



City of Seattle

CIVIL SERVICE COMMISSIONS

Public Safety Civil Service Commission

Commission Chair Stacy Connole

Commissioner Dorothy Y. Leggett

Commissioner Joel A. Nark

Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Executive Assistant

PUBLIC SAFETY CIVIL SERVICE COMMISSION SPECIAL MEETING AGENDA

The agenda is subject to change to address immediate Commission concerns.

DATE: Monday, January 23, 2023

TIME: 10:00 a.m.

LOCATION: Hybrid meeting- Attendance via WebEx or in person at Commission offices, Seattle Municipal Tower, 700 5th Ave #1670, Seattle, WA 98104. To attend in person, request **access to the 16th floor from SMT security at building entry and follow the signs on 16.**

Join from the meeting link

<https://seattle.webex.com/seattle/j.php?MTID=m7535723ff2d7cdde99026d0f823c3e34>

Join by meeting number

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City of Seattle Civil Service Commissions

Seattle Municipal Tower, 700 Fifth Avenue, Suite 1670 PO Box 94729 Seattle, W98124-4729

Tel (206) 233-7118, Fax: (206) 684-0755 <http://www.seattle.gov/CivilServiceCommissions/>

The City of Seattle encourages everyone to participate. For disability accommodations or accessibility information, contact Teresa.jacobs@seattle.com

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
MEETING AGENDA
January 23, 2023 @ 10:00 a.m.**

Meeting materials will be posted to the PSCSC website prior to the scheduled meeting time.

AUDIO/VIDEO TECH CHECK

CHAIR (PSCSC 2.04)

1. CALL TO ORDER
2. LAND ACKNOWLEDGEMENT
3. INTRODUCTIONS
4. PUBLIC COMMENT

DISCUSSION ITEMS

5. APPROVAL OF MINUTES
 - November 7, 2022, Joint Meeting with CSC • November 16, 2022 Monthly Meeting
6. FIRE AND POLICE EXAM UNIT
 - Fire Update-Yoshiko Grace Matsui, Fire Exams Administrator
 - Police Update-Rachael Schade, Police Exams Administrator
7. EXECUTIVE DIRECTOR REPORT
 - Departmental Work Updates
 - Budget
 - 2023 Commission-Commission Vacancy; Meetings; Chair
8. CASE STATUS REPORT
 - *Constantin v. SPD*, PSCSC No. 22-01-003- Case Update
 - *Moore v. SPD*, PSCSC No. 22-01-004- Case Update
9. EXECUTIVE SESSION- To discuss Pending, Potential, or Actual Litigation (*May be cancelled if not needed*)
10. OLD/NEW BUSINESS
11. ADJOURN

NEXT REGULAR PSCSC MEETING: TBD, 2023 @ 10:00 a.m. END OF AGENDA

CIVIL SERVICE COMMISSIONS

Public Safety Civil Service Commission

Commission Chair Stacy Connole

Commissioner Joel A. Nark

Commissioner Dorothy Leggett

Civil Service Commission

Commission Chair Mary Wideman-Williams

Commissioner Evan Chinn

Commissioner Joshua Werner

Staff

Andrea Scheele, Executive Director

Teresa R. Jacobs, Executive Assistant

Joint Special Meeting of the Public Safety Civil Service Commission and Civil Service Commission

November 7, 2022

Approved January 23, 2023 (PSCSC)

Approved January 23, 2023 (CSC)

1. CALL TO ORDER: Public Safety Civil Service Commission Chairs Stacy Connole and Civil Service Commission Chair Mary Wideman-Williams called the Special Joint meeting to order at 2:02 pm. The meeting was held via WebEx and in person at SMT 1679.
2. LAND ACKNOWLEDGEMENT: Commissioner Wideman-Williams opened with the land acknowledgement.
3. INTRODUCTIONS (In Attendance)

PSCSC Commissioners: Chair Stacy Connole, Commissioner Dorothy Leggett, Commissioner Joel Nark
CSC Commissioners: Chair Mary Wideman-Williams, Commissioner Evan Chinn, Commissioner Joshua Werner

Staff & Counsel: Andrea Scheele, Executive Director; Gary Smith, Assistant City Attorney
Teresa R. Jacobs, Executive Assistant

Public Safety Exams Unit: Rachael Schade, Police Exams Analyst, Yoshiko Grace Matsui, Fire Exams Analyst, Adelaide Alderks, Fire & Police Exams Analyst

Fire/Police/Guests: Dale Hitsman, Sr. Business Partner, SDHR, Anne Vold, Assistant City Attorney, Alyssa Pulliam, SPD HR Deputy Director

4. PUBLIC COMMENT: No members of the public requested to give public comment.

5. *Re*: EXECUTIVE DIRECTOR

- a. Performance Evaluation/Feedback-*Chairs Wideman-Williams & Connole*: Commission Chairs gave background on the annual evaluation of the Executive Director. Stakeholders and peers were invited to submit input on Ms. Scheele's work in 2022 and Ms. Scheele provided a self-evaluation. The commission agreed to meet with her again in six months to touch base on Ms. Scheele's performance.
- b. Merit Days Award (6 days max): Ms. Scheele described the City's merit days award program for employees in her classification. The merit days award is to reflect performance during the year. A maximum of 6 days may be awarded.
- c. Annual Wage Increase: Ms. Scheele described the Annual Wage Increase decision to the Commissions. The percentage increase has not been fully negotiated and agreed upon by the City and the Coalition of City Unions. The commission will decide by a yes or no vote on whether the Executive Director will receive the 2023 AWI.
- d. Salary Adjustment: Ms. Scheele stated a salary adjustment was requested to reflect the increased demands and level of contribution of her position.
- e. Reappointment of Term: The commission will consider reappointment of Ms. Scheele for a second three-year term.

6. EXECUTIVE SESSION

To discuss performance of a public employee (Performance Evaluation, Merit Leave, AWI/COLA, Salary Increase): The commission went into Executive Session at 2:21 pm The Executive Session ended at 2:45 pm an extension of the Executive Session began at 2:46 pm. The extension of the Executive Session ended and the commissions went back on the record at 3:11 pm.

ACTION ITEMS/ VOTES

- Executive Director Merit Leave (0-6 days): Commissioner Nark moved to award a Merit Leave of 5 days. Commissioner Leggett seconded the motion. The motion passed unanimously.
- Executive Director AWI/COLA (yes/no): Commissioner Werner moved to approve the AWI/COLA at 100%. Commissioner Nark seconded the motion. The motion passed unanimously.
- Executive Director Salary Increase: Commissioner Nark moved to increase the Executive Director salary by 3%. Commissioner Nark spoke on his own behalf and stated that by far and away Ms. Scheele is the best Executive Director the commissions have ever had.

Commissioner Nark stated Ms. Scheele came up to speed and that her body of work this past year during COVID was exemplary. The motion was not seconded. Commissioner Nark withdrew the motion. Commissioner Nark moved to increase the Executive Director salary by 2.75%. The motion was withdrawn. Commissioner Connole moved to increase the Executive Director salary by 2.0%. Commissioner Nark seconded the motion. The motion passed unanimously.

- Reappointment of Executive Director: Commission Chair Connole moved to reappoint Director Scheele. Commissioner Nark seconded the motion. The motion passed unanimously.

Ms. Scheele thanked the commission for their thoughtful deliberation and dedication to the commissions they serve. Dale Hitsman, HR business Partner stated he would submit the SPAF reflecting the changes to Ms. Scheele's salary.

7. OLD/NEW BUSINESS: There was no old or new business discussion.
8. ADJOURN: No other business was before the Commissions. Commission Chair Connole adjourned the meeting at 3:21 pm

Respectfully submitted 1/23/2023 for the PSCSC and CSC by:

Teresa Jacobs
Executive Assistant

Stacy Connole
PSCSC Chair

Mary Wideman-Williams
CSC Chair

End of Minutes

*Request for public records, including audio recording of meetings can be made through the City Public Records Request Center <http://www.seattle.gov/public-records>

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Public Safety Civil Service Commission

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Teresa Jacobs, Executive Assistant

**Public Safety Civil Service Commission
November 16, 2022-Special Meeting
Approved: January 23, 2023**

1. **CALL TO ORDER:** Commission Chair Stacy Connole called the November 16, 2022, Public Safety Civil Service Commission Special Meeting to order at 10:00 a.m. The meeting was held via WebEx.

2. **LAND ACKNOWLEDGEMENT:** Chair Connole read the commission's land acknowledgement.

3. **INTRODUCTIONS**

Commission: Commissioner Stacy Connole, Commissioner Dorothy Leggett, Commissioner Joel Nark

Staff & Counsel: Andrea Scheele, Executive Director; Gary Smith, Assistant City Attorney, Teresa Jacobs, Executive Assistant

Fire & Police Exams Unit: Yoshiko Grace Matsui, Fire Exams Analyst; Adelaide Alderks, Fire and Police Exams Analyst (Not in Attendance: Rachael Schade, Police Exams Analyst)

Fire/Police/Guests: Anne Vold, Assistant City Attorney; Dori Towler, SFD; Helen Fitzpatrick SFD; Hannah Kosten, SFD; Lance Garland, SFD; Brianna Thomas, Office of the Mayor; President Mike Solan, SPOG

4. **PUBLIC COMMENT:** Firefighter Lance Garland, SFD gave public comment on Fireboat Pilot classification specification and minimum qualification for promotion eligibility for that rank. Firefighter Garland noted that the class spec states, "Captain's Masters license form the Coast Guard of up to 200 tons is a desirable trait." However, he wanted to acknowledge on the record that it is not acknowledged in the hiring process for the position. Ms. Grace Matsui responded to FF Garland's comment that he was correct that the license is a desirable

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qualification. Ms. Grace Matsui stated the class was updated in 2017 which predates her, and she has no background on the determination. Ms. Grace Matsui said that desirable traits would likely come in during the Fire Chief's review of eligible candidates for promotion but are not part of the civil service exam process. Ms. Towler agreed with Ms. Matsui's explanation. FF Garland thanked the commission for the opportunity to give comment and the explanation. There were no other public comments.

