1 BEFORE THE PUBLIC SAFETY CIVIL SERVICE COMMISSION OF THE CITY OF SEATTLE 2 3 4 In the Matter of the Appeal of) FINDINGS OF FACT. 5 ALAN BERNSTEIN CONCLUSIONS OF LAW AND ORDER 6 7 Ι. INTRODUCTION 8 On November 17, 1999 and February 2, 2000 hearings were held by the Public Safety 9 Civil Service Commission to hear the appeal of Alan Bernstein. Sergeant Bernstein contended 10 that the Seattle Police Department violated "Section IV" (Presumably - Chapter 4.08 of the 11 Seattle Municipal Code) by failing to promote him to Lieutenant, "disregard the Civil Service 12 eligibility list and promoted a less qualified candidate." 13 1.1 APPEARANCES. 14 1.1.1 Appellant: The appellant was represented by J. C. Becker, Attorney, 15 The Law Offices of J. C. Becker, Inc. P. S. 16 1.1.2 <u>Department</u>: The Seattle Police Department was represented by Leigh Ann 17 Tift, Assistant City Attorney, City of Seattle Law Department. 18 1.1.3 Commission: Noreen Skagen, Commission Chairperson; Barbara Laners, 19 Commissioner; and James A. Fossos, Commissioner; Ruby Dell Harris, Secretary 20 and Chief Examiner. 21 1.1.4 <u>Witnesses</u>: Police Chief Norm Stamper, Seattle Police Department; 22 Janice Corbin, Director, Human Resources Division, Seattle Police Department; 23

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Dan Bryant, Assistant Chief, Seattle Police Department; Nancy McPherson,

Director, Community and Information Services Bureau, Seattle Police

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Department; Mike Edwards, President, Seattle Police Officers Guild; Alan Bernstein, Appellant.

1.1.5 <u>Commission</u>. Testimony, documentary evidence, memoranda and arguments have been received and evaluated. The Commission now makes the following Findings of Fact, Conclusions and Order.

II. FINDINGS OF FACT

- Alan Bernstein is a Sergeant with the Seattle Police Department. 2.1
- On March 22, 1997, he took the Commission examination for Police Lieutenant. 2.2
- Exam results were published on August 29, 1997 and Sergeant Bernstein was 2.3 among the candidates in the top 25% of the eligibility register.
- Sergeant Bernstein appeared before the Senior Leadership Team (SLT) but was 2.4 not promoted to the position of Police Lieutenant.

III. CONCLUSION OF LAW

- Alan Bernstein is a Police Sergeant for the Seattle Police Department. The 3.1 Commission has jurisdiction over the subject matter of and the parties to this action.
- At the hearings held on November 17, 1999 and February 2, 2000, the 3.2 Commissioners heard testimony and reviewed evidence.
- We have determined that the Seattle Police Department has not violated the 3.3 rules of the Commission and that the Department acted properly with regard to the selection process used to select candidates. This process did not constitute a test and was within the perogative of the Police Chief.
- We agree with Commissioner James A. Fossos to the extent of the jurisdiction 3.4 of the Public Safety Civil Service Commission.