

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE
UNDER DELEGATION FROM THE CIVIL SERVICE COMMISSION**

ANDRE' FRANKLIN

Appellant,

v.

**SEATTLE PARKS AND
RECREATION**

Respondent.

Hearing Examiner File:
CSC-26-07-001A

Introduction

Andre' Franklin was reassigned during his employment at Seattle Department of Parks and Recreation ("SPR" or "Department". Mr. Franklin appealed matters concerning his reassignment to the Civil Service Commission. Pursuant to SMC 4.04.250.K.7, the Civil Service Commission delegated the appeal to the City of Seattle Hearing Examiner for hearing and decision.

The hearing on the appeal was held on July 28, 2026, and continued on July 29th, August 3rd and August 6th before the Hearing Examiner ("Examiner"). Andre' Franklin ("Appellant"), represented himself. SPR was represented by Molly Daily, Assistant City Attorney.

After considering the evidence in the record, the Examiner enters the following findings of fact, conclusions and decision on the appeal.

Findings of Fact¹

1. The Appellant is employed by the Department as the Teen Life Center Manager. The Department's three Teen Life Centers ("TLCs") are facilities that operate solely in the service of teens and teen programing.

¹ The Findings of Fact are not a full recitation of all activity or facts in the record as a result of the hearing. The recording of the hearing and exhibits speak for themselves and constitute the record. The Findings of Fact reflect the facts established at hearing relevant to the Conclusions of Law and the Decision herein.

2. From December 2022 to October 6, 2025, Mr. Franklin reported to Zachary Wilson, the Department's Teen and Youth Development Manager. Mr. Wilson reported to Tianna Scott, who in turn reported to Recreation and Aquatics Division Director Aphrodyi Antoine.
3. On October 6, 2025, the Appellant was reassigned during his employment at SPR. Mr. Franklin appealed matters concerning his reassignment to the Civil Service Commission. Pursuant to SMC 4.04.250.K.7, the Civil Service Commission delegated the appeal to the City of Seattle Hearing Examiner for hearing and decision.
4. The Appellant's Notice of Appeal to the CSC identified three issues:
 - a. Whether the City's Step 3 Grievance record and Step 3 Grievance Response should be corrected or formally annotated where the record contains disputed factual characterizations that remain unaddressed, including the timing and clarity of notice to me that I was a subject of an investigation.
 - b. Whether the City's handling of administrative [sic] reassignment and related restrictions complied with applicable personnel system requirements when the City relied on investigatory status as part of the justification for reassignment but did not inform me that I was a subject until later in October.
 - c. Whether SPR applied its practices consistently when it did not separate or reassign my supervisor or me after it was aware of my WSHRC and EEOC complaint and investigation, and after the issues and concerns I raised as part of the E3 annual review process that SPR HRBPs reviewed and signed off on but later relied on HRIU investigatory status as a basis for reassignment.
5. At hearing the Appellant and the Department called various witnesses to testify. Many of the witnesses were jointly called by both the Appellant and the Department. Witnesses were called based on witness availability with deference to the parties as to witness order. Testifying at the hearing were the following witnesses:

Desiree Tabares. Human Resources Director, SPR.

Aphrodyi Antoine. Recreation and Aquatics Division Director, SPR.

Tianna Scott. Manager 3, SPR.

Rochelle Brown. Employee and Labor Relations Manager.

Kelli Koontz. SPR HR.

Josie Watanabe. Interim Policy and Legislation Advisor, SDHR.

Raymond Sugarman. Director of Learning and Accountability, Seattle Department of Human Resources.

Anthony-Paul Diaz. Superintendent, SPR (at time of matters at issue).

Testimony by these witnesses and exhibits admitted to the record inform the findings of fact below.

6. During the summer of 2025, the Department received complaints from the Appellant about Mr. Wilson, and from Mr. Wilson about the Appellant.
7. The Appellant emailed Ms. Antoine on July 29, 2025, stating that he would be taking “a Mental Health Day... in response to the ongoing, unaddressed toxic and retaliatory work environment at SPR, which continues to negatively impact my well-being.” App. Ex. 11. At hearing, Ms. Antoine indicated that the email alerted her that Appellant was experiencing a negative work environment. Ms. Antoine forwarded Appellant’s email to a superior within the Department the day she received it, and this resulted in the email eventually being forwarded to the Seattle Human Resources Investigation Unit (“HRIU”). On September 18, 2025, HRIU notified Appellant that it would investigate the following allegation by him: “Mr. Wilson retaliated against you for filing a complaint with the Washington State Human Rights Commission by withholding programmatic information in a manner that had a materially adverse impact on your ability to do your job.” App. Ex. 6.
8. On August 20, 2025, SPR Human Resources Director Desirée Tabares received an email from Mr. Wilson. City Ex. 2. The subject of the email was: “ACP2—Unhealthy Work Environment.” Id. In the email, Mr. Wilson represented that he had been required to work in “an unhealthy work environment” due to actions taken by the Appellant. Ms. Tabares forwarded Mr. Wilson’s complaint to HRIU. On September 24, 2025, HRIU notified Mr. Wilson that it was going to investigate the following allegation by him: “Mr. Franklin harassed you based on your race by making repeated inappropriate, race-based comments and name-calling.” App. Ex. 7.
9. HRIU conducted an intake interview with Mr. Wilson on September 5, 2025, and with the Appellant on September 9, 2025. On September 18, 2025, the Appellant was notified that HRIU would investigate his complaints against Mr. Wilson, and on September 24, 2025, HRIU notified Mr. Wilson that it was going to investigate his complaints against Appellant – these notices did not include information that the respective complainants were also the subject of investigations.
10. Even though notices had not been provided to either Mr. Wilson or the Appellant, Ray Sugarman of HRIU informed Ms. Tabares that Mr. Wilson was the subject of the Franklin investigation and Mr. Franklin was the subject of the Wilson investigation. Ms. Tabares subsequently notified Ms. Antoine of the two investigations.
11. Ms. Tabares notified Ms. Antoine of the respective HRIU investigations of the Appellant and Mr. Wilson. Ms. Antoine consulted Ms. Tabares as the Department’s

HR representative about her options to address the circumstance of both investigations being conducted. Ms. Tabares identified various options which included administrative reassignment, temporary reassignment of both individuals in the conflict, temporary reassignment of one of them and not the other, or doing nothing. Ms. Antoine testified at hearing that prior to being notified of the HRIU investigations, she was aware of the conflict between the Appellant and Mr. Wilson. She described being aware of its impact on the “community” of the Teen Learning Center environment including services to the public and team morale of Department employees. Ms. Antoine described Teen Learning Centers in part as trusted spaces where teens and staff can interact away from adult populations.

12. Ms. Antoine provided a detailed description of how she reached the determination to reassign both Mr. Wilson and the Appellant during the HRIU investigations. She described her concerns about the impact of the conflict on the Teen Learning Center community of the public and employees. She also expressed sincere concern for the well-being of the two individuals involved in the conflict. She indicated she felt it would be unfair and inequitable to reassign one and not the other during the investigation. As part of the reassignment of both individuals, each individual was assigned special projects of specific value to the Department because they were projects needing completion by the Department, and Ms. Antoine considered this important work that was consistent with the individuals’ respective job titles. Each assignment required the individual: to work on from home; removed them from managerial functions; and instructed them to return their keys and badges. Both individuals kept their titles, and there was no pay rate reduction as a result of the reassignments. Ms. Antoine was extremely frank and clear that, while she did consult with Department HR about options to address the circumstances, the decision to reassign the individuals involved in the investigation was hers and hers alone. Her clarity on this point was unambiguous, and a manifest demonstration by a leader taking ownership of her actions in executing her duties.
13. On October 6, 2025, Ms. Antoine sent the Appellant and Mr. Wilson separate emails, notifying them that they were being temporarily reassigned to special assignments. See e.g. App. Ex. 8 and City Ex. 8.
14. Ms. Antoine in her email notice of reassignment used the term “administrative reassignment” in error. The Appellant was not administratively reassigned within the meaning of that term under SMC 4.20.065.A. He was not put on paid leave status but was temporarily reassigned to a special project within the Department.
15. The Appellant responded to Ms. Antoine’s reassignment email later the same day he received it, objecting to and seeking clarification on the reassignment. App. Ex. 8. In the email, the Appellant expressed concern that the reassignment was retaliation for making a HRIU complaint. For context, HRIU had not yet notified the Appellant that he was the subject of an investigation. It is the role of HRIU, not employing departments, to notify employees when they are subjects of an HRIU investigation. Therefore, Department HR, noting the Appellant’s concerns, contacted HRIU

