

Beginning November 1, 2023, Seattle's Public Safety Civil Service Commission began receiving public comments on changes to PSCSC Rule 10.03. The comments listed below were received by December 11, 2023. The public comment period will remain open until December 14, 2023.

- 12-7-2023 Seattle Fire Department
- 12-8-2023 Seattle Police Department
- 12-10-2023 Andrew Pittman

12-7-2023 Commenter: Seattle Fire Department

## Scheele, Andrea

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**From:** Lee, Sarah (SFD)  
**Sent:** Thursday, December 07, 2023 9:35 AM  
**To:** Scheele, Andrea; Levan, Joe; Butler, Sarah (CIV)  
**Cc:** Lee, Sarah (SFD); Kelly, Katrina; Fitzpatrick, Helen; Fiander, Deborah; Scoggins, Harold D  
**Subject:** RE: PSCSC Rule 10.03 discussion w SFD- Please try to submit comment by Thursday 12/7 ----  
SEATTLE FIRE DEPARTMENT PROPOSED MODIFICATIONS TO PROPOSED 10.03 REINSTATEMENT REGISTER RULE CHANGES  
**Attachments:** 231207 Seattle Fire Department Proposed Modifications to Proposed Rule 10.03.docx  
**Importance:** High

Andrea, Joe, and Sarah, please find attached Seattle Fire Department's Proposed Modifications to PSCSC Rule 10.03 proposed rule changes. Pages 1-2 are the complete modifications and pages 3-5 are comparisons between SFD proposed modification and PSCSC proposed changes on 11/16/23. I reviewed the SPD manual, SFD Policies and Operating Guidelines, and other public safety civil service rules from Washington State along with HR and employment case law material in making the modifications. SFD Management has reviewed and approves of the proposed modifications.



### Sarah Lee, J.D.

**Human Resources Director** (she/her/hers)

Seattle Fire Department | Headquarters

301 Second Avenue S.

Seattle, WA 98104

Office: 206.386.1380 | Cell: 206.402.9223

[sarah.lee@seattle.gov](mailto:sarah.lee@seattle.gov)

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**From:** Scheele, Andrea <Andrea.Scheele@seattle.gov>

**Sent:** Wednesday, December 6, 2023 10:21

**To:** Lee, Sarah (SFD) <Sarah.Lee@seattle.gov>; Fitzpatrick, Helen <Helen.Fitzpatrick@seattle.gov>; Kelly, Katrina <Katrina.Kelly@seattle.gov>

**Cc:** Levan, Joe <Joe.Levan@seattle.gov>; Butler, Sarah (CIV) <Sarah.Butler@seattle.gov>

**Subject:** PSCSC Rule 10.03 discussion w SFD- Please try to submit comment by Thursday 12/7

Hello,

Here are a few high-level bullet points recapping the meeting with PSCSC and SFD yesterday (12/5).

Attendees: Andrea Scheele, Sarah Butler, Joe Levan, Sarah Lee, Helen Fitzpatrick, Katrina Kelly

- Goal of meeting – for CIV to hear additional perspective from SFD on proposed Rule change
- Participants discussed what was meant by “City records” to determine type of separation in the proposed Rule revision. Participants agreed language could be clarified, (the term “City” may be too general)
- Participants also discussed:
  - Possible non-disciplinary separation scenarios, and how separations are captured in EV5
  - Whether employees who resigned/retired in lieu of discharge were “disciplinary discharged.” PSCSC’s position is no, and the current and proposed 10.03 permit appointing authority to approve or deny such former employees’ request to be added to eligible register. “In lieu of” is not part of PSCSC’s analysis. but it may properly be part of the appointing authority's analysis..
  - Discipline and reinstatement vs discipline and re-hire
- Helen asked when a written comment was due to the Commission.
  - Andrea said that they will accept comments up to and orally at the meeting 12/16, but the sooner the better (so PSCSC may consider)
  - **Sarah Lee said she would get comments to Andrea by this Friday (12/8) (\*\*see below).**

