



City of Seattle

CIVIL SERVICE COMMISSIONS

Civil Service Commission

Commission Chair Mary Wideman-Williams

Commissioner Evan Chinn

Commissioner Joshua Werner

Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Executive Assistant

CIVIL SERVICE COMMISSION MEETING AGENDA

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

DATE: Monday, September 19, 2022

TIME: 2:00 p.m.

LOCATION: WebEx and CSC Hearing Room, 16th floor of Seattle Municipal Tower. 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=m910242926e3cf8c7e4b4b14be0978f4b>

Join by meeting number

Meeting number (access code): **2488 615 5850** Meeting password: **Ku9fYvXy5Y3**

Tap to join from a mobile device (attendees only)

+1-206-207-1700,,24886155850## United States Toll (Seattle)

+1-408-418-9388,,24886155850## United States Toll

Join by phone

+1-206-207-1700 United States Toll (Seattle)

+1-408-418-9388 United States Toll

Global call-in numbers

Join from a video system or application

Dial [24886155850@seattle.webex.com](tel:24886155850@seattle.webex.com)

You can also dial **173.243.2.68** and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business Dial [24886155850.seattle@lync.webex.com](tel:24886155850.seattle@lync.webex.com)

Need help? Go to <https://help.webex.com>

**CIVIL SERVICE COMMISSION
MEETING AGENDA
September 19, 2022 @ 2:00 p.m.**

AUDIO/VIDEO TECH CHECK

CHAIR (CSC 2.05)

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

ACTION/DISCUSSION ITEMS

5. APPROVAL OF MEETING MINUTES (*may be postponed if not available*)
6. RETREAT REVIEW AND NEXT STEPS
 - CSC Values discussion
7. REMAINING 2022 COMMISSION MEETINGS
 - Tentative Dates for November Joint Meeting with PSCSC
 - Reschedule December 19 meeting to December 12

STANDING ITEMS

8. CASE STATUS REPORT and APPEALS UPDATE
 - *Clemons v. SDOT*, CSC No. 22-01-015
 - *Sivage v. SDOT*, CSC 22-01-014
9. DEPARTMENTAL AND BUDGET UPDATE
10. EXECUTIVE SESSION (May be cancelled if not needed)
11. OLD/NEW BUSINESS
12. ADJOURN

**NEXT CSC MEETING: October 17, 2022, 2:00 pm
END OF AGENDA**

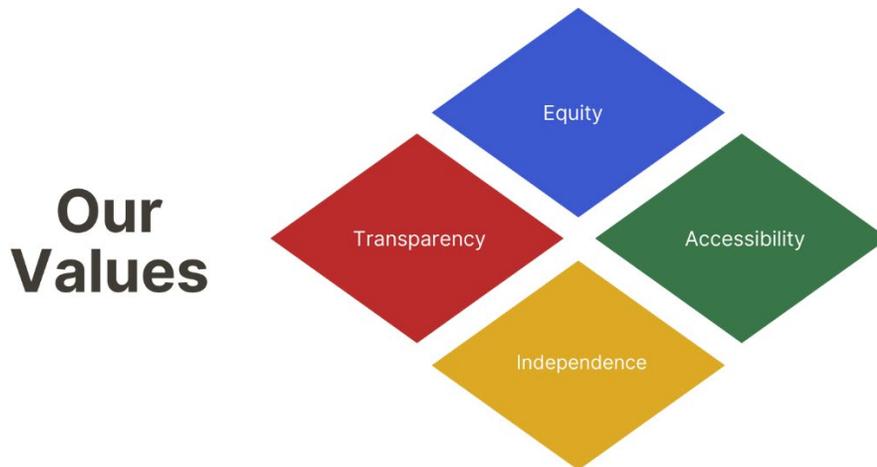
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Civil Service Commission (CSC)



Land Acknowledgment

The CSC acknowledges that we are on Indigenous land, the traditional territories of the Coast Salish people.

CSC Commitment to Racial Equity

The Civil Service Commission and its staff embrace the City of Seattle's Race and Social Justice Initiative (RSJI) and equitable treatment of employees. The CSC is actively working to embed racial equity in its processes and to dismantle racist structures and practices over which it has control or influence.

CSC's Work

The CSC conducts hearings on employee appeals of personnel actions, including disciplinary demotions, suspensions, and terminations. CSC (or a Hearing Officer) acts as a neutral decision maker. CSC hearings are similar to court proceedings, but less formal. After listening to the evidence and arguments from the parties, the CSC deliberates and decides whether the alleged violation occurred. Parties may

represent themselves or have another person represent them. A representative does not have to be an attorney.