DISCUSSION ITEMS

5. APPROVAL OF MINUTES:

- September 19, 2022-Special Meeting Minutes: Commission Chair Connole requested item eleven be changed to state that she adjourned the meeting and not Commissioner Nark. Commission Chair Connole moved to accept the minutes with the requested edit. Commissioner Nark seconded the motion, and the minutes were approved.
- October 19, 2022: Commission Chair Connole requested two corrections to bullet point one, to correct the meeting date and to state that she adjourned the meeting and not Commissioner Nark. Chair Connole moved to accept the minutes with the requested changes. Commissioner Leggett seconded the motion, and the minutes were approved.
- June 27, 2022- Amended Special Meeting Minutes: The meeting minutes were updated to add a comment that was not reflected in the first approved version. Chair Connole moved to accept the minutes as updated. Commissioner Leggett seconded the motion. The minutes were approved.

6. PSCSC RULEMAKING-RULES OF PRACTICE AND PROCEDURE

- Proposed Changes- Process and Highlights (Executive Director): Director Scheele provided background on the rulemaking process, including history, reasons for the updates, what the changes reflect and affect. Director Scheele stated she met with stakeholders (SPD, SFD, SPOG, SPMA, legal advisors) and took into consideration their recommendations, written input, information, and advice.
- Public Comment on Proposed Changes: After the proposed changes had been published (during the written comment period), the commission received written public comment from Dori Towler, SFD, regarding the listed ranks within the Public Safety Civil Service system at Rule 1.02-Scope and Purpose. Director Scheele corrected her recommendation based on Ms. Towler's suggestion, to include all of the ranks in the public safety civil service system.

- Discussion: Executive Director Scheele provided a detailed explanation of each of her recommended changes to the Rules. The table below provides a summary of recommendations:

Rule #	2022 proposed change
1- GENERAL PROVISIONS	Add detail about the legislative sources of PSCSC's authority; Adds list of ranks in the public safety civil service system.
1.03- PREEMPTION	Proposed rule, "If any Rule or part of a Rule conflicts with a provision of the City Charter, City ordinance, Washington State law, or a collective bargaining agreement under RCW chapter 41.56, then the Charter, ordinance, law, or agreement shall prevail, to the extent required by law. Validity of rules not preempted shall not be affected thereby." Not a substantive change.
2.07- COMMISSIONERS-ETHICS, DISQUALIFICATIONS AND CHALLENGE	Add process for identifying potential or actual conflicts of interest, challenging commissioner's participation because of belief of bias or conflict; Adds prohibited reasons for challenging the Employee-Elected Commissioner.
3- DEFINITIONS	Add definition: "Vacancy"; clarified several other definitions
6.01- APPEALS	Add numbering to distinguish disciplinary appeals and probationary status appeals; moved 6.01.c to new section 6.19- Other Alleged Violations.
6.09- DISCOVERY	Reorganize for readability, clarity, and to explain discovery process in plain language.
6.10-SUBPOENAS	Increase the number of days prior to a hearing that parties' list of subpoenas must be provided to the commission from 3 to 10.
6.11-BURDEN OF PROOF- APPEALS	Add new language to existing rule, to burden of proof for appeals filed by individuals represented by SPMA, as set forth in the CBA between SPMA and the City of Seattle. The update only applies to those represented by SPMA; no change to the burden of proof for other employees' disciplinary appeals.
9.21- PREFERENCE FOR COMMUNITY SERVICE	New rule would apply only to entry police officer candidates, establishing preference points for candidates who meet certain criteria and pass an open graded examination for police officer. Rule 9.21 shall be effective June 1, 2023.
9.28- PROHIBITED EMPLOYEE CONDUCT IN EXAMINATIONS	New rule to clarify exam staff's authority to enforce confidentiality and exam conduct rules. Staff will continue to notify candidates and development committee members of rules, cautions, prohibitions. around employee conduct in exams.
10.03- RETURN TO ELIGIBLE REGISTER AFTER SEPARATION DUE TO RESIGNATION, RETIREMENT, OR SEPARATION FOR MEDICAL OR DISABILITY (NOT RETIREMENT):	Add additional medical or disability separation type to existing rule- Employees separated because of their medical or disability status may request return of their name to a supplemental register to be considered with the open graded eligible for the class.

11.02- REQUEST FOR CERTIFICATION	Clarification: Executive Director may issue a certification to appointing authority for promotional consideration: 1) when a proper request is made, and 2) when an actual vacancy exists at the requested promotional rank.
12.02- LENGTH OF PROBATIONARY PERIOD	Add requirement that probationary be notified of any department request for probationary period extension; increased minimum number of days to submit request to extend probationary period.
<ul style="list-style-type: none"> ○ Housekeeping changes/updates 	<ul style="list-style-type: none"> ○ Apply to multiple rules: ○ Gendered pronouns change to neutral ○ “Personnel Department,” change to “Seattle Department of Human Resources” ○ Where needed, add name of “Public Safety Exams Unit” ○ Add clarifying titles

- Regarding Proposed Rule 9.21 PREFERENCE FOR COMMUNITY SERVICE, Ms. Grace Matsui stated that the June 2023 effective date would give Public Safety exam staff time to create necessary infrastructure for new body of work that will be required to evaluate community service preference points applications.

