



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, February 27, 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=mc202dbe9b9f885b4d39ca3627548ddf1>

Join by meeting number

Meeting number (access code): 2492 338 8097 Meeting password: 6M3dWYt5Ayx

Tap to join from a mobile device (attendees only)

+1-206-207-1700,,24923388097## United States Toll (Seattle)

+1-408-418-9388,,24923388097## 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 24923388097@seattle.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

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

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
February 27, 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
 - January 23, 2023, Special 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
 - 2023 Final Examination Dates & Timelines
 - Departmental Work Updates
 - Budget
8. CASE STATUS REPORT
 - *Constantin v. SPD, PSCSC No. 22-01-003- Case Update
This is a status update; parties are welcome to attend but are not required to do so.*
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: March 21, 2023 @ 10:00 a.m.
(Potential Promotional Exam Appeals)
END OF AGENDA**



CIVIL SERVICE COMMISSIONS

Public Safety Civil Service Commission

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PUBLIC SAFETY CIVIL SERVICE COMMISSION January 23, 2023, MEETING MINUTES APPROVED: February 27, 2023

CHAIR (PSCSC 2.04)

1. CALL TO ORDER: Commission Chair Stacy Connole called the monthly meeting to order at 10:02 a.m.
2. LAND ACKNOWLEDGEMENT: Commission Chair Connole read the land acknowledgement.
3. INTRODUCTIONS: Commission Chair Connole introduced the commissioners, staff, and guests.
PSCSC: Commissioner Dorothy Leggett, Commissioner Joel Nark. Commission Staff and Counsel: Andrea Scheele Executive Director; Teresa Jacobs, Executive Assistant. Commission Counsel: Gary Smith, Assistant City Attorney; Anne Vold, Assistant City Attorney
Exams Unit: Rachael Schade, Police Exams Analyst. Fire: Helen Fitzpatrick, Executive Director Administration, SFD; Dori Towler, Personnel Manager, SFD; Hannah Kosten, Personnel Specialist, SFD. Police: Alyssa Pulliam, HR Deputy Director, SPD
4. PUBLIC COMMENT: There was no public comment given in person or written.

DISCUSSION ITEMS

5. APPROVAL OF MINUTES

November 7, 2022, Joint Meeting with CSC- The commission reviewed the November 7, 2022, joint meeting with the Civil Service Commission. Commissioner Connole moved to approve the minutes. Commissioner Nark seconded the motion. The motion passed and the minutes were approved by acclamation.

November 16, 2022, Monthly Meeting- The commission reviewed the November 16, 2022, monthly meeting. Commissioner Connole moved to approve the minutes. Commissioner Leggett seconded the motion. The motion passed and the minutes were approved by acclamation.

6. FIRE AND POLICE EXAM UNIT

Fire Update- Rachael Schade reported on the Fire Exams update on behalf of Ms. Grace Matsui. Ms. Schade reported on the development of promotional exams for Fireboat Lieutenant and Fireboat Engineer. The Fire Lieutenant written exam will be March 4 and assessments on May 20. The application period occurred the first two weeks in January. There were 82 applicants for Fire Lieutenant. The written exam for Fireboat Engineer will be June 20, and the practical exam will be September 11-15. Commissioner Nark inquired on vacancies in Fire. Sarah Lee, HR Director stated that there were vacancies due to continuing retirements in the Fire department. Ms. Lee stated that Fire was preparing for the start of a recruit class of 52 at the beginning of February. Dori Towler reported that the current vacancy count for Fire is 82. Ms. Lee alerted the commission that she looked forward to discussing the Fireboat Pilot issues that haven't abated and requested the assistance of Executive Director Scheele, who stated that she would be a part of that discussion.

Police Update-Rachael Schade, Police Exams Administrator: Rachael Schade that an entry level police officer test cycle closes on February 8th and candidates may test until February 10. There are 164 applicants, a small group. Ms. Schade reported that a virtual lateral oral board will take place on January 28 for one applicant. Ms. Schade reported the current lateral exam cycle will close on February 15, and on February 17 for testing. 3 applicants are scheduled to take the test. Promotional exams are in development for Police Lieutenant and Captain. The application period was the first two weeks in January. Police Lieutenant written is scheduled for March 3rd and assessments on April 24-28. Police Captain exam consists of six separate assessment exercises and will take place March 27-April 1. Ms. Schade reported that while in development for the exams they are currently assembling assessors who come from around the Western US. Ms. Schade reported there was approval for a fourth analyst in the Exams Unit. Interviews were conducted last Thursday.

