

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

3 **In the matter of**

4 **Shaun Schenkelberg,**  
Appellant

5 v.

6 **Seattle Fire Department**  
Respondent

**DISMISSAL ORDER**

**PSCSC No. 25-05-002RPro**

7  
8 **BACKGROUND**

9 This matter was initiated by a Notice of Appeal (“Appeal”), by Seattle Fire Department  
10 (“SFD”) employee Fire Lieutenant Shaun Schenkelberg (“Appellant”), filed on January 31, 2025.

11 The Appeal states that the action appealed is: “SFD delays in processing paperwork & not  
12 promoting [Fire Battalion Chief A] when eligible & preventing a captain promotion when still more  
13 vacant Battalion Chief vacancies.” Appeal, at p.1. The Appeal also includes other allegations,  
14 including against the Executive Director of the Public Safety Civil Service Commission for allegedly  
15 denying a request to extend a certification for promotional consideration for the rank of Fire Captain  
16 in July or August 2024. *Id.* at p. 2 and “Reason for appeal” document submitted with the Appeal.

17 Regarding references to alleged specific rule or law violations, the Appellant refers to Public  
18 Safety Civil Service Commission Rule (“PSCSC”) Rule 10.06.b., which provides:

19 A new examination shall be conducted prior to expiration of the current list unless  
20 otherwise mutually agreed to be the City and IAFF Local 27. The new list shall  
21 become effective upon the expiration of the current list. The promotional list shall  
22 be used to provide acting officers in addition to promotional candidates.

23 Regarding Rule 10.06.b., the Appellant indicates, in part, that he is “... calling into question  
24 at what point the 2022-2024 Battalion Chiefs [sic] list was expired. ... .” “Reason for appeal”  
25 document, at p. 2. Appellant’s allegations regarding that rule also include: “... It does not seem fair  
that Captain promotions are not made because they are held up by not having Captains to promote

1 to Battalion Chief. ... .” Id. Regarding dates, as part of those allegations the Appellant references “a  
2 publishing date of August 15, 2024,” and “the list that expired August 14, 2022.”

3 The Appellant also refers to PSCSC Rule 11.02, which provides:

4 REQUEST FOR CERTIFICATION. Whenever an appointing authority wishes to  
5 fill a vacancy, a request for certification shall be submitted to the Executive  
6 Director. The request shall show the number of positions or vacancies to be  
7 filled, the class title, tenure of work to be performed, cause of the vacancy, or if a  
8 new position, authority for the appointment, and any other details necessary for  
9 full description of the position to be filled.

10 The Executive Director shall issue a certification for promotional consideration  
11 only when a verified vacancy or vacancies at the rank for which the certification is  
12 requested. Upon the Executive Director’s request, the appointing authority and/or  
13 Seattle Human Resources shall provide information to verify the existence of  
14 vacancy or vacancies.

15 Regarding Rule 11.02, the Appellant states, in relevant part: “This does not seem right that  
16 the Executive Director would be able to issue a certification for me before, but be unable to extend  
17 my certification since there was “no Captain vacancy”.” Id. The Appellant does not specifically refer  
18 to any date or dates in the context of Rule 11.02.

19 Appellant’s requested remedy is as follows: “My captain certification extension to match [Fire  
20 Battalion Chief A’s] & promotion to captain effective August 14, 2024.” Appeal, at p. 2.

### 21 LEGAL AUTHORITY

22 Such appeals submitted to the PSCSC are governed by the PSCSC Rules of Practice and  
23 Procedure above referenced, including PSCSC Rule 6.19, which states:

24 a. Any employee or department who is adversely affected by an alleged  
25 violation of Article XVI of the Charter of The City of Seattle, the Public Safety  
Civil Service Ordinance or the Public Safety Civil Service Commission Rules  
of Process and Procedure which does not fall under Rules 6.01(a) or (b), may  
within ten (10) days of the alleged violation, submit a written complaint to the  
Executive Director requesting review.

b. The complaint shall follow the same as Appeals, described in Rule 6.02.  
The Executive Director will review the complaint and determine appropriate  
action. Such action may include investigation into the alleged violation,  
decision by the Executive Director, and/or referral of the matter to the  
Commission for decision or a hearing subject to the same rules as an appeal.