[The PSCSC went off the record for a break at 11:05 am. The meeting resumed in open session at 11:10 am.]

- Discussion regarding proposed change to Rule 3- DEFINITIONS, “Vacancy/Vacant Position”:
 - Hannah Kosten, SFD HR, asked about the definition of “vacancy”. Director Scheele explained the PSCSC’s history and position on the definition of “vacancy”: The rules set forth that when the Chief of SFD or SPD wishes to make a promotional appointment to fill a vacancy, they may request a certification for promotional consideration, then the Executive Director issues a certification. If there is no actual, verifiable vacancy at the requested rank, the PSCSC is not authorized to issue a certification for promotional consideration, and the appointing authority is not authorized to make the promotional appointment, so neither will occur. She stated that the PSCSC settled the issue in 2021 and again in 2022, and it was her recommendation and PSCSC’s intent to formalize the definition of “vacancy” during this rulemaking.
 - Ms. Grace Matsui added that RCW 41.08.100 states: “Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition...”. She also noted that PSCSC’s Advisory

Opinion [22-01] requires that an vacancy must occur for a certification to issue, and a vacancy is a budgeted pocket that truly exists.

- Helen Fitzpatrick, SFD Executive Director of Administration, said she appreciated PSCSC's need to define "vacancy," but informed the PSCSC that there have been occasions when SFD had an actual vacancy, but could not to make a promotional appointment because the promotional register was exhausted. Ms. Fitzpatrick said she expects it will happen again with the Battalion Chief register. She said this occurrence will put SFD in a difficult position because SFD cannot fill vacancies or "backfill" or "overfill". Chair Connole inquired whether SFD's inability to backfill or to overfill was caused by the register expiring or the definition of "vacancy." Ms. Fitzpatrick responded that it was because of the definition of "vacancy."
- Commissioner Nark asked Ms. Fitzpatrick several clarifying questions, and she responded. He asked whether SFD could assign someone to "act" in the vacant position until publication of the next promotional register for that rank? He stated that it is not unusual for departments to use "acting" assignments in that way. Ms. Fitzpatrick stated that SFD had different bargaining agreements with the Chief's Union and Firefighter's Union, and SFD is not able to put an acting Captain into a Battalion Chief's vacancy, so SFD must fill the position with overtime.
- Commissioner Nark noted that collective bargaining is separate from public safety civil service. He asked Ms. Fitzpatrick whether the problem was that employees do not want the overtime, are they stretched too thin? Ms. Fitzpatrick said it was complicated how SFD arrived at Local 27 members not being allowed to act in 2898 or Chief's positions. Ms. Fitzpatrick stated the issue would not be resolved when the register is exhausted, and it comes down to filling positions with overtime, which results in costs for SFD. Commissioner Nark said that the department and unions may have painted themselves into a corner and that SFD should confer with Director Scheele on how to move forward. He thanked Ms. Fitzpatrick for informing the PSCSC.

There was no additional comment from non-commissioner attendees.

- Chair Connole stated that she and Director Scheele had discussed the commission's intention to make the recommended changes many times over the past several years. She appreciated all the work that went into this process.
- Commissioner Leggett said that she and Director Scheele also discussed the proposed changes, she appreciated her comments being taken into consideration,

the stakeholders and their comments, and the detailed work that went into the recommendations that will make this process better in the future.

- Commission Vote on Proposed Rules Changes: Chair Connole moved to adopt the proposed changes as submitted in the redline documents, as well as for Rule 1.02 to include all the ranks in the public safety civil service system. There was discussion about the motion, and all ranks in the public safety civil service system were read into the record. Commissioner Nark seconded the motion, including the ranks Director Scheele read into the record. The motion passed unanimously.

7. FIRE AND POLICE EXAM UNIT UPDATE:

- Fire Update-Yoshiko Grace Matsui, Fire Exams Administrator: Ms. Grace Matsui updated the PSCSC that the unit is wrapping up the Fireboat Pilot exam, and the register will be published December 22nd. Ms. Grace Matsui is meeting with the development committee for the 2023 Fire Lieutenant exam and will meet with the Fireboat Engineer Development Committee for exams in 2023 beginning in March.
- Police Update-Rachael Schade, Police Exams Administrator: Adelaide Alderks, Fire and Police Exams Analyst provided the update in Ms. Schade's absence. Ms. Alderks updated the PSCSC that the entry level exam cycle is underway. This cycle opened on October 24th and will close on December 23rd. There were 114 applications for the cycle as of this morning, they will continue to receive applications until December 21st. The Lateral Police Officer exam cycle closed Monday, November 14th, two candidates completed and passed the exam. They are scheduled for oral board interviews on Saturday, December 3rd. Development for the 2023 Police Lieutenant and Captain exam is underway and will administered in March and April 2023.

8. EXECUTIVE DIRECTOR REPORT:

Department Work and Budget Update: Director Scheele stated that work has been wrapping up the rules with stakeholders and the work done today for the approval of the rules. Budget: Director Scheele provided a budget update and report and noted that expenditures compared to last year appear on the report. Commission Position: Director Scheele reported that the additional position that was proposed for CIV was removed.

