



City of Seattle

CIVIL SERVICE COMMISSIONS

Civil Service Commission
Commission Chair Mary Wideman-Williams
Commissioner Evan Chinn

Staff
Andrea Scheele, Executive Director
Teresa Jacobs, Executive Assistant

CIVIL SERVICE COMMISSION MEETING AGENDA

The agenda is subject to change to address immediate Commission concerns.

DATE: Monday, April 18, 2022

TIME: 2:00 p.m.

LOCATION: WebEx

Join from the meeting link

<https://seattle.webex.com/seattle/j.php?MTID=m07291ea1bd8e2a2ce3875ed6d4448920>

Join by meeting number

Meeting number (access code): **2495 241 3066** Meeting password: **CPqtPuGd823**

Tap to join from a mobile device (attendees only)

+1-206-207-1700,,24952413066## United States Toll (Seattle)

+1-408-418-9388,,24952413066## 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 24952413066@seattle.webex.com

You can also dial **173.243.2.68** and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial 24952413066.seattle@lync.webex.com

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

**CIVIL SERVICE COMMISSION
MEETING AGENDA
April 18, 2022 @ 2:00 p.m.**

AUDIO/VIDEO TECH CHECK

CHAIR (CSC 2.05)

1. CALL TO ORDER
2. LAND ACKNOWLEDGEMENT
3. INTRODUCTIONS
4. PUBLIC COMMENT

ACTION/DISCUSSION ITEMS

5. WELCOME COMMISSIONER EVAN CHINN
6. APPROVAL OF MEETING MINUTES
 - February 14, 2022-CSC Monthly Meeting
7. Commission Meeting Dates May-December
 - Note: Juneteenth holiday/CSC meeting date conflict
8. CASE STATUS REPORT and APPEALS
 - *New Appeal*- Griffith v. SPU-CSC No. 22-01-013
 - *New Appeal*-Garza v. SDOT-CSC No. 22-01-015
9. OPMA and Proclamation 20-28- UPDATE ON REMOTE IN-PERSON PARTICIPATION
10. UPDATE- PERSONNEL RULE PREAMBLE, 1.1, 1.4, AND 11) RELATING TO ANTI-HARASSMENT ANTI-DISCRIMINATION (AHAD)

STANDING ITEMS

11. EXECUTIVE DIRECTOR REPORT
 - Departmental Work and Budget Update
 - Update on CSC Special Election for Employee-Elected Member
12. EXECUTIVE SESSION (May be cancelled if not needed)
13. OLD/NEW BUSINESS
14. ADJOURN

NEXT CSC MEETING: TBD
END OF AGENDA

CHAIR (CSC 2.05)

1. CALL TO ORDER
2. LAND ACKNOWLEDGEMENT
3. INTRODUCTIONS
4. PUBLIC COMMENT

5. WELCOME COMMISSIONER EVAN CHINN

Mr. Chinn is an attorney, Human Resources Director for the City of Lynwood, and former Administration Division Director for the City of Seattle's Department of Construction & Inspections. He graduated from the University of Washington School of law in 2003, worked as a judicial clerk for the Washington State Court of Appeals, Div. I, and then as a field attorney for the NLRB. Following several years on private law practice, Mr. Chinn joined the City of Seattle, Department of Transportation as a Labor Relations Coordinator, and was promoted to HR Director. Mr. Chinn served on Seattle's taskforce for systemic improvements to the employee experience for 11,000+ staff, especially for persons of color. As Human Resources Director for the City of Lynwood, Mr. Chinn developed Lynwood's first Equity Action Plan and was instrumental in getting the City's first Race and Social Justice Coordinator position. As a long-time public servant, trained mediator, labor and employment attorney, former Seattle employee and current executive of a large, local municipality, Mr. Chinn is uniquely equipped to serve the employees and residents of the City of Seattle as an appointed member of the Seattle Civil Service Commission.

6. APPROVAL OF MEETING MINUTES

- February 14, 2022-CSC Monthly Meeting



CIVIL SERVICE COMMISSIONS

The Civil Service Commission

Commission Chair Mary Wideman-Williams

Commissioner Amy S. Bonfrisco

Commissioner Angelique M. Davis

Staff

Andrea Scheele, Executive Director

Teresa R. Jacobs, Executive Assistant

February 14, 2022
Civil Service Commission Monthly Meeting
Approved: April 18, 2022

1. CALL TO ORDER:

Commission Chair Mary Wideman-Williams called the meeting to order at 2:02 pm. The meeting was held via WebEx per the Washington Governor's Proclamation No. 20-28.

2. LAND ACKNOWLEDGEMENT:

Commission Chair Wideman-Williams opened the meeting with the Land Acknowledgment-*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.*

3. INTRODUCTIONS (In Attendance)

Commission: Commission Chair Mary Wideman-Williams, Commissioner Angelique Davis, Commissioner Amy Bonfrisco

Staff & Counsel: Andrea Scheele, Executive Director; Teresa Chen, Assistant City Attorney, Mele Hefa, Administrative Assistant (Temporary)

Guest: Evan Chinn, candidate for Civil Service Commission's Council appointment.

4. PUBLIC COMMENT: There were no request to give public comment.

5. APPROVAL OF MINUTES

- **January 17, 2022:** The commission reviewed the minutes of January 17, 2022. Commissioner Bonfrisco moved to accept the minutes as written. Commissioner Davis seconded the motion. The minutes were approved by acclamation and will be signed by the chair.

6. CASE STATUS REPORT

LaBelle v. Parks-CSC No. 21-01-041-Update: Executive Director Andrea Scheele updated the commission on the status of the appeal of a disciplinary appeal filed by an employee of Parks who was terminated. A first prehearing was held. The department filed a motion to dismiss. Mr. LaBelle had an opportunity to respond and did not. Director Scheele reviewed the motion and documentary evidence submitted therewith and found that Mr. LaBelle's union had grieved his separation under the collective bargaining agreement, instead of Mr. LaBelle grieving it through the Personnel Rules' employee grievance process. Ms. Scheele granted the City's motion, dismissed the appeal, notified parties of the dismissal.

7. EXECUTIVE DIRECTOR REPORT

Departmental Work and Budget Update: Ms. Scheele provided an update to the commission on staff projects. **PSCSC/Fire:** Ms. Scheele reported that due to SFD's urgent staffing needs, there will be an emergency entry level Firefighter civil service exam in 2022r. Unless other plans are made, this will push back the next entry-level exam cycle by a year. **Commissioner Council**

Nomination/Appointment: Ms. Scheele introduced Evan Chinn who is the candidate for the council appointment to the CSC. Ms. Scheele will submit materials to Council President Juarez who is also Chair of the Governance, Native Communities & Tribal Governments Committee. Council President Juarez will advance the nomination of Mr. Chinn at the March 17 committee meeting. The full City Council will vote on March 21st on the appointment. Ms. Scheele congratulated Commissioner Bonfrisco on her new position as investigator for the Human Resources Investigation Unit. Commissioner Bonfrisco's new position is not in the civil service, so she will conclude her CSC service. With two current commissioners outgoing, the commission will not have a quorum and will cancel its March meeting. **Budget:** Ms. Scheele notified the commission she is working with the departments budget analyst to carry over funds that were allocated to the commission in 2021.

8. EXECUTIVE SESSION (MAY BE CANCELLED IF NOT NEEDED): There was no Executive Session.

9. OLD/NEW BUSINESS

UPDATE ON CSC SPECIAL ELECTION FOR EMPLOYEE-ELECTED MEMBER AND ANTICIPATED NOMINATION/APPOINTMENT OF CITY COUNCIL APPOINTEE- Ms. Scheele and staff are working with the City Clerk's office to conduct a special election the third week of April for the employee elected commissioner position that will be vacated by Commissioner Bonfrisco. The special election requires a resolution that will go before the City Council for a vote on February 15. Staff is working on notices to city employees who are eligible to run for the position and vote in the election, via postcard, web postings, and information sessions. She hopes that a new commissioner will be on the commission in June.

10. RESOLUTION OF THE CIVIL SERVICE COMMISSION, HONORING COMMISSIONER ANGELIQUE M. DAVIS:

The commission and staff honored the service of Commissioner Davis for her three terms on the CSC. A resolution was read into the record.

11. RESOLUTION OF THE CIVIL SERVICE COMMISSION, HONORING COMMISSIONER AMY BONFRISCO:

The commission and staff honored the service of Employee Elected Commissioner Bonfrisco for her term on the CSC. A resolution was read into the record.

