

**CITY OF SEATTLE CIVIL SERVICE COMMISSION  
CASE STATUS REPORT  
2<sup>nd</sup> Quarter 2009**

**BEFORE THE CIVIL SERVICE COMMISSION:**

CASE #	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
09-07-005	Light	5-20-09		Whether department followed procedures regarding Progressive Discipline	<i>Appellant alleges the department did not follow procedure for Progressive Discipline. 1<sup>st</sup> Prehearing Scheduled for June 22, 2009.</i>	<b>Chris Mathews</b>
09-01-004	Light	2-12-09		Whether due process rights were observed in the administration of the disciplinary process.	<i>Appellant alleges resignation was coerced and department did not provide appellant option to revert to position prior to lateral transfer. 1st prehearing took place on March 24, 2009. Oral Arguments* took place on May 20, 2009. Decision on Jurisdiction Pending.</i>	<b>Diane Hess Taylor</b>
09-03-006	DoIT	05-22-09	Classification 2.1; 2.2; 2.3 Compensation 3.1; 3.4; 3.12	Whether reclassification process/reconsideration was properly followed.	<i>Appellant alleges the reclassification/reconsideration process was not followed for job title and alignment with duties and assignments appellant is currently performing.</i>	<b>Pending Assignment</b>

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**DELEGATED TO THE OFFICE OF THE HEARING EXAMINER**

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THERE ARE CURRENTLY NO APPEALS DELEGATED TO THE OFFICE OF THE HEARING EXAMINER

**CLOSED APPEALS**

CASE #	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
09-01-001	Light	1-7-09	Workplace Expectations 1.3; 1.5	Whether suspension was justifiable	<i>Appellant alleges suspension was not for justifiable cause. 1<sup>st</sup> prehearing took place on February 11, 2009. Hearing scheduled for April 27-30, 2009. Appellant withdrew appeal after department reversed discipline to written reprimand and restored appellant's eligibility for City Light promotions or any discretionary out-of-class opportunities. <a href="#">Order of Dismissal issued April 14, 2009.</a> <b>Appeal Closed.</b></i>	<b>Christopher Mathews</b>
09-01-003	Library	2-9-09		Whether discharge was justifiable.	<i>Appellant alleges discharge without formal evaluation of work. Commission to review jurisdictional issues at its February 18, 2009 meeting. The Commission reviewed at its February 18, 2009 meeting, and ruled in favor of the language per the Seattle Municipal Code, section 4.13.020 that Seattle Public Library employee positions are exempt from Civil Service. <a href="#">Order of Dismissal Issued February 18, 2009.</a> <b>Appeal Closed.</b></i>	<b>Commission</b>

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08-02-002	Light  <b>Branda Andrade, Empl. Rel. Mgr.</b>	10-1-08		Whether discharge was for justifiable cause	<p><i>Appellant alleges his discharge was without warning or opportunity to correct action. 1<sup>st</sup> Per-hearing conference took place on October 22, 2008. Hearing and Discovery schedules set. 2<sup>nd</sup> Per-hearing (if necessary) is scheduled for November 10, 2008. 3<sup>rd</sup> Per-hearing (if necessary) is scheduled for November 20, 2008. Hearing is scheduled for December 2 &amp; 3, 2008. A 2<sup>nd</sup> pre hearing took place on November 10, 2008. The hearing officer ruled on appellant's request for extension to submit witness and exhibit lists. The hearing officer granted the request. The hearing officer also reviewed the respondents Motion in Limine. The hearing officer will rule on the motion on November 14, 2008. <b>Commissioner has recused himself from discussion or action regarding this appeal.</b> The hearing took place on December 2, 3, &amp; 4. Parties submitted Post Hearing Memorandums. Hearing Officer issued Findings of Fact, Conclusions of Law and Decision on January 28, 2009. A Petition for review was not filed. <u>The Commission affirmed the decision of the hearing officer at its February 18, 2009 meeting. Order of Dismissal Issued February 23, 2009.</u> <b>Appeal Closed.</b></i></p>	<b>Chris Mathews</b>

