



# City of Seattle

## CIVIL SERVICE COMMISSIONS

**Civil Service Commission**  
Commission Chair Mary Wideman-Williams  
Commissioner Joshua Werner

**Staff**  
Andrea Scheele, Executive Director  
Teresa Jacobs, Executive Assistant

## CIVIL SERVICE COMMISSION SPECIAL MEETING AGENDA

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

**DATE:** Monday, February 13, 2023  
**TIME:** 2:00 p.m.  
**LOCATION:** WebEx and CSC Hearing Room, 16<sup>th</sup> floor of Seattle Municipal Tower.

To attend in person, request access to the 16<sup>th</sup> 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=m621752e60eee1694a0e399f5439a9406>

### Join by meeting number

Meeting number (access code): 2494 962 1588 Meeting password: 3XCvbFMg2m5

### Tap to join from a mobile device (attendees only)

+1-206-207-1700,,24949621588## United States Toll (Seattle)

+1-408-418-9388,,24949621588## United States Toll

### Join by phone

+1-206-207-1700 United States Toll (Seattle) +1-408-418-9388 United States Toll

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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](mailto:Teresa.jacobs@seattle.com)*

**CIVIL SERVICE COMMISSION  
MEETING AGENDA  
February 13, 2023 @ 2:00 p.m.**

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**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
  - January 23, 2023
6. CSC RETREAT- Values Website Mock-up-Review

**STANDING ITEMS**

7. CASE STATUS REPORT and APPEALS UPDATE
8. DEPARTMENTAL AND BUDGET UPDATE
9. EXECUTIVE SESSION (May be cancelled if not needed)
10. OLD/NEW BUSINESS
11. ADJOURN

**NEXT CSC MEETING: March 20, 2023 @ 2 pm  
END OF AGENDA**

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## CIVIL SERVICE COMMISSIONS

Civil Service Commission  
Commission Chair Mary Wideman-Williams  
Commissioner Joshua Werner

### Staff

Andrea Scheele, Executive Director  
Teresa R. Jacobs, Executive Assistant

**January 23, 2023**  
**Civil Service Commission Special Meeting Minutes**  
*Approved: February 13, 2023*

**1. CALL TO ORDER:**

Commission Chair Mary Wideman-Williams called the meeting to order at 2:04 pm. The meeting was held via WebEx and in person in the Commission's Hearing Room 1679 at SMT.

**2. LAND ACKNOWLEDGEMENT:**

Commission Chair Wideman-Williams opened the meeting with the Land Acknowledgment-*The City of Seattle Civil Service Commission acknowledges that we are on the traditional land of the first people of Seattle, the Duwamish. We honor with gratitude the land, and the Duwamish people, past and present.*

**3. INTRODUCTIONS**

**Commission:** Commission Chair Mary Wideman-Williams, Commissioner Joshua Werner

**Staff & Counsel:** Andrea Scheele, Executive Director; Teresa Jacobs, Executive Assistant

**Guests:** Brett Rogers, Appellant; Sarah E. Tilstra, Assistant City Attorney

**4. PUBLIC COMMENT:** There was no written or verbal public comment.

**5. APPROVAL OF MEETING MINUTES**

**November 7, 2022- Special Joint Meeting with PSCSC & November 21, 2022- CSC**

**Monthly Meeting:** Commissioner Werner moved to accept the minutes as written.

Commission Chair Wideman Williams seconded the motion. The motion passed

unanimously. The minutes for the joint meeting and CSC monthly meeting in November 2022 were approved.

## **6. CASE STATUS REPORT and APPEALS UPDATE**

Director Scheele informed the commission of the current open appeals. The commission reviewed the case status report.

***Sivage v. SDOT, CSC 22-01-014:*** Director Scheele advised the commission that since there is currently a vacancy on the commission due to Commissioner Chinn's resignation, they could consider hearing Ms. Sivage's appeal, or delegate it to the Office of the Hearing Examiner. The commissioners discussed whether they had the capacity to take on the appeal as well as the additional appeals that are currently filed with the commission. Commissioner Werner and Chair Wideman-Williams discussed that they wanted to make sure they were able to meet their obligations for timely hearing and timely review of appeals. Their concern was whether they could do this with only two commissioners. The commissioners stated that the timeliness could be better met with delegation to the Office of the Hearing Examiner. Director Scheele informed the commission that the duties of the Executive Director on jurisdiction and timeliness shall precede any delegation. Director Scheele recommended the commission authorize the Executive Director to delegate matters until there is a new commissioner appointed rather than revisit the issue on a one-by-one basis as appeals are pending.

***Rogers v. SDOT, CSC No. 23-01-001:*** Director Scheele reported that she is reviewing Mr. Rogers appeal for timeliness and jurisdiction.