requesting that HRIU expedite the investigation notification. App. Ex. 13. HRIU eventually notified the Appellant and Mr. Wilson separately that they were subjects of investigation in mid to late October 2025.

16. On or about October 9, 2025, the Appellant submitted a Step 3 grievance to the Seattle Department of Human Resources (“SHR”). App. Ex. 2. According to the written grievance, Mr. Franklin was grieving his “reassignment...and the retaliatory actions that preceded it.” Id.
17. The Step 3 grievance was processed and investigated by Josie Watanabe, SHR’s Policy and Legislative Advisor. Ms. Watanabe testified at hearing and described her role as the Policy and Legislative Advisor is to advise on the interpretation, implementation, and governance of the Personnel Rules, and that as such she is a subject matter expert. Ms. Watanabe held a Step 3 grievance meeting with the Appellant and others concerning the Step 3 grievance. Ms. Watanabe also met with Rochelle Brown, Employee and Labor Relations Manager, reviewed the list of reassignments that the Department maintained pursuant to SMC 4.20.065(C), and compared the reassignments of both Mr. Wilson and Appellant. Ms. Watanabe concluded that the Department had not violated Personnel Rules as part of the reassignment process.
18. Ms. Watanabe memorialized her findings in a Step Three Grievance Report (“Grievance Report”), which she emailed to the Appellant and Department Superintendent Anthony-Paul Diaz on December 20, 2025. City Ex. 3. After receiving the Grievance Report and Ms. Watanabe’s recommendation, Superintendent Diaz denied the Appellant’s grievance on December 23, 2025. App. Ex. 5.
19. The Appellant emailed Ms. Watanabe on December 24, 2025, listing items he felt were errors in the Grievance Report and asking for corrections to the record. App. Ex. 3 at 4-6. Ms. Watanabe agreed to make some edits to the report but declined to make additional changes requested by the Appellant. At hearing she indicated that the two minor edits she agreed to make did not alter her recommendation. The Appellant additionally requested Superintendent Diaz to place a “short-written statement that addresses the factual points that remain disputed and were not revised in the Step 3 Grievance memo” for the “Step 3 file.” App. Ex. 3 at 2. As there was no “Step 3 file” and no process for such a written statement this request was not met.
20. Several weeks after conclusion of the HRIU investigation the Appellant was reinstated to his original position in the Department.²

Conclusions

² The Appellant raised the delay of several weeks from the time of the conclusion of the HRIU investigation to his reinstatement as an issue at hearing. However, this was dismissed as it was not an issue raised in his Notice of Appeal or in any amendment to the Notice of Appeal.

1. Article XVI, sec. 5, of the Charter of the City of Seattle gives the Civil Service Commission authority to hear appeals “involving the administration of the personnel system.” Charter, Art. XVI, § 5. SMC 4.04.260(A) provides:

A regular employee who is aggrieved thereby may appeal to the Civil Service Commission his/her demotion, suspension, termination of employment, or violation of this Chapter 4.04 or rule passed pursuant thereto, provided that the employee first exhausts the intradepartmental grievance remedies under Section 4.04.240 and the Personnel Rules.

