

TRANSCRIPT OF THE JANUARY 28, 1987 HEARING BEFORE  
THE PUBLIC SAFETY CIVIL SERVICE COMMISSION  
OF THE CITY OF SEATTLE  
ON THE APPEAL OF GERALD KRAFT  
OF HIS DISMISSAL BY THE SEATTLE FIRE DEPARTMENT

Present at the appeal in the offices of the Public Safety Civil Service Commission (631 Lyon Building, Seattle, Washington) were the following:

Kathryn Bannai, Public Safety Civil Service Commissioner  
Gregory Dallaire, Acting Chairman, Public Safety Civil Service Commission  
Roger Ramsey, Deputy Chief, Seattle Fire Department  
Marilyn Sherron, Assistant City Attorney  
Dallas Shockley, Secretary and Chief Examiner

DALLAIRE: I am going to skip over Item No. 4 which is the appeal of Captain Angelo Duggins and go to Item No. 5 on the agenda which is the appeal of Gerald Kraft of his dismissal from the Seattle Fire Department. Are there people here to speak to that issue?

SHERRON: I'm Marilyn Sherron from the Seattle City Attorney's office and I'm here to speak on behalf of the Seattle Fire Department. Mr. Kraft is apparently not present.

DALLAIRE: We have received a letter from Mr. Kraft. I will read it into the record and then we will proceed ahead with the hearing.

"Public Safety Civil Service Commission

January 15, 1987

Dallas Shockley,

Please hold the hearing scheduled for January 28, 1987. I will not be able to attend but understand two issues will be considered.

- A. That I was indeed a probationer.
- B. That regulations regarding termination of probationers were followed.

Please send transcripts of that meeting to my address.

Sincerely,

Gerald Kraft  
7791 - 11th S.W.  
Seattle, WA 98106"

DALLAIRE: Ms. Sherron, you are representing the department?

SHERRON: Yes, I am.

DALLAIRE: Are you prepared to go ahead at this time?

SHERRON: Yes, I am.

DALLAIRE: All right, then you can proceed.

SHERRON: OK, for the record again, I am Marilyn Sherron, representing the Seattle Fire Department and the City of Seattle. I have brought several documents with me for the Commission's consideration. It's the department's contention that Mr. Kraft was in fact a probationer and that under the terms of the Civil Service rules, Mr. Kraft does not have a right to appeal his termination. And what I have presented to the Commissioners are copies, first of all, of the invitation letter, a letter from Chief Claude Harris inviting Mr. Kraft to become a member of the Seattle Fire Department and second, a letter from the Chief of the Fire Department to Mr. Kraft notifying him of his termination. He was a member of the recruit class that began in October of 1986 and was dismissed from service with the Seattle Fire Department in December of 1986. As he did not serve his one year probationary period as required by the Public Safety Civil Service Commission rules, he is a probationer and therefore not entitled to an appeal under the Civil Service rules.

DALLAIRE: We want to read these letters, Ms. Sherron.

SHERRON: Certainly.

DALLAIRE: Ms. Sherron, do you have witnesses that you wish to present regarding this matter.

SHERRON: No we do not. We are prepared to present an affidavit from Claude Harris if necessary. We do have Chief Ramsey, of the Seattle Fire Department, Head of Training, in case the Commission has questions regarding training and the time in fact Mr. Kraft put in at the Fire Department.

DALLAIRE: OK, thank you, Ms. Sherron. I'd like to do a couple of things. First of all, I'd like to read into the record one more communication from Gerald Kraft, which is dated December 22, 1986.

"Dallas Shockley  
Civil Service Commission

December 22, 1986

In regard to my termination from the Seattle Fire Department, Recruit Class 46, I request an appeal and hearing regarding this issue.

Sincerely,

Gerald Kraft"

This letter along with the other letter which I read into the record will be made a part of this record. One of the questions that I have regarding Mr. Kraft's termination in this regard. It is your contention that he is a probationary employee?

SHERRON: That is correct.

DALLAIRE: Is there any evidence that you have to present concerning the length of time for a probationary employee or what the probationary status is?

SHERRON: Other than Civil Service rules, we brought a copy and we would ask the Commission to take notice of their rules. Rule 12.01 specifically states that the probationary time is one year. And regarding whether or not Mr. Kraft would have an appeal, Rule 6.01 provides that, excuse me, that is 6.01B, provides that an employee who is alleged to be a probationer by the disciplining department may appeal to the Commission the questions of his or hers probationary status and whether the procedures for discharge for probationers as found in these rules is properly followed. In that Mr. Kraft did not serve out his one year probationary status as required by 12.01 we contend that he does not have a right to appeal under Civil Service rules.

DALLAIRE: He did not serve it out because he was discharged or he was terminated as a probationary employee. That is your position?

SHERRON: That is our position.

DALLAIRE: He didn't leave voluntarily?

SHERRON: No he did not.

DALLAIRE: When did Gerald F. Kraft start his probationary employment?

SHERRON: I believe I've given all my documents to the Commission, if I may have copies?

DALLAIRE: OK. What we have on record right now is an invitation letter which says he is to begin training on October 15, 1986 at Fire Station 14. Is that when he began?

SHERRON: Yes it is.

DALLAIRE: And Mr. Kraft stated he was in Class 46. Is that the class which he was in?

SHERRON: Yes it is.

DALLAIRE: What was the date of Mr. Kraft's termination?

SHERRON: December 18, 1986.

DALLAIRE: And that is established by the letter from Claude Harris?

SHERRON: Yes it is.

DALLAIRE: Commissioner Bannai, do you have any questions?

BANNAI: I don't have any questions.

DALLAIRE: I don't have any questions either. The Commissioners will adjourn at this time, or not adjourn, but recess at this time to discuss this matter and come back with a decision.

SHERRON: Thank you.

DALLAIRE: We are returning from recess and we have a decision concerning the Gerald Kraft matter. The Commission finds that Gerald Kraft began his employment with the Seattle Fire Department on October 15, 1986; that he was a probationary employee as defined by Seattle Municipal Code 4.08 Section 3, that Gerald Kraft was properly discharged consistent with Public Safety Civil Service Commission rule 12.09. The Commission therefore sustains the decision of the Seattle Fire Department.