00	1,500.00	0.0%	100.0%	
		545030 - Travel Costs-Conf, Conv, Sem	1,533.00		1,533.00	1,533.00	0.0%	100.0%	
		546010 - Fees-Dues & Memberships	1,000.00		1,000.00	1,000.00	0.0%	100.0%	
		549070 - Isf-Itld Alloc	20,698.00	5,181.00	15,517.00	15,517.00	25.0%	75.0%	
		549080 - Isf-Itld Billed	353.00	236.49	116.51	116.51	67.0%	33.0%	
		549100 - SDHR Allocation	10,287.00		10,287.00	10,287.00	0.0%	100.0%	
		542020 - Rentals-Parking	600.00		600.00	600.00	0.0%	100.0%	
		541120 - Services-Technology		769.60	(769.60)	(769.60)			
		532020 - Equipment-Software Purchases	1,000.00		1,000.00	1,000.00	0.0%	100.0%	
		533900 - Inventory-Other		115.83	(115.83)	(115.83)			
		545040 - Travel Costs-In City	600.00		600.00	600.00	0.0%	100.0%	
		541280 - Services-Courier And Delivery	500.00		500.00	500.00	0.0%	100.0%	
		541380 - Services-Admin Charges	1,550.00		1,550.00	1,550.00	0.0%	100.0%	
		541140 - Services-Legal Services		35.00	(35.00)	(35.00)			
		VCCIVILSV - Civil Ser	541250 - Services-Recycling	50.00		50.00	50.00	0.0%	100.0%
			541260 - Services-Disposal Of Materials	50.00		50.00	50.00	0.0%	100.0%
Nonpersonnel Svcs Total			154,406.00	33,654.27	120,751.73	120,751.73	21.8%	78.2%	
Personnel Svcs	VCADMIN - Leadersh	510010 - Salaries & Wages	248,874.00		248,874.00	248,874.00	0.0%	100.0%	

		CIV-BUDGET MARCH 2021						
Personnel Svcs	VCADMIN - Leadersh	510020 - Holiday		2,813.28	(2,813.28)	(2,813.28)		
		520010 - Fica	19,409.00	223.83	19,185.17	19,185.17	1.2%	98.8%
		520020 - Medicare	4,857.00	52.35	4,804.65	4,804.65	1.1%	98.9%
		520070 - Insurance Prem-Health & Dental	12,876.00	9,060.00	3,816.00	3,816.00	70.4%	29.6%
		520090 - Insurance-Group Fund Life	263.00	2.64	260.36	260.36	1.0%	99.0%
		520100 - Insurance-Longterm Disability	50.00	0.42	49.58	49.58	0.8%	99.2%
		520300 - Pension-City Retirement Sys		607.05	(607.05)	(607.05)		
		520080 - Insurance-Wash St FML	379.00	5.49	373.51	373.51	1.4%	98.6%
		520110 - Insurance-Death Benefit Pay	24.00	3.15	20.85	20.85	13.1%	86.9%
		520320 - Employee Assistance Premium	48.00	44.88	3.12	3.12	93.5%	6.5%
		510030 - Sick Leave		341.74	(341.74)	(341.74)		
		520011 - Fica Fsa Dcap & Health		83.64	(83.64)	(83.64)		
		510240 - Executive Leave Used		592.00	(592.00)	(592.00)		
	VCCIVILSV - Civil Ser	510010 - Salaries & Wages		27,417.30	(27,417.30)	(27,417.30)		
		510070 - Part Time-Salaries & Wages	34,057.00	6,600.00	27,457.00	27,457.00	19.4%	80.6%
		520010 - Fica		2,076.54	(2,076.54)	(2,076.54)		
		520020 - Medicare		485.65	(485.65)	(485.65)		
		520090 - Insurance-Group Fund Life		19.96	(19.96)	(19.96)		
		520100 - Insurance-Longterm Disability		3.38	(3.38)	(3.38)		
		520300 - Pension-City Retirement Sys	46,322.00	4,500.87	41,821.13	41,821.13	9.7%	90.3%
		520080 - Insurance-Wash St FML		50.34	(50.34)	(50.34)		
		510110 - Salaries & Wages-Temp/Intermit	1,166.00		1,166.00	1,166.00	0.0%	100.0%
		520110 - Insurance-Death Benefit Pay		20.85	(20.85)	(20.85)		
		510040 - Vacation		365.92	(365.92)	(365.92)		
Personnel Svcs Total		368,325.00	55,371.28	312,953.72	312,953.72	15.0%	85.0%	
		522,731.00	89,025.55	433,705.45	433,705.45	17.0%	83.0%	
		522,731.00	89,025.55	433,705.45	433,705.45	17.0%	83.0%	