2. The Hearing Examiner has jurisdiction over this appeal pursuant to delegation from the Civil Service Commission under SMC 4.04.250. Pursuant to SMC 4.04.250.K.7, and the City of Seattle Civil Service Commission Rule of Practice and Procedure 5.08 and 5.08.2, the Civil Service Commission approved delegation of the hearing and final decision or decisions in this matter to the Hearing Examiner, to serve as Presiding Officer for the Civil Service Commission.
3. Pursuant to CSC Rule 5.31 burden of proof is determined as follows:
 - 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.

Mr. Franklin contests the circumstances of a reassignment which is not a “termination, demotion, or suspension,” as defined by the Personnel Rules, therefore he bears the burden of proof.

4. The standard is preponderance of the evidence. CSC Rule 5.31(B). The Examiner may affirm, reverse, modify, or remand the appealed decision or action. CSC Rule 5.32(B).
5. CSC Rule 5.01 provides the following guidance for the type of appeals the Commission can hear:
 - A. Any regular employee who is demoted, suspended, or terminated may appeal such action to the Commission.
 - B. Any employee alleged to be probationary by the disciplining department may appeal to the Commission the question of the employee's probationary status and whether the procedures for

discharge of probationers, as found in the Personnel Rules, were properly followed.

C. Any individual or department adversely affected by an alleged violation of Article XVI of the Charter of the City of Seattle, the Personnel Ordinance or the administration of the personnel system may appeal such violation to the Commission.

The issues raised by the Appellant in his Notice of Appeal do not concern appeals brought pursuant to CSC 5.01 A or B. The appeal is grounded in issues related only to CSC 5.01.C. To the degree they have any basis for appeal before the Commission, they allege violations of the Personnel Ordinance and administration of the personnel system.

6. In *Kim v. SPU*, CSC No. 20-07-013, Order on Request for Reconsideration of Executive Director's Dismissal (2021), the Commission stated that "administration of the personnel system," as used in CSC Rule 5.01(C), refers to the Personnel Rules stating:

CSC Rule 5.01's reference to "administration of the personnel system," is not to be interpreted in a vacuum. Rather, the phrase should be interpreted in the context of the legal authority described in SMC 4.04.260 as appellate authority regarding a violation of SMC Chapter 4.04 "or rules passed pursuant thereto." Therefore, the Commission reads the Rule 5.01's reference to "administrative of the personnel system" to mean a violation of the Personnel Rules.

Kim, at 3 n.4.

As a result, the Commission (and by extension the Examiner) does not have jurisdiction to hear violations of policies not contained in Article XVI of the Charter, the Personnel Ordinance (i.e., SMC Chapter 4.04), or the Personnel Rules.

7. The Personnel Rules permit City departments to reassign employees during investigations for workplace misconduct. Personnel Rule 1.1.4(A)(2), "Reporting Prohibited Behavior," states:

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.

8. Personnel Rule 1.3.4, "Reassignment During Investigation," provides:

- a. While investigating an employee's alleged misconduct the appointing authority may remove the employee or other employees who are the cause of or otherwise significantly affected by such investigation from the workplace. The employee(s) may be temporarily reassigned to another work unit, or may be placed on administrative reassignment.
 - b. An employee who is reassigned to another work unit pending the outcome of an investigation shall not have his or her pay rate reduced as a result of such reassignment.
 - c. The appointing authority shall place an employee on paid administrative reassignment only when he or she determines that the employee's absence from the workplace is in the best business interest of the employing unit and there is no workplace to which the employee may be reassigned.
9. Underlying Appellant's appeal issues and concerns expressed in various communications prior to and following the filing of the appeal was whether his reassignment was punitive in nature.

Appellant is certainly entitled to his personal subjective opinion and feeling that the reassignment was a negative and impactful experience. While the record is not fully developed as to the Appellant's experience, it is not difficult to extrapolate based on what is in the record (see e.g. App. Ex. 2) that Appellant would have negative feelings and experiences because he had to surrender his identification card and keys, and was disassociated from his normal work environment including his fellow employees, the teens served by Teen Learning Center, and his normal work duties among other aspects of the reassignment. However, nothing under the Personnel Rules requires that a reassigned individual not experience any negative impact from the reassignment.