***Clemons v. SDOT, CSC 22-01-015:*** Director Scheele reported that Mr. Clemons' allegation of discrimination is under investigation by SOCR. His appeal will be held in abeyance by the CSC until notification by SOCR of completion of their investigation.

**Commission Vote on Delegation to OHE:** Commissioner Werner moved to delegate *Sivage v. SDOT, CSC no. 22-01-014* to the Office of the Hearing Examiner (OHE). Commissioner Wideman-Williams seconded the motion. The motion passed.

**Commission Vote to Authorize ED to Delegate Appeals to OHE:** Commissioner Werner moved to authorize the Executive Director to delegate appeals to the OHE until a new commissioner is appointed. Commissioner Wideman-Williams seconded the motion. The motion passed.

7. **RETREAT VALUES DISCUSSION**

**CSC Values-Next Steps:** The commission discussed each of the core values and reviewed the final draft. The commissioners expressed they were happy with the outcome of the values and how they outlined the commission's goals and commitment to serve, and identify the values as the principals that guide their work. Chair Wideman-Williams stated it would be a good idea to add the values to the posting regarding the search for a new CSC commissioner. Director Scheele stated that staff would work on a mockup of the CSC website and present it to the commissioners at a future meeting.

8. **2023 COMMISSION**

Commission Chair Wideman Williams announced that she was reappointed by the mayor to another three years on the commission. Chair Wideman Williams said she was excited to continue to serve.

**Chair Nomination and Vote:** Commissioner Werner moved to nominate Commissioner Wideman-Williams to serve as chair for 2023. Commissioner Wideman-Williams accepted and seconded motion. The motion passed unanimously.

**2023 Meeting Dates/Schedule Meetings that fall on a City holiday:** The commission reviewed the proposed dates to hold monthly meetings. The commission set the dates for the regular monthly meetings on the third Monday of the month and scheduled alternate dates for meetings that would fall on a Monday that is a city holiday.

9. **COMMISSIONER EVAN CHINN- ACKNOWLEDGEMENT and THANK YOU CSC**

The commissioners and staff acknowledged and thanked Evan Chinn for his service on the commission and to the City of Seattle.

**Council Appointment Vacancy:** Director Scheele informed the commission that she shared the posting regarding the CSC commissioner vacancy with her network, the Governance Committee, and governance representative from Council member Juárez's office. Director Scheele stated she has received inquiries regarding the position and will make the posting available to commissioners to share within their networks.

10. **EXECUTIVE DIRECTOR REPORT**

**Departmental Work and Budget Update:** Director Scheele provided an update to the commission on ongoing departmental work and budget. **PSCSC:** Director Scheele informed the commission that she is working with other stakeholder on making the process of hiring of police officers efficient and removing barriers that may be in

candidates' way. **Additional Position:** Director Scheele notified the commission that she is working on establishing the scope of the work for the new CIV position and moving towards the hiring process. **Budget:** The commission reviewed the budget document. The adopted budget is not yet available for 2023. **Confirmation of Executive Director:** Director Scheele announced that she will go before the Public Safety and Human Services Committee on January 24<sup>th</sup> for a vote on her confirmation. Director Scheele will give a presentation on the work of the Civil Service Commission and specifically the work of the Public Safety Civil Service Commission and the hiring of police officers.

11. **EXECUTIVE SESSION (MAY BE CANCELLED IF NOT NEEDED):** The commission did not go into Executive Session
12. **OLD/NEW BUSINESS:** There was no Old/New Business.
13. **ADJOURN:** All other business before the Commission having been considered, Commission Chair Wideman-Williams adjourned the meeting at approximately 3:02 pm

Respectfully submitted on **February 13, 2023**, for the CSC:

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Teresa Jacobs, Executive Assistant

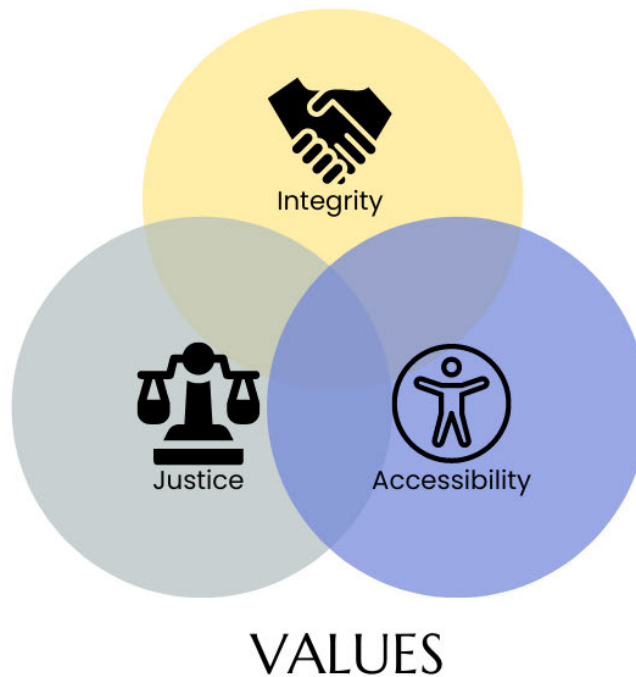
Approved

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Mary Wideman-Williams, Chair