7. EXECUTIVE DIRECTOR REPORT

Departmental Work Updates: Police Recruitment: Ms. Scheele reported that she is meeting with the exam unit and multiple stakeholders several times a week to address testing and recruiting.

Budget: The commission reviewed the budget documents. Ms. Scheele reported the adopted budget has not been uploaded, but a snapshot of the December spending was available.

2023 Commission: Ms. Scheele stated she was very grateful to Commissioner Leggett for staying on while awaiting appointment of replacement.

2023 Commission-Commission Vacancy; Meetings: The commission set the meeting schedule for 2023 and scheduled meeting dates for possible exam protest appeals. Chair: The commission agreed to table the discussion on the 2023 chair until the February 27 meeting.

Council Confirmation of Executive Director Scheele: Ms. Scheele will go before the Human Services and Public Safety Committee January 24th for confirmation of her position for three more years.

Fire and Police Commendation: Sarah Lee, Fire HR Director and Alyssa Pulliam, SPD HR Deputy Director commended the commissioners for their volunteer service and also to the staff for their assistance.

8. CASE STATUS REPORT: The commission reviewed the Case Status Report.
 - *Constantin v. SPD*, PSCSC No. 22-01-003- Case Update: The appellant notified Ms. Scheele that he was currently seeking an attorney. The scheduling of his hearing is postponed until there is notification of representation.
 - *Moore v. SPD*, PSCSC No. 22-01-004- Case Update: The commission took no action.
9. EXECUTIVE SESSION- To discuss Pending, Potential, or Actual Litigation (*May be cancelled if not needed*): The commission did not go into an Executive Session.
10. OLD/NEW BUSINESS
11. ADJOURN: All other business before the Commission having been considered, Commission Chair Connole adjourned the meeting at 11:05 am.

Respectfully Submitted on February 27, 2023, for the PSCSC,

Teresa Jacobs. Executive Assistant

Approved for Publishing: _____
Stacy Connole, Chair

NEXT PSCSC MEETING: March 21, 2023 @ 10:00 a.m.
(Potential Promotional Exam Appeals-Police Lt. & Fire Lt. Written)

**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>.*

City of Seattle Fire & Police Exams Unit
Examination Dates and Timelines (Final)

February 2023

OPEN APPLICATION PERIOD (POLICE AND FIRE PROMOTIONAL EXAMS): January 5 – 17, 2023

Entry Level Police Officer

Exam Cycle	Application Window	Testing Window	Estimated Register Date
1	12/28/22 - 2/8/23	12/28/22 - 2/10/23	2/14/23
2	2/13/23 - 4/17/23	2/13/23 - 4/19/23	4/21/23
3	4/21/23 - 5/22/23	4/21/23 - 5/24/23	5/26/23
4	5/26/23 - 7/10/23	5/26/23 - 7/12/23	7/14/23
5	7/14/23 - 9/11/23	7/14/23 - 9/13/23	9/15/23
6	9/15/23 - 10/23/23	9/15/23 - 10/25/23	10/27/23
7	10/27/23 - 12/18/23	10/27/23 - 12/20/23	12/22/23

Lateral Police Officer

Exam Cycle	Application Window	Testing Window	Estimated Register Date
1	11/14/22 - 1/9/23	11/14/22 - 1/28/23	1/30/23
2	1/13/23 - 2/17/23	1/13/23 - 3/11/23	3/13/23
3	2/24/23 - 4/3/23	2/24/23 - 4/22/23	4/24/23
4	4/7/23 - 5/15/23	4/7/23 - 6/10/23	6/12/23
5	5/19/23 - 6/26/23	5/19/23 - 7/15/23	7/17/23
6	7/14/23 - 8/21/23	7/14/23 - 9/9/23	9/11/23
7	8/25/23 - 10/9/23	8/25/23 - 10/28/23	10/30/23
8	10/13/23 - 11/20/23	10/13/23 - 12/9/23	12/11/23

Police Lieutenant – Written Exam

- Written Exams: March 3
- Protest Period (Tentative): March 6 – 8
- Appeal Period (Tentative): March 10 – 13
- PSCSC Meeting (Protest Appeal Review): March 21