The Personnel Rules do not permit reassignment to be used by management punitively against an employee for filing complaints associated with HRIU or WSHRC, or similar matters. However, the mere filing of such complaints does not shield the complainant from reassignment that is non-punitive. The record does not reflect any objectively punitive (e.g. inflicting or intended as punishment) aspect of the decision to reassign the Appellant.

Whether intended or not, the Appellant is challenging the decision to reassign made by Recreation and Aquatics Division Director Aphrodyi Antoine. The testimony by Ms. Antoine at hearing, uncontroverted by other evidence in the record, clearly established that the decision of reassignment was not punitive. Ms. Antoine detailed that she consulted with Department HR about the reassignment, but that otherwise the decision to reassign both Mr. Wilson and the Appellant was hers. Similarly, there is no indication that she was inappropriately influenced by Mr.

Wilson or any information she had available to her about the Appellant as part of her decision to reassign the individuals involved. She was very clear that the decision was hers and no evidence contradicted this. She described that in making her decision she considered the well-being of the community - the individuals that were involved in the conflict, the other employees of the team, and the people served by the Department. She considered alternatives to reassignment, she rejected the possibility of just reassigning one person as unfair and decided as a Department leader that the “employees who are the cause of or otherwise significantly affected by [the respective HRIU] investigation[s]” should be reassigned to meaningful alternative work conditions until the HRIU investigations were complete. There is no evidence that Ms. Antoine was punishing the Appellant for filing complaints, that she was inappropriately influenced by any other member of the Department or City, or that she was biased against the Appellant in any way. Ms. Antoine’s testimony was sincere and convincing.

10. The Appellant’s Notice of Appeal raises the following issue:

Whether the City’s handling of administrative reassignment and related restrictions complied with applicable personnel system requirements when the City relied on investigatory status as part of the justification for reassignment, but did not inform me that I was a subject until later in October.

- a. As indicated above there is no evidence that Ms. Antoine’s decision concerning the reassignment was conducted for inappropriate reasons identified under the Personnel Rules.
- b. Personnel Rule 1.3.4 provides that employees may be removed from the workplace so long as they are an employee who’s “alleged misconduct was under investigation or are an employee otherwise significantly affected by such an investigation.” Thus, it is not a violation of the Personnel Rules to reassign an individual who is under investigation or otherwise significantly affected by such an investigation. The Appellant was both, because he was the subject of an investigation for alleged misconduct (resulting from Mr. Wilson’s complaint), and because he was “otherwise significantly affected by such an investigation” (resulting from his complaint against Mr. Wilson).
- c. It is the role of HRIU, not employing departments, to notify employees when they are subjects of an HRIU investigation. While it may be unfortunate that the Appellant received notice of the reassignment from SPR due to an investigation prior to receiving notice of the investigation from HRIU (as this order of communication seems to have created confusion and an impression that the reassignment was punitive), it is not a violation of the Code or Personnel Rules for reassignment to occur prior to notice of an investigation from HRIU.

The appeal should be denied as to this issue.³

11. The Appellant raised the following additional issue in his Notice of Appeal:

Whether SPR applied its practices consistently when it did not separate or reassign my supervisor or me after it was aware of my WSHRC and EEOC complaint and investigation, and after the issues and concerns I raised as part of the E3 annual review process that SPR HRBPs reviewed and signed off on, but later relied on HRIU investigatory status as a basis for reassignment.

Reassignment under Personnel Rule 1.3.4 is discretionary. The Department is not required to reassign under any specific circumstances, and it may take such action in one instance and not another, even where one circumstance bears resemblance to another or involves the same individuals. It was within Ms. Antoine's discretionary authority to determine that the circumstances wherein both Mr. Wilson and the Appellant had made and were the subject of HRIU investigations warranted reassignment, and she did so. The Appellant did not identify any legal error with that process.

