

RECEIVED
CITY OF SEATTLE

01 OCT 22 AM 10:55

CIVIL SERVICE COMMISSION

1

2

3

4

BEFORE THE CIVIL SERVICE COMMISSION FOR THE CITY OF SEATTLE

5

IN RE THE APPEAL OF:)

PATRICE LUNDQUIST,)
Appellant,)

No. 00-04-013

vs.)

ORDER RE: BACK WAGES

SEATTLE CITY LIGHT,)
Respondent)

10

THIS MATTER comes on upon the submission by Seattle City Light of proposed calculations of back wages and benefits in response to this Hearing Examiner's Order on City Light's and Patrice Lundquist's dual motions for summary judgment.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Having reviewed the calculations and explanations thereof from City Light, and having also reviewed appellant's calculations and explanations contained in her motion, and having reviewed and discussed the calculations and figures with John Pearson from the City Personnel Department, and being fully advised, the Hearing Examiner now makes the following:

ORDER

I find that neither party used the correct method of calculation. The City continues to pursue the erroneous notion that this matter (as opposed to the combined Budman/Ludquist appeal, Civil Service Case No. 00-04-001) involves *reclassification*. It does not, as has been emphasized in at least two prior orders and numerous times orally in pre-hearing conferences. Rather, this case involves pay inequity impermissible under the Personnel Rules and the City Charter. Consequently, it should not be viewed as "work out-of-class." Further, it is inappropriate to use as a base salary the figure eventually adopted by the City as appropriate to the newly redefined position of Energy Management Analyst, Senior, which

1 was assigned a salary range between the prior position of the same title, and the position of Senior Energy
2 Management Analyst Supervisor. The reason that this is an inappropriate salary figure is that it is not the
3 salary paid to the comparable individual, Alan Budman. The appropriate comparable salary is the salary
4 actually paid to Mr. Budman. That salary, which was \$30.04 per hour in 1998 and \$30.79 per hour in
5 1999, as confirmed with Personnel, is the appropriate base figure for the calculation of back wages.
6 Similarly, the out-of-class analysis fails since City Light proposes to pay appellant for only the hours
7 actually worked, and not for sick leave, compensatory time, holidays, and personal leave days. That
8 analysis fails to acknowledge the inequity, and, in fact, perpetuates it.

9 On the other hand, appellant's analysis that she should continue to be paid at Budman's rate of
10 pay after the position was finally reclassified also fails. Once the admitted discrepancy was finally
11 addressed by the City, and the positions were reclassified and then, after an appeal hearing, assigned a
12 new salary range, the initial inequity had been addressed. While it is true that Budman continued to be
13 paid a higher salary, that was due to the Personnel Rule requiring that an individual continue to be paid at
14 the incumbent rate (or "red circled") following a reclassification as a result of a reorganization (see
15 Personnel Rule 2.3.200 B). The rules allowing this "red-circling" are justifiable and fair. Appellant's
16 position that because of the original pay inequity, the continuance of Budman's "over-payment"
17 continued the inequity is understandable. Nevertheless, once the new position and its salary level were
18 established (and upheld by this Commission), any resulting difference in salary was justifiable by law.
19 Consequently, the calculation of differential wages ends as of the effective date of the new position and
20 salary: October 8, 1999.

21 The calculations are as follows:

22 Pay differential from January 12, 1998 (the date to which the parties stipulated for job
23 equivalency) through January 5, 1999: $\$3.16^1$ per hour for 2056^2 hours = \$6496.96.

24

25

¹ Budman's salary of \$30.04 minus Lundquist's salary of \$26.88 = \$3.16.

² 2088 hours (one year FTE), less 56 hours prior to January 12, plus 24 hours in 1999 prior to January 6.

1 Pay differential from January 6, 1999 through October 7, 1999: $\$3.24^3$ per hour for 1600⁴ hours
2 = \$5,184.00

3 One day of merit pay for 1998 @ \$30.04 (the Hearing Examiner accepts the City's reasoning for
4 this element, although not the amount): \$243.20.

5 Four days of Executive Leave for 1998 @ \$30.40 = \$972.80.

6 Three days of Executive Leave for 1999⁵ @ \$30.79 = \$738.96.

7 Total: \$13,635.92.

8 In addition, an appropriate adjustment should be made to appellant's retirement concomitant with
9 the above calculations.

10 Thus, the total due to Lundquist for the period of time since January 12, 1998 is \$13,635.92,
11 through November 7, 2001, with appropriate additional contributions to appellant's retirement.

12 **IT IS SO ORDERED.**

13
14 10/17/01
DATE

15
16 Rhea J. Rolfe
RHEA J. ROLFE
HEARING EXAMINER

23
24
25 ³ Budman's salary of \$30.79 minus Lundquist's salary of \$27.55 = \$3.24.
⁴ Number of working days from January 6, 1999 through October 7, 1999 x 8 = 1600.
⁵ Lundquist should have received one day of Executive Leave for the remainder of 1999. If that is not the case, this number must be adjusted.