Fire Lieutenant – Written Exam

- Written Exam: March 4
- Protest Period (Tentative): March 6 – 8
- Appeal Period (Tentative): March 10 – 13
- PSCSC Meeting (Protest Appeal Review): March 21

Police Captain – Oral Board

- Oral Board Exam: March 27 – April 1
- Protest Period (Tentative): April 3 – 5
- Appeal Period (Tentative): April 10 – 12
- PSCSC Meeting (Protest Appeal Review): April 17
- Register: August 29 (tentative)

Police Lieutenant – Oral Board

- Oral Board Exam: April 24 – 28
- Protest Period (Tentative): May 1 – 3
- Appeal Period (Tentative): May 8 – 10
- PSCSC Meeting (Appeal Review): May 15
- Register: August 29 (tentative)

Fire Lieutenant – Oral Board

- Oral Board Exam: May 20
- Protest Period (Tentative): May 22 – 24
- Appeal Period (Tentative): June 5 – 9
- Assessor Scoring: June 5 – 9
- PSCSC Meeting (Protest Appeal Review): June 20
- Register: August 15

Fireboat Engineer – Written Exam

- Written Exams: June 20
- Protest Period (Tentative): June 21 – 23
- Appeal Period (Tentative): July 3 – 7
- PSCSC Meeting (Protest Appeal Review): July 17

Fireboat Engineer – Practical

- Practical Exam: September 12 – 15
- Protest Period (Tentative): September 18 – 20
- Appeal Period (Tentative): October 2 - 6
- PSCSC Meeting (Protest Appeal Review): October 16
- Register: December 15

Department Expenditures by Account and Month- As of 2/22/2023

Year 2023
 Department N: CIVIL SERVICE COMMISSIONS
 BSL - Budget P All Projects
 Fund ID And N All Funds

			Values																		
			Adopted		Month												YTD	Availabl			
Account Group	Account Group	Account Grouping Level Three	Budget	Revised Budget	January - Expenses	February- Expenses	March - Expenses	April - Expenses	May - Expenses	June - Expenses	July - Expenses	August - Expenses	Septemb er- Expenses	October - Expenses	Novemb er - Expenses	Decembe r - Expenses	Expense s	Encumb rances	e Balance	Percent Used	
Expenditure	Labor	Personnel Benefits	165,962	165,962	11,239	5,246	0	0	0	0	0	0	0	0	0	0	0	16,485	0	149,477	9.9 %
		Salaries and Wages	470,117	470,117	26,455	0	0	0	0	0	0	0	0	0	0	0	0	26,455	0	443,663	5.6 %
	Non-Labor	Services	248,241	248,241	16,547	16,439	0	0	0	0	0	0	0	0	0	0	0	32,986	0	215,254	13.3 %
		Supplies	10,700	10,700	0	51	0	0	0	0	0	0	0	0	0	0	0	51	0	10,649	0.5 %
Grand Total			895,020	895,020	54,241	21,736	0	0	0	0	0	0	0	0	0	0	0	75,977	0	819,043	8.5 %

Year 2022
 Department N: CIVIL SERVICE COMMISSIONS
 BSL - Budget P All Projects
 Fund ID And N All Funds

			Values																	
			Adopted		Month												YTD	Availabl		
Account Group	Account Group	Account Grouping Level Three	Budget	Revised Budget	January - Expenses	February- Expenses	March - Expenses	April - Expenses	May - Expenses	June - Expenses	July - Expenses	August - Expenses	Septemb er- Expenses	October - Expenses	Novemb er - Expenses	Decembe r - Expenses	Expense s	Encumb rances	e Balance	Percent Used
Expenditure	Labor	Personnel Benefits	87,868	111,231	6,776	9,062	11,646	8,624	8,629	8,016	7,260	11,334	8,656	8,649	8,159	9,986	106,796	0	4,435	96.0 %
		Salaries and Wages	318,543	334,168	18,225	29,476	40,658	23,780	23,780	21,262	18,394	36,271	24,180	24,180	24,315	33,269	317,792	0	16,376	95.1 %
	Non-Labor	Intergov Services And Paymen	0	0	0	0	0	0	0	0	0	0	0	0	0	538	538	0	(538)	
		Services	181,446	296,446	11,295	14,505	17,154	14,470	15,240	14,273	16,672	14,595	14,245	14,579	14,448	16,917	178,394	0	118,053	60.2 %
		Supplies	13,700	13,700	0	546	472	460	460	561	0	920	0	132	460	1,881	5,892	0	7,808	43.0 %
Grand Total			601,557	755,545	36,296	53,590	69,930	47,335	48,109	44,112	42,325	63,119	47,081	47,540	47,382	62,592	609,411	0	146,134	80.7 %

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	22-01-003	Constantin	Police	10-3-2022	Discharge	Reversal/ removal of discipline, reinstatement	Hearing scheduled for June 26-28	PSCSC

CLOSED APPEAL/EXAM PROTEST/REQUEST FOR DECISION

Type	CASE NUMBER	APPELLANT	RESPONDENT DEPARTMENT	DATE FILED	APPEAL	ISSUE/REQUESTED OUTCOME	DECISION/DATE DISMISSED
A	22-01-004	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.
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.
A	22-01-001	Young	Fire	9-4-2022	Separation	Reinstatement	Dismissed 3/3/22 for lack of jurisdiction.

REQUESTS FOR REINSTATEMENT

CASE NUMBER	DEPT	DATE REQUESTED	POSITION	ED APPROVED	CHIEF APPROVED/DENIED
23-05-001RFR	SFD	2-9-2023	LIEUTENANT	TBD	TBD
23-05-002RFR	SFD	2-19-2023	LIEUTENANT	TBD	TBD

REQUESTS FOR PROBATIONARY EXTENSION

CASE NUMBER	DEPT	DATE REQUESTED	POSITION/RANK	APPROVED/DENIED
23-05-001RPE	FIRE	1-13-2023	LIEUTENANT	APPROVED
23-05-002RPE	FIRE	1-30-2023	LIEUTENANT	TBD

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

Andrei Constantin
Appellant

v.

**Seattle Police Department,
City of Seattle,**
Respondent

PSCSC no. 22-01-003

**PREHEARING CONFERENCE SUMMARY,
NOTICE OF HEARING AND SCHEDULING
ORDER**

On November 28, 2022, the parties appeared remotely via WebEx, before Executive Director Andrea Scheele for a prehearing conference to discuss preliminary matters prior to a formal hearing in the case. Appellant Andrei Constantin appeared on his own behalf, Assistant City Attorney Catherine Seelig represented respondent Seattle Police Department (SPD), and SPD Deputy Human Resources Alyssa Pulliam attended on behalf of SPD.

The appeal in this matter will be conducted in accordance with the [PSCSC Rules of Process and Procedure](#), and the parties are encouraged to refer to them before bringing a question or concern to the Executive Director.

1. Issue on appeal

The parties discussed the issues on appeal, and agreed to the following statement of the issue:

Was the disciplinary decision made in good faith and for cause? If so, was the discipline appropriate? If not, what is the remedy?

2. Preliminary witness lists

The parties discussed preliminary witness lists.

Respondent SPD's preliminary witness list included six witnesses.

- Assistant Chief Tom Mahaffey
- Sergeant Scott Hatzenbuehler
- Chief Adrian Diaz

- HR Director Mike Fields
- Office of Police Accountability General Counsel Nelson Leese
- Former Office of Police Accountability Interim Director Grainne Perkins

Appellant Constantin listed one witness.

- Andrei Constantin

The parties were instructed to notify each other of witness list changes prior to the hearing. The scheduling order will include a witness disclosure deadline.

3. Preliminary exhibit lists.

The parties discussed preliminary exhibit lists.

Respondent SPD's preliminary witness list:

- OPA Case Summary 2021OPA-0458, 3/10/2022
- OPA Director's Certification Memo 2021OPA-0458, 5/23/2022
- Final DAR 2021OPA-0458, 9/18/2022
- Former Officer Constantin OPA interview 2021OPA-0458, 12/7/2021
- Proposed DAR Packet for 2021OPA-0458, 6/2/2022

Appellant Constantin did not share a preliminary exhibit list but may utilize any exhibit on SPD's witness list. He agreed to provide a list of exhibits if he wished to utilize any that were not already listed by SPD.