The Department has highlighted that the Personnel Rules do not require consistency in application. This is partly accurate – there is no explicit requirement that application of the Personnel Rules be consistently applied even between similar circumstances. As a general policy matter this makes sense, because the circumstances of each City department and specific employee situations can vary widely, and so a rigid system requiring the same outcome or application could be unworkable and/or harmful to employees and departments. However, this does not mean that the concept of consistent application of the Personnel Rules should be entirely abandoned, and that City departments have such broad discretion that they can so inconsistently apply the Personnel Rules that such inconsistency itself demonstrates a violation of the Personnel Rules.

The Department's own expert on the Personnel Rules, Ms. Watanabe, did apply the concept of checking for consistency in SPR's application of reassignment during her review of Appellant's Step 3 grievance as part of her effort to determine if reassignment had been retaliatory or not. Ms. Watanabe said she reviewed both a general record of reassignments made of employees by the Department and compared the reassignments of Mr. Wilson and the Appellant for consistency to see if based on the "preponderance of the evidence" the Department reassignment of the Appellant showed evidence of retaliation. Ms. Watanabe stated that she had done this not as a specific directive from the Personnel Rules but was consistent with general HR practices, and "guidance provided by the Society for Human Resource Management (SHRM) Human Resources Investigation Standards," which her predecessor used, and that she also followed "the Association for

³ Appellant's sub issues that he may consider related to this issue (e.g. the authority of Ms. Antoine to make the decision) are addressed below.

Workplace Investigators' guiding principles as the authoritative framework for applying the 'Preponderance of Evidence' standard."

If application of an action permitted by the Personnel Rules such as reassignment is exercised in such an inconsistent manner that the inconsistency is evidence of retaliation, punitive abuse of the action, personal bias, etc. – all of which are not permitted by the Personnel Rules, then inconsistent application of the Rules can violate the Rules. However, there must be evidence to corroborate such an outcome. In this case, while reassignment was applied in one instance but not another, there is no evidence that this was done for purposes of retaliation, punitive abuse, etc., or that there was any other outcome of the reassignment in one instance but not another that created a result prohibited by the Personnel Rules. Therefore, the appeal should be denied as to this issue.

12. The final issue identified in the Notice of Appeal states:

Whether the City's Step 3 Grievance record and Step 3 Grievance Response should be corrected or formally annotated where the record contains disputed factual characterizations that remain unaddressed, including the timing and clarity of notice to me that I was a subject of an investigation.

To the degree this issue raises concerns with the contents of Step 3 Grievance Report, the Step 3 Grievance Report was issued by SHR, not SPR. To the extent Mr. Franklin is taking issue with the SHR investigation and the failure to correct the Step 3 Grievance Report, he is complaining about acts by Ms. Watanabe of SHR, and SHR's actions cannot be a subject of the appeal.

Further, the Appellant has not identified a Personnel Rule that is violated by potential inconsistencies in the record for which both Ms. Watanabe and Mr. Diaz indicated would not change the result of their final determination. Based on the record before the Examiner, the inconsistencies, while containing facts which may be important to Appellant, do not indicate reversible error of the Step 3 grievance process even if the alleged errors had been corrected as requested by the Appellant.

13. In closing argument, the Appellant argued five primary points:

a. "First, management received repeated reports from Mr. Franklin describing an "ongoing, unaddressed toxic and retaliatory work environment" before October 6, 2025. Reports were sent in May and June to his supervisor and senior management. The July 29 report was forwarded within SPR that day but did not reach SPR Human Resources and HRIU until August 22. App. Exs. 11, 15, 19. This sequence is directly relevant to Personnel Rule 1.1.6 and to whether management acted promptly and consistently."

Actions relating to the reporting (or timeliness thereof) identified in this argument do not concern any of the three issues listed in the Appellant's Notice of Appeal. This argument does not concern the reassignment, or the Step 3 grievance process – which are the subjects of the Appellant's appeal. This issue concerns compliance by Department management with the reporting requirements listed in Personnel Rule 1.1.6 and cannot be raised as an issue for the first time in closing argument. The purpose of the hearing was to vet the issues raised by the Appellant in the Notice of the Appeal, not to allow an investigation to show error in other actions by the Department even where such error may or may not have occurred.