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08-01-004	Parks	11-8-08		Whether suspension was for justifiable cause	<i>Appellant alleges the Fact Finding process was “hurried and flawed” and not reviewed for accuracy by her supervisor, delivered to the Deputy Superintendent without thorough knowledge of the project or its needs. Omission of corrections to errors in the Fact Finding did not appear in the final record nor acknowledged. Appellant alleges she was not a “significant contributing factor” to the project being behind schedule. 1<sup>st</sup> pre hearing was held on December 9, 2008. Hearing Officer directed parties to discuss and possibly schedule Alternative Dispute Resolution (ADR). A CSC hearing is scheduled for February 24 &amp; 25, 2009. December 12, 2008. Received Withdrawal of Counsel and Substitution of Representative. Appellant withdrew appeal. <b>Order of Dismissal issued January 29, 2009. Appeal Closed.</b></i>	<b>Diane Hess Taylor</b>
09-01-002	Police	1-5-09		Whether resignation was justified	<i>Appellant alleges he was coerced into resigning. At the request of the appellant, the Commission reviewed appeal at its January 21, 2009 meeting. The Commission unanimously agreed that the appeal was non timely filed and the Commission does not have jurisdiction over this appeal. <b>Order of Dismissal issued January 21, 2009. Appeal Closed.</b></i>	<b>Commission</b>

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07-01-004	SEA Center	2-7-07	Pers. Rule 1.3.3 (B) Order of Severity of Disciplinary Action and 1.3.4 (B) Major Disciplinary Offenses	Whether discharge was for justifiable cause.	<p><i>Appellant alleges altercation between himself and student of the Center High School was an issue of self-defense.</i> 1<sup>st</sup> Pre-Hearing scheduled for April 4, 2007. Hearing scheduled for June 18-21. Closing Briefs due on July 9, 2007. Decision pending. Decision on Hearing issued by Hearing Officer on July 27, 2007. Pending Commission review at its September 19, 2007 meeting. August 27, 2007 CSC issued an Order for Remedy to parties. <b>Commission affirmed decision of hearing officer at its September 19, 2007 meeting. The Commission issued a Response to Motion and Order on Remedy September 19, 2007. Appeal in “pending” status until appellant exhausts excess vacation hours carried over to December 31, 2008, or any vacation hours appellant accrued between February 2, 2007 and September 4, 2007, and any other excess vacation hours accrued from September 5, 2007, to December 31, 2007. Commission will issue a dismissal order after 12/31/08. January 2009, Parties submitted statements of compliance regarding appellant’s excess vacation hours. Dismissal order issued January 13, 2009. Appeal dismissed.</b></p>	<b>Diane Hess Taylor</b>

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**PENDING BEFORE A COURT OF LAW:**

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY
97-01-006	Seattle Center	3/10//97		Suspended without cause. Claims Last Chance Agreement signed under duress. Discharge without just cause.	Hearing Examiner issued decision on 9/9/97 upholding timeliness on one part of Appellant's motion, but not on another. Court of Appeals remanded case to CSC for review. (CSC believes it does not have jurisdiction over appellant.) Case remains inactive, as Appellant has not pursued since mandate issued by Court of Appeals. Followed up with Law Department 3/4/05 re status of case. <b>Case is still pending.</b>
97-01-016	Parks	8/5/97		Lay-off in violation of Pers Rules	<i>Appellant was Intermittent and appeal was not timely filed</i> Superior Court issued order 2/29/00 reversing CSC. Decision entered 8/17/01, reversed and remanded to trial court to consider appellant's petition. Remains in the discovery phase, no trial date set yet. Followed up with Law Department 3/4/05 re status of case. Case is still pending. <b>Court stayed case pending outcome of "Glaser" case.</b>