4. Hearing scheduling and prehearing deadlines

The parties discussed how much time they will need to present their respective cases and certain deadlines that will be based on the hearing date. SPD has the burden of proof and estimated it would need two days to present its case, and Constantin estimated he will need one day for his case. The parties requested the hearing be conducted in person, in April or May 2023. Some attendees will be allowed to participate remotely via WebEx, as needed.

5. Discovery

The discovery process for PSCSC appeals is governed by Rule 6.09. The parties are responsible for requesting and exchanging information and documents directly with each other. The parties are required to meet and confer in good faith before bringing a motion or objection related to relevancy or access to the attention of the Executive Director. Rule 6.09(c). Discovery may be prohibited or limited where requests are unreasonable or irrelevant.

The parties agreed to exchange documents and respond to discovery requests in a timely manner. The parties were directed to begin the discovery process after the prehearing conference.

6. Prehearing and Post Hearing Briefs

The parties were informed that prehearing and post hearing briefs will be required.

7. Presiding commissioners for appeal:

The panel will consist of a three-member panel of PSCSC commissioners. Currently, the PSCSC is comprised of Commissioner Stacy Connole, Commissioner Dorothy Leggett, and Commissioner Joel Nark. There is a chance that a new commissioner will be appointed to replace Commissioner Leggett prior to the hearing date in this matter.

8. Alternative Dispute Resolution (ADR):

The parties are encouraged to work towards settlement on their own, through use of the City of Seattle's ADR program, and/or the Executive Director would be happy to facilitate a settlement discussion.

SCHEDULING ORDER

It is hereby ORDERED:

- 1. Final Witness and Exhibit List and Documents** shall be exchanged by the parties and delivered to the Civil Service Commission by **5:00 p.m. on Friday, June 2**. One pdf copy should be delivered by email to PublicSafety@seattle.gov and four hard copies shall be

delivered only to the Civil Service Commission office. Please contact Teresa Jacobs at Teresa.jacobs@seattle.gov to arrange a time and method for delivery of hard copies.

- 2. Prehearing motions (if any) and a prehearing brief no longer than seven (7) pages** shall be delivered by email to the Commission and exchanged by the parties by **5:00 p.m., on June 2.**
- 3. Subpoenas for attendance at the hearing-** Parties may submit Requests for Subpoenas by email to the Commission **by email on June 2, at 5:00 p.m.** The request should include the name of each witness for whom a subpoena is needed, and the date and time of their anticipated testimony. Parties are responsible for serving a subpoena on the witness and coordinating their own witnesses' attendance in person or remotely (via WebEx). See [PSCSC Rule 6.01](#) for additional information about subpoenas and required proof of service.
- 4. Responses to any prehearing motions** shall be delivered by email to the Commission and exchanged by the parties by **5:00 p.m. on June 9.**
- 5. Objections to the Final Witness and/or Exhibits Lists and Documents** shall be made in writing and delivered by email to the opposing party and the Commission by **5:00 p.m. on June 9.**
- 6. Hearing:** The public hearing in this matter will be conducted and recorded over WebEx and in-person in the commission hearing room at Seattle Municipal Tower, room 1679 on the following days and times:
 - **June 26, 2023 at 9:00 am to 4:30 pm**
 - **June 27, 2023 at 9:00 am to 4:30 pm**
 - **June 28, 2023 at 9:00 am to 4:30 pm**
- 7. Closing Arguments:** The method and dates for closing arguments shall be determined later by the Commission.

8. **Questions about hearing process:** The parties are requested to direct any questions regarding the hearing process to Commission staff person Teresa.jacobs@seattle.gov.

To avoid ex parte contact, parties are directed to cc each other on all correspondence with the commission.

Dated this 17th day of February, 2023

FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION

Andrea Scheele

Andrea Scheele, Executive Director

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: **Prehearing Conference Summary, Notice of Hearing and Scheduling Order**

Party	Method of Service
Appellant: Andrei Constantin [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: Seattle Police Department Catherine Seelig, Assistant City Attorney Catherine.Seelig@seattle.gov Brian Strobel, Paralegal, LAW Brian.Strobel@seattle.gov Kim Fabel, Legal Assistant, LAW Kim.Fabel@seattle.gov	<input checked="" type="checkbox"/> E-Mail

DATED: Dated this **17th** day of **February 2023**, at Seattle, Washington.

Teresa R. Jacobs

Teresa R. Jacobs, Executive Assistant
Civil Service Commissions