To the degree the Appellant is arguing that delays in the reporting process demonstrate a bias by management against Appellant which later resulted in the reassignment, the evidence in the record does not support such a contention.

b. “Second, the record does not identify a contemporaneous assessment under Personnel Rule 1.1.4(A)(2) when SPR earlier learned of Mr. Franklin's WSHRC and EEOC matter and E3 concerns involving Mr. Wilson. Yet SPR later relied on the parties' HRIU status to separate and reassign both employees. App. Exs. 1, 3, 4; City Ex. 11; Day 1 testimony (Tabares). The issue is not whether every report must produce the same result. It is whether the different treatment followed an actual, circumstance-based assessment.”

To the degree the Appellant is arguing that the Department violated the Personnel Rules during the WSHRC and EEOC matters, this issue does not concern any of the three issues listed in the Appellant's Notice of Appeal. This argument does not concern the reassignment, or the Step 3 grievance process – which are the subjects of the Appellant's appeal. Issues concerning Department activity with regard to those matters cannot be raised as an issue for the first time in closing argument.

To the degree this argument concerns inconsistency between the period of the WSHRC and EEOC matters and the reassignment, that issue is addressed in Conclusion 12 above.

To the degree the Appellant is arguing Ms. Antoine's assessment of the circumstances as part of her decision to reassign was inadequate, Ms. Antoine detailed the assessment she conducted as part of the decision, and this is described above. The Appellant did not identify any authority requiring an additional or more detailed assessment in the Personnel Rules. While the Appellant may prefer to have a more detailed assessment for the record, there is no indication in the Personnel Rules that such detail is required.

c. “Third, the October 6 action was extensive in operation. It removed Mr. Franklin from his worksites and team, changed his supervisor and duties, restricted staff and operational contact, and required surrender of his keys and badge. App. Ex. 8. Although the

Code labels paid administrative reassignment non-disciplinary, these concrete restrictions were isolating and had a punitive effect. Their breadth made compliance with the governing safeguards especially important.”

This argument is addressed by Conclusions 10 and 11 above.

d. “Fourth, SPR did not establish who lawfully exercised Rule 1.3.4 authority or who made the findings required by that rule and SMC 4.20.065. Aphrodyi Antoine made the decision. App. Ex. 10 at 4. The appointing authority, Superintendent AP Diaz, testified that he had little involvement, did not sign off, had not received a case-specific assessment, and assumed one had probably been performed. Day 3 testimony (Diaz). No witness identified a contemporaneous, purpose-specific designation, a determination by the appointing authority that no other workplace or work unit was available, a finding that administrative reassignment was the only reasonable course, or the appointing authority’s recorded business justification.”

The burden at hearing was not on SPR to demonstrate it had complied with the Personnel Rules. The Appellant did not demonstrate that Ms. Antoine did not have authority to make the reassignment decision.

Under Personnel Rules Preamble 2 Definitions, “‘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.” Testimony from Mr. Sugarman and Mr. Diaz indicate that delegation of these responsibilities is common in City departments and SPR, and this delegation is not shown in the record to be a violation of the Personnel Rules. The record indicates that Ms. Antoine had the authority to make the decision that she did.

Ms. Antoine detailed the assessment she conducted as part of the decision. The Appellant did not identify any authority requiring an additional or more detailed assessment in the Personnel Rules.

e. “Fifth, the Step 3 process did not resolve these defects. It accepted disputed information from Rochelle Brown without securing readily identifiable underlying evidence, including the mentorship deactivation email stating “On leave.” App. Ex. 3; Day 2 testimony (Watanabe). It blurred SPR’s internal knowledge of an investigation Page 1 with the date Mr. Franklin was clearly notified that he was a subject. It did not analyze Rule 1.3.4 authority or the statutory prerequisites. Its author later corrected or qualified material parts of her reasoning. Superintendent Diaz relied on that work without independently reviewing the disputed underlying record.”