# Civil Service Commission (CSC)

## CITY OF SEATTLE CIVIL SERVICE COMMISSION



### Guiding Principles & Values

**Integrity** - We fulfill our charge as an independent quasi-judicial body committed to ensuring fair administration of our responsibilities.

**Equity** - We pledge to treat employees who appear before the commission with impartiality, fairness, and justice. The commission recognizes that implicit bias and inequities are present in all social systems and works to eliminate them.

**Accessibility** – We are open, available, and engaged with employees who feel harmed by alleged violations of the personnel rules and appeal to the Commission. We seek to reduce barriers to being heard and listen to employees who seek fairness in appeals of demotions, terminations, suspensions, and alleged violations of personnel rules.

### Land Acknowledgment & Commitment to Racial Equity

We recognize that we are on Indigenous land, the traditional territories of the Coast Salish people.

We 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.

### **What we do**

- **Hear Employee Appeals of Serious Discipline-** The CSC conducts hearings and renders decisions on employee appeals of serious disciplinary actions (Demotion, Suspension, and Termination)
- **Political Patronage Investigations-** The CSC is empowered to investigate allegations whether hires and promotions comply with Seattle's merit-based hiring requirements.
- **Monthly Meetings-** The CSC meets monthly to conduct business in an open, public setting. Meetings may occur more frequently when needed.
- **Recommendations on City Personnel Systems-** The CSC reviews rules, policies, programs, and legislation related to the City's personnel system, and makes recommendations to the Mayor and the City Council.
- **Training and Outreach-** CSC staff members provide training to employee groups, department decision makers, HR units, and other audiences. Contact CSC staff to discuss training for your group.

### **Which employees are members of Seattle civil service system?**

Most regular City employees are members of the civil service and served by the Commission. Some classifications (types of jobs/positions) are exempt from Civil Service, including appointed positions, Assistant City Attorneys, positions in the Executive series, and employees of the Seattle Public Library. A comprehensive list of exempt positions can be found in the Seattle Municipal Code, [SMC 4.13-Exemptions from Civil Service](#). Temporary employees, interns, and job training positions are exempt from the civil service. Employees are encouraged to contact their HR contact or CSC staff to inquire about their civil service status.

### **Learn More about Appeals**

More information about filing an appeal with the CSC can be found in the [Civil Service Commission Rules of Practice and Procedure](#) and at the [Appeals Process](#) section of our website. Employees may also contact their HR contacts with questions about the civil service and their rights.

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



Case Number	Appellant	Respondent	Filed	Rule/Code	Description	Issue	Status	Notes
23-01-002	Holiwell	SDCI	1/6/2023	5.01C	-	Demotion	Premature Appeal Filing	2-2023 Dismissed by ED
23-01-001	Rogers	SDOT	12/21/2022	1.3.2(D)	Justifiable Cause	Discharge	TBD	2-2023 Referred to SOCR
23-01-015	Clemons	SDOT	8/24/2022	5.01B	Personnel Rules	Discharge	Abeyance	9-2022 Referred to SOCR
22-01-014	Sivage	SDOT	4/2/2022	5.01B	SMC 4.04.070	Discharge	Under Review for Jurisdiction and Timeliness	2-2023 Referred to OHE
22-05-001	Garza	SDOT	1/13/2022	4.04.260 1.4	Abuse of Employee Evaluation Procedure:	Performance	Withdrawn	6-2022 Dismissed
22-01-013	Griffith	SPU	3/28/2022	5.01B	Personnel Rule	Discharge	Settled	6-2022 Dismissed
21-01-041	LaBelle	PARKS	10/15/2021	5.01B	Personnel Rule	Discharge	Dismissed	1-2022 Respondent filed mtn to dismiss. ED granted mtn.

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

3                   **BRETT ROGERS**

4                                   Appellant,

5                                   vs.

6                   **CITY OF SEATTLE, SEATTLE**  
7                   **DEPARTMENT OF TRANSPORTATION**  
8                   **(SDOT)**

                                  Respondent.

**DISMISSAL ORDER**

**CSC #23-01-001**

9                   The Civil Service Commission (CSC) on January 11, 2023, wrote to acknowledge  
10                  Mr. Rogers disciplinary appeal and request additional documents in order to  
11                  determine whether the CSC had jurisdiction over the appeal.

