# BEFORE THE CIVIL SERVICE COMMISSION FOR THE CITY OF SEATTLE

#### KATEE MEADE

Appellant,

V.

CSC No. 13-01-006 DISMISSAL ORDER

### SEATTLE POLICE DEPARTMENT

City of Seattle, Respondent

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BACKGROUND

On December 6, 2013 the Civil Service Commission received Katee Meade's appeal of her termination of employment by the Seattle Police Department. The Civil Service Commission reviewed the appeal at its regularly scheduling meetings and delegated the appeal to the Office of the Hearing Examiner to determine whether the Commission had jurisdiction over the appeal.

This matter came before the Civil Service Commission on Appellant Meade's Petition for Review of the Hearing Examiner decision in Civil Service Commission Case No. 13-01-006 dated June 11, 2014. During its regular meeting on July 16, 2014, the Commission considered Ms. Meade's Petition for Review. The CSC enters this Order affirming in part, and reversing in part the decision of the Hearing Examiner.

#### STANDARD FOR COMMISSION REVIEW OF HEARING OFFICER DECISION

The Commission reviews questions of law de novo, and reviews factual findings to see if they are supported by substantial evidence in the record. Commission Rules of Practice and Procedure 6.08.

17 FINDINGS

The Hearing Examiner correctly applied a summary judgment standard to the Department's Motion to Dismiss. While summary judgment guidelines are not detailed in Civil Service Commission Rules, motions are permitted by CSC Rule No. 5.14. Case

- law firmly establishes that a party is entitled to summary judgment in an action when
- 2 there is no genuine issue of material fact and the undisputed facts warrant judgment for
- the moving party as a matter of law. CR 56(c); Fed. R. Civ. P. 56(c); Anderson v. Liberty
- 4 Lobby, Inc., 477 U.S. 242 (1986). Case law has established that agencies may employ
- 5 summary proceedings. ASARCO v. Air Quality Coalition, 92 Wn.2d 685, 695-98 (1979);
- 6 Kettle Range Conservation Group v. Department of Natural Resources, 120 Wn.App.
- 7 434, 456 (2003); Eastlake Cmty. Council v. City of Seattle, 64 Wn. App. 273, 276, 823
- 8 P.2d 1132, review denied, 119 Wn.2d 1005 (1992).

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Summary judgment is appropriate when "there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law." CR 56(c). "The initial burden is on the moving party to show there is no genuine issue of material fact." American Exp. Centurion Bank v. Stratman, 172 Wn.App. 667, 673, 292 P.3d 128 (2012) (citing Vallindigham v. Clover Park Sch. Dist. No. 400, 154 Wn.2d 16, 26, 109 P.3d 805 (2005)). "When determining whether an issue of material fact exists, the court must construe all facts and inferences in favor of the nonmoving party."

Ranger Ins. Co. v. Pierce County, 164 Wn.2d 545, 552, 192 P.3d 886 (2008).

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Considering all facts and inferences in favor of Ms. Meade, substantial evidence does not support a finding that Ms. Meade received notice of her termination on September 4, 2013. Therefore an issue of material fact exists with the Hearing Examiner's finding that Ms. Meade's appeal of the denial of her grievance was untimely.

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Regardless of the Hearing Examiner's conclusion on timeliness, considering all facts and inferences in favor of Ms. Meade, substantial evidence does support a finding that Ms. Meade was a probationary employee, and that proper procedures were followed with respect to the discharge of a probationary employee.

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1	The Commission would like to acknowledge that claims were raised that are			
2	outside of the Commission's jurisdiction, and notes that they were properly referred to			
3	the appropriate reviewing agency in a timely manner.			
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5	The Commission further notes that, during its consideration of this appeal,			
6	number of issues were raised regarding the settlement of Glaser v. City of Seattle and			
7	whether its technicalities are fully understood by employees.			
8	<u>ORDER</u>			
9	The decision of the Hearing Examiner is reversed in part and affirmed in part.			
10	The modification of the decision does not affect the Commission's ultimate conclusion in			
11	this matter.			
12 13	The Civil Service Commission hereby dismisses this appeal with <i>prejudice</i> .			
14	Dated this 20th day of August, 2014			
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16	FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION			
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7.04 RECONSIDERATION OF COMMISSION DECISION- A party may move for

reconsideration of a Commission decision only on the basis of fraud, mistake or in the event that

new evidence comes to light that would justify reconsideration. Such motion shall be filed with

the Commission within fifteen (15) days of the Commission's final decision.

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- 7.05 JUDICIAL REVIEW- In order to seek judicial review of a Commission decision, a party 8 must timely file an appropriate action in Superior Court of the State of Washington for King
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County as provided by

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

Appellant, vs.  Seattle Police Department CITY OF SEATTLE Respondent  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission  I, Teresa R. Jacobs Administrative Staff Assistant  CSC No. 13-01-006  Seattle Police Department  City of Seattle Civil Service Commissions  I, Teresa R. Jacobs Administrative Staff Assistant  Civil Service Commissions	1	Katee Lou Meade			
Seattle Police Department CITY OF SEATTLE Respondent  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission declare under penalty of perjury under the laws of the State of Washington, that on the date caused to be served upon the below-listed parties, via the method of service listed below, a correct copy of the foregoing document: Dismissal Order    Party		Appellant,			
Seattle Police Department CITY OF SEATTLE Respondent  I, Teresa R. Jacobs, Administrative Staff Assistant of City of Seattle Civil Service Commission declare under penalty of perjury under the laws of the State of Washington, that on the date caused to be served upon the below-listed parties, via the method of service listed below, a correct copy of the foregoing document: Dismissal Order  Party Method of Service  Party Method of Service  Party Method of Service  Party Method of Service  Party Degal Messenger US Postal UFAX EME-Mail  Respondent: Seattle Police Department C/o Amy Lowen, Assistant City Attorney Amy, Lowen@seattle.gov  Mike Fields, Interim HR Director, SPD C/o Sandi Mount, Admin to HR Director Sandra.Mount@seattle.gov  DATED: August 21, 2014 at Seattle, Washington.  Teresa R. Jacobs Administrative Staff Assistant Civil Service Commissions	2		DECLARATION OF SERVICE		
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