This argument is addressed in part by Conclusion 13 above. Further, the Appellant's concern that the Step 3 grievance process did not resolve defects in the record is misplaced. The purpose of the Step 3 grievance process is not to establish correct details as to every specific aspect of a grieving parties experience for reference in a future record. The purpose of the Step 3 grievance process was to determine if the reassignment was retaliatory, and the process was properly conducted as to that serious concern.

14. In closing argument, the Appellant raises issues under SMC 4.20.065 concerning "administrative reassignment." SMC 4.20.065 is not relevant to this matter. Ms. Antoine in her email notice of reassignment used the term "administrative reassignment" in error. Under SMC 4.20.065.A:

"Administrative reassignment" means paid leave status that an appointing authority may authorize for any City officer or employee in his or her 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, City ordinances, or state or federal laws and/or regulations, or an investigation intended to determine the employee's fitness for duty. Administrative reassignment shall not be considered discipline.

The Appellant was not administratively reassigned under SMC 4.20.065.A. He was not put on paid leave status but was temporarily reassigned to a special project within the Department.

15. The Appellant has raised other concerns and issues embedded in his closing argument that may not be addressed by the above. These issues were not adequately identified in the Appellant's Notice of Appeal with sufficient detail such that they were preserved as separate issues for the hearing, and as such cannot be raised for the first time in closing argument and are not considered by the Examiner.
16. The Appellant has not shown by a preponderance of the evidence that the decision to temporarily reassign him was made in violation of the Personnel Rules, or that there was reversible error as to the Step 3 grievance process.
17. On Monday August 24, 2026, the Appellant emailed a request to the Hearing Examiner to admit Appellant Exhibit 19 to the record. The hearing record closed on August 6, 2026. It is the responsibility of the parties to ensure that evidence they present at hearing is admitted by requesting that it be admitted during the

hearing. The request to admit Appellant Exhibit 19 after the close of the hearing is denied.⁴

18. At hearing on July 29, 2026, the Examiner determined that he did not have jurisdiction to hear issues concerning retaliation that are within the jurisdiction of the City of Seattle Office of Civil Rights (“OCR”). CSC Rule 5.05 provides:

An appeal or petition alleging a violation of a rule or ordinance related to employment enforced by another City agency, shall be referred by the Commission to the agency of the City having jurisdiction over such alleged violation.

The Appellant requested the Examiner to refer retaliation issues raised by him to OCR. The Examiner indicated that the CSC Rules and Code provide for referral of an appeal to the Examiner, these do not include delegation of CSC powers/obligations to refer retaliation matters to other departments in the City, including OCR. Therefore, the Examiner could not make an official referral to OCR on behalf of the Commission. The Examiner indicated that as a courtesy he would issue a written order as to the Examiner’s rulings on this issue for the benefit of communication with the Commission for the Appellant if the Appellant provided a draft order for review by the Examiner. The Appellant did not provide a draft order, but made a good faith attempt to provide some verbiage to support his request. The Examiner apologizes, but absent a draft order, and due to workload and family matters, he was not able to complete an Order concerning this issue and so records that decision herein. The Appellant may elect to pursue this directly with the Commission.

Decision

The Department’s decision is **AFFIRMED** and the appeal is **DENIED**.

Entered August 27, 2026.

/s/Ryan Vancil
Ryan P. Vancil
Hearing Examiner

Concerning Further Review

⁴ In the alternative, if the Appellant is indicating that the Exhibit was admitted by the Examiner at hearing but was inadvertently left off the exhibit list in error, the Appellant should cite to the hearing recording where this occurred, and the exhibit list can be corrected.

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner is subject to review by the Civil Service Commission. To be timely, the petition for review must be filed with the Civil Service Commission no later than ten (10) days following the date of issuance of this decision, as provided in Civil Service Commission Rules 6.02 and 6.03.