

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

In the matter of the appeal of)
WAYNE R. GRIBBLE) FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER
)

I. INTRODUCTION

This matter came before the Public Safety Civil Service Commission ("Commission") in the appeal of Wayne R. Gribble ("Appellant") from his discharge by the Seattle Fire Department ("Department").

1.1 Appearances.

1.1.1 Appellant. The Appellant was notified of the hearing date and time on two occasions and was told that he had the right to present written evidence and/or to be represented by a person of his choosing. By letter dated May 4, 1989 the Appellant requested "that the appeal hearing be indefinitely postponed or cancelled pending my exhaustion of the appeals process."

1.1.2 Department. The Department was represented by Captain Andrew David.

1.1.3 Commission. Arthur Joyner, Chair; Maura O'Neill and Daniel Oliver, Commissioners; and Dallas Shockley, Secretary and Chief Examiner.

1.1.4 Witnesses. None.

1.2 Proceedings.

By notice dated February 14, 1989, Fire Fighter Wayne R. Gribble was discharged by the Seattle Fire Department. The Commission received notice of discharge the same date. Mr. Gribble timely filed his appeal on February 16, 1989.

A hearing was held on May 10, 1989.

II. FINDINGS OF FACT

2.1 On February 7, 1989, Fire Fighter Wayne R. Gribble was convicted in Snohomish County Superior Court of one count of First Degree Statutory Rape and one count of Indecent Liberties. Both counts are felonies.

2.2 Mr. Gribble was subsequently sentenced to ten years in the Washington State Penitentiary and is presently incarcerated in Shelton, Washington.

2.3 Seattle Fire Department Operating Instructions Section I 204 5.9(g) states:

"Uniformed members convicted of a felony will be terminated from employment in the Seattle Fire Department."

2.4 Mr. Gribble is presently incarcerated in the Washington State Penitentiary and is unavailable for work as a Seattle Fire Fighter.

III. CONCLUSIONS OF LAW

3.1 Wayne R. Gribble was a civil service employee with the rank of fire fighter. The Commission has jurisdiction over the subject matter and the parties to this action.

3.2 The notice of discharge and appeal to this Commission have been brought by the respective parties in a timely fashion.

3.3 Pursuant to the City Charter, Ordinance (SMC 4.08.100) and Public Safety Civil Service Commission Rules, the tenure of every employee holding civil service employment shall be only during good behavior and acceptable performance. Mr. Gribble may be removed or discharged only for cause. This Commission has jurisdiction to determine that the Appellant's discharge was in good faith, for cause, and not otherwise prohibited by law or public policy.

3.4 The decision of the Chief of the Seattle was made in good faith.

3.5 Based on the independent determination of the Commission, there was good cause for the imposition of the discipline against Mr. Gribble.

3.6 Based on the independent determination of the Commission, there was good cause for the discharge of Mr. Gribble.

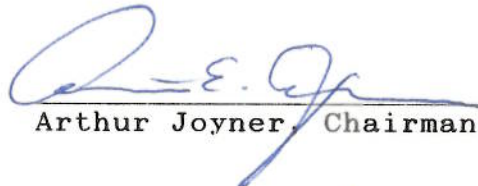
IV. ORDER

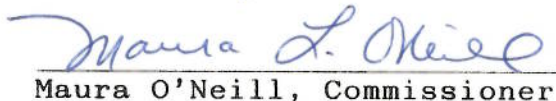
4.1 The order of discharge in this matter is affirmed.

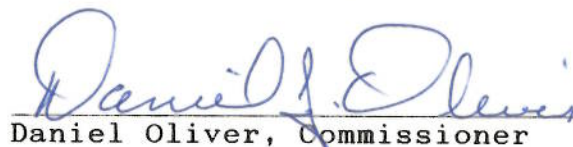
4.2 However, if Mr. Gribble's underlying conviction is overturned in the appellate process, the Commission will consider a motion for reconsideration of this action.

4.3 Any appeal from this decision shall be taken in the manner prescribed by law.

DATED this 10th day of May, 1989


Arthur Joyner, Chairman


Maura O'Neill, Commissioner


Daniel Oliver, Commissioner