12. ADJOURN:

All other business before the Commission having been considered, Commission Chair Wideman-Williams adjourned the meeting at approximately 2:49 pm

Respectfully submitted on April 18, 2022, for the CSC:

Teresa R. Jacobs Executive Assistant

Approved April 18, 2022

Mary Wideman-Williams, 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>

7. Commission Meeting Dates May-December

- Note: Juneteenth holiday/CSC meeting date conflict

2022 Calendar

January						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

8. CASE STATUS REPORT and APPEALS

- *New Appeal-* Griffith v. SPU-CSC No. 22-01-013
- *New Appeal-*Garza v. SDOT-CSC No. 22-01-015

FILED/OPEN:

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	STATUS	PRESIDING OFFICER
22-01-013	Griffith	SPU	3-28-2022	5.01B	Discharge	Commission will review at its April 18 meeting	TBD
22-01-015	Garza	SDOT	1-13-2022	P.R. 1.4, 1.5, 2.1, 2.2, 2.3, 3.2, 3.3, 3.5, 4.1, 4.3, 11; SMC 4.04.260(A) & PR 5.8.100 Abuse of Employee Evaluation Procedures, retaliation for concerted and protected employment activity	Performance	TBD	TBD

DISMISSED/CLOSED:

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	DATE DISMISSED	PRESIDING OFFICER
21-01-041	LaBelle	Parks	10-15-2021		Discharge	1 st Prehearing held December 10, 2021 Respondent filed a Motion to Dismiss. ED sent an Order Granting Motion Dismiss-1-28-2022	CSC



City of Seattle

CIVIL SERVICE COMMISSIONS

Civil Service Commission

Commission Chair Mary Wideman-Williams
Commissioner Evan Chinn

Staff

Andrea Scheele, Executive Director
Teresa R. Jacobs, Executive Assistant

April 12, 2022

Delivery by email only

Thomas Griffith
c/o Anne E. Silver & Joyce L. Thomas, Attorneys at Law
Frank Freed Subit & Thomas
705 Second Avenue, Suite 1200
Seattle, WA 98104-1798
jthomas@frankfreed.com
asilver@frankfreed.com

Seattle Public Utilities
Andrew Lee, (Interim) General Manager & CEO, Seattle Public Utilities
Andrew.Lee@seattle.gov
Mary Cornelius, Director of Human Resources, SPU
Mary.Cornelius@seattle.gov

**Re: Thomas Griffith v. Seattle Public Utilities (SPU)
CSC No. 22-01-013**

Dear Parties,

The Civil Service Commission (CSC) acknowledges receipt of Mr. Griffith's disciplinary appeal, filed March 28, 2022. A copy of the appeal is attached to this letter.

Based on my review of the appeal and associated documents, it appears that:

- Mr. Griffith exhausted the Employee Grievance Process as required by the City's Personnel Rule 1.4.
- Mr. Griffith's appeal was filed timely, on the twentieth day after the Step 3 grievance notification.
- The subject matter of the appeal, a disciplinary decision that resulted in termination of a civil service employee, is within the jurisdiction of the CSC.

On Monday **April 18, at 2 pm**, at the CSC's regular meeting, the commission will review Mr. Griffith's appeal and decide how the matter will proceed to hearing. The parties are

invited to attend and participate in next Monday's meeting. The sole issue in this case will be the potential conflict of interest, and how and by whom the appeal will be heard.

This letter is also to put the parties on notice that Commissioner Mary Wideman-Williams has identified a potential conflict of interest she has in this matter, related to her relationship with the appellant as former work colleagues and friends.

When appropriate, the CSC may delegate a matter to a "Presiding Officer" (CSC Hearing Officer or Seattle Office of Hearing Examiner), to conduct the hearing and provide recommendations to a CSC Reviewing Officer/commissioner on final decisions. Having retained jurisdiction, a commissioner reviews the record and makes final decisions based on the Presiding Officer's recommendations. The CSC may affirm, modify, or remand a decision of a Presiding Officer. See [Civil Service Commission Rules of Practice and Procedure, Rule 5](#) for more on this process. Parties will have the opportunity to ask questions at the meeting on Monday.

Please contact me directly if you have questions or concerns, or not able to attend Monday's meeting. I have attached a draft agenda, which includes WebEx attendance details. Meetings are being conducted remotely at this time, pursuant to Proclamation 20-28.

Sincerely,



Andrea Scheele
Executive Director

Copy w/ Encl:

Kimberly Loving, (Interim) Director, SDHR



City of Seattle
CIVIL SERVICE COMMISSION

700 5th Avenue, Suite 1670
PO Box 94729
Seattle, WA 9124-4729
Office: 206-233-7118
Fax: 206-684-0755

APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)
INSTRUCTIONS

Disciplinary appeals to the Commission must be filed within twenty (20) calendar days of delivery of the Step Three grievance response. See [Personnel Rule 1.4-Employee Grievance Procedure](#).

INSTRUCTIONS:

Complete all three pages and attach any related documents or correspondence that is related to your appeal. **Commission staff is teleworking until further notice and temporarily unable to accept appeals in person or through the commission mail slot at SMT.** We will accept a signed .pdf sent via email to the Executive Director Andrea.Scheele@seattle.gov and Cc: Executive Assistant Teresa.Jacobs@seattle.gov. If you are unable to email a .pdf, please send your appeal via US Postal or fax and notify staff by email that you mailed your appeal to the commission office.

Upon receipt of your appeal, the Executive Director will review the appeal. If the appeal is deemed to be timely and within the Commission's jurisdiction, it will be reviewed at the Commission's next regularly scheduled meeting. You and the employing department will be notified of the time and date of the meeting. If your appeal is accepted, staff will follow up with both parties to schedule the first prehearing conference. If you intend to be represented by an attorney, please have the attorney submit a [Notice of Appearance](#). **If you are appealing a disciplinary decision, you are required to complete the Employee Grievance Process before your appeal will be accepted by the Civil Service Commission. See [Personnel Rule 1.4](#) for more information about this exhaustion requirement.** For more information about appeal rights and deadlines, please review the Civil Service Rules of Practice and Procedure [Rules of Practice and Procedure](#)

Use additional page(s) if necessary.

APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)

Appeal No. <u>22-01-013</u>	
Date Filed <u>March 28, 2022</u>	

Full Name of Appellant	Work Address
Thomas Griffith	
Residence Address	Work Telephone
<small>Redacted pursuant to RCW 42.56.250. This area contains test questions, scoring keys, or other examination data used to administer an employment examination.</small>	
	Employee ID
	Department
	Job Title

1. <u>WHAT ACTION IS BEING APPEALED?</u> (CHECK ONE)	<input type="checkbox"/> Demotion (5.01A)
	<input type="checkbox"/> Suspension <input type="checkbox"/> Probation <input checked="" type="checkbox"/> Discharge (5.01B)
	<input type="checkbox"/> City of Seattle Personnel Ordinance or Rule(s) Violation (5.01C.):

What Personnel rule, regulation, or provision, do you believe was violated? Personnel Rule 1.3

<p>Reason for this appeal <u>See attached statement</u></p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Remedy Sought (What do you want?):</p> <p><u>Reinstatement</u></p> <p><u>Backpay</u></p> <p><u>To be made whole</u></p>
<p>2. <u>UNION:</u></p> <p>If you are a member of a union, what is the name of your union?</p> <p>_____</p> <p>Local Number: _____</p>	<p><input type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT</p> <p>filed a grievance on the same issues that I identified in this appeal, with my union or bargaining unit.</p> <p>This matter <input type="checkbox"/> IS <input type="checkbox"/> IS NOT the subject of arbitration pursuant to a collective bargaining agreement.</p>
<p>3. <u>EMPLOYEE GRIEVANCE PROCEDURE:</u> Did you receive notification of your right to a timely resolution of this grievance from your Department?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (SMC 4.04.070)</p>	<p>If you filed a grievance through the Employee Grievance Procedure, what was the outcome?</p> <p><u>Termination was upheld.</u></p> <p>_____</p> <p>_____</p> <p>_____</p>
<p><input checked="" type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT</p> <p>filed a grievance on the issues that are identified in this appeal, through the Employee Grievance Procedure. (Personnel Rule 1.4.2)</p>	

Please include with your appeal form the **Step 3 Grievance decision** of your employing department and **Investigatory Report from SDHR**, and any documents or correspondence that you have received from the Department related to your appeal. To meet timely filing of your appeal, these documents can be sent after filing this document.

4. **ATTORNEY/AUTHORIZED REPRESENTATIVE:**

An attorney or a representative is **NOT** required for the appeal process.

Do you have an attorney or another person representing you for this appeal? YES NO

If yes, please have your attorney submit a **NOTICE OF APPEARANCE** to the Commission Office and the Department.

All documents and information related to the appeal will go to the attorney or representative.

Name: Joyce Thomas; Anne Silver Firm: Frank Freed Subit & Thomas

Address: 705 Second Ave., Suite 1200, Seattle, WA 98118 Email: jthomas@frankfreed.com; asilver@frankfreed.com

5. **APPELLANT:**

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

Mailing Address: _____

Personal Email: _____

Home/Cell Phone: _____

SIGNATURE OF APPELLANT	DATE
_____	_____
SIGNATURE OF ATTORNEY OR REPRESENTATIVE: (IF FILLING OUT THIS FORM):	DATE
<u>/s/ Anne E. Silver</u>	<u>3/28/2022</u>

THE CIVIL SERVICE COMMISSION

In the Matter of:

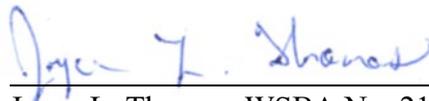
THOMAS GRIFFITH

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Joyce L. Thomas and Anne E. Silver of Frank Freed Subit & Thomas LLP hereby enter their appearance as counsel of record for Thomas Griffith in this matter, and request that service of all papers and pleadings herein be made upon the undersigned attorney.