The CSC may modify or reverse a disciplinary decision if it determines that a department acted in violation of the [Personnel Rules](#) or city policies.

The CSC investigates allegations of undue political influence in hiring decisions.

The CSC reviews rules, policies, programs, and legislation related to the City's personnel system makes recommendations to the Mayor and the City Council.

The CSC meets regularly, and its meetings are open to the public. See the sidebar for more information about when and how to attend a CSC meeting.

CSC staff provides training to employee groups, department decision makers, HR units, and other audiences. Contact CSC [staff](#) to discuss training for your group.

Background and History

The Civil Service Commission was established in 1896 to oversee the Civil Service Department, which administered the City's personnel system, including the fire and police forces, laborers, inspectors, and clerical, electrical, and library workers.

In 1979, the City's personnel system was reorganized with the creation of a Personnel Department independent of the Commission. The Commission was reorganized with jurisdiction to hear employee appeals relating to demotions, terminations, suspensions, certain lay-offs, and violations of personnel rules. Three members, serving staggered three-year terms, comprise the Commission. One member is appointed by the mayor, one by the City Council, and one is elected by City employees in the classified service.

In 2012 the Civil Service Commission and the Public Safety Civil Service Commission (PSCSC) reorganized to become one department under Civil Service Commissions (CIV). Staff oversees the functions of both commissions, however, the rules and

functions of each commission remain separate. PSCSC orders and oversees entry-level and promotional civil service exams for SPD and SFD employees, and provides sworn police and uniformed fire employees with a quasi-judicial hearing process for appeals concerning serious disciplinary actions, examination, and testing. PSCSC rules, exam information, and forms can be found on the PSCSC website at: www.seattle.gov/public-safety-civil-service-commission.

Which employees are members of Seattle civil service system?

Most regular City employees are members of civil service and served by the Commission. Some classifications (positions) are exempt from Civil Service, including appointed positions, Assistant City Attorneys and positions in the Executive series. Specific exemptions are listed in SMC 4.13 [Exemptions from Civil Service](#). Temporary employees, interns, and job training positions are exempt from the civil service.

Detailed information on how to file an appeal with the CSC can be found in the [Civil Service Commission Rules of Practice and Procedure](#) and in the [Appeals Process](#) located on this website or you may contact staff with your questions.

The CSC does not give legal advice. The information on this site is for informational purposes only.

7. REMAINING 2022 COMMISSION MEETINGS

- TENTATIVE DATES FOR NOVEMBER JOINT MEETING WITH PSCSC
- RESCHEDULE DECEMBER 19 MEETING TO DECEMBER 12

September 2022

September 2022							October 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 28	29	30	31	Sep 1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 11:00am PSCSC Special Meeting (SMT/WebEx) 2:00pm CSC Monthly Meeting	20 9:00am Civil Service Conference (Zoom)	21 9:00am Civil Service Conference (Zoom)	22 9:00am Civil Service Conference (Zoom)	23	24
25	26	27	28	29	30	Oct 1

October 2022

October 2022							November 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 25	26	27	28	29	30	Oct 1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 2:00pm CSC Monthly Meeting (SMT/WebEx)	18	19 10:00am PSCSC Monthly Meeting (SMT-WebEx)	20	21	22
23	24	25	26	27	28	29
30	31	Nov 1	2	3	4	5

November 2022

November 2022							December 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5					1	2	3
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 30	31	Nov 1	2	3	4	5
6	7	8	9	10	11 Veteran's Day	12
13	14	15	16 10:00am PSCSC Monthly Meeting (WebEx/SMT)	17	18	19
20	21 2:00pm CSC Monthly Meeting (SMT-Webex)	22	23	24 Thanksgiving	25 Native American Heritage Day	26
27	28	29	30	Dec 1	2	3

December 2022

December 2022							January 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 27	28	29	30	Dec 1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 2:00pm CSC Monthly Meeting (SMT-Webex)	20	21 10:00am PSCSC Monthly Meeting (WebEx/SMT)	22	23	24
25	26 HOLIDAY	27	28	29	30	31

8. CASE STATUS REPORT AND APPEALS UPDATE

- *CLEMONS V. SDOT*, CSC NO. 22-01-015
- *SIVAGE V. SDOT*, CSC 22-01-014

FILED/OPEN:

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	STATUS	PRESIDING OFFICER
22-01-015	Clemons	SDOT	8-24-2022	5.01B, Personnel Rules	Discharge Appellant Alleges Discrimination	CSC Appeal In Abeyance until completion of Investigation by SOCR	TBD Discrimination Referred to SOCR
22-01-014	Sivage	SDOT	4-2-2022 (extension granted until June 10, 2022)	5.01B, Personnel Rules (multiple), SMC 4.04.070	Discharge	Under review by ED for jurisdiction and timeliness	TBD

DISMISSED/CLOSED:

CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	RULE/CODE	ISSUE	DISPOSITION
22-01-013	Griffith	SPU	3-28-2022	5.01B	Discharge	Settled / Dismissed
21-01-041	LaBelle	Parks	10-15-2021	5.01B	Discharge	1 st Prehearing held December 10, 2021 Respondent filed a Motion to Dismiss. ED sent an Order Granting Motion Dismiss-1-28-2022
22-05-001	Garza	SDOT	1-13-2022	P.R. 1.4, 1.5, 2.1, 2.2, 2.3, 3.2, 3.3, 3.5, 4.1, 4.3, 11; SMC 4.04.260(A) & PR 5.8.100 Abuse of Employee Evaluation Procedures, retaliation for concerted and protected employment activity	Performance Evaluation	Withdrawal requested. Dismissed



City of Seattle
CIVIL SERVICE COMMISSION

700 5th Avenue, Suite 1670
PO Box 94729
Seattle, WA 9124-4729
Office: 206-233-7118
Fax: 206-684-0755

APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)
INSTRUCTIONS

Disciplinary appeals to the Commission must be filed within twenty (20) calendar days of delivery of the Step Three grievance response. See [Personnel Rule 1.4-Employee Grievance Procedure](#).

INSTRUCTIONS:

Complete all three pages and attach any related documents or correspondence that is related to your appeal. **Commission staff is teleworking until further notice and temporarily unable to accept appeals in person or through the commission mail slot at SMT.** We will accept a signed .pdf sent via email to the Executive Director Andrea.Scheele@seattle.gov and Cc: Executive Assistant Teresa.Jacobs@seattle.gov. If you are unable to email a .pdf, please send your appeal via US Postal or fax and notify staff by email that you mailed your appeal to the commission office.

Upon receipt of your appeal, the Executive Director will review the appeal. If the appeal is deemed to be timely and within the Commission's jurisdiction, it will be reviewed at the Commission's next regularly scheduled meeting. You and the employing department will be notified of the time and date of the meeting. If your appeal is accepted, staff will follow up with both parties to schedule the first prehearing conference. If you intend to be represented by an attorney, please have the attorney submit a *Notice of Appearance*. **If you are appealing a disciplinary decision, you are required to complete the Employee Grievance Process before your appeal will be accepted by the Civil Service Commission. See [Personnel Rule 1.4](#) for more information about this exhaustion requirement.** For more information about appeal rights and deadlines, please review the Civil Service Rules of Practice and Procedure [Rules of Practice and Procedure](#)

Use additional page(s) if necessary.

APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)

Appeal No. <u> CSC No. 22-01-015 </u> Date Filed <u> August 24, 2022 </u> <i>TRJ</i>	
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Full Name of Appellant	Work Address
Nathanael D. Clemons	714 S Charles St
Residence Address	Work Telephone
[REDACTED]	NA
City State Zip	Employee ID
[REDACTED]	I do not recall
Home/Cell Phone:	Department
[REDACTED]	SDOT
Email:	Job Title
[REDACTED]	Sr. Safety & Health Specialist

1. WHAT ACTION IS BEING APPEALED? (CHECK ONE)	<input type="checkbox"/> Demotion (5.01A)
	<input type="checkbox"/> Suspension <input type="checkbox"/> Probation <input checked="" type="checkbox"/> Discharge (5.01B)
	<input type="checkbox"/> City of Seattle Personnel Ordinance or Rule(s) Violation (5.01C.):

What Personnel rule, regulation, or provision, do you believe was violated? Seattle Municipal Code Title 4 and Title 14; Ordinance 107790; Personnel Rules Preamble and Rule 1.

