

1 **BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION**
2

JOHN JANSSEN
Appellant,

V.

DEPARTMENT OF INFORMATION TECHNOLOGY
City of Seattle, Respondent

MEMORANDUM DECISION

CSC No. 05-01-006

3
4 **BACKGROUND**
5

6 The Civil Service Commission (Commission) dismissed the probationary discharge portion of
7 the above appeal and delegated the hearing of the personnel rule violation portion of the appeal
8 to the Office of the City's Hearing Examiner.
9

10 The Hearing Examiner of the City of Seattle considered the appeal and issued a Summary
11 Judgment on September 20, 2005.
12

13 On September 30, 2005, the Appellant filed a Petition for Review of the Hearing Examiner's
14 decision, with the Commission, and requested that the Commission reconsider and modify the
15 order to address some of the remedies sought.
16

17 The Commission reviewed and affirmed the Hearing Examiner's Analysis and Conclusions, with
18 one exception; the Commission disagrees with the Hearing Examiner's analysis that the
19 requested remedies are not supported by the Code.
20

21 The Commission also reviewed and considered the Appellant's Petition for Review (September
22 30, 2005) and the Department's response to the petition (October 13, 2005), which includes
23 argument that the Appellant's remedy is not within the Commission's jurisdiction.
24

25 **FINDINGS**
26

27 The Department did not comply with Rule 1.3.7, which requires written notice of discharge,
28 including the reason for the discharge. The Hearing Examiner's Summary Judgment
29 (Disposition) and Order issued September 20, 2005, Conclusion and Analysis (7) conclude that,
30 "Rule 1.3.7.A states that a written notification of a discharge "shall be delivered to the affected
31 employee not later than 1 working day after the action becomes effective. The notification shall
32 include the reason for the action taken." ... It is not disputed that the letter of discharge was sent
33 to the Mr. Janssen approximately three weeks after he was discharged, and that the letter did
34 not state the reason for the discharge. Thus, the Department's verbal discharge and subsequent
35 letter did not comply fully with Rule 1.3.7.A."
36

37 The Appellant states and it is not argued that he was verbally discharged at a meeting with his
38 supervisor and manger on June 29, 2005. Since that day, the Department had ample time to
39 provide a written notice of discharge in compliance with Personnel Rule 1.37.A. The Department
40 sent a written notice in accordance with the rule, dated September 29, 2005, after the Hearing
41 Examiner issued an order to do so, in the Summary Judgment.

ORIGINAL

1 After a notice to the Department from the Commission, dated July 18, 2005, the Department
2 sent a letter of discharge, dated July 21, 2005, to the Appellant. As, stated in the Summary
3 Judgment, the letter did not fully comply with Personnel Rule 1.37. (The Appellant argues that
4 the postmark on his letter is July 26, 2005. The Commission received a copy of the letter on
5 July 27, 2005.)

6 CONCLUSIONS

7 The Commission concurs with the Hearing Examiner's findings and conclusion that per
8 Personnel Rules, the Appellant did not receive and was entitled to written notification of
9 termination, *and* that the notification must include a reason for the action. The Department
10 submitted a copy of a notice of termination to the Appellant, in compliance with Personnel Rule
11 1.37.A, and dated September 29, 2005.

12 Personnel Rule 1.3.7 states "A written notification signed by the appointing authority of a
13 suspension, demotion or discharge shall be delivered to the affected employee not later than 1
14 working day after the action becomes effective..." The Appellant received written notification
15 that did not fully comply with the rule approximately three weeks after his discharge meeting.
16 The Commission therefore concludes that the Appellant's termination date is July 26, 2005, the
17 date on the letter of probationary discharge signed by Bill Schrier, Appointing Authority.

18 SMC 4.04.250, grants the Commission the authority to "To issue such remedial orders as it
19 deems appropriate; provided, that no remedial order may supervene the exclusive authority of
20 the City Council as it relates to the financial transactions of the City. The Commission shall
21 have the power to reinstate employees...."

22 The Civil Service Commission hereby enters the following

23 ORDER

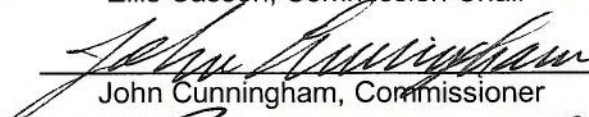
24 The Appellant's City of Seattle personnel records should reflect his discharge date, from his
25 position with the Department of Information Technology, as no earlier than July 26, 2005, the
26 date on the probationary discharge letter.

27 The Department shall compensate the employee appropriately for his time until the July 26,
28 2005 termination date.

29 Dated this 26th day of October, 2005

30 CITY OF SEATTLE CIVIL SERVICE COMMISSION

31 
32 _____
33 Ellis Casson, Commission Chair

34 
35 _____
36 John Cunningham, Commissioner

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38 _____
39 Jennifer Schubert, Commissioner