Dated this 28th day of March 2022.

FRANK FREED SUBIT & THOMAS LLP



Joyce L. Thomas, WSBA No. 21727

Anne E. Silver, WSBA No. 51695

705 Second Avenue, Suite 1200

Seattle, Washington 98104-1798

(206) 682- 6711 (telephone)

jthomas@frankfreed.com

asilver@frankfreed.com

Attorneys for Thomas Griffith

CERTIFICATE OF SERVICE

I, Sarah Gunderson, certify and state as follows:

1. I am a citizen of the United States and a resident of the State of Washington; I am over the age of 18 years and not a party of the within entitled cause. I am employed by the law firm of Frank Freed Subit & Thomas LLP, whose address is 705 Second Avenue, Suite 1200, Seattle, Washington 98104.

2. I caused to be served upon the investigator of record at the address and in the manner described below, on March 28, 2022, the following document: Notice of Representation.

Andrea Scheele, Executive Director
The Civil Service Commission
700 5th Avenue, Suite 1670
PO Box 94729
Seattle, WA 9124-4729
Ph: 206-233-7118
Email: andrea.scheele@seattle.gov
teresa.jacobs@seattle.gov

U.S. Mail
 Federal Express
 Facsimile
 E-Mail

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED this 28th day of March 2022.

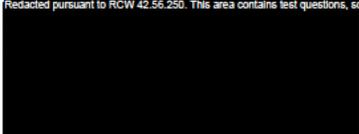
/s/ Sarah Gunderson
Sarah Gunderson



March 8, 2022

Thomas N. Griffith

Redacted pursuant to RCW 42.56.250. This area contains test questions, etc.



Mr. Griffith:

I am in receipt of the Step 3 grievance you filed on March 1, 2021 with then-Seattle Human Resources Director (SDHR) Bobby Humes and the related February 28, 2022 grievance report from current Acting SDHR Director Kimberly Loving. Your grievance alleged that the termination from your job did not meet the standards for imposing discipline under Personnel Rule 1.3.3, was discriminatory based on your age and retaliatory for raising FLSA and ADEA concerns, and that the length of the investigation and administrative leave was too long.

I have considered the materials provided to me and am respectfully denying your grievance for the following reasons:

- 1) Violation of Personnel Rule 1.3.3. Your most recent 2019 behavior with co-workers, as supported by the investigation, violates SPU's policies and is detrimental to the workplace environment.
- 2) Claims of discrimination and retaliation. SDHR's Human Resources Investigation Unit completed an investigation of your discrimination complaint and determined that the disciplinary action was non-discriminatory and did not violate Personnel Rule 1.1. It is unclear what FLSA violations you alleged to have been retaliated for; you were employed as a salaried employee, and we are not aware of any claim that you have made that you are owed money under the FLSA.
- 3) The investigation and administrative leave. Finally, no policies were violated when you were placed on administrative leave. There is not a specific time limit within which an investigation needs to be completed. Administrative leave is not considered discipline, and you were financially whole while on administrative leave. It was appropriate that SPU, not SDHR, investigate your behavior which resulted in your termination.

As such, your termination from employment is sustained. Spruce Metzger at 206-473-2351 or Spruce.Metzger@seattle.gov can answer any questions you may have about this decision.

Sincerely,

Andrew Lee
Interim GM and CEO



Notice: You may file an appeal of this decision with the Civil Service Commission in accordance with Seattle Municipal Code Section 4.04.260. In order to timely file such an appeal, you must do so within 20 calendar days of delivery of this letter. I am enclosing additional information about the Civil Service appeal process for your reference.

9. OPMA and Proclamation 20-28- UPDATE ON
REMOTE IN-PERSON PARTICIPATION

10. UPDATE- PERSONNEL RULE [PREAMBLE](#), [1.1](#), [1.4](#), AND [11](#))
RELATING TO ANTI-HARASSMENT ANTI-DISCRIMINATION
(AHAD) (excerpted)

Preamble - Definitions and Application of Personnel Rules

Preamble.1 Authority

SMC 4.04.050, and subsequent revisions thereto, Rule Making Authority

Preamble.2 Definitions

The following definitions shall be used for the interpretation and administration of all Personnel Rules, except where subchapters to these Rules provide otherwise.

1. “Actual service” shall mean the total straight-time pay hours accumulated in a title. The first 240 hours per year of authorized unpaid time off for non-disciplinary reasons shall not be deducted from actual service.
2. “Administrative reassignment” means paid leave status which an appointing authority may authorize for any City officer or employee in the appointing authority’s department or office, when such employee is the cause of or subject of, or otherwise significantly affected by an active official investigatory process related to alleged violations of personnel rules, policies of the City and/or City Department, City ordinances, or state or federal laws and/or an investigation intended to determine the employee’s fitness for duty. Administrative reassignment shall not be considered discipline.
3. “Alternative Dispute Resolution Program” or “ADR” shall mean a Citywide function located in the Seattle Department of Human Resources to promote the resolution of workplace disputes through training, mediation, conciliation and facilitated discussion.
4. “Appointing authority” shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
5. “Appointment” shall mean the placement of an employee in a position by initial hire, promotion, transfer, demotion or reduction.
6. "City-sponsored blood drive" shall mean a blood drive for which times and locations are coordinated by the Seattle Human Resources Director and at which employees must register to verify their participation.
7. “Civil Service Commission” shall mean the Civil Service Commission of the City of Seattle, which is charged with hearing appeals regarding the administration of the personnel system.

that the trial period may be extended in accordance with the Seattle Municipal Code and these Rules.

85. “Trial service employee” shall mean an employee who has not yet completed a period of trial service.
86. “Verbal warning” shall mean a verbal notification from the appointing authority or designated management representative to an employee that specified activities or conduct are inappropriate for the work place, that performance standards have not been met, and/or that a violation of work place rules or policies has occurred; and that continuation thereof will result in more severe discipline, up to and including discharge.
87. “Workplace Misconduct” occurs when someone engages in the adverse treatment of an individual, and that conduct unreasonably interferes with another person’s work performance, damages another person’s employment opportunities, or creates an environment that a reasonable person in a City workplace would consider intimidating, hostile, or abusive.

Examples of Workplace Misconduct can include, but are not limited to, intimidating or hostile acts or other behavior that a reasonable person would find offensive, such as derogatory name-calling, taunting, shouting or swearing at someone, and other types of verbal abuse (e.g., “idiot”); written or graphic materials that humiliate a City employee, or show aggression or hatred, via electronic or physical bulletin boards, cyberbullying, email, or otherwise; retaliating against someone for reporting Workplace Misconduct; spreading malicious rumors about another; making or circulating a joke or jokes that are humiliating, demeaning, or belittling to another City employee; threatening harm to another or other conduct covered by Personnel Rule 8.1.J(3) or (4); or a pattern of that harms a person or group of people and is not a reasonable action taken by a person or management representative relating to the business needs of the workplace.. Workplace Misconduct generally does not include performance management consistent with Personnel Rule 1.5; a respectful and professional conversation or debate between colleagues about a work-related matter; or discipline consistent with Personnel Rule 1.3.

88. “Workweek” shall mean a designated block of 168 hours within which an employee’s work schedule is contained.
89. “Written reprimand” shall mean a written notification from the appointing authority or designated management representative to an employee that specified activities or conduct are inappropriate for the work place, that performances standards have not been met, and/or that a violation of work place rules or policies, and that continuation thereof will result in more severe discipline, up to and including discharge.

Preamble.3 Application of Personnel Rules

All Personnel Rules shall be applied to City employees as described below, except where subchapters to these Rules provide otherwise.

- A. The Personnel Rules apply to all regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, the Personnel Rules shall prevail except where they conflict with the employee's collective bargaining agreement, any memoranda or agreement or understanding signed pursuant to the collective bargaining agreement, or any established and recognized practice relative to the members of the bargaining unit.
- C. The Personnel Rules do not apply to individuals who are hired under the terms of a grant that includes provisions that conflict with this Rule, nor do they apply to individuals hired under contract to the City. These individuals are subject to all applicable federal, state and City laws.
- D. Except for Chapter 11, the Personnel Rules do not apply to individuals hired by the City on a temporary, intermittent, or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor do they apply to individuals hired under contract to the City. These individuals are subject to all applicable federal, state and City laws.
- E. Appointing authorities may establish written policies and procedures for the implementation of the Personnel Rules to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of the Personnel Rules.

Preamble.4 Commitment to Anti-Racist/Anti-Biased Outcomes in Administration of Personnel Rules

The City is committed to respect, dignity, civility, inclusion and equity in the workplace and the greater community. These Personnel Rules strive to achieve anti-racist/anti-biased outcomes in the administration of its personnel system; and to provide a fair, equitable experience for all city employees.