<p>Reason for this appeal <u>The City discriminated against me, failed to demonstrate cause for termi</u> <u>did not provide a reasonable accommodation fo</u> <u>did not adhere to the rule making authority, and</u></p>	<p>Remedy Sought (What do you want?): <u>Back pay.</u> <u>Reinstatement.</u> <u>Apologies from all parties.</u></p>
<p>2. UNION: If you are a member of a union, what is the name of your union? No Local Number: _____</p>	<p><input type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT</p> <p>filed a grievance on the same issues that I identified in this appeal, with my union or bargaining unit.</p> <p>This matter <input type="checkbox"/> IS <input type="checkbox"/> IS NOT the subject of arbitration pursuant to a collective bargaining agreement.</p>
<p>3. EMPLOYEE GRIEVANCE PROCEDURE: Did you receive notification of your right to a timely resolution of this grievance from your Department?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (SMC 4.04.070)</p>	<p>If you filed a grievance through the Employee Grievance Procedure, what was the outcome? <u>Grievance denied, separation sustained.</u></p>
<p><input checked="" type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT</p> <p>filed a grievance on the issues that are identified in this appeal, through the Employee Grievance Procedure. (Personnel Rule 1.4.2)</p>	<p><u>Email notification sent to me 08.04.2022</u></p> <p>_____</p> <p>_____</p> <p>_____</p>

Please include with your appeal form the **Step 3 Grievance decision of your employing department and **Investigatory Report from SDHR**, and any documents or correspondence that you have received from the Department related to your appeal. To meet timely filing of your appeal, these documents can be sent after filing this document.**

4. ATTORNEY/AUTHORIZED REPRESENTATIVE:

An attorney or a representative is **NOT** required for the appeal process.

Do you have an attorney or another person representing you for this appeal? YES NO

If yes, please have your attorney submit a **NOTICE OF APPEARANCE** to the Commission Office and the Department.

All documents and information related to the appeal will go to the attorney or representative.

Name: _____ Firm: _____

Address: _____ Email: _____

5. APPELLANT:

If you **do not** have an attorney or a representative, please enter the address where documents related to this appeal should be sent:

Mailing Address: _____
Personal Email: _____
Home/Cell Phone: _____

SIGNATURE OF APPELLANT 	DATE 08.24.2022
SIGNATURE OF ATTORNEY OR REPRESENTATIVE: (IF FILLING OUT THIS FORM):	DATE

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

In the matter of the appeal of

GABRIELLE SIVAGE,

Appellant

v.

SEATTLE DEPARTMENT OF TRANSPORTATION

Respondent

**PREHEARING CONFERENCE
SCHEDULING ORDER**

CSC no. 22-01-014

The Civil Service Commission hereby orders the following:

The first pre-hearing conference in the above-named appeal will be conducted in person, **September 22, 2022, at 1:00 p.m., in the Commission’s Hearing Room Seattle Municipal Tower, 700 Fifth Avenue, room 1679.** Participation of the parties and their representatives is required at this proceeding. The appeal may be dismissed if the appellant does not attend the prehearing conference or otherwise make arrangements in advance for it to be rescheduled to another date. Director Scheele will preside.

At the prehearing conference, the parties should be prepared to state their position and discuss the following topics:

- In addition to the termination decision, are there other decisions or actions on appeal? The parties should be prepared discuss whether the CSC has subject matter jurisdiction over decisions/action(s) other than the termination, whether

administrative remedies (Employee Grievance Process) have been exhausted, and whether consolidation of issues is appropriate.

- Amount of time each party expects it will need to present its case
- Preliminary witness lists (List each witnesses' name, contact information, and a brief description of what they will testify about. The parties will provide a copy of this list to the CSC and in advance of the prehearing conference, on or before 4 p.m., Monday, September 19.)
- Preliminary exhibit lists (Title and description of document's relevant content. The parties will provide a copy of this list to the CSC in advance of the prehearing conference, on or before 4 p.m., Monday, September 19.)
- Scheduling the hearing and prehearing deadlines. Please note that hearings are usually scheduled several months out, depending on the availability of the parties and commissioners, or hearing officer.
- Exchange of exhibits before the hearing
- Admissibility of evidence
- Prehearing and hearing procedures
- Prehearing and post hearing briefs
- Potential for settlement of this matter as an alternative to hearing

The parties may ask procedural questions about hearing processes and procedures and will have additional opportunities to do so as they arise.

The parties are requested to email **only their preliminary witness and exhibit lists, no other accompanying documents or written testimony will be accepted at this time.**

Please send your lists to Commission staff person Teresa.jacobs@seattle.gov by 4 p.m., Monday, September 19. Commission staff will forward the lists to the other party prior to the prehearing conference. Please have your calendars available at the prehearing conference to discuss potential hearing dates.

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

X Andrea Scheele

Andrea Scheele
Executive Director, Civil Service Commission

9. DEPARTMENTAL AND BUDGET UPDATE
10. EXECUTIVE SESSION (May be cancelled if not needed)
11. OLD/NEW BUSINESS
12. ADJOURN

NEXT CSC MEETING: October 17, 2022, 2:00 pm
END OF AGENDA