Important for SFD: Regarding Friday written feedback: Sarah and Helen, as we prepare for the rulemaking meeting next Thursday. **I want to strongly encourage SFD provide its proposed language or other comment as soon as possible, ideally by this Thursday (12/7) instead of Friday. It would help the commission to have a week to consider SFD's comments, rather than a few short days before they have to decide whether take action on this important issue.**

They may wish to have legal advice, additional info, or discussion with me prior to the meeting, which require time and coordination. As I said yesterday, PSCSC will consider all comments that are submitted during the comment period, but the sooner SFD provides theirs, the better.

This proposed rulemaking public comment period began on November 1, and was extended a month on November 16, in large part to hear directly from SFD. I began discussing with SPD a potential change to 10.03 last spring.

Thank you and take care.

Andrea Scheele  
Executive Director, PSCSC

## Seattle Fire Department Proposed Additions to Reinstatement

### 10.03 RETURN TO ELIGIBLE REGISTER AFTER SEPARATION

a. Request submittal, criteria, and PSCSC verification – A former employee who **was not disciplinarily discharged** ~~separated for any reason other than for cause~~ may request to be added to a reinstatement register to be considered with the open graded eligible register for the classification or rank.

1. Non-disciplinary discharge is when the employee has been separated from employment without any responsibility or malfeasance on the employee's part. Examples of non-disciplinary discharge include, but are not limited to voluntary retirement, voluntary resignation while in good standing, furlough, layoff, reduction in force, disability, and injury. (This could be placed in Rule 3 definitions)
2. Disciplinary discharge is when the employee has been separated from employment as a result of the employee's misconduct, willful disregard of established city, departmental policies, rules, standards, and/or operating guidelines. Examples of disciplinary discharge for cause include, but are not limited to theft, knowingly making false or fraudulent statements, improper and/or unauthorized use of city property, absenteeism, unlawful discrimination and/or harassment, abuse of position, possession of illegal drugs and/or controlled substances in the workplace, testing positive for or being impaired or affected by alcohol or other controlled or illegal substance during work hours, committing workplace violence, intentional disregard of directives issued by chin of command, knowing violation of the City Code of Ethics, discriminatory, harassing, and/or retaliatory acts against city employees and/or members of the public, felony and/or misdemeanor conviction of crime, and making and/or attempting to make bribes. (This could be placed in Rule 3 definitions).
3. The separated employee must submit a request for reinstatement to the Executive Director of the PSCSC.
4. The separated employee must submit a request for reinstatement no later than one (1) year from the effective date of separation; provided, however, the Executive Director may extend the above time limitation up to one (1) additional year upon satisfactory showing, as determined by the Executive Director that such extension would be in the best interests of the City.
5. The Executive Director shall verify that the request for reinstatement is timely and will verify with the employing department that the requestor's separation was non-disciplinary.

b. Employing department decision on request – The Executive Director shall submit the former employee's verified request as meeting the criteria of Rule 10.a to the employing department's appointing authority for written approval or denial of the former employee's request to be added to the reinstatement register.

c. Certification to employing department – A former employee whose eligibility is reinstated under this rule shall be certified according to civil service rules. However, the name of such an eligible former employee need only be considered by the employing department which recommends the return of the name to the register, and the former employee will remain eligible until appointed and/ or the register expires.

d. Promotional eligibility for reinstated employee– The name of a reinstated employee who was listed on a promotional register at the time of their separation shall be returned to that promotional register if such register has not expired.

e. Except as provided in 10.02, 10.03 and 10.04, any return to the City service shall be by examination only.

f. This rule will prospectively apply to reinstatement requests made on or after the effective date of approval by Public Safety Civil Service Commission.

