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5 **BEFORE THE CITY OF SEATTLE PUBLIC SAFETY**
6 **CIVIL SERVICE COMMISSION**

7 In Re the matter of

8 Scott Bachler, #06-005; Steven Strand,
9 #07-001; Joel Guay, #07-002; and William
10 Moran, #07-003 Requests for Delayed
11 Eligibility Exceptions

DECISION AND ORDER

12 **I. INTRODUCTION**

13 The Public Safety Civil Service Commission has received requests from Scott Bachler,
14 William Moran, Steven Strand, and Joel Guay to take the upcoming promotional exams for the
15 ranks of Police Captain and Police Lieutenant. In light of these requests, the Commission is
16 again exploring the issue of delayed eligibility exceptions.

17 The Commission has received and considered input from several individuals and
18 organizations. **The Commission emphasizes that it strongly supports minimum experience**
19 **requirements for promotion. In order to be promoted, the employee must meet the**
20 **minimum experience requirement (with education substitution if applicable) before being**
21 **promoted. These and the prior requests are for exceptions from the minimum experience**
22 **required to take the test - not from the minimum experience required to be promoted.**
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DECISION & ORDER

Public Safety Civil Service Commission
700 5th Avenue, Ste. 1670
PO Box 94729
Seattle, WA 98124-4729

1 The Commission considered these requests at its regular meeting held on February 15,
2 2007 and issues this Decision and Order based upon the information provided at the meeting and
3 Commission records.

4 II. ANALYSIS

5 The Commission's goal is to achieve a delayed eligibility standard that is clear and will
6 apply equitably to all candidates. To accomplish this, the Commission will be asking for input
7 from the Seattle Police Department, the Seattle Police Officer's Guild, and the Seattle Police
8 Management Association and potential promotional exam candidates. In the meantime,
9 however, the Commission must decide these requests for exceptions.
10

11 A. PSCSC Rule Regarding Delayed Eligibility.

12 PSCSC Rule 8.03(b) provides:

13 When designated in the official bulletin, the Secretary may permit regular
14 employees and probationers to file for and take a promotional examination for
15 delayed eligibility if as of the register expiration date they meet lower specified
16 minimum service requirements in the classes from which promotion is allowed.

17 This Rule allows the Commission to provide in a particular promotional examination's
18 official bulletin that an employee may register for and take that examination even if they do not,
19 at the time the examination is administered, have the required minimum experience to be eligible
20 for actual promotion.

21 An employee who qualifies for delayed eligibility under the language of the particular
22 announcement may take the examination and, depending on the results, be placed on the new
23 eligibility register with "delayed eligibility". Delayed eligibility means that the employee would
24 not be eligible for promotion off that register until the date upon which he or she accrues the
25 minimum experience required for the position (again, substituting a four-year college degree for

1 one year of experience, if applicable). The employee’s eligibility for promotion off the new list
2 is thus “delayed” until the date on which they accrue the minimum experience required for
3 promotion.

4
5 **B. The Bulletins for These Examinations**

6 The Commission has implemented Rule 8.03(b) by including in the bulletin for particular
7 examinations language describing the minimum experience (with educational substitution, if
8 applicable) required to register for and take the examination. The announcement for the
9 upcoming Police Captain promotional examination, for example, provides:

10 Delayed Experience: Employees with less than three years of experience as a
11 Lieutenant may take the exam for later eligibility if they currently hold the rank of
12 Lieutenant and have two years of experience by the expiration date of the current
register, August 29, 2007.

13 Similarly, the announcement for the Lieutenant examination provides:

14 Delayed Experience: Employees with less than three years of experience as a
15 Sergeant may take the exam for later eligibility if they currently hold the rank of
16 Sergeant and have two years of experience by the expiration date of the current
register, August 29, 2007.

17 Both announcements also provide that “A four year degree may be substituted for one
18 year of the required experience.” Both current registers expire on August 29, 2007. Under the
19 announcements, an employee may therefore take the examination if they have at least two years
20 experience in the lower rank (substituting a college degree for one year, if applicable) by August
21 29, 2007.

22
23 **B. The Current Requests for Exceptions**

24 Each of the four employees would meet the minimum promotional requirement (with
25 educational substitution, if applicable) at some point during the life of the new registers, but is

1 not projected to have 2 years in grade by the expiration of the current register on August 29,
2 2007.