The March budget spreadsheet will be available on or before the meeting

SDHR-Rules Revisions for Ordinance Nos. 126010 and 125148



City of Seattle

Seattle Department of Human Resources

Bobby Humes, Director

Date: March 2, 2021

To: Human Resources Leadership Team
Seattle Payroll and Human Resources User Group

From: Sarah Butler, Policy and Legislation Advisor

Subject: Rules Revisions for Ordinance Nos. 126010 and 125148

HRLT and SPHRUG,

In January of 2020, Labor Relations staff and I provided some guidance on changes to certain working conditions, to implement the Coalition settlement and any similarly extended conditions for non-represented employees. What follows are revisions to the City's Personnel Rules to memorialize those items, consistent with Ordinance 126010 and 125148. Unions have been notified of the revisions, which will be filed with the City Clerk and become effective on March 15. With the exception of the discipline sunset clause, these should not be a departure from current practice, and there are also some additional administrative details in the revisions to note.

Revisions to Rules to incorporate the \$200/month language premium for non-represented employees, also authorized by Ordinance 126010, are still pending. Feel free to email or reach out to me at 684-7929 if you have additional questions about these Rules revisions.

1) Discipline "sunset" clause for verbal warnings and written reprimands

Personnel Rule 1.3.2 A has been revised to incorporate the same language bargained with the Coalition of City Unions to also apply to non-represented, civil service covered employees. This provides that a verbal warning or written reprimand may not be used for progressive discipline after two years, other than to show notice of any Rule or policy at issue. Such practice shall not apply if the employee was disciplined in the intervening period, or for all progressive discipline related to harassment, discrimination, retaliation or workplace violence. Departments may retain documentation of a verbal warning or written reprimand in personnel files for the purpose of showing notice of a rule or policy for those disciplinary actions subject to the "sunset clause". *Note that this is a new change by Personnel Rule that was not legislated and will become effective on March 15 when these Rules are filed with the City Clerk.*

2) Meal Allowance

Personnel Rule 3.6.6 B has been revised to reflect the increase of meal allowance for non-represented employees from \$5 to \$20 per occurrence. Personnel Rule 11.15 I has also been revised to reflect extension of this benefit to temporary employees, regardless of assignment type.

3) Elimination of the vacation waiting period

Personnel Rules 6.2.9 B, 7.5.3 B and 11.16 C have all been updated to reflect the elimination of the vacation waiting period for City employees. Employees may use vacation once they accrue it, regardless of their tenure with the City.

4) Bereavement Leave

Personnel Rule 7.8 and 11 have been updated to reflect the following legislated changes to the leave program. Note that we now refer to this leave as “bereavement leave,” and this change in terminology will be updated to “bereavement leave” elsewhere in the Rules.

- Bereavement leave for close relatives increases to five days, regardless of distance travelled.
- “Close relative” now includes legal guardian, ward, or any person over who the employee or spouse/domestic partner has legal custody.
- Employees may continue to charge up to five days sick leave for the death of a qualifying relative other than a close relative.
- Terms for eligible family members have been updated to be gender neutral.

To address other administrative consideration of this leave, which has expanded considerably from one – two days (depending on distance travelled) to five days, additional language has been added clarifying

- The definition and non-exhaustive examples of how an employee might use bereavement leave
- Rate of pay for funeral leave (this is the same as though the employee had taken sick leave; assigned out-of-class rates of pay would apply)
- Ability to take the leave intermittently
- Expiration of leave after one year of the qualifying family member’s death

5) Notice and Pay for Scheduling Changes.

Personnel Rule 9.4 has been created to memorialize the requirement to notify hourly employees of scheduling changes. The City shall be required to pay additional compensation to employees if such notice is not met. This requirement does not apply to salaried employees or temporary workers.

- Definitions:
 - “Days off” means an employee’s assigned non-working days,
 - “Workday” means an employee’s assigned day(s) of work,
 - “Work schedule” means an employee’s assigned workdays, work shift, and days off, and “Work shift” means an employee’s assigned hours of work in a workday.
- At least 14 calendar days’ advance notification shall be afforded affected employees when work schedule changes lasting longer than 30 calendar days are required by the City. The notification may be waived by mutual agreement of the employee and the designated management representative.
- At least 48 hours’ advance notification shall be afforded affected employees when work schedule or work shift changes lasting fewer than 30 calendar days are required by the City. In

instances where 48 hours' advance notification is not provided to an employee, the employee shall be compensated at the overtime rate of pay for the first work shift worked under the new schedule.

6) Definition of Term-limited assignment

Personnel Rule 11.2.5 and 11.11 A are revised to allow for a term-limited assignment to include the replacement of a regularly appointed employee who is assigned to special time-limited project work.

This definition expansion was originally authorized by City Council in 2016 Ordinance No. 125148, but the change was not incorporated into the Rules because it only applied to a limited group of employees. Now that the definition has been widely adopted by City unions, the Rules are being revised to incorporate the change.

5. OLD/NEW BUSINESS