FOR COMPARISON

## 10.03 RETURN TO ELIGIBLE REGISTER AFTER SEPARATION

### 10.03 RETURN TO ELIGIBLE REGISTER AFTER SEPARATION – REINSTATEMENT REGISTER

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**a. Request submittal, criteria, and PSCSC verification – A former employee who separated for any reason other than for cause may request to be added to a reinstatement register to be considered with the open graded eligible register for the classification or rank.**

1. Non-disciplinary discharge is when the employee has been separated from employment without any responsibility or malfeasance on the employee's part. Examples of non-disciplinary discharge include, but are not limited to voluntary retirement, voluntary resignation while in good standing, furlough, layoff, reduction in force, disability, and injury. (This could be placed in Rule 3 definitions)
2. Disciplinary discharge is when the employee has been separated from employment as a result of the employee's misconduct, willful disregard of established city, departmental policies, rules, standards, and/or operating guidelines. Examples of disciplinary discharge for cause include, but are not limited to theft, knowingly making false or fraudulent statements, improper and/or unauthorized use of city property, absenteeism, unlawful discrimination and/or harassment, abuse of position, possession of illegal drugs and/or controlled substances in the workplace, testing positive for or being impaired or affected by alcohol or other controlled or illegal substance during work hours, committing workplace violence, intentional disregard of directives issued by chin of command, knowing violation of the City Code of Ethics, discriminatory, harassing, and/or retaliatory acts against city employees and/or members of the public, felony and/or misdemeanor conviction of crime, and making and/or attempting to make bribes. (This could be placed in Rule 3 definitions).

**No prior proposed rule language**

3. The separated employee must submit a request for reinstatement to the Executive Director of the PSCSC.

1. Such separated employees must submit their requests to the Executive Director of the PSCSC.

4. The separated employee must submit a request for reinstatement no later than one (1) year from the effective date of separation; provided, however, the Executive Director may extend the above time limitation up to one (1) additional year upon satisfactory showing, as determined by the Executive Director that such extension would be in the best interests of the City.

2. Such separated employees must submit their requests within one year from the date of separation; provided, the Executive Director may extend the above time limitation up to an additional four years upon satisfactory showing, as determined by the Executive Director, that such extension would be to the best interests of the City.

5. The Executive Director shall verify that the request for reinstatement is timely and will verify with the employing department that the requestor's separation was non-disciplinary.

3. The Executive Director shall verify that the request was timely, and that City records reflect the requestor's separation was not for cause.

b. Employing department decision on request – The Executive Director shall submit the former employee's verified request as meeting the criteria of Rule 10.a to the employing department's appointing authority for written approval or denial of the former employee's request to be added to the reinstatement register.

b. Former employing department decision on request – The Executive Director shall submit requests verified as meeting the criteria of Rule 10.a to the former employing department's appointing authority for written approval or denial of the former employee's request to be added to the reinstatement register.



c. Certification to employing department – A former employee whose eligibility is reinstated under this rule shall be certified according to civil service rules. However, the name of such an eligible former employee need only be considered by the employing department which recommends the return of the name to the register, and the former employee will remain eligible until appointed and/ or the register expires.

**c. Certification to former employing department – A former employee whose eligibility is reinstated under this rule shall be certified according to civil service rules. However, the name of such an eligible need be considered only by the department which recommends the return of the name to the register, and the person will remain eligible until appointed and/or the register expires.**

d. Promotional eligibility for reinstated employee– The name of a reinstated employee who was listed on a promotional register at the time of their separation shall be returned to that promotional register if such register has not expired.

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**No prior proposed rule language**

12-8-2023 Commenter: Seattle Police Department

## **Scheele, Andrea**

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**From:** White, Emily  
**Sent:** Friday, December 08, 2023 1:15 PM  
**To:** Scheele, Andrea  
**Cc:** Fields, MichaelR  
**Subject:** Proposed Rule Amendment 10.03  
**Attachments:** Memo Proposed Rule Amendment 10.03 .pdf

Director Scheele, please see attached memo.

