

**City of Seattle
Civil Service Commission
September 19, 2007 Minutes**

APPROVED OCTOBER 17, 2007

Call to Order: Commission Chair Steven Jewell called the regular meeting to order at 9:30 a.m. The meeting was in Suite 1679 of the Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Washington 98124.

In Attendance:

Commissioner Ellis H. Casson
Commissioner Jennifer Schubert
Glenda Graham-Walton, Executive Director
Teresa Jacobs, Administrative Staff Assistant
Gary Smith, Assistant City Attorney

ACTION ITEMS

Public Comment: No one signed up for Public comment

1. **Approval of July 18, 2007, Meeting Minutes:** The Commission reviewed the July 18, 2007 minutes. Commissioner Casson moved to accept the minutes. Commissioner Schubert seconded the motion. The Commission approved the minutes as submitted, adopted them by acclamation and the Chair signed.
2. **Monthly Case Status Report & Appeals-New, Update, & Review:**
The Commission reviewed the monthly case status report.

New- Barouh v. Seattle Department of Transportation (SDOT) CSC No.07-03-009:

The Commission reviewed the case of an SDOT employee who alleges her work falls into a higher classification and a co-worker is performing the same job functions at a higher classification. The Commission received the initial appeal on August 7, 2007. The Executive Director dismissed the appeal for lack of jurisdiction. On August 15, 2007, the appellant resubmitted the appeal and requested the Commission review the decision of the Executive Director. The Commission considered the appeal based on

information requested and provided by the appellant, and recommendations of the Executive Director. The appellant submitted PDQ's and determination reports for herself and the co-worker she stated was doing the same body of work. The Commission agreed it had no jurisdiction over the appeal. Commissioner Schubert moved to accept the recommendation of the Executive Director to dismiss the appeal. Commissioner Casson seconded the motion. The motion passed. The appeal was dismissed.

New-Griffith v. Seattle Public Utilities (SPU) CSC No. 07-01-011:

The Commission received the appeal of an SPU employee who alleges his position was reallocated without a selection process. The Commission reviewed the appeal and delegated to the Office of the Hearing Examiner.

Review-Anderson v. Seattle Center CSC No. 07-01-004—Decision on Hearing and Seattle Center's Motion re: Order for Remedy:

CSC Hearing Officer Diane Hess Taylor presided over the appeal and submitted a Decision. Commission Chair Jewell was the Reviewing Officer. Neither party filed a Petition for Review. In the order, the Hearing Officer found in favor of the Appellant and ordered that Appellant's "termination be vacated, removed from his personnel file, and that he receive back pay and benefits".

Commission Chair Jewell recommended affirmation of the Hearing Officer's decision. The Commission voted unanimously to accept the decision of the Hearing Officer.

Order For Remedy: On August 22, 2007, the Commission issued to parties an Order for Remedy regarding compliance with the Hearing Officer's decision. Respondent submitted a motion regarding remedy. The appellant submitted a response, which included a request for attorney's fees.

Executive Session: The Commission went into Executive Session at 9:42 a.m. for deliberations. The Executive Session ended at 10:05 a.m. The Commission will issue a Response to Motion and Order on Remedy in the appeal of Anderson v. Seattle Center. The Commission ordered the following:

- The Respondent/Department is to allow the Appellant to carry over to December 31,

2008, any excess vacation hours he should have accrued between February 2, 2007 and September 4, 2007, and any other excess vacation hours accrued from September 5, 2007, to December 31, 2007.

- The Respondent/Department shall review Appellant's pay and make any market rate adjustment due to Appellant in accordance with the requirements established in the City's Personnel Rules and the December 2006 memorandum from the City's Personnel Director, Mark McDermott, which gives criteria for cost of living adjustments for employees in the City's discretionary pay programs. In addition, the market rate adjustment shall also reflect any criteria contained in any relevant documents applicable to Seattle Center related to the administration of discretionary pay within the Department.
- Without addressing the Commission's authority to issue attorney's fees as a remedy in appeals, the Commission denied the Appellant's request for attorney's fees related to this appeal.

Commissioner Schubert moved to adopt the Order on Remedy. Commissioner Casson seconded the motion. The motion passed.

Review-Espinosa v. Seattle Public Utilities (SPU) CSC No. 07-03-008:

The Appellant alleged that the Department did not follow Personnel rules regarding a demotion and recommended that the Commission consider the issue. At its June 20 meeting, the Commission requested parties submit briefs to clarify employment status of the Appellant and the decision to demote. The Commission reviewed the briefs submitted by the parties and requested further clarification from Department with specific questions related to the Appellant's employment status.

The Commission considered the responses from both parties and agreed that it did not have jurisdiction over some of the issues in this appeal as the employee was exempt and other issues are dismissed because they were not timely filed. The Commission will issue a Memorandum Decision and Dismissal.

Commissioner Schubert moved to accept the dismissal. Commissioner Casson seconded the

motion. The motion passed.

DISCUSSION ITEMS

3. **Probationary Employment Legislation:** The Commission reviewed draft language for an ordinance clarifying probationary employment periods. The Commission will issue a notice seeking public comment on its recommendation for probationary employment legislation. The Commission will accept comments in writing until October 10, 2007 and will hear comments regarding this issue at its next scheduled meeting on October 17, 2007.

4. **Monthly Summit (Budget) Report:** Ms. Graham-Walton reported to the Commission that the budget is on target for the month of September.

5. **Other:**
 - **Customer Service Survey:** The Commission reviewed the Civil Service Commission customer service survey submitted by a former Appellant.

Adjourn—The meeting adjourned at 10:26 a.m.

Respectfully Submitted:

/s/ Teresa R. Jacobs 10/17/07

Approved by:

/s/ Steven A. Jewell 10/17/07

Teresa R. Jacobs

Administrative Staff Assistant

Steven A. Jewell

Commission Chair

Date