12                                   **Findings of Fact**

13                  Based on further review of Mr. Rogers' appeal and associated documents, I find  
14                  that:

- 15                  • Mr. Rogers exhausted the Employee Grievance Process as required by the City's
- 16                  Personnel Rule 1.4.
- 17                  • Mr. Rogers's appeal was filed timely on the fifth day after the Step 3 grievance
- 18                  notification.
- 19                  • Mr. Rogers was an employee in the civil service prior to his termination.
- 20                  • Mr. Rogers was non-disciplinarily separated from his employment at SDOT,
- 21                  because of non-compliance with the City's COVID-19 vaccine requirement.
- 22                  • Mr. Rogers requested and received a religious exemption from the vaccination
- 23                  requirement. He and the City were not able to arrive at an accommodation that

1 would allow him to continue working, so SDOT ended his employment.

- 2 • Mr. Rogers argued in his Step 3 grievance and written appeal to the CSC that
- 3 SDOT discriminated against him because of his religion by failing to
- 4 accommodate his religious beliefs. He also argued that religious discrimination
- 5 could not amount to justifiable cause for termination under Personnel Rule 1.3.2.
- 6 • Mr. Rogers discrimination allegation was investigated by SHR's Human
- 7 Resources Investigations Unit, which found the discrimination allegation
- 8 "unsupported," on a more likely than not basis.

### 9 **Jurisdiction**

10 The CSC's jurisdiction includes timely termination appeals by employees in the  
11 civil service, except for appeals alleging a violation of a rule or ordinance related to  
12 employment enforced by another City agency. CSC Rule 5.05. Those must be referred  
13 to the agency of the City having jurisdiction over the alleged violation. The Seattle Office  
14 for Civil Rights (SOCR) has jurisdiction over City employees' allegations of discrimination  
15 in their employment. See [Order on City's Motion to Dismiss in Hemmelgarn v. City of](#)  
16 [Seattle](#), CSC 10-01-004 (2011). As in Mr. Hemmelgarn's case, Mr. Roger's just cause  
17 issue cannot be separated from the alleged discrimination.

18 /

19 //

20 ///

21 ///

22 ///

23 ///

1 **ORDER**

2 The CSC does not have jurisdiction over the claims in this matter. It is therefore  
3 dismissed and shall be referred to SOCR for further proceedings consistent with the  
4 Seattle Municipal Code.

5  
6 DATED this 3rd day of February 2023

7 FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

8  
9 *Andrea Scheele*  
10 Andrea Scheele, Executive Director  
11 Civil Service Commission  
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22  
23

CERTIFICATE OF SERVICE

I, Teresa R. 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 the method of service listed below, a true and correct copy of the foregoing document: **Dismissal Order**

Party	Method of Service
Appellant: Brett Rogers [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: Seattle Department of Transportation Jesse Green, Director of People, Culture and Logistics <a href="mailto:Jesse.Green@seattle.gov">Jesse.Green@seattle.gov</a>	<input checked="" type="checkbox"/> E-Mail

DATED: February 3, 2023, at Seattle, Washington.

*Teresa R. Jacobs*

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Teresa R. Jacobs, Executive Assistant  
Civil Service Commissions

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

**David Hemmelgarn,  
Appellant**

**V.**

**City of Seattle, Fleets and Facilities,  
Respondent**

**ORDER  
On City's Motion to Dismiss  
For Lack of Jurisdiction**

**CSC No. 10-01-004**

3  
4  
5 **I. Procedural Background**  
6

7 Appellant Hemmelgarn received a one-day suspension for failure to notify his supervisor  
8 he would be late or absent from work. Hemmelgarn appealed his suspension to the Civil  
9 Service Commission (CSC) alleging the City suspended him without just cause and  
10 failed to accommodate his disability. Specifically he alleges the City failed to follow  
11 procedures related to progressive discipline and Loudermill, and failed to notify him of  
12 disability accommodation information for 5 months after he disclosed he had a disability.  
13 (Hemmelgarn's Appeal, February 12, 2010)

14  
15 The City moves to dismiss Hemmelgarn's appeal, arguing the CSC lacks jurisdiction  
16 over the subject matter because appellant's challenge to his disciplinary action is based  
17 upon disability discrimination and failure to accommodate a disability. The City argues  
18 that the CSC is required to refer Discrimination issues to the City's Office of Civil Rights  
19 (OCR) which has jurisdiction over Seattle's Fair Employment Practices Ordinance, SMC  
20 14.04. Respondent Hemmelgarn argues that the City has the burden of proving just  
21 cause, and the CSC has jurisdiction over disciplinary suspensions, therefore the matter  
22 should not be dismissed.