9. CASE STATUS REPORT:

The commission reviewed the Case Status Report.

- *Moore v. SPD*, PSCSC No. 22-01-004- New Appeal: Director Scheele reported a new appeal was filed by Officer Moore. He also requested his union take the matter to arbitration. He also alleged a violation of the City's discrimination law. That component was referred to SOCR. The matter is stayed until we hear back from Officer Moore on the decision of his

union and the investigation by SOCR.

- *Constantin v. SPD*, PSCSC No. 22-01-003- Case Update: A prehearing is scheduled for November 28th. Discovery and scheduling of the hearing is forthcoming.
- *Allen v. SPD*, PSCSC No. 22-01-002- Case Update: Officer Allen has requested withdrawal of his appeal. He entered into a settlement agreement with the city. His appeal was dismissed.

10. EXECUTIVE SESSION: The commission did not go into Executive Session.

11. OLD/NEW BUSINESS: There was no Old/New Business

12. ADJOURN: The chair and Director Scheele will discuss whether a December meeting will be held. Commissioner Leggett will be leaving the commission. Commission Chair Connole, Commissioner Nark, and staff thanked Commissioner Leggett for her service to the commission. All other business before the Commission having been considered, Commission Chair Connole adjourned the meeting at 11:48 am.

Respectfully Submitted on January 23, 2023, for the PSCSC,

Teresa Jacobs. Executive Assistant

Approved for Publishing: _____

Stacy Connole, Chair

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Memo

To: Public Safety Civil Service Commissioners
From: Teresa R. Jacobs
Date: January 16, 2023
Re: 2023 Meeting Dates

Commissioners:

Below are the PSCSC meeting dates proposed for Monday or Tuesday through December of 2023. CSC holds its monthly meeting on the third Monday of the month, so staff would be in the commission office. As in the past, the Commission can accept the dates for the meetings and if conflicts arise, exam appeals need to be scheduled, or the commission conducts a multi-day hearing, the commission can change the meeting date, or cancel. Thank you.

Third Monday

February 20, 2023 (Presidents' Day Holiday)
Other Mondays 6, 13, 27

March 20, 2023

April 17, 2023

May 15, 2023

June 19, 2023 (Juneteenth Holiday)
Other Mondays 5, 12, 26

July 17, 2023

August 21, 2023

September 18, 2023

October 16, 2023

November 20, 2023 (Thanksgiving is November 23)
Other Mondays 6, 13, 27

December 18, 2023

Third Tuesday (*Other Tuesdays)

February 21, 2023

* 7, 14, 28

March 21, 2023

* 7, 14, 28

April 18, 2023

* 4, 11, 25

May 16, 2023

* 2, 9, 23

June 20, 2023

* 6, 13, 27

July 18, 2023

* 11, 25

August 22, 2023

* 1, 8, 15, 29

September 19, 2023

* 5, 12, 26

October 17, 2023

* 3, 10, 24, 31

November 21, 2023 (Thanksgiving is November 23)

* 7, 14, 28

December 19, 2023

* 5, 12

See attached for your information:

Office of the Attorney General; Chapter 3 Open Public Meetings Act

<https://www.atg.wa.gov/open-government-resource-manual/chapter-3>

WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL

Chapter 3

OPEN PUBLIC MEETINGS ACT

Chapter last revised: October 31, 2016

3.6 The OPMA Requires Notice of Meetings

A “meeting” under the OPMA is either a “regular” meeting or a “special” meeting, with different notice requirements for each. So, for example, a meeting designated as a “retreat,” “study session,” or “workshop” is, for OPMA purposes, either a regular or a special meeting, depending on how it is held.

A. Regular Meetings

The OPMA requires agencies to identify the time and place their governing bodies will hold regular meetings, which are defined as "recurring meetings held in accordance with a periodic schedule declared by statute or rule." [RCW 42.30.075](#). State agencies subject to the OPMA must publish their schedule in the [Washington State Register](#), while local agencies (such as cities and counties) must adopt the schedule "by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body." [RCW 42.30.075](#); [RCW 42.30.070](#). Although the OPMA does not require local agency governing bodies to meet inside the boundaries of their jurisdiction, there is general agreement that agencies should not schedule meetings at locations that effectively exclude the public. Other statutes may require certain entities to hold their meetings at particular locations, such as [RCW 36.32.080](#), which requires a board of county commissioners to hold regular meetings at the county seat, or at the alternate locations specified in that statute.

If a scheduled regular meeting falls on a holiday, it must be held on the next business day. [RCW 42.30.070](#).

The OPMA requires agencies with governing bodies to make the agenda of regular meetings available online at least 24 hours in advance of the meeting. [RCW 42.30.077](#). This requirement does not apply if the agency does not have a website or if it employs fewer than 10 full-time equivalent employees. Also, an agency can modify the agenda after it is posted online. A failure to comply with the notice requirement with respect to a regular meeting will not invalidate an otherwise legal action taken at the meeting.