1 The Appellant’s appeal is untimely as a matter of law. Pursuant to PSCSC Rule 6.19.a., the  
2 Appellant was required to submit a written complaint “within ten (10) days of the alleged violation.”  
3 See also, Rule 6.02 (which is referenced in Rule 6.19.b.), which requires a notice of appeal to be  
4 filed “within ten (10) days of the action that is the subject of the appeal.”

5 Based on the Appeal and associated documents submitted by the Appellant, the alleged  
6 violations relate directly and materially to the Appellant’s assertions, in relevant part, that on or  
7 around August 2024 the Seattle Fire Department allegedly wrongfully delayed promoting a Battalion  
8 Chief eligible candidate, thereby causing the downstream effect of allegedly preventing a vacancy  
9 from occurring at the rank of Fire Captain, and thereby allegedly preventing the Appellant from  
10 being considered by the Fire Chief for promotion at that time.

11 The Appeal is untimely as a matter of law because the Appellant has failed to establish that  
12 the Appeal was brought, as required by Rule 6.19.a., within ten days of the alleged violation(s). See  
13 also, Rule 6.02 (requiring appeals to be filed within ten days of the action that is the subject of the  
14 appeal). The alleged violation(s) or actions occurred more than ten days before the filing of the  
15 Appeal, so the assertions related to such alleged violations or actions are untimely. See, e.g.,  
16 *Pleuss v. City of Seattle*, 8 Wn.App. 133 (1972).

17 In *Pleuss*, the plaintiff, who was a firefighter, resigned from the fire department and later  
18 contended to the Firemen’s Pension Board that his resignation was not voluntary. The city  
19 contended that the resignation was voluntary, and the court agreed. In so doing, the court referred  
20 to a provision in the Charter of the City of Seattle as it existed at that time which stated, in relevant  
21 part: “... one who is removed must demand investigation within ten days after his removal and, in  
22 the absence of such a demand, the removal is complete and, of course, will not be interfered with.”  
23 *Id.* at 136.

24 In agreeing with the city’s decision, the court stated, in part: “The review must be demanded  
25 ‘within ten days after his removal.’” *Id.* at 136. The court explained further that the plaintiff “knew the

1 facts when he resigned,” “he was aware of his remedies,” and “[i]nstead, 9 months later he brought  
2 the action below.” Id. at 136-37.

3 Similarly, here Rule 6.19.a., as well as Rule 6.02, provide that the complaint or appeal at  
4 issue be brought within ten days of the alleged violation(s) or within ten days of the action that is the  
5 subject of the appeal. The Appellant has failed to establish compliance with Rule 6.19.a. or Rule  
6 6.02 and, therefore, the Appeal is untimely as a matter of law.

7 Pursuant to Rule 6.05, in relevant part: “... Upon a determination that the appeal is not  
8 timely, the Executive Director may issue a written order of dismissal with prejudice (“with prejudice”  
9 meaning ineligible for refiling), setting forth the basis of the dismissal. ... .”

10 This Appeal is dismissed because it is untimely, so this Order does not reach other issues,  
11 such as whether the PSCSC has subject matter jurisdiction over the allegations.

12 **ORDER**

13 Pursuant to PSCSC Rules 6.19, 6.02, and 6.05, the Executive Director has reviewed and  
14 considered the Appeal and documents filed therewith and determined appropriate action. It is  
15 hereby ordered, pursuant to PSCSC Rules 6.19, 6.02, and 6.05, that the Appeal is untimely as a  
16 matter of law and this matter is dismissed, with prejudice.

17  
18 Dated this 21st day of February 2025.

19  
20 FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION

21 *Andrea Scheele*

22 \_\_\_\_\_  
23 Andrea Scheele  
24 Executive Director, Public Safety Civil Service Commission

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: <b>Shaun Schenkelberg</b> [REDACTED]	<input checked="" type="checkbox"/> E-Mail
Respondent: <b>Seattle Fire Department</b> Chief Harrold Scoggins <a href="mailto:harold.scoggins@seattle.gov">harold.scoggins@seattle.gov</a> Helen Fitzpatrick, Executive Director of Administration <a href="mailto:helen.fitzpatrick@seattle.gov">helen.fitzpatrick@seattle.gov</a> Sarah Lee, Human Resources Director <a href="mailto:sarah.lee@seattle.gov">sarah.lee@seattle.gov</a>  Katrina Kelly, Assistant City Attorney <a href="mailto:katrina.kelly@seattle.gov">katrina.kelly@seattle.gov</a>	<input checked="" type="checkbox"/> E-Mail

Dated this 21st day of February, 2025, at Seattle, Washington.