23  
24 **II. Issue**  
25

26 The parties agree that the OCR has jurisdiction over allegations based upon  
27 discrimination. The issue for determination here is whether the disciplinary just cause  
28 issue is distinguishable from the disability discrimination issue. If the issues are not  
29 distinguishable, the OCR would be the sole agency with jurisdiction to review the  
30 subject of this appeal, but if the issues are severable, then the CSC would retain  
31 jurisdiction over that portion of the just cause issue that is not based upon an allegation  
32 of discrimination.

33  
34 **III. Factual Background**  
35

36 Both the City and Mr. Hemmelgarn through his attorney, represented to the CSC that  
37 Hemmelgarn was on a performance improvement plan requiring regular attendance and

1 sufficient advance notice when he was not going to be at work on time. Hemmelgarn  
2 argued that he had a medical condition that required accommodation of his work  
3 schedule. The basis of his appeal is that the City failed to accommodate his disability  
4 and therefore the suspension that was imposed on him was unwarranted. The City  
5 asserts Hemmelgarn had failed to cooperate in the interactive accommodation process  
6 thus far. (Riese Letter March 3, 2010; Mauden letter March 3, 2010)

7  
8 The CSC accepted Hemmelgarn's appeal after requesting clarification of his issues,  
9 referring the portion of the appeal that was covered by SMC 14.04, Seattle's law  
10 prohibiting discrimination, to the Seattle Office of Civil Rights (OCR).

11  
12 The parties agreed at the first CSC Pre-hearing conference that the disciplinary issue  
13 was "inextricably intertwined" with the disability discrimination issue. In addition, the  
14 parties entered a formal stipulation on March 14, 2011 that:

15  
16 "The sole basis for Mr. Hemmelgarn's appeal to the Dept. of  
17 Finance and Administrative Services' (formerly, Fleets and  
18 Facilities Dept.) decision to suspend him for one day on  
19 January 20, 2010, is his allegation that the suspension  
20 resulted from the dept's failure to accommodate this  
21 disability. Mr. Hemmelgarn does not allege any other  
22 violation of the just cause standard in this appeal. The  
23 department denies Mr. Hemmelgarn's allegation and  
24 contends that it complied with its legal obligations with  
25 respect to Mr. Hemmelgarn's disability."

26  
27 Since March 2010 the portion of the case that remained with the CSC has been held in  
28 abeyance while the Seattle Office of Civil Rights reviews the portion of the appeal that is  
29 covered by SMC 14.04, Seattle's Fair Employment Practices Ordinance.

#### 30 31 **IV. Discussion**

32  
33 The City of Seattle Personnel Rules [1.3.3 (C)] sets forth the relevant factors for a just  
34 cause analysis:

35  
36 "A regular employee may be suspended, demoted or discharged only for justifiable  
37 cause. This standard requires that:

- 38  
39 1. The employee was informed of or reasonably should have known the  
40 consequences of his or her conduct;  
41 2. The rule, policy or procedure the employee has violated is reasonably related to  
42 the employing unit's safe and efficient operations;  
43 3. A fair and objective investigation produced evidence of the employee's violation  
44 of the rule, policy or procedure;  
45 4. The rule, policy or procedure and penalties for the violation thereof are applied  
46 consistently; and

1 5. The suspension or discharge is reasonably related to the seriousness of the  
2 employee's conduct and his or her previous disciplinary history."  
3

4 The parties disagree over the interpretation of SMC 4.04.260(D) which reads:  
5

6 "A complaint alleging discrimination in violation of the City's  
7 Fair Employment Practices Ordinance shall be referred by  
8 the Commission to the rights agency of the City having  
9 jurisdiction over such complaints for its recommendation as  
10 to appropriate settlement of the case."<sup>1</sup>  
11

12 The contested language is the last phrase, "for its recommendation as to appropriate  
13 settlement of the case." The City acknowledges that the language is awkward, but that  
14 the overall statutory scheme requires an interpretation that provides the OCR with sole  
15 jurisdiction over discrimination issues because any other interpretation creates a conflict  
16 among ordinances. *Am. Legion Post #149 v. Wash. State Dept. of Health*, 164 W.2d  
17 570, 585, 192 P.3d 306 (2008). Hemmelgarn argues that these confusing words must  
18 be given meaning according to the rules of statutory interpretation, and that such  
19 meaning must be that a recommendation be made back to the CSC, so that it would  
20 play a role in a discrimination issue as it analyzed the just cause factors.  
21

22 SMC 14.04.060(A) provides the OCR with the power to investigate, hold hearings, and  
23 engage in settlements in cases fitting the definition of discrimination under this chapter:

24 A. The Office for Civil Rights shall receive, investigate,  
25 and pass upon charges alleging unfair practices as  
26 defined by this chapter, conciliate and settle the same by  
27 agreement, and monitor and enforce any agreements or  
28 orders resulting therefrom or from a subsequent hearing  
29 thereon under and pursuant to the terms of this chapter;  
30 and shall have such powers and duties in the  
31 performance of these functions as are defined in this  
32 chapter and otherwise necessary and proper in the

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<sup>1</sup> The City's Fair Employment Practices Ordinance is found in SMC 14.04.040(A), and states as follows:  
It is unfair employment practice within the City for any:

A. Employer to discriminate against any person with respect to hiring,  
tenure, promotion, terms, conditions, wages or privileges of employment, or  
with respect to any matter related to employment . . . .