Personnel Rule 1.1 – Discrimination, and Harassment, Workplace Misconduct and Retaliation

1.1.0 Authority

SMC 3.15.022 and subsequent revisions thereto, Office of the Employee Ombud

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.80.020 and subsequent revisions thereto, Affirmative Action Plan—Policy

SMC Chapter 14.04 and subsequent revisions thereto, Fair Employment Practices Ordinance

Executive Order 2019-04; Anti-Harassment and Anti-Discrimination

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

RCW 49.60, Discrimination—Human Rights Commission

1.1.1 Application of this Rule

This Rule shall apply to all city employees, including regularly appointed employees and temporary workers.

1.1.2 Inclusive Workplace Policy

The City of Seattle is committed to respect, dignity, civility and equity. To achieve this, employees' actions shall support a positive and inclusive work environment. Discrimination, harassment, retaliation and Workplace Misconduct are prohibited. The City does not tolerate prohibited behavior against City employees by coworkers, supervisors, managers, officers of the City or by non-employees conducting business with the City.

Any employee who experiences or observes prohibited behavior should seek support or make a report pursuant to Personnel Rule 1.1.4. All reports will result in an intake and may be investigated subject to Personnel Rule 1.1.7 C. An employee found to have committed prohibited behavior may be subject to discipline under Personnel Rule 1.3, up to and including termination of employment.

This policy applies to any employee's behavior in connection to City employment. Definitions of terms used in this policy are included in the Preamble of these Personnel Rules.

1.1.3 Resources for Employees

The Seattle Department of Human Resources and/or the Office of Employee Ombud shall make resources available for City employees to seek support and understand their options if they experience or observe prohibited behavior. Such resources include options for making informal inquiries with the Office of Employee Ombud, reports to the Human Resources Investigations Unit, contact information for internal and external employment discrimination enforcement agencies, and other information about the reporting process.

1.1.4 Reporting Prohibited Behavior

A. Employees are encouraged to promptly report allegations of experienced or observed prohibited behavior to the Seattle Department of Human Resources Investigation Unit. Employees may also report prohibited behavior to any management representative. A management representative who learns of possible prohibited behavior must report it as outlined in Personnel Rule 1.1.6, which will result in an intake as provided in Personnel Rule 1.1.7 C 1.

1. The City will keep confidential any information it gathers in the course of responding to reported prohibited behavior to the extent allowable under public disclosure or other laws. The City may also be required to share information on a need-to-know basis to carry out the intent of this policy.
2. The appointing authority or designated management representative shall assess the need to separate the person experiencing the possible prohibited behavior and the subject to avoid further prohibited behavior during the investigation. Prompt, effective and remedial action will be made as required by the circumstances.

B. Reports of alleged discrimination, harassment, or retaliation by an elected official may be submitted to any of the following agencies:

1. The Seattle Office of Civil Rights,
2. The Ethics and Elections Commission,
3. The Washington State Human Rights Commission, or
4. The federal Equal Employment Opportunity Commission.

C. Employees have a right to consult with or report alleged harassment, discrimination, and retaliation against non-elected officials to the agencies listed in Personnel Rule 1.1.4

B. Employees may also pursue legal action, in addition to the recourse provided under this Rule.

D. Retaliation for reporting discrimination, harassment, and employee misconduct is strictly prohibited.

1.1.5 Employee Rights and Responsibilities

A. Every employee has the right to a positive and inclusive workplace free from the prohibited behavior outlined in this policy.

B. Every employee is responsible for ensuring that their personal behavior supports a positive and inclusive workplace.

C. All employees shall refrain from prohibited behavior under this Rule.

D. An employee who experiences, observes, or becomes aware of prohibited behavior in the workplace should promptly report it to the Human Resources Investigative Unit or a management representative. Such report may be verbal or in writing, and may include the resolution sought.

E. Employees shall cooperate with any investigation of alleged prohibited behavior.

F. An employee found to have committed prohibited behavior may be subject to discipline under Personnel Rule 1.3, up to and including termination of employment.

G. An employee who has reported possible prohibited behavior can expect to receive status updates of the investigation from the investigator at least every two weeks, unless the employee and investigator mutually agree on a different frequency. The reporting employee shall also receive a final response from investigator, which ordinarily includes the investigation's findings.

H. An employee making a report is expected to report any additional prohibited behavior that they experience or observe, including retaliation for making the initial report.

1.1.6 Responsibilities of Management Representatives

A. Management representatives shall receive and act on reports of prohibited behavior pursuant to this Personnel Rule 1.1.6.

B. Management representatives who are told, observe, or otherwise have direct knowledge of possible prohibited behavior shall report it to the Human Resources Investigation Unit within a time period that is reasonably prompt with respect to the nature and severity of the allegation. Such management representative shall also comply with any departmental expectation to report possible prohibited behavior within the department.

1. Management representatives who fail to promptly report the alleged prohibited behavior to the Human Resources Investigation Unit pursuant to this Personnel Rule 1.1.6 may be subject to discipline, up to and including termination from employment.

2. In addition to possible discipline pursuant to Personnel Rule 1.1.6 (B)1, supported instances for which a management representative had knowledge of the alleged prohibited behavior but did not promptly ensure it was reported shall result in the notation in the management representative's own personnel file of the failure to report. Depending on other factors contributing to why the management representative failed to report the prohibited behavior, such individual may also be subject to loss of discretionary compensation or opportunities, such as merit leave or discretionary pay increases, as appropriate.

1.1.7 Responsibilities of the Human Resources Investigation Unit and Other Investigators

A. The Human Resources Investigation Unit shall receive and act on reports of prohibited behavior from employees, management representatives, and others consistent with this Personnel Rule 1.1.7.

B. The Human Resources Investigation Unit shall oversee or investigate allegations of prohibited behavior. In some cases, it may be appropriate for an outside investigator to complete the investigation. Investigations shall commence as soon as practicable.

C. The investigator shall complete the investigation as soon as practicable, while ensuring that the investigation is fair, impartial, and reasonably thorough.

1. The investigation shall typically include an intake process, which may help inform whether additional investigation is required.
2. The investigator should inform the reporter of the status of the investigation at least every two weeks. The investigator and the reporter may mutually agree to a status updates of a different frequency.
3. The investigator shall complete the investigation as soon as possible. The investigator shall strive to complete the investigation within 90 days from when the report was received; however, certain circumstances may require more time to ensure a thorough investigation.
4. The investigator shall comply with an employee's right to union representation if any, and may permit other individuals to accompany the employee depending on the circumstances.
5. The investigation shall include interviews with the employee reporting the behavior, the subject of the allegation, and any other person(s) whom the investigator has reason to believe has information directly related to the alleged behavior or investigation thereof. The investigator may, but is not required to, interview witnesses suggested by the reporter or the subject. The investigation may also include review of other relevant information pertaining to the allegation.
6. The investigator shall maintain records of the investigation and prepare and provide a written report of the investigation to the appointing authority or designee, the reporter, and the subject. Such reports may be redacted for internal use as needed to protect privacy and avoid undue workplace disruption.

D. Investigations and reports of prohibited behavior shall be kept confidential to the extent allowable by law, or as needed to carry out the purpose of this Personnel Rule.

E. To avoid duplication of efforts or otherwise conserve City resources, the Human Resources Investigation Unit or department overseeing the investigation may suspend or close an investigation for any reason that does not conflict with this Rule, including the reason that the reporter is actively pursuing the same matter in another forum or has agreed to participate in a mediation of the matter.

F. The Human Resources Investigation Unit shall receive and compile data on supported and unsupported reports of prohibited behavior from departments subject to this Rule, for the purposes of understanding and tracking trends across the City, and advising departments on the consistent administration and discipline in response to supported prohibited behavior.

G. The Human Resources Investigation Unit shall publicize and make available an annual report of which will at a minimum include:

1. The number of reports by category (discrimination, harassment, misconduct, etc) made by employees or management representatives,
2. The number of reports that were supported and unsupported, and
3. Actions taken as reported by departments, including disciplinary action taken, if any.

1.1.8 Responsibilities of Appointing Authorities

A. Appointing authorities shall determine the appropriate resolution for supported prohibited behavior, including disciplinary action.

Before making the decision to impose disciplinary action, the appointing authority (or designated management representative) shall ensure that the employee being considered for discipline

1. Has been given the opportunity to review the results of the investigation,
2. Has been told of the evidence obtained, and
3. Has had an opportunity to provide the appointing authority a response to the outcome of the investigation. The appointing authority shall take the employee's response into account before taking final action on the report.

B. In addition to disciplinary action taken, the appointing authority (or designated management representative) shall note in the employee's personnel file the supported prohibited behavior.

C. Appointing authorities or their designee shall report actions taken to resolve any supported or unsupported prohibited behavior to the Human Resources Investigation Unit. The purpose of providing such information is to track citywide trends on prohibited behavior to meet the requirements of Personnel Rule 1.1.7(F) and (G).

Personnel Rule 1.4 – Employee Grievance Procedure

1.4.0 Authority

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.240 and subsequent revisions thereto, Employee Grievance Procedure

SMC 4.04.260 and subsequent revisions thereto, Appeals to Civil Service Commission

1.4.1 Application of this Rule

A. The provisions of this Rule apply to regularly appointed employees who have probationary, trial service or regular status except as specifically provided within the Rule.

