

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

In the matter of the appeal of

GREGORY M. ANDERSON,

Appellant

v.

SEATTLE PERSONNEL DEPARTMENT

Respondent

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

PSCSC No. 04-004

This matter was heard pursuant to a Notice of Appeal filed by Gregory W. Anderson, appealing the provisional rejection of his application for the position of Fireboat Pilot. A full hearing was held on September 16, 2004 before Commissioners David C. Bown, Joel A. Nark, and Herbert V. Johnson. Gregory M. Anderson was represented by himself. The Department was represented by Jean Boler, Assistant City Attorney. After considering the evidence in this case, including the testimony, documentary evidence, and arguments of the parties and counsel, the Commission, by unanimous vote of those present, now makes the following Findings of Fact, Conclusions and Order.

FINDINGS OF FACT

1. Gregory M. Anderson ("Anderson") is a Fire Fighter for the City of Seattle assigned to Fire Station 5, Ladder 7. On July 19, 2004, Anderson applied for the position of Fireboat Pilot pursuant to an Examination Announcement from the City of Seattle Personnel Department that was issued on March 5, 2004.

2. Under the Announcement, applicants were required to have experience of either “[t]hree years (288 shifts) working on a Seattle fireboat; or three years in the deck department of a vessel comparable to a Seattle fireboat.” The Personnel Department agrees that an applicant could qualify by satisfying either one of the requirements.

3. Anderson did not have experience working on a Seattle fireboat, however, he did have experience working at sea. Anderson submitted a letter from Wesley M. Hansen, of Icicle Seafoods, Inc., Master of the M/V Impala, who indicated that Anderson had worked as a deckhand “for a couple of years” on the fish processor Bering Star in which time he had “exhibited leadership and abilities beyond his peers,” and was promoted to head deckhand or “deck boss” in 1984. The following year, Anderson joined Hansen as Able Seaman aboard the 165’ tug Impala where he remained until 1987. Hansen indicated that at some point, “[o]ur seasons were becoming long and required the crew to remain out for nearly 10 months a year.” In 1987 Anderson ceased sea duty at Icicle but continued his employment with Icicle Seafoods until 1989.

4. On July 28, 2004, Dean Barnes, Employment Services Director for the Department of Personnel, forwarded Mr. Hansen’s letter to Linda Czeisler, HR Director of the Seattle Fire Department, requesting input from the Fire Department “in evaluating equivalent experience.” Ms. Czeisler, on August 25, 2004 responded in a memorandum that “the documentation is not sufficient to grant his request at this time. In order for the Department to consider approving his request, he must provide a more detailed accounting (e.g. specific dates, watch hours, etc.) of his sea time.”

5. On August 27, 2004, Anderson received a memorandum from Barnes requesting “additional details specifically regarding the dates of your service with Icicle Seafoods, Inc. (for example, specific dates, watch hours, and job duties during that time.)” The memorandum also stated that “[u]ntil you have provided this additional information we are unable to grant your request and we will not be able to schedule you for the exam.”

6. Icicle Seafoods informed Anderson that their records only went back fifteen years. Accordingly, records were only available for 1989, a time when he was not at sea, and his last year of employment at Icicle. Anderson declined a request of Linda Czeisler, HR Director of the Seattle Fire Department, that the Department be allowed to examine Icicle's personnel records regarding Anderson. Anderson did not attempt to elicit further information from Hansen because he believed Hansen was at sea.

7. On September 7, 2004, Anderson submitted his Notice of Appeal in this case, appealing the Personnel Department's decision to not admit him to the examination without the further information requested.

8. On September 7, 2004, Barnes informed Anderson that he would be admitted to the Fireboat Pilot examination scheduled for September 10, 2004 and that his eligibility to take the examination for the position would be "based on the results of this appeal."

9. The Personnel Department does not dispute that notwithstanding time spent, deck experience on board a fishing vessel and the tug Impala is equivalent to experience in the deck department of a fireboat.

CONCLUSIONS OF LAW

10. The Public Safety Civil Service Commission has jurisdiction over this matter pursuant to Article XVI, Section 3 of the Seattle City Charter and Seattle Municipal Code ("SMC") 4.08.070 C.

11. The Public Safety Civil Service Rules ("PSCSC Rules" or "Rules") govern the promotional examination process within the Fire Department. The Personnel Director is responsible under the Rules for administering all aspects of the testing process. Rule 8.01 b sets forth the examination application process and provides in pertinent part:

b. In order to file an application for examination the applicant must:

- (1) Meet the requirements specified in these Rules and in the official examination bulletin.
- (2) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

12. Under the terms of the March 5, 2004 Examination Announcement, applicants for the position of Fireboat Pilot qualified for the examination if they had "three years in the deck department of a vessel comparable to a Seattle fireboat." The announcement did not require any more detailed information regarding time of service other than "three years."

13. Experience in the deck department of a fishing vessel or the tug Impala is equivalent to experience in the deck department of a fireboat.

14. The letter of Wesley M. Hansen, stating that Anderson had approximately two years as a deckhand on the fish processor Bering Star, and an additional three years as Able Seaman aboard the tug Impala, including times out to sea extending as long as ten months, provided reasonably reliable evidence with a sufficient level of detail to meet the required equivalent experience as described in the Examination Announcement, specifically, "three years in the deck department of a vessel comparable to a Seattle fireboat." The Hansen letter, therefore was sufficient evidence to show that Anderson met the equivalent experience requirement in the Examination Announcement.

15. Since his experience as set forth in the Hansen letter, met the equivalent experience requirement of the March 5, 2004 examination bulletin, Mr. Anderson complied with PSCSC Rule 8.01 b (1) that he "meet the requirements specified in the PSCSC Rules and in the official examination bulletin."

16. Since no other records were available, Mr. Anderson met the requirements of PSCSC Rule 8.01 b (2) requiring that an applicant "[p]roduce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary," by providing reasonably reliable evidence of a level of detail at least sufficient enough to support his claim of experience consistent with the required experience detailed in the Examination Announcement through the Hansen letter.

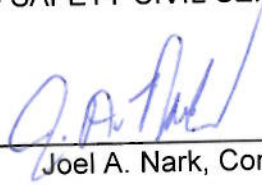
17. Accordingly, Anderson has timely complied with PSCSC Rule 8.01 b (1) and (2).

ORDER

IT IS HEREBY ORDERED that Gregory W. Anderson's application for the position of Fireboat Pilot be accepted and that he be placed on the eligible roster to take and/or complete the examination process.

Signed at Seattle, Washington this 5th day of October, 2004

FOR THE SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION



Joel A. Nark, Commission Chairperson