Discrimination is defined in Title 14 at SMC 14.014.030(I):

I. "Discrimination," "discriminate," and/or "discriminatory act" means any  
act, by itself or as part of a practice, which is intended to or results in  
different treatment or differentiates between or among individuals or groups  
of individuals by reason of race, color, age, sex, marital status, sexual  
orientation, gender identity, genetic information, political ideology,  
creed, religion, ancestry, national origin, honorably discharged veteran or  
military status, or the presence of any disability.



1 performance of the same and provided for by law. The  
2 Department shall further assist the Commission and  
3 other City agencies and departments upon request in  
4 effectuating and promoting the purposes of this chapter.

5 [Author's note: reference to Commission in this paragraph is to the Civil  
6 Rights Commission, not the CSC).]

## 7 8 V. Analysis 9

10 The procedures of the OCR differ from the CSC in that they are an investigatory  
11 agency, with a focus on reaching resolutions via written agreements before holding  
12 hearings, with fact finding hearings being a last resort if agreements cannot be reached.  
13 This scheme that puts the primary focus on resolution rather than fact finding hearings  
14 provides the best potential explanation for, and interpretation of, the language in SMC  
15 4.04.060(A) concerning "recommendations." The OCR makes recommendations to the  
16 parties based on its investigation. Such recommendations may result in settlement  
17 agreements or ultimately provide the agency with a basis for holding a hearing which  
18 could result in orders that the OCR then has the authority to enforce.

19 The "recommendations" language does not impact the overall jurisdictional scheme  
20 whereby the OCR has jurisdiction over discrimination issues, and the CSC does not.

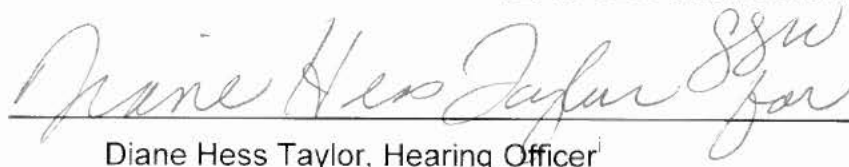
21 Here the parties have stipulated that the only just cause violation is the City's failure to  
22 accommodate Hemmelgarn's disability, which is a discrimination issue under the  
23 jurisdiction of the OCR. While there might be factual situations where there are just  
24 cause factors that are severable from a discrimination analysis, that is not the case  
25 here.

## 26 27 VI. Order 28

29 Hemmelgarn's appeal is hereby dismissed because the City's Office of Civil Rights has  
30 sole jurisdiction over the subject matter of his appeal.

31  
32 Dated this *2nd* day of *May* 2011,

33 FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

34  
35   
36  
37 Diane Hess Taylor, Hearing Officer<sup>1</sup>  
38

<sup>1</sup> The decision of the Hearing Officer in this case is subject to review by the Civil Service Commission. Parties may also request that the Commission review the decision, by filing a Petition for Review of the Hearing Officer's Decision and asking the Commission to consider specific issues and fact. To be timely, the Petition for Review must be filed with the Civil Service Commission no later than ten (10) days following the date of issuance of this decision, as provided in Civil Service Commission Rules.

**CITY OF SEATTLE  
CIVIL SERVICE COMMISSION**

**Affidavit of Service  
By Mailing**

STATE OF WASHINGTON }  
COUNTY OF KING }

TERESA R. JACOBS, deposes and states as follows:

That on the 3rd day of May, 2011, I sent via electronic mail a copy of **ORDER ON**

**CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION TO:**

**Mitchell A. Riese, Attorney (for Appellant)  
Law Offices of Judith A. Lonnquist, P.S.**

And copies of same via US mail, interoffice mail and U.S. mail addressed to:

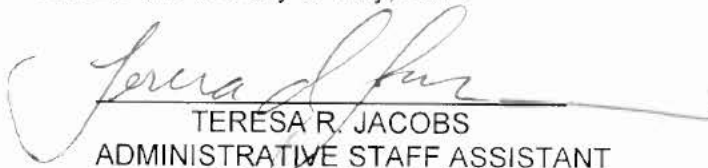
**Darwyn Anderson, Acting Personnel Director  
Zahraa Wilkinson, Assistant City Attorney  
Diane Hess Taylor, CSC Hearing Officer**