B. This Rule does not apply to employees who are exempted by state law, the City Charter or SMC Chapter 4.13 from compliance with the Personnel Rules or SMC Chapter 4.04 related to selection, discipline, termination or appeals of personnel actions to the Civil Service Commission.

C. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.4.2 Procedure

A. A regular, trial service or probationary employee may initiate a grievance when there is a disagreement between the employee and the employee's supervisor or employing unit concerning the proper application of provisions of the Seattle Municipal Code Chapter 4.04 or Personnel Rules and any policies or procedures adopted pursuant thereto, except as follows:

1. An employee who is represented under the terms of a collective bargaining agreement between the City and an authorized bargaining unit may utilize this grievance procedure to grieve the improper application of provision of the Seattle Municipal Code Chapter 4.04, or the Personnel Rules, policies and procedures adopted pursuant thereto. Alleged violations of the collective bargaining agreement are not grievable using the procedure provided in this Rule.
2. The classification and compensation decisions rendered by the Seattle Human Resources Director are not grievable under this Personnel Rule. An employee may, however, grieve an alleged violation of any provisions of SMC 4.04, the Personnel Rules and policies or procedures adopted pursuant thereto that govern the processes of classifying and setting compensation for employment positions if the employee believes that those processes were not followed.

B. If any grievance under this Rule overlaps with an investigation being conducted for violation of Rule 1.1, the process may be as follows:

1. The Seattle Human Resources Director may hold grievances filed alleging violation of Personnel Rule 1.1 in abeyance until the investigation of such violation has been completed.
2. The grievance shall resume once the investigator has transmitted the investigation report to the appointing authority.

C. The employee grievance procedure shall consist of three steps. In an effort to expedite the grievance process, grievances shall be filed at the step in which there is authority to adjudicate, provided that the supervisor(s) be notified of any step that is skipped. If the employee and the department are not able to agree on which step the grievance shall be initiated, the employee shall file the grievance at Step One. The employee and their departmental management shall make a reasonable effort to settle grievances at the lowest possible step.

1. Step One. The employee shall present a written request for a meeting with their immediate supervisor within 20 calendar days following the grievable incident. At the meeting, the employee shall identify
 - a. The grievable incident;
 - b. The provision of Seattle Municipal Code Chapter 4.04 or the Personnel Rule or policy or procedure adopted pursuant thereto that they believes was improperly applied; and
 - c. The remedy the grievant seeks.

Within 14 calendar days of the meeting, the supervisor shall provide a response, verbally or in writing, to the grievant, indicating whether the supervisor found that the grievance has merit, the reasons for that determination, and, if the grievance has merit, what remedy the supervisor proposes. If the supervisor does not have the authority to resolve the grievance or denies the grievance at Step One, the supervisor shall instruct the employee that they may proceed to Step Two.

2. Step Two. If the grievance is not resolved at Step One, the employee shall present the grievance in writing to their division director within 14 calendar days following receipt of the Step One response. The employee's written description of their grievance must be signed and dated and shall include the information provided at Step One as well as an explanation of why the employee found the Step One outcome unacceptable. If the grievance is initially submitted at Step Two, the employee shall present the grievance in writing to their division director within 20 calendar days of the grievable incident. The employee's written description of their grievance must be signed and dated and shall include the information required at Step One. The division director shall provide a written response within 14 calendar days of the presentation of the Step Two grievance, informing the grievant of the outcome of their review and any proposed remedy. Denial of the grievance shall permit the employee to proceed to Step Three. If the division director denies the grievance, does not have the authority to resolve the grievance, or if the division director is the employee's immediate supervisor and has responded to the grievance at Step One, the division director shall instruct the employee that they may proceed to Step Three.

3. Step Three. If the grievance is not resolved at Step Two, the employee shall submit a Step Three grievance to the City Seattle Human Resources Director within 14 calendar days after the date of the division director's response. The Step Three grievance shall consist of:

- a. The written Step Two grievance;
- b. The division director's response to the Step Two grievance;
- c. An explanation of any and all reason(s) the employee finds the Step Two response unacceptable; and
- d. A cover sheet signed and dated by the grievant that clearly identifies the submittal as a Step Three grievance.

If the grievance is initially submitted at Step Three, the employee shall present the grievance in writing to the Seattle Human Resources Director within 20 calendar days of the grievable incident. The employee's written description of the grievance must be signed and dated and shall include the information required at Step One.

The Seattle Human Resources Director shall review the grievance and may meet with the grievant and any other individuals the Director identifies as having additional relevant information about the grievable incident. The Seattle Human Resources Director shall provide a report of their investigation to the grievant and the grievant's appointing authority within 14 calendar days after receipt of the Step Three grievance or within 7 calendar days after meeting with the grievant, whichever is later. In addition, the Seattle Human Resources Director shall provide to the appointing authority a confidential recommendation for resolution of the grievance. The appointing authority may consider the Seattle Human Resources Director's recommendation for resolution, but they shall be responsible for determining the grievance resolution. The appointing authority will answer the grievance setting forth their decision in writing within seven (7) calendar days after receipt of the Seattle Human Resources Director's recommendation. The appointing authority shall notify the employee of their right to appeal the suspension, demotion or termination to the Civil Service Commission.

C. The timelines provided in Personnel Rule 1.4.2 B may be extended by mutual written agreement of the aggrieved employee and the appropriate management representative at the relevant step. The employee's failure to comply with these timelines, absent an agreement to extend them, shall constitute their withdrawal of the grievance. Failure of the appropriate management representative to comply with these timelines shall allow the employee to proceed to the next step.

1.4.3 Alternative Dispute Resolution or Office of the Employee Ombud

An employee who files a grievance under the employee grievance procedure may at any time prior to the disposition of the grievance at Step Three request, bring the case to Office of the Employee Ombud or Alternative Dispute Resolution staff at the Seattle Department of Human Resources to determine whether a mediation process would be an appropriate way to address the grievance. The purpose of the Alternative Dispute

Resolution program and the Office of the Employee Ombud is to resolve the conflict outside of a formal resolution process, that does not involve an investigation or determination of violation of Rules or policy. If the dispute is accepted for a mediation process, the appointing authority shall waive the timelines for the employee grievance procedure until the completion of that process. If the dispute is not resolved through mediation, the employee may resume his or her pursuit of a remedy through the employee grievance procedure.

1.4.4 Appeal to Civil Service Commission

If a regular employee exhausts this grievance procedure and remains dissatisfied with the outcome of an action that falls within the jurisdiction of the Civil Service Commission, the employee may file an appeal with the Civil Service Commission in accordance with Seattle Municipal Code Section 4.04.260:

A. In order to appeal an action that is upheld by the grievance process, the employee must file a “Notice of Appeal” with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response.

B. The 20 calendar days begins to run on the date of delivery of the notice of the Step 3 grievance response and right to appeal is given to the employee personally or delivered by messenger to the employee’s most recent address as shown on departmental records. If the notice of grievance response and right to appeal is mailed, the 20 calendar days begins to run on the third calendar day after the notice is mailed.

Personnel Rule 11.0 – Temporary Employment

11.1 Authority

SMC 4.04.030 and subsequent revisions thereto, Definitions

SMC 4.04.045 and subsequent revisions thereto, Temporary employment service

SMC 4.04.075 and subsequent revisions thereto, Alternative dispute resolution

SMC 4.04.280 and subsequent revisions thereto, Temporary employment oversight and compliance systems

SMC 4.13.020 and subsequent revisions thereto, System-wide exemptions from the Civil Service and Public Safety Civil Service Systems

SMC 4.20.055 and subsequent revisions thereto, Premium pay, compensation and benefits for temporary workers

SMC 4.20.190 and subsequent revisions thereto, Holiday pay or time off

SMC 4.20.220, and subsequent revisions thereto, Jury duty or subpoena as witness—No loss of pay

SMC 4.24.010, and subsequent revisions thereto, Computation of sick leave – exemptions

SMC 4.28.010, and subsequent revisions thereto, Granting of funeral leave

SMC 4.30.010, and subsequent revisions thereto, Establishment of eligibility for certain funeral leave and non-personal sick leave uses

SMC 4.34.005, and subsequent revisions thereto, Definitions

SMC 4.34.045, and subsequent revisions thereto, Eligibility for use of accrued vacation credit

SMC 4.44.020, and subsequent revisions thereto, City compensation additional to State Industrial Insurance and Medical Aid

RCW 1.16.050 – Legal Holidays and Legislatively Recognized Days

RCW 49.44.160, Public Employers—Intent

RCW 49.44.170, Public Employers—Unfair Practices—Definitions--Remedies

worker's maintaining coverage while on properly certified family and medical leave or applying for coverage under COBRA.

11.24 Compensation for Inclement Weather or Emergency Conditions

A temporary worker who is directed not to report to work or to report to work late, or who chooses not to report to work or to report to work late because of inclement weather or other emergency conditions, shall not be compensated for hours not worked. A temporary worker who is sent home or chooses to leave work early because of inclement weather or other emergency conditions shall not be compensated for hours not worked. A temporary worker who receives fringe benefits may charge their time loss against any accumulated and unused vacation or personal holiday balance. When practicable, a temporary worker may flex their work hours to make up the lost time provided that doing so does not make them eligible for overtime compensation.