Other laws and local governing body rules may require additional regular meeting notice and publication and/or posting of a preliminary agenda. See, e.g., [RCW 35.23.221](#), [RCW 35A.12.160](#).

B. Special Meetings

Whenever an agency has a meeting at a time other than a scheduled regular meeting, it is conducting a "special meeting." [RCW 42.30.080](#). For each special meeting, the OPMA requires at least 24 hours' written notice to:

- the members of the governing body, delivered personally, or by mail, fax, or email;
- media representatives (newspaper, radio, and television) who have filed a written request for notices of a particular special meeting or of all special meetings, delivered personally, or by mail, fax, or email; and
- the public, by posting on the agency website and by prominently posting it at the main entrance of the agency's principal location and at the meeting site if the meeting will not be held at the agency's principal location.

An agency is not required to post the public notice on its website if it does not have one, if it has fewer than 10 full-time equivalent employees, or if doesn't employ personnel whose job it is to maintain the website.

The OPMA does not provide any guidance as to whether the media's written request for notice must be renewed; it is advisable, however, to periodically renew such requests to ensure that they contain the proper contact information for the notice and have not been misplaced or inadvertently overlooked due to changes in agency personnel.

The notice of a special meeting must specify the time and place of the meeting and "the business to be transacted," which would normally be an agenda. At a special meeting, final disposition by the agency is limited to the matters identified as the business to be conducted in the notice. The statutory language suggests that the governing body could discuss, but not finally dispose of, matters not included in the notice of the special meeting.

A member of the governing body may waive the required notice by filing a written waiver or by simply appearing at the special meeting. *Estey v. Dempsey* (1985). The failure to provide notice to a member of the governing body can only be asserted by the person who should have received the notice, not by any person affected by action at the meeting. *Kirk v. Pierce County Fire Protection Dist. No. 21* (1981).

C. Emergency Meetings

The OPMA provides that, in the event of an emergency such as a fire, flood, or earthquake, meetings may be held at a site other than the regular meeting site, and the notice requirements of the OPMA are suspended during the emergency. [RCW 42.30.070](#). An agency should, however, provide special-meeting notice of an emergency meeting, if practicable. [RCW 42.30.080\(4\)](#).

The courts have found that an agency must be confronted with a true emergency that requires immediate action, such as a natural disaster, for its governing body to hold an emergency meeting that does not comply with the OPMA. It has been held that a strike by teachers did not justify an "emergency" meeting by the school board. *Mead School Dist. No. 354 v. Mead Education Ass'n* (1975).

D. Adjournments, Cancellations and Continuances

The OPMA establishes procedures for a governing body to adjourn a regular or special meeting and continue that meeting to a time and place identified in an order of adjournment. [RCW 42.30.090](#). Less than a quorum of a governing body may adjourn and continue a meeting under these procedures, or the clerk or secretary of the body may do so if no members are present. Notice of the meeting adjournment must be the same that is required for special meetings in [RCW 42.30.080](#), and a copy of the order or notice of adjournment must be posted on or near the door of the place where the meeting was held. Although the OPMA does not address cancellations, presumably the same process could be followed in cancelling a meeting.

Public hearings held by a governing body may be continued to a subsequent meeting of the governing body following the procedures for adjournment in [RCW 42.30.090](#). [RCW 42.30.100](#).

See also [adjournment discussion](#) in [MRSC's Open Public Meetings Act publication](#).

Department Expenditures by Account and Month

Version 7.1

Year (Multiple Items)
 Department CIVIL SERVICE COMMISSIONS
 BSL - Budget All Projects
 Fund ID An All Funds

		Values																	
		Adopted	Revised	January -	February -	March -	April -	May -	June -	July -	August -	September -	October -	November -	December -	YTD	Encumbrances	Available Balance	Percent Used
Account Grouping Level Two		Budget	Budget	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	ances	Balance	Used
Expendit	Labor	406,411	445,399	29,025	38,538	52,304	32,405	32,409	29,278	25,653	47,605	32,836	32,829	32,474	43,255	428,612	0	16,787	96.2 %
	Non-Labor	195,146	310,146	11,295	15,051	17,626	14,930	15,700	14,834	16,672	15,515	14,245	14,711	14,908	16,598	182,085	0	128,061	58.7 %
Grand Total		601,557	755,545	40,320	53,590	69,930	47,335	48,109	44,112	42,325	63,119	47,081	47,540	47,382	59,853	610,697	0	144,848	80.8 %

Year 2023
 Department CIVIL SERVICE COMMISSIONS
 BSL - Budget All Projects
 Fund ID An All Funds

		Values																	
		Adopted	Revised	January -	February -	March -	April -	May -	June -	July -	August -	September -	October -	November -	December -	YTD	Encumbrances	Available Balance	Percent Used
Account Grouping Level Two		Budget	Budget	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	Expenses	ances	Balance	Used
Expendit	Labor	0	0	4,024	0	0	0	0	0	0	0	0	0	0	0	4,024	0	(4,024)	
Grand Total		0	0	4,024	0	0	0	0	0	0	0	0	0	0	0	4,024	0	(4,024)	

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
RULES OF PRACTICE AND PROCEDURE**

Approved November 16, 2022

2.03 SELECTION OF CHAIR. The Chair shall be elected from among the Commissioners by majority vote for a one- year term.

2.04 DUTIES OF THE CHAIR - The Chair:

- A. Shall preside over Commission meetings.
- B. Shall rule on matters of parliamentary procedure.
- C. Shall act as hiring authority and primary supervisor for the Executive Director.
- D. May sign correspondence on behalf of the Commission.