In the appeal of:

**David C. Hemmelgarn v. Fleets and Facilities**

**CSC Appeal No. 10-01-004**

DATED this 3rd day of May, 2011

  
TERESA R. JACOBS  
ADMINISTRATIVE STAFF ASSISTANT



# City of Seattle

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## PUBLIC SAFETY CIVIL SERVICE COMMISSION

Andrea Scheele, Executive Director

February 6, 2023

Mike Chin, Civil Rights Enforcement Director

[mike.chin@seattle.gov](mailto:mike.chin@seattle.gov)

**Re: Referral to OCR – *Brett Rogers v. Department of Transportation*  
PSCSC No. 23-01-001**

Dear Mr. Chin:

Please accept this referral from the Civil Service Commission to the Seattle Office for Civil Rights for investigation, regarding separated employee Brett Rogers allegations of discrimination and SDOT's failure to accommodate him because of his religious beliefs. The referral is pursuant to CSC Rule 5.05.

Please find attached all documents in CSC's possession that are related to his allegations and/or his appeal.

Thank you.

Sincerely,

*Andrea Scheele*

Andrea Scheele  
Executive Director

Cc:

Brett Rogers [REDACTED]

Jesse Green, Interim Division Director, People, Culture & Logistics

[Jesse.Green@seattle.gov](mailto:Jesse.Green@seattle.gov)

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### City of Seattle Civil Service Commissions

Seattle Municipal Tower, 700 Fifth Avenue, Suite 1670 PO Box 94729 Seattle, WA 98124-4729

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

**An equal employment opportunity employer. Accommodations for people with disabilities provided upon request.**

BEFORE THE CIVIL SERVICE COMMISSION OF THE CITY OF SEATTLE

**BRETT ROGERS**

Appellant,

v.

**DEPARTMENT OF TRANSPORTATION**

CITY OF SEATTLE

Respondent

**DECLARATION OF SERVICE**

**CSC No. 23-01-001**

I, Teresa R. 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 the method of service listed below, a true and correct copy of the foregoing document:

**Referral to SOCR**

Party	Method of Service
<b>Appellant: Brett Rogers</b> [REDACTED]	<input checked="" type="checkbox"/> E-Mail
<b>Respondent: DOT</b> Jesse Green, Director of People, Culture and Logistics <a href="mailto:Jesse.Green@seattle.gov">Jesse.Green@seattle.gov</a>	<input checked="" type="checkbox"/> E-Mail
Cc: Greg Spotts, Director, DOT Kimberly Loving, Director, SHR	<input checked="" type="checkbox"/> E-Mail

DATED: September 1, 2022, at Seattle, Washington.

*Teresa R. Jacobs*

Teresa R. Jacobs, Executive Assistant  
Civil Service Commissions



**City of Seattle**  
**CIVIL SERVICE COMMISSION**

700 5th Avenue, Suite 1670

PO Box 94729

Seattle, WA 98124-4729

Office: 206-233-7118

Fax: 206-684-0755

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**APPEAL TO THE CIVIL SERVICE COMMISSION (DISCIPLINARY)**  
**INSTRUCTIONS**

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**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](mailto:Andrea.Scheele@seattle.gov) and Cc: Executive Assistant [Teresa.Jacobs@seattle.gov](mailto: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>23-01-001</u>  Date Filed <u>December 21, 2022</u>	
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<b>Full Name of Appellant</b>	<b>Work Address</b>
Brett J Rogers	
<b>Residence Address</b>	<b>Work Telephone</b>
[REDACTED]	
<b>City</b> <b>State</b> <b>Zip</b>	<b>Employee ID</b>
[REDACTED]	[REDACTED]
<b>Home/Cell Phone:</b>	<b>Department</b>
[REDACTED]	SDOT
<b>Email:</b>	<b>Job Title</b>
[REDACTED]	Manager 3

1. <b><u>WHAT ACTION IS BEING APPEALED?</u></b> <b>(CHECK ONE)</b>	<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.):
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What Personnel rule, regulation, or provision, do you believe was violated? Rule 1.1.2 - Inclusive Workplace Policy, and  
**1.3.2 (D) - Justifiable Cause**