11.25 Workers' Compensation for Temporary Workers

Temporary workers who suffer an on-the-job injury or illness that leads to an accepted workers' compensation claim may qualify for disability time loss at the State rate, except that temporary workers who are receiving fringe benefits at the time of injury or illness shall qualify for the City supplement.

11.26 Discrimination, Harassment, Workplace Misconduct and Retaliation

1. Temporary workers are covered by Personnel Rule 1.1 – Discrimination, Harassment, Workplace Misconduct and Retaliation.

11.27 Alternative Dispute Resolution (ADR) Program

Temporary workers are eligible to participate in mediation, a facilitated conversation or other ADR program activity at the discretion of the Alternative Dispute Resolution program manager or when the ADR program activity has been initiated by a regular employee or employees. When temporary workers participate in an ADR program activity, the time spent in such activity is compensable and counts toward the overtime threshold.

11.28 Reasonable Accommodation under ADA/WLAD

Temporary workers are covered under the Americans with Disabilities Act and the Washington Law against Discrimination. The reasonableness of the removal of sensory, mental or physical impediments to a qualified temporary worker's ability to perform the essential functions of an assignment must be evaluated on a case-by-case basis.

11. EXECUTIVE DIRECTOR REPORT

- Departmental Work and Budget Update
- Update on CSC Special Election for Employee-Elected Member

			TRANS_TYPE					
EXPENSE_CATEGORY	PROJECT_DESCR	ACCOUNT_DESCR	Adopted Budget	Actuals	Balance before Encumbrances	Available Balance	% Spent	% Available (After Encumbrances)
Nonpersonnel Svcs	VCADMIN - Leadersh	531030 - Supplies-Office Supplies	2,700.00	85.99	2,614.01	2,614.01	3.2%	96.8%
		549020 - Isf-Fas Alloc	108,850.00	27,212.46	81,637.54	81,637.54	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	197.01	1,802.99	1,802.99	9.9%	90.1%
		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	25,297.00	6,318.00	18,979.00	18,979.00	25.0%	75.0%
		549080 - Isf-Itld Billed	354.00	236.46	117.54	117.54	66.8%	33.2%
		549100 - SDHR Allocation	35,862.00	2,988.49	32,873.51	32,873.51	8.3%	91.7%
		532020 - Equipment-Software Purchases	1,000.00		1,000.00	1,000.00	0.0%	100.0%
		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%
		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%
		531010 - Supplies-Subscrips/Pubs/Books	10,000.00	459.91	9,540.09	9,540.09	4.6%	95.4%
		545020 - Travel Costs-Training Classes	600.00		600.00	600.00	0.0%	100.0%
		544070 - Reimburse-Dues & Membership		25.00	(25.00)	(25.00)		
Nonpersonnel Svcs Total			195,146.00	37,523.32	157,622.68	157,622.68	19.2%	80.8%
Personnel Svcs	VCADMIN - Leadersh	510010 - Salaries & Wages	282,769.00		282,769.00	282,769.00	0.0%	100.0%

Personnel Svcs	VADMIN - Leadersh	510020 - Holiday		677.90	(677.90)	(677.90)		
		510070 - Part Time-Salaries & Wages	34,590.00		34,590.00	34,590.00	0.0%	100.0%
		520010 - Fica	15,498.00	576.94	14,921.06	14,921.06	3.7%	96.3%
		520020 - Medicare	4,181.00	134.94	4,046.06	4,046.06	3.2%	96.8%
		520070 - Insurance Prem-Health & Dental	30,891.00	9,690.00	21,201.00	21,201.00	31.4%	68.6%
		520090 - Insurance-Group Fund Life	206.00	0.79	205.21	205.21	0.4%	99.6%
		520100 - Insurance-Longterm Disability	39.00	0.09	38.91	38.91	0.2%	99.8%
		520300 - Pension-City Retirement Sys	36,996.00	109.82	36,886.18	36,886.18	0.3%	99.7%
		520080 - Insurance-Wash St FML		15.00	(15.00)	(15.00)		
		510110 - Salaries & Wages-Temp/Intermit	1,184.00	8,658.40	(7,474.40)	(7,474.40)	731.3%	-631.3%
		520110 - Insurance-Death Benefit Pay	19.00	1.20	17.80	17.80	6.3%	93.7%
		520320 - Employee Assistance Premium	38.00	46.08	(8.08)	(8.08)	121.3%	-21.3%
		520011 - Fica Fsa Dcap & Health		88.22	(88.22)	(88.22)		
	VCCIVILSV - Civil Ser	510010 - Salaries & Wages		31,585.54	(31,585.54)	(31,585.54)		
		510020 - Holiday		395.92	(395.92)	(395.92)		
		510070 - Part Time-Salaries & Wages		4,800.00	(4,800.00)	(4,800.00)		
		520010 - Fica		2,313.87	(2,313.87)	(2,313.87)		
		520020 - Medicare		541.16	(541.16)	(541.16)		
		520090 - Insurance-Group Fund Life		24.49	(24.49)	(24.49)		
		520100 - Insurance-Longterm Disability		3.71	(3.71)	(3.71)		
		520300 - Pension-City Retirement Sys		5,437.52	(5,437.52)	(5,437.52)		
		520080 - Insurance-Wash St FML		61.59	(61.59)	(61.59)		
		520110 - Insurance-Death Benefit Pay		22.80	(22.80)	(22.80)		
		510040 - Vacation		1,583.68	(1,583.68)	(1,583.68)		
Personnel Svcs Total			406,411.00	66,769.66	339,641.34	339,641.34	16.4%	83.6%
			601,557.00	104,292.98	497,264.02	497,264.02	17.3%	82.7%
			601,557.00	104,292.98	497,264.02	497,264.02	17.3%	82.7%

Civil Service Elections

Seattle Municipal Code 4.04.250 & 4.08.040 provides that the City Clerk administer the elections for employee-elected members of the city's Civil Service & Public Safety Civil Service Commissions.

When the employee-elected position becomes vacant, a special election is held to fill the vacancy. A special election has been called for the week of April 25-29, 2022, pursuant to [SMC 4.04.250.G](#) and [Resolution 32042](#).

Elections for the employee-elected Civil Service & Public Safety Civil Service Commissioners shall be administered in such a manner as to ensure openness, fairness and to encourage the broadest possible participation of all eligible employees.

The commissions provide covered employees with civil service systems governing appointments, promotions, layoffs, recruitment, retention, classifications, removals and discipline.

Each commission has three commissioners who each serve three-year staggered terms. One commissioner is appointed by the Mayor, one is appointed by the City Council, and one is elected by eligible voting employees.

ELECTION CALENDAR

- March 7-11** Candidate filing week
- March 11** Deadline for submitting candidacy declaration forms to City Clerk's Office by 5:00 p.m.
- March 16** Deadline for declared candidates to submit bio/statement and photo for election materials to City Clerk by 5:00 p.m.
- April 13** Ballots, instructions and voter pamphlet are sent to eligible employee voters by mail and e-mail.
- April 25-29** Election week
- May 6** or earlier: City Clerk certifies results of elections
- May 6** or earlier: City Clerk notifies all candidates of the results

[Candidate Bios](#)

[Notice of Special Election & Call for Candidates](#)

[Declaration of Candidacy Form - Civil Service](#)

[Common Questions about the Commissions and Employee Elections](#)

Resources

- [Civil Service Commission - Election Rules](#)
- [Public Safety Civil Service Commission Rules](#)
- [SMC Code 4.04.250 - Civil Service Commission](#)
- [Civil Service Commission](#)



Walker Dodson

I am seeking your vote to serve on the Civil Service Commission. I am currently shop steward and chapter vice-president of PTE17's Seattle Chapter and have

served as a member of the Race and Social Justice Change Team. As someone deeply invested in ensuring due process is provided for all City employees, with your vote, I would like to extend this service to non-represented employees as well.

The commission meets to hear appeals involving disciplinary actions or alleged violations. These hearings are important events in an employee's life and the decision of the Commission will have far-reaching impacts. With that in mind, I will be a dedicated and impartial employee representative on the commission. This position also has the responsibility of reviewing and commenting on proposed new Personnel Rules, submitting recommendations to the Mayor and City Council, and investigating allegations against elected officials. I look forward to the opportunity to serve my peers, and the City of Seattle, in this role.

Please consider placing your trust in me as your next representative on the Civil Service Commission.



Yolanda Geolingo

I am originally from Moss Point, MS, and joined the U.S. Army in 1995 and completed my service in 2004 after deployment to OIF and OEF. Before going

into the military, I earned my Bachelor in Business Administration from ASU. While in the military, I earned two Master's degrees from TSU in Human Resource Management and Public Administration.

I have worked in HR for over 25 years with various organizations. I currently work as an SR HR Business Partner for the FAS department. During my HR career, my positions have allowed me to advocate for both the employer and employee in resolving challenging issues. I have worked and supported various organizations that offered something for the staff and communities alike. I am currently a Commissioner for WA State AAA Commission, a Board member for SHRM Oly Chapter, and a FAS Change team member. Given the opportunity, I would play an essential role in ensuring that employees have a fair and equitable way to be heard and contribute my time and efforts in making a difference for the employees of the City of Seattle and the communities they serve.