*Teresa R. Jacobs*

\_\_\_\_\_  
Teresa R. Jacobs, Executive Assistant  
Public Safety Civil Service Commission



**NOTICE OF APPEAL TO THE PUBLIC SAFETY CIVIL SERVICE COMMISSION**

The appeal must be received by the Executive Director within 10 (ten) days, following the received date or the postmarked date of the final notice from the department to the appellant.

**INSTRUCTIONS:** Complete all the pages, sign and attach any documents or correspondence that you have received from the Department related to your appeal. Send by postal or hand deliver to the Executive Director, Civil Service Commissions 700 5th Avenue, Suite 1670, PO Box 94729, Seattle, WA 98124-472 or email to [Andrea.Scheele@seattle.gov](mailto:Andrea.Scheele@seattle.gov) or [Teresa.Jacobs@seattle.gov](mailto:Teresa.Jacobs@seattle.gov)

**An original signature of the appellant or authorized representative is required for appeals.**

I. <u>SHAUN MICHAEL SCHENKELBERG 3600 23AUSW</u> <u>206-386-1436</u>		
Appellant's Full Name	Work Address	Work Telephone
[REDACTED]		
Residence Address	City/State/Zip	Home Telephone/Email
<u>LIEUTENANT</u>	<u>FIRE</u>	<u>CAPT ELIJAH PEREZ</u>
Job Title/Position	Department/Unit	Immediate Supervisor
<u>07/04/2012</u>	<u>09/16/1998</u>	[REDACTED]
Start Date in Position	City Employee Since, Month/Date/Year	Employee ID #

**II. ACTION BEING APPEALED: (check one)**

- Suspension
- Discharge
- Demotion

Violation of Article XVI of the Charter of the City of Seattle, PSCSC Ordinance or PSCSC Rules (Please list the rule): \_\_\_\_\_

Other Personnel Related Issue: (Please briefly state the issue): SFD delays in processing paperwork & not promoting Capt Chappel when eligible & preventing a captain promotion when still more vacant Battalion Chief vacancies

If needed, you may provide the following information on an additional sheet of paper and attach any documents or correspondence that you have received from the Department related to your appeal.

Reason for this appeal (Please include dates, location and action): CAPT ERWIN CHAPPEL  
WAS RETURNED TO FULL DUTY BY HIS PHYSICIAN; PAPERWORK TURNED INTO SFD HR  
ON JULY 30, 2024, HR SATON PAPERWORK & INFORMED CAPT CHAPPEL 2 WEEKS  
LATER (AUG 13, 2024) THAT THEY WANTED AN INDEPENDENT MEDICAL EVALUATION,  
IF NOT FOR THAT REPT CAUSED DELAY CAPT CHAPPEL WOULD HAVE BEEN PROMOTED  
& THERE WOULD HAVE BEEN A CAPT VACANCY (SEE EXTRA PAGE)  
Remedy Sought (What do you want?): MY CAPTAIN CERTIFICATION EXTENSION  
TO MATCH CAPT CHAPPEL'S & PROMOTION TO CAPTAIN EFFECTIVE AUGUST 14, 2024.

III. **UNION:**

WHAT IS THE NAME OF YOUR UNION ASSOCIATION OR GUILD?

IAFF

Local Number: 27

I HAVE /  I HAVE NOT filed a grievance on the same issues that I identified in this appeal, with my union or bargaining unit.

- This matter  IS /  IS NOT the subject of arbitration pursuant to a collective bargaining agreement.

IV. **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 *Not at this time*  
If yes, please have your attorney submit a **NOTICE OF APPEARANCE** to the Commission Office and Department. All documents and information related to the appeal will go to the attorney or representative.

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

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/>

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Email: \_\_\_\_\_

Signature of Attorney/Representative: (If filling out this form):

\_\_\_\_\_ Date \_\_\_\_\_

A. **APPELLANT:**

If you **do not** have an attorney or a representative, please enter the address where All documents related to this appeal should be sent:

Mailing Address \_\_\_\_\_

Personal Email: \_\_\_\_\_

Home/Cell Phone (Include Area Code): \_\_\_\_\_

SHAUN MICHAEL SCHENKELBERG  
APPELLANT'S NAME (PLEASE PRINT)

  
SIGNATURE OF APPELLANT

31 JAN 2025  
DATE

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