

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

BEFORE THE CIVIL SERVICE COMMISSION  
OF THE CITY OF SEATTLE

BRET T. LABELLE,

Appellant,

vs.

CITY OF SEATTLE, SEATTLE PARKS  
AND RECREATION,

Respondent.

No. 21-01-041

**ORDER  
GRANTING MOTION TO DISMISS**

THIS MATTER comes before the Civil Service Commission on Respondent's Motion to Dismiss. The following has been submitted to the Civil Service Commission for consideration:

1. Respondent's Motion to Dismiss;
2. Declaration of Sarah Butler;
3. Declaration of Geoff Miller;
4. Declaration of Rochelle Brown;
5. The records and files herein.<sup>1</sup>

FINDINGS AND DETERMINATIONS:

<sup>1</sup> Mr. LaBelle did not submit a response.

1           1.     Appellant Bret LaBelle is a former employee of Seattle Parks and  
2 Recreation (“SPR”).

3           2.     SPR Superintendent Jesús Aguirre terminated Mr. LaBelle’s employment in  
4 a Results of Loudermill memo dated June 29, 2021.

5           3.     On July 14, 2021, Rochelle Brown, SPR’s out-of-class Employee and Labor  
6 Relations Advisor, sent an email to Mr. LaBelle’s work email that attached the Results of  
7 Loudermill memo and a Notice of Termination-Discharge.

8           4.     On July 14, 2021, Ms. Brown also sent the Results of Loudermill and the  
9 Notice of Termination-Discharge to Mr. LaBelle via certified mail at his last known,  
10 address.

11          5.     Mr. LaBelle was represented by the Laborers’ International Union of North  
12 America, Local 242 (“the Union”).

13          6.     On or about July 23, 2021, the Union submitted a grievance on behalf of  
14 Mr. LaBelle for wrongful termination (the “contract grievance”) to the City’s Labor  
15 Relations Division.

16          7.     The Union emailed an addendum to the contract grievance on July 26,  
17 2021, in which it specified that Mr. LaBelle’s termination violated Article 2 (Non-  
18 discrimination) and Article 22 (disciplinary actions) of the Joint Crafts Council collective  
19 bargaining agreement.

20          8.     On August 17, 2021, there was a Step 3 grievance meeting, attended by  
21 Geoff Miller (Labor Negotiator), Leonard Sims (SPR’s Equal Employment Coordinator),  
22 Kathy Wilkens (the Union’s business representative), and Mr. LaBelle.

23          9.     On October 12, 2021, Superintendent Aguirre denied the Union’s Step 3

1 grievance.

2 10. Mr. LaBelle filed this appeal with the Civil Service Commission on October  
3 15, 2021.

4 11. Rule 5.02 of the Civil Service Commission Rules of Practice and Procedure  
5 (“CSC Rules”) provides: “An employee must first exhaust the Employee Grievance  
6 Procedure as described in SMC 4.04.240 and Personnel Rule 1.4 before filing an appeal  
7 with the Civil Service Commission.”

8 12. Personnel Rule 1.4.2 sets forth the grievance procedure that an employee  
9 must exhaust before filing an appeal with the CSC. It is a three-step grievance procedure,  
10 in which a grievance is first submitted to the employee’s immediate supervisor, then to  
11 the employee’s division director, and finally to the City of Seattle Human Resources  
12 Director.

13 13. Grievances brought under Personnel Rule 1.4 are to be initiated at the step  
14 at which there is authority to adjudicate, which in the case of a termination is Step Three.

15 14. Regardless of the step at which the grievance is initiated, the employee  
16 must submit the initial grievance within 20 calendar days of the grievable incident.

17 15. In order to appeal a termination, “the employee must file a grievance  
18 provided by Personnel Rule 1.4 within 20 calendar days of the decision to impose  
19 discipline by the appointing authority.” Personnel Rule 1.3.6.

20 16. CSC Rule 5.03 provides:

21 The Executive Director shall review all appeals to determine whether the  
22 employee has timely filed an appeal, whether the employee has exhausted  
23 the Employee Grievance Procedure, and if the appeal falls within the  
Commission's jurisdiction. If the Executive Director determines that an  
appeal is untimely, premature, or not within the Commission's jurisdiction,

1 the Executive Director shall dismiss the appeal by a dismissal order stating  
2 the reasons for the dismissal. Decisions by the Executive Director may be  
3 appealed to the Commission within twenty calendar (20) days after the date  
4 of the order.

5 17. There is no evidence that Mr. LaBelle submitted a grievance under  
6 Personnel Rule 1.4 to SPR or to the City of Seattle Human Resources Director within 20  
7 days of his termination.

8 18. The grievance submitted by the Union on July 23, 2021, was a grievance  
9 for alleged violations of the parties' collective bargaining agreement.

10 19. Employees may not pursue both a union grievance and an internal  
11 employee grievance process/CSC appeal on the same subject matter.

12 20. Mr. LaBelle failed to satisfy the Employee Grievance Procedure set forth in  
13 Personnel Rule 1.4 prior to filing this appeal.

14 21. His time to submit a grievance to the Human Resources Director has  
15 expired.

16 22. The Civil Service Commission therefore lacks jurisdiction to hear Mr.  
17 LaBelle's appeal.

18 IT IS HEREBY ORDERED that Respondent's Motion to Dismiss is GRANTED. Mr.  
19 LaBelle's appeal is dismissed with prejudice.

20 DATED this 28th day of January, 2022.

21 FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

22 

23 \_\_\_\_\_  
Andrea Scheele, Executive Director  
Civil Service Commission