I respectfully request your vote to be elected to the commission.



Belén Herrera

I am seeking your vote to serve on the Civil Service Commission. I identify as a Mexican American woman and as someone who continuously looks to invest in community

and ensure racial equitable outcomes are provided, with your vote, I would like to extend this perspective and experience to the council.

I have served 3 years as a member of the Seattle Department of Transportation (SDOT) Change Team and I am an active Alumni. The SDOT Race and Social Justice (RSJ) Change Team supports staff through guidance, training, and accountability to achieve SDOT's vision to eliminate institutional racism. This is part of the City-wide initiative to eliminate racial disparities and achieve racial equity in Seattle.

I have experience serving on several interview panel boards for the Seattle Fire Department and several department positions for SDOT. I will be a dedicated employee on the commission whose charge is to hear appeals involving disciplinary actions and alleged violations of the City Charter, Personnel Rules and the Personnel Ordinance. I would like this opportunity to adhere to the highest ethical, legal, and moral standards if chosen to serve as your Employee Elected Commissioner for the first time.



James Philio

My name is James E. Philio, and I am seeking to fill the remaining term of employee elected Commissioner on the City of Seattle Civil Service Commission.

I started my career in Public Service over 30 years ago as a firefighter. I then attended the Police Academy and worked as a Police Officer until I moved to Seattle when my spouse was transferred to the Pacific Northwest. I am currently the day shift Sergeant of the Seattle Center Emergency Services Unit. I also hold a Seattle Police Department Special Police Commission. I have been with the City of Seattle since April of 2015. I am part of the day-to-day operations of Seattle Center and the Emergency Services Unit. I have been encouraged by my colleagues to seek this position, as they are confident in my abilities as proven over the past 7 years. I have knowledge in the Civil Service process, and I look forward to working with the City of Seattle Civil Service Commission. Your vote is very much appreciated. I am being endorsed for this position by LIUNA local 242.



Fernando Platin

Fellow Civil Service Employees:

My name is Fernando Platin and I want to be your next Civil Service Commissioner (CSC) Employee Commissioner.

I have worked for 9+ years with Seattle Public Utilities as a senior civil engineer, have 22+ years of municipal government environment employee experience and am an active ProTec 17 union member supporting its members through different volunteer roles and positions.

If elected, I will actively listen, apply my interpersonal skills, integrity and compassion this unique opportunity provides to serve my fellow City of Seattle civil service employees in a fair and equitable manner. To work productively with CSC staff and the other commissioners in executing the responsibilities of the commission which involves sensitive employee appeals of personnel actions through the application and evaluation of Personnel Rules or city policies.

The position also offers the unique opportunity to make recommendations to the Mayor and City Council on improving personnel system rules, policies, programs and legislation. I will continue support the good work the CSC has started in dismantling inequitable practices that may benefit select others by implementing RSJI practices.

Thank you for your consideration and vote!

Sincerely,
Fernando Platin



Susan Stoltzfus

I would like to represent you on the Seattle Civil Service Commission. During my 12 years of work for the City, I have helped employees and managers communicate

better and resolve personnel matters effectively. I have assisted with a variety of employment concerns within the City, as well as for the Port of Seattle and Northshore Schools.

As a strategic advisor, I have learned the rules, policies, laws, and procedures related to public-sector personnel actions and decisions. I also served as a college instructor and labor representative for a statewide teachers' union. My work as a journalist taught me to be objective and to recognize the difference between facts and opinion.

I work well with people from all backgrounds and perspectives, and I have successfully supervised many types of people during my career. I have participated in City RSJ initiatives, most recently serving on two Racial Equity Teams within FAS, where I also work as my division's coordinator for language access services.

I hold a master's degree in business administration and a bachelor's degree in communications and global studies. Read more about me: <https://www.linkedin.com/in/susan-stoltzfus/>

I will work diligently on your behalf to reach fair decisions. Thank you for your vote.



Joshua Werner

My name is Josh Werner and I have been an employee of the City of Seattle and member of Civil Service for 25 years. During my career that started at the Seattle

Center and through my current role as a manager at Seattle Public Utilities, I've been active in labor relations work. I was fortunate to have been a member of different unions throughout my career and various leadership roles in and around Field Operations. As a shop steward for many years, I represented members in various settings from coaching conversations all the way to loudermill hearings. I have served multiple collective bargaining agreement negotiations as a represented employee. City employees prioritize an equitable playing field, a transparent and fair opportunity to succeed. In my role as a Branch Equity Team member and co-lead, I have worked to embed the Race and Social Justice initiative and apply it and anti-racist work in hiring, promotions, progressive discipline, and all functions of employment. I firmly believe this experience in both labor and management has prepared me well for the opportunity to represent you with fairness and impartiality as your Civil Service Commissioner.

Thank you.

Candidate Statements for the 2022 Civil Service Commission Employee Election



12. EXECUTIVE SESSION (May be cancelled if not needed)

13. OLD/NEW BUSINESS

14. ADJOURN

Excerpted CSC Rules-Adopted May 21, 2014

FILED
CITY OF SEATTLE

2014 MAY 28 AM 9 22

CITY CLERK



**CITY OF SEATTLE
CIVIL SERVICE COMMISSION**

**RULES OF PRACTICE AND
PROCEDURE**

ADOPTED: MAY 21, 2014

**Commissioners
Eric de los Santos, Chair
Angelique M. Davis
Steven A. Jewell**

ORIGINAL

5.07 APPEALS, REPRESENTATION OF APPELLANT- Individuals representing a party shall serve the Presiding Officer and the other party with a Notice of Appearance as early as possible in the proceedings after representation is retained.

When a party consists of more than one individual, or is a group, organization, corporation, or other entity, the party shall designate an individual to be its representative and inform the Presiding Officer of the name, address, and telephone number of that designated representative. The person designated as the party representative shall exercise the rights of such appellants. Notice or other communication to the party representative, is notice or communication to the party.

5.08 HEARINGS

The Commission may itself hear an appeal, or may delegate its powers to hear an appeal, in whole or in part, to a Hearing Officer or to the Office of the Hearing Examiner of the City of Seattle, subject to review by the Commission. Hearings shall be conducted and concluded in a timely manner and at all stages of the appeal process parties shall make a good faith effort to avoid delays.

5.08.1 WHEN THE COMMISSION CONDUCTS THE HEARING

The Commission may designate one member to serve as the Presiding Officer for the case. The Presiding Officer shall rule on all pre-hearing matters. If the Commission does not designate a Presiding Officer for a case, the Chair shall serve as Presiding Officer.

5.08.2 WHEN A HEARING OFFICER OR THE OFFICE OF THE HEARING EXAMINER CONDUCTS THE HEARING

A Commissioner will serve as the Reviewing Officer to review and make a recommendation on all final decisions of the Presiding Officer. The Commission may affirm, modify, or remand a decision of a Presiding Officer.

5.09 COMPUTATION OF TIME- Except as otherwise provided by the Code, computation of any period of time prescribed or allowed for all matters before the Commission or a Presiding Officer shall begin with the first day following the day on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or a legal City holiday, the period shall extend to the end of the next day the office is open for business.

5.10 FILING AND SERVICE OF DOCUMENTS

- A.** Documents shall be deemed filed with the Presiding Officer on the date received at the location and in the manner specified by the Presiding Officer.
- B.** Documents due to the Commission or a Commission Hearing Officer may be filed electronically during regular business hours. Documents sent electronically before 5:00 PM will be deemed filed on that business day. Documents received after 5:00 PM will be deemed received on the next business day.

- C. Documents shall be served personally or, unless otherwise provided by applicable ordinance, by first-class, registered, or certified mail, or by facsimile (fax) transmission, electronically or, in the case of service to City agencies, by the City's regular interoffice mail, with written acknowledgment of such mailing attached to the papers so served. A written signed statement for the purpose of confirming the date of mailing shall be provided by the person who mailed the papers, or by certificate of any attorney, or Commission staff in the case of Commission papers. Service shall be regarded as complete upon deposit in the regular facilities of the U.S. Mail of a properly stamped and addressed letter or packet, or at the time personally delivered, or transmitted by fax.
- D. In the event staff is not present in the Commission office during regular business hours, the Commission will make available a written statement for Parties to sign for the purpose of confirming the date and time when filing papers.

5.11 PREHEARING CONFERENCE (Presiding Officer)- The Presiding Officer may on his or her own order, or at the request of a party, hold a conference prior to the hearing to consider:

- A. Identification, clarification, and simplification of the issues;
- B. Disclosure of witnesses and exhibits;
- C. Motions; Other matters deemed by the Presiding Officer appropriate for the orderly and expeditious disposition the proceedings.

5.11.1 PREHEARING CONFERENCE (Commission)- If the Commission is hearing the case, the Executive Director shall schedule all pre-hearing conferences.

- A. Pre-hearing conferences may be held by telephone conference call or other electronic means as specified by the Presiding Officer.
- B. The Presiding Officer shall give notice orally or in writing to all parties of any pre-hearing conference.
- C. All parties shall be present at any pre-hearing conference unless they waive the right to be present or are represented and granted permission by the Presiding Officer not to attend.
- D. Following the pre-hearing conference, the Presiding Officer may issue an order reciting the actions taken or ruling on motions made at the conference.

5.12 OATH OR AFFIRMATION

- A. All testimony before the Presiding Officer at hearing shall be taken under oath or affirmation to tell the truth.
- B. Every interpreter, before beginning to interpret, shall take an oath that a true interpretation shall be made that is understandable for the person needing the interpreter and that the interpreter shall repeat statements in English to the Presiding Officer, to the best of the interpreter's ability.

5.13 WITNESSES

statements and cross-examination by the parties may be permitted for oral statements.

5.31 BURDEN OF PROOF

- A. In cases of termination, demotion, or suspension, the Department must show by the applicable standard of proof that the Department's decision or action was with justifiable cause. In other cases, the Appellant bears the burden of proof.
- B. Unless otherwise provided by applicable ordinance(s), statute, or case law, the standard of proof is a preponderance of the evidence.

5.32 PRESIDING OFFICER'S DECISION

- A. **ISSUANCE:** The Presiding Officer shall issue a written decision and provide a copy of that decision to each party representative and to the Commission within **thirty calendar (30) days** from the close of the record. (See Section VII, Rule 7.01, "Commission's Decision," for exception.)
- B. **JUDGMENT ON RELIEF REQUESTED:** Unless proscribed by applicable ordinance(s), the Presiding Officer's decision may affirm, reverse, modify, or remand the Department's decision or other action that is the subject of the appeal.
- C. **CONTENTS:** Decisions of the Presiding Officer on appeals shall include, but not be limited to, a statement regarding the following:
 - 1. **Background or Introduction.** The introduction shall include the nature and background of the proceeding, including identification of party representatives participating in the hearing, pre-hearing determinations, and other similar information.
 - 2. **Finding.** The individual facts that the Examiner finds relevant, credible, and requisite to the decision, based on the evidence presented at hearing and those matters officially noticed. This may include recitation of relevant provisions of ordinance, other regulation, or case law.
 - 3. **Conclusion.** Legal and factual conclusions based upon specific provisions of law and the findings of fact.
 - 4. **Decision.** The Presiding Officer's decision as to the outcome of the appeal (affirms, modify, reverse, or remand) based upon a consideration of the whole record and supported by substantial evidence in the record.
 - 5. **Postscript.** Information regarding subsequent procedural step(s), if any, for appealing the Presiding Officer's decision.

The decision may also include an order disposing of contested issues and/or directing parties to take actions consistent with the decision.

5.33 PETITION FOR REVIEW NOT FILED

If neither party files a timely petition for review, and the Commission does not, upon its own initiative, decide to review the matter within the time for filing a petition for review, the decision of the Presiding Officer shall be adopted as the order of the Commission.

5.34 RECORD--The record of an appeal shall include:

A. The Commission's file:

1. Department's decision or action being appealed;
2. Appeal statement (Notice of Appeal);
3. Evidence received or considered;
4. Pleadings, procedural rulings, and other non-evidentiary materials that are part of the Presiding Officer's file;
5. Statement of matters officially noticed, if any;
6. Findings, conclusions and decision of the Presiding Officer;
7. Tape or Digital recording of the hearing.

B. The Presiding Officer's administrative file on an appeal may include other information or materials, which are not part of the evidentiary record. The Presiding Officer shall forward the entire file to the Commission upon final decision.

VI. COMMISSION REVIEW OF PRESIDING OFFICER'S DECISION

This section applies only when the Commission did not conduct the original hearing. When the Commission conducts the original hearing, a party may seek judicial review only pursuant to applicable law.

6.01 REVIEW ON MOTION OF COMMISSION

- A.** The Reviewing Officer shall review decisions issued by a Presiding Officer and recommend an action to the Commission at its next scheduled meeting, following the review.
- B.** The Reviewing Officer or any Commissioner may move to review, affirm or modify all or any part of a Presiding Officer's decision or remand for further proceedings.
- C.** The Commission shall vote on the Commissioner's motion no later than the next regularly scheduled Commission meeting following the review.

6.02 PETITION FOR REVIEW OF PRESIDING OFFICER DECISION- Any party may file a petition for review with the Commission of all or any part of the Presiding Officer's final decision. The petition must be filed at the Commission's office, and served on all other parties, no later than **ten calendar (10) days** following the date of the issuance of the Presiding Officer's final decision. The party seeking review must file an original and four copies of the petition and any related briefs submitted if not filed electronically.

6.03 CONTENTS OF PETITION- The petition for review shall contain statements of the specific findings of fact, conclusions of law, orders or rulings on which the party filing the petition seeks review by the Commission. Any brief or written argument that the party filing the petition for review desires to have considered by the Commission must be served and filed with the petition. If the record is then available, a petition shall cite the pages in the record or the exhibits supporting the review. If the Commission decides to review the decision, it will issue an

order setting forth the issues it will review, and whether the Commission requires additional briefing by the parties.

6.04 PREPARATION OF THE RECORD FOR REVIEW- The party filing a petition for review is responsible for the initial cost of the preparation of a transcript.

- A.** The record shall include testimony designated by the parties as necessary to resolve disputed issues and a copy of the relevant papers and exhibits in cases involving dismissals. A party at their own expense may submit a transcript by a certified court reporter or other non-interested person approved by the Executive Director. The Presiding Officer shall forward a tape recording of the proceedings to the Commission together with an index showing the names of the witnesses and the location on the tape recording where the testimony may be found and a list of the exhibits and an identification of the tape or witness, where the exhibit is identified, offered for admission, and a ruling made. If all or part of a tape recording is not audible, the Presiding Officer may prepare and certify a summary of that portion of the testimony in the proceedings based on his or her notes and memory.
- B.** Where the parties agree that the testimony or facts are not in dispute, the Presiding Officer may prepare a narrative report of the evidence or a summary of the testimony in order to reduce the amount of material transcribed and to make a more compact record. A party may substitute a verbatim transcript for all or part of narrative report or summary at his or her own expense.
- C.** When the Presiding Officer believes that the tape of proceedings adds an extra dimension to the testimony, the Presiding Officer may supplement the transcript with the tape recording. For example, the tone of voice of a witness may be expressive, or the manner of speaking may be informative.
- D.** The Presiding Officer may order post-hearing conferences for the purpose of preparing the record for review.

6.05 RESPONSE TO PETITION FOR REVIEW

Responding parties shall serve and file their response and accompanying brief or written argument within **seven calendar (7) days** following the date on which they are served with a copy of such petition for review. The Commission Chair may grant any party an extension of time for the filing of its brief or written argument.

6.06 TRANSFER OF CASE FILE- Upon certification of the record, the Presiding Officer shall transfer the case records to the Commission for its use during review.

6.07 ORDER TO APPEAR

The Commission may order the parties to appear before it and present oral argument or additional evidence as to any of the issues in the matter. Unless the Commission requests oral argument or presentation of evidence, the matter shall be decided on the record and written materials submitted.

6.08 STANDARD FOR COMMISSION REVIEW OF PRESIDING OFFICER DECISION

The Commission reviews questions of law de novo, and reviews factual findings to see if they are supported by substantial evidence in the record. The Commission shall reverse or modify a decision of the Presiding Officer where the decision is not supported by substantial evidence, or misapplies the Personnel Ordinance or rules or law; or fails to do substantial justice. The party seeking review of the decision of the Presiding Officer shall have the burden of showing error of fact or law.

6.09 DELIBERATION- When considering a petition for review, the Commission may deliberate in closed session. No person other than necessary Commission staff and the Commission's legal counsel shall be present during deliberation.

6.10 COMMISSION DECISION- If the Commission reverses or modifies the Presiding Officer's decision, it will issue findings of facts and conclusions of law. The Commission's decision on review is the final administrative decision of the City.

VII. WHEN THE COMMISSION HEARS AN APPEAL

7.01 COMMISSION'S DECISION- If the Commission decides to hear an appeal, the Commission shall issue its decision within **ninety calendar (90) days** of the close of record. The Commissioners may sign the decision or authorize the Presiding Officer or the Executive Director to sign the decision.

7.02 DELIBERATION- The Commission may deliberate on an appeal in closed session. No person other than necessary Commission staff and legal counsel shall be present.

7.03 SANCTIONS- In the interest of justice, to reduce injury to a disadvantaged party, or to secure obedience to its orders, the Commission, in its discretion and for good cause, may impose sanctions as authorized by Charter and Ordinance.

7.04 RECONSIDERATION OF COMMISSION DECISION- A party may move for reconsideration of a Commission decision only on the basis of fraud, mistake or in the event that new evidence comes to light that would justify reconsideration. Such motion shall be filed with the Commission within **fifteen calendar (15) days** of the Commission's final decision.

7.05 JUDICIAL REVIEW- In order to seek judicial review of a Commission decision, a party must timely file an appropriate action in Superior Court of the State of Washington for King County as provided by applicable law.

ORIGINAL