2.05 ACTIONS OF THE CHAIR

The Chair's actions are subject to review and modification by a majority vote of the full Commission.

2.06 DELEGATION OF CHAIR'S DUTIES

In the absence of the Chair, the Chair's authority shall be delegated to another member of the Commission.

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
CASE STATUS REPORT
JANUARY 2023**

OPEN APPEAL/EXAM PROTEST/REQUEST FOR DECISION								
Type	CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	ISSUE	Register/Exam/ Position	Issue/Requested Outcome/Status	PRESIDING
A	22-01-004	Moore	Police	10-27-2022	Suspension	Reversal/removal of discipline	Appellant requested to withdraw appeal. Grievance is proceeding to SPOG Union Arbitration. ED dismissed appeal.	N/A
A	22-01-003	Constantin	Police	10-3-2022	Discharge	Reversal/ removal of discipline, reinstatement	1 st PHC Scheduled for 11-28-2022	PSCSC
A	22-01-002	Allen	Police	7-21-2022	Suspension	Reversal/removal of discipline	Appellant requested to withdraw the appeal. Parties agreed to a settlement. ED dismissed appeal.	PSCSC

A=Appeal (PSCSC 6)
E=Exam Protest (PSCSC 9.22)
RRM=Request to Review or Modify (PSCSC 2.13.b)
RFR=Request for Reinstatement (PSCSC 10.03)
RPE= Request for Probationary Extension (PSCSC 12.02)

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
CASE STATUS REPORT
JANUARY 2023**

CLOSED APPEAL/EXAM PROTEST/REQUEST FOR DECISION							
Type	CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	APPEAL	ISSUE/REQUESTED OUTCOME	DECISION/DATE DISMISSED
A	22-01-001	Young	Fire	9-4-2022	Separation	Reinstatement	Dismissed 3/3/22 for lack of jurisdiction
A	21-01-043	Walter	Police	12-22-2021	Discipline	Reversal of decision, removal of discipline	Appellant withdrew his appeal to pursue through his union under the rights of the collective bargaining agreement. ED dismissed appeal 1-31-22

A=Appeal (PSCSC 6)
 E=Exam Protest (PSCSC 9.22)
 RRM=Request to Review or Modify (PSCSC 2.13.b)
 RFR=Request for Reinstatement (PSCSC 10.03)
 RPE= Request for Probationary Extension (PSCSC 12.02)

**PUBLIC SAFETY CIVIL SERVICE COMMISSION
CASE STATUS REPORT
JANUARY 2023**

REQUESTS FOR PROBATIONARY EXTENSION				
CASE NUMBER	DEPT	DATE REQUESTED	POSITION/RANK	APPROVED/DENIED

A=Appeal (PSCSC 6)
 E=Exam Protest (PSCSC 9.22)
 RRM=Request to Review or Modify (PSCSC 2.13.b)
 RFR=Request for Reinstatement (PSCSC 10.03)
 RPE= Request for Probationary Extension (PSCSC 12.02)

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BEFORE THE CITY OF SEATTLE
PUBLIC SAFETY CIVIL SERVICE COMMISSION

In the matter of the appeal of

ANDREI CONSTANTIN,

Appellant

V.

SEATTLE POLICE DEPARTMENT

Respondent

**FIRST PREHEARING CONFERENCE
SCHEDULING ORDER**

PSCSC no. 22-01-003

10 On October 3, 2022, Officer Constantin filed a Notice of Appeal related to his termination
11 from the Seattle Police Department on the Public Safety Civil Service Commission (PSCSC). The
12 Executive Director reviewed the Notice of Appeal, the Disciplinary Action Report regarding OPA
13 21-0458, the discipline letter, a receipt showing SPD delivered the discipline letter to the appellant
14 on September 23, 2022. Pursuant to the timeline for filing appeals and jurisdiction set forth by
15 SMC 4.08.100, Executive Director finds that 1) the appellant's appeal was timely filed with the
16 PSCSC, and 2) a disciplinary termination is within the subject matter jurisdiction of the PSCSC.

17 The appellant notified the PSCSC that his union would not grieve the termination to
18 binding arbitration under the collective bargaining agreement, so the appeal may proceed to
19 hearing before the PSCSC.

20 The Executive Director will preside over the first prehearing conference via WebEx on
21 **Monday, November 28, at 11:00 a.m.** The purpose of the prehearing conference is to clarify the
22 issue on appeal and determine the scope and length of the proceeding. The appeal hearing will
23 be conducted by the Public Safety Civil Service commissioners at a date to be scheduled.

The parties should prepare and be ready to discuss the following:

1. How much time each party expects it will need to present its case.,

- 1 2. Requests for documents from the other party, if any.
- 2 3. Preliminary witness lists - List each witnesses' name and a brief description of what
- 3 they will testify about. The parties shall email a copy of their preliminary witness list to
- 4 the PSCSC staff member teresa.jacobs@seattle.gov and opposing party by 5 p.m.,
- 5 November 23.
- 6 4. Preliminary exhibit lists - Title and brief description of document's relevant content. The
- 7 parties shall email a copy of their preliminary exhibit list to the PSCSC and opposing
- 8 party by 5 p.m., November 23.
- 9
- 10 5. Scheduling the hearing and prehearing deadlines. Please note that hearings are
- 11 usually scheduled several months out, depending on the availability of the parties,
- 12 commissioners, and any representatives.
- 13 6. Exchange of exhibits before the hearing.
- 14 7. Admissions of fact and of genuineness of documents.
- 15 8. Admissibility of evidence.
- 16 9. Prehearing and hearing procedures.
- 17 10. Prehearing and post hearing briefs.
- 18 11. Potential for settlement of this matter as an alternative to hearing.
- 19 12. Any other procedural issues or questions the parties wish to raise.
- 20
- 21

22 **The parties are advised to have ready their preliminary witness and exhibit lists and**
23 **their calendars for the next six months.**

There will be no presentation of evidence at the prehearing conference, and no sworn testimony will be given by either party.

1 Dated this 14th day of November 2022,

2 FOR THE CITY OF SEATTLE SAFETY CIVIL SERVICE COMMISSION

3 *Andrea Scheele*

4 Andrea Scheele, Executive Director

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9 CERTIFICATE OF SERVICE

10 I, Teresa R. Jacobs, declare under penalty of perjury under the laws of the State of Washington, that on
11 the date below, I caused to be served upon the below-listed parties, via the method of service listed
12 below, a true and correct copy of the foregoing document: **First Prehearing Conference Scheduling
Order**

Party	Method of Service
Appellant: Ofc. Andrei Constantin Andrei.constantin@seattle.gov	<input checked="" type="checkbox"/> E-Mail
Respondent: Seattle Police Department Michaelr.fields@seattle.gov Alyssa Pulliam, Seattle Police Department Alyssa.Pulliam@seattle.gov	<input checked="" type="checkbox"/> E-Mail

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20 DATED: November 14, 2022, at Seattle, Washington.

21
22 *Teresa R. Jacobs*

23 Teresa R. Jacobs, Executive Assistant

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

3 In the matter of the appeal of

4 **BRENT MOORE**

5 Appellant

6 V.

7 **SEATTLE POLICE DEPARTMENT**

8 Respondent

DISMISSAL ORDER

PSCSC no. 22-01-004

9 On October 27, 2022, the Appellant filed a timely appeal with the Public Safety Civil
10 Service Commission (PSCSC) of a six-day disciplinary suspension issued to him by Seattle Police
11 Department (SPD).

12 In his appeal Officer Moore alleged age discrimination. PSCSC Rule 2.15 requires
13 PSCSC to refer an appeal that includes an allegation of discrimination to the Seattle Office for
14 Civil Rights for investigation of that allegation. On November 3, 2022, PSCSC referred Officer
15 Moore's allegations of discrimination to SOCR. On January 3, 2023, Mike Chin, Civil Rights
16 Enforcement Director notified the PSCSC that Officer Moore decided not to pursue a charge with
17 SOCR based on age.

18 On December 23, 2022, PSCSC was notified by Kim Fabel, Legal Assistant to Catherine
19 Seelig, Assistant City Attorney and representing the SPD in this matter, that Officer Moore's
20 grievance would proceed to arbitration with the Seattle Police Officer Guild (SPOG).

21 On January 9, 2023, the Appellant emailed the PSCSC a Notice of Withdrawal form stating
22 he was withdrawing his appeal filed with PSCSC.

23 **ORDER**

Upon reviewing the Appellant's request to withdraw their appeal, I hereby order that the
Appellant's appeal is **dismissed**.

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Dated this 11th day of January 2023,

FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION

Andrea Scheele

Andrea Scheele, Executive Director

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

In the matter of the appeal of

Brent Moore

Appellant

V.

SEATTLE POLICE DEPARTMENT

Respondent

DECLARATION OF SERVICE

PSCSC no. 22-01-004

I, Teresa Jacobs, declare under penalty of perjury under the laws of the State of Washington, that on the date below, I caused to be served upon the below-listed parties, via email, a true and correct copy of the foregoing document: **Dismissal Order**.

Party	Method of Service
Appellant: Ofc. Brent Moore Brent.Moore@seattle.gov Brent.Moore@seattle.gov	<input checked="" type="checkbox"/> E-Mail
Respondent: <i>on behalf of the Seattle Police Department,</i> Catherine.Seelig@seattle.gov Danielle.Tovar@seattle.gov Bibi.Shairulla@seattle.gov	<input checked="" type="checkbox"/> E-Mail

DATED: January 11, 2023, at Seattle, Washington.

Teresa R. Jacobs

Teresa R. Jacobs, Executive Assistant
Public Safety Civil Service Commission