Thank you,  
Emily White

# SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: PSCSC Director Andrea Scheele

DATE: December 8, 2023

FROM: SPD HR Director Mike Fields

SUBJECT: Proposed Rule Amendment 10.03

This memorandum is to provide the Seattle Police Department's ("SPD") support for the Seattle Public Safety Civil Service Commission's proposed rule amendment 10.03. SPD is currently facing a severe staffing shortage, which has impacted service levels and response times. If the Commission's proposed rule amendment is approved it would allow SPD to consider additional candidates who separated for non-disciplinary reasons, potentially mitigating the staffing shortage. Additionally, returning officers have already completed both the Basic law enforcement Academy and field training, and would only require minimal training prior to deployment as a solo officer. As a matter of due diligence, any officer eligible for return under this proposed rule would be subject to a pre-hire background investigation, which would include a polygraph examination.

To ensure due diligence prior to considering an officer's return under this proposed rule, they would be re-backgrounded and sit for a polygraph exam before being considered for rehire, allowing for due diligence prior.

12-10-2023 Commenter: Andrew Pittman

## CSC\_PublicSafety

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**From:** Andrew Pittman <[REDACTED]>  
**Sent:** Sunday, December 10, 2023 10:06 PM  
**To:** CSC\_PublicSafety  
**Subject:** Changes  
**Attachments:** PSCSC Letter.docx

**CAUTION: External Email**

Here is some concerns to address. Thanks.  
Andrew Pittman

Dear Public Safety Civil Service Commission,

I am writing this letter to address some of my concerns about the upcoming change pertaining to rule 10.03. I have attended some of the meetings relevant to this topic and in the most recent meeting L27 president K. Stuart supported the move to make the city and its employees safer by allowing members back who have been separated due to various reasons. However, neither he nor the commission has adequately addressed the Lieutenants register for members who may be reinstated. The fire department, Local 27 and for sure the commission should know that all lists for promotion last only 2 years and that it has been more than 2 years since the illegal separation of members has occurred. This makes your current approach to a remedy null and void of any reparations to those harmed who were on a promotional register. I propose that the reinstatement process be amended to allow the separated members' who may be reinstated, be retroactively promoted or at least to have their previous score be applied to the current register, allowing for the damages incurred by being separated and thereby passed up on the promotional register to be minimized. This would follow a theme of earnestly finding a solution to the member separation with the same tenacity as was used to wrongfully terminate them. In the September 2021 meeting it was stated by a member of the commission or its attendees of the meeting that they were just waiting for a justification to separate us.

Over the course of the last several years the Seattle Fire Department has suffered a staffing crisis and the financial cost of the staffing shortage to the city was presented at the hearing of Jeff Vale in his appeal for reinstatement. Currently the Seattle Fire Department has 22 members who recently successfully passed recruit academy and have made it to the next leg of their probationary year. They may not pass this portion and so the number of available firefighters required to protect the city is falling short for a 2<sup>nd</sup> year in a row. The target that H. Scoggins had hoped to achieve in the last 2 years of recruit academies was 80 recruits per class. They have not been able to attain that goal once. The number of retirements is at an all-time high and SFD is not able to attract new members like they previously have. The number of people who are taking the promotional tests are of less experience and thereby potentially risking the safety of the city and also of the firefighters they are supposed to lead. By allowing previously separated members back onto the Lt's promotional list this commission would be taking some proactive steps to address the years of experience issue that is currently being felt at SFD.

I would also like to address the term "best interest". The term has been identified in some recent documents and I would like to know what the parameters of this definition are so that way the community can know what is guiding the decisions. It appears the best interest of the city has not been met many times in this discussion of allowing separated members back. I hope that the commission keeps the 5-year time period to apply for reinstatement because of the reasons the commission declared earlier this year, which was a staffing shortage in the position of firefighter and patrol officer.

During the last meeting of the commission there was public comment about the reasons for the rule change and whether the previous proposals were using the correct terms such as for "cause" and there seemed to be some objection from Seattle's HR representative Sarah Lee. I was also told during my appeal hearing that the words terminated, non-disciplinary separation or any other type words to describe my firing were interchangeable so please consider an encompassing language to accommodate these statements made by the Commission.