<p><b>Reason for this appeal</b> Please see continuation page.</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b>Remedy Sought (What do you want?):</b></p> <p>I want to be made whole. I seek to be reinstated without any loss of pay or benefits, and any other remedy the Civil Service Commission deems just.</p> <p>_____</p>
<p><b>2. <u>UNION:</u></b></p> <p>If you are a member of a union, what is the name of your union?</p> <p>N/A</p> <p>_____</p> <p>Local Number: _____</p>	<p><input type="checkbox"/> I HAVE <input checked="" type="checkbox"/> I HAVE NOT</p> <p><b>filed a grievance on the same issues that I identified in this appeal, with my union or bargaining unit.</b></p> <p>This matter <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT the subject of arbitration pursuant to a collective bargaining agreement.</p>
<p><b>3. <u>EMPLOYEE GRIEVANCE PROCEDURE:</u></b></p> <p><b>Did you receive notification of your right to a timely resolution of this grievance from your Department?</b></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?</p> <p>My Step 3 grievance was denied by letter</p> <p>_____</p>
<p><input checked="" type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT</p> <p><b>filed a grievance on the issues that are identified in this appeal, through the Employee Grievance Procedure. (Personnel Rule 1.4.2)</b></p>	<p>dated December 15, 2022.</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.

**City of Seattle Civil Service Commissions**

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Tel (206) 437-5425, Fax: (206) 684-0755, <http://www.seattle.gov/CivilServiceCommissions/>

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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

Brett J. Rogers

DATE

12/21/2022

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

DATE

**City of Seattle Civil Service Commissions**

Seattle Municipal Tower, 700 Fifth Avenue, Suite 1670 PO Box 94729 Seattle, WA 98124-4729  
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BEFORE THE CIVIL SERVICE COMMISSION  
OF THE CITY OF SEATTLE

ALICIA HOLIWELL

Appellant,

vs.

CITY OF SEATTLE, SEATTLE  
DEPARTMENT OF CONSTRUCTION AND  
INSPECTIONS (SDCI)

Respondent.

DISMISSAL ORDER

CSC #23-01-002

Upon review of additional documents that were submitted by the parties. It appears that SDCI has not taken a final action and/or the employee grievance procedure has not concluded. In either case, this appeal is premature.

Additionally, the parties should be on notice that the **Seattle Office for Civil Rights (SOCR)** has jurisdiction over allegations of discrimination in employment, including disciplinary actions. See *Order on City's Motion to Dismiss in [Hemmelgarn v. City of Seattle, CSC 10-01-004 \(2011\)](#)*. Appeals alleging discrimination as the motive for a final employment action will be referred to SOCR, pursuant to *CSC Rule 5.05*.

For these reasons, CSC 23-01-002 is **dismissed without prejudice**.

DATED this 7th day of February 2023

FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

*Andrea Scheele*

Andrea Scheele, Executive Director  
Civil Service Commission

Holiwell v. SDCI  
CSC #23-01-002  
Dismissal Order

City of Seattle Civil Service Commission  
PO Box 94729, Seattle, WA 98124-4729  
(206) 233-7118

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

2 In the matter of the appeal of

3 **Alicia Holiwell**

4 Appellant

5 V.

6 **Seattle Department of Construction and Inspections  
(SDCI)**

7 Respondent

**DECLARATION OF SERVICE**

**CSC no. 23-01-002**

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

Party	Method of Service
Alicia Holiwell [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: Stephanie Tate, People and Cultures Manager, SDCI <a href="mailto:stephanie.tate@seattle.gov">stephanie.tate@seattle.gov</a> Danielle Priest, OSAS Division Director, SDCI <a href="mailto:danielle.priest@seattle.gov">danielle.priest@seattle.gov</a>	<input checked="" type="checkbox"/> E-Mail

17 DATED: February 7, 2023, at Seattle, Washington.

18  
19 *Teresa R. Jacobs*

20 Executive Assistant  
21 Civil Service Commission

22  
23 Holiwell v. SDCI  
CSC #23-01-002  
Dismissal Order

City of Seattle Civil Service Commission  
PO Box 94729, Seattle, WA 98124-4729  
(206) 233-7118

Department Expenditures by Account and Month

Version 7.1

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

		Values																	
												September	October	November	December	YTD	Encumbrances	Available Balance	Percent Used
Account Grouping Level Two		Adopted Budget	Revised Budget	January - Expenses	February - Expenses	March - Expenses	April - Expenses	May - Expenses	June - Expenses	July - Expenses	August - Expenses	September - Expenses	October - Expenses	November - Expenses	December - Expenses	YTD Expenses	Encumbrances	Available Balance	Percent Used
Expenditure	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 All Funds

		Values																	
												September	October	November	December	YTD	Encumbrances	Available Balance	Percent Used
Account Grouping Level Two		Adopted Budget	Revised Budget	January - Expenses	February - Expenses	March - Expenses	April - Expenses	May - Expenses	June - Expenses	July - Expenses	August - Expenses	September - Expenses	October - Expenses	November - Expenses	December - Expenses	YTD Expenses	Encumbrances	Available Balance	Percent Used
Expenditure	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)	