- 3 • Sergeant Steven Strand was promoted on October 4, 2006. With one year of educational
4 substitution, he is projected to have 22 months and 3 weeks time in grade as of August
5 29, 2007.
- 6 • Lieutenant Scott Bachler was promoted on November 30, 2005. He is projected to have
7 21 months time in grade as of August 29, 2007.
- 8 • Sergeant William Moran was promoted on November 30, 2005. He is projected to have
9 21 months time in grade as of August 29, 2007.
- 10 • Sergeant Joel Guay was promoted on January 24, 2007. With one year of educational
11 substitution, he is projected to have 19 months of time in grade as of August 29, 2007.

11 **D. Past Practice**

12 Employees have made similar requests to the Commission on several prior occasions. In
13 considering these current requests, the Commission reviewed how prior Commissions have
14 handled other similar requests.

15 Prior Commission practice appears to be that requests for exceptions were routinely
16 granted for employees who were projected to have at least eighteen (18) months in grade when
17 the prior list was scheduled to expire. Time in grade for the various requests ranged 18 months
18 to up to 20 months. The Commission could not locate any Commission records indicating that a
19 request for a testing exception had been granted to an applicant with less than eighteen (18)
20 months experience in grade (again, with educational substitution, if applicable).
21

22 **III. DECISION**

23 The Commission generally does not believe it is sound policy to grant case-by-case
24 exceptions. However, it is also clear that the Commission has previously granted exceptions to
25

1 the minimum testing requirements to applicants who have at least eighteen (18) months service
2 in grade prior to the expiration of the list currently in place when the examination is given.

3 In order to be fair to present employees interested in taking the upcoming promotional
4 examinations, the Commission will for these examinations adhere to the established,
5 documented, and uncontested past practice of granting an exception if an employee has at least
6 18 months in grade by the expiration of the current register. Therefore, if a candidate has 18
7 months in grade (including the educational substitution, if applicable) by August 29, 2007,
8 he/she will be allowed to take the upcoming promotional exams for Police Captain and Police
9 Lieutenant with delayed eligibility.
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11 Applying that standard to the present applicants, Scott Bachler, William Moran, Steven
12 Strand, and Joel Guay will each have at least eighteen months in grade (including the educational
13 substitution, if applicable) by August 29, 2007 and should be allowed to take the upcoming
14 promotional exams for Police Captain and Police Lieutenant with delayed eligibility.

15 To enable all candidates who meet this standard to apply for the upcoming promotional
16 examinations, the Commission has instructed the Personnel Department's Fire/Police Exam Unit
17 to extend the application period for the Police Captain and Police Lieutenant exams until March
18 1, 2007.
19

20 **IV. ORDER**

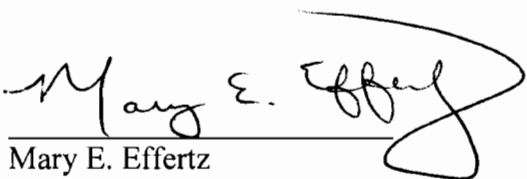
- 21 1. Applicants William Moran, Steven Strand, and Joel Guay each are projected to have
22 at least eighteen months in grade as Sergeant (including the educational substitution,
23 if applicable) by August 29, 2007 and should therefore be allowed to register for the
24 upcoming promotional examination for Police Lieutenant with delayed eligibility.
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- 1 2. Applicant Scott Bachler is projected to have at least eighteen months in grade as
2 Lieutenant (including the educational substitution, if applicable) by August 29, 2007
3 and should therefore be allowed to register for the upcoming promotional
4 examination for Police Captain with delayed eligibility.
- 5 3. The Fire/Police Exam Unit is directed to extend the application period for the
6 upcoming Police Captain and Police Lieutenant examinations until March 1, 2007.
- 7 4. Any other employee who timely applies by March 1, 2007 and who is projected to
8 have at least eighteen months in grade (including the educational substitution, if
9 applicable) by August 29, 2007 should be allowed to register for the applicable
10 upcoming promotional examination for Police Captain or Police Lieutenant with
11 delayed eligibility.
- 12 5. The Fire/Police Exam Unit is directed to review such applications and determine if
13 the employee is eligible to take the examination under the terms of this Order.

14 Dated this 16th day of February, 2007.

15 FOR THE PUBLIC SAFETY CIVIL SERVICE COMMISSION:

16 Commission Chair Joel A. Nark
17 Commissioner David C. Bown
18 Commissioner Herbert V. Johnson

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20 Mary E. Effertz
21 Executive Director
22 Public Safety Civil Service Commission

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