



AGENDA

REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

9:30 AM MAY 21, 2019

CITY HALL – COUNCIL CHAMBERS

808 W. SPOKANE FALLS BLVD., SPOKANE, WA 99201

1. CALL TO ORDER/ROLL CALL

2. APPROVAL OF MINUTES

Action Required

- a. April 16, 2019 minutes
(p.3)

3. PUBLIC COMMENT

4. PRESENTATIONS

- a. Performance measures
(Martin)

5. CHIEF EXAMINER'S REPORT

6. NEW BUSINESS

Action Required

- a. Motion for Reconsideration – A. Eva Appeal
(Piccolo)(p.5)
- b. Request for Indefinite Leave of Absence – R. Mann
(Richards)(p.25)
- c. Resolution 2019-02 Classification Updates
(Bjork)(p. 26)
- d. 2018 Annual Report
(Richards)(p. 31)
- e. Initial Budget Discussion
(Richards)(p.58)
- f. Resolution 2019-03 Rule 2.38 Promotion
(Richards)(p.61)

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane Council Chambers in the lower level of City Hall is wheelchair accessible and is also equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of a picture ID) at the City Cable 5 production booth on the first floor, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write or email Human Resources at:

- Phone: 509.625.6363
- Address: 808 W. Spokane Falls Blvd, Spokane, WA 99201
- Email: msteinolfson@spokanecity.org

Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. All requests for accommodation must be made at least forty-eight (48) hours before the meeting date.

7. UNFINISHED BUSINESS

Action Required

- a. Police Agency Disqualifiers
(Richards)(p.62)

8. ADJOURN

Notes:

- The meeting is open to the public, with the possibility of the Commission adjourning into executive session.

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REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
April 16, 2019 Minutes

1. CALL TO ORDER/ROLL CALL

Commissioner Lindsey called the meeting to order at 9:30 a.m.
All Commissioners were present.

2. APPROVAL OF MINUTES

MOTION: Move to approve February 19, March 19, and March 26, 2019 minutes.
Hult/DeCounter: Motion passed unanimously.

3. PUBLIC COMMENT

- a. Comment made on Agenda Item 2 from the March 26, 2019 Special Meeting
 - i. John Lemus – Second District Commissioner for the Spokane Human Rights Commission and serves on the City’s 21st Century Workforce/Taskforce
 - ii. Carly Cortright – City Employee
 - iii. Autumn Reed – President of Spokane National Organization of Women (NOW)
- b. Joe Cavanaugh- Local 270 President provided comment regarding Agenda Item 5c.
- c. Lt. McNab – Spokane Police Department provided comment regarding Agenda Item 6a.

4. CHIEF EXAMINER’ REPORT

Chief Examiner Richards provided updates regarding Civil Service Department operations.

- a. 2018 Civil Service Annual Report Finalized
MOTION: Allow Commissioners next couple of weeks to look over 2018 Civil Service Annual Report and look to formal adoption at May 2019 Meeting.
Gilmore/DeCounter: Motion passed unanimously.

5. NEW BUSINESS

- a. Findings of Fact, Conclusions of Law and Decision in the A. Eva Appeal
MOTION: Move to Accept.
DeCounter/Stephens: Motion passed 4-0; with Gilmore abstaining.
- b. Resolution 2019-01 Classification Update
MOTION: Move to approve Resolution 2019-01 Classification Update as presented.
Gilmore/Hult: Motion passed unanimously.
- c. J Weigelt Appeal of Chief Examiner Decision
MOTION: Move to permit the exception to this rule, recognize this employee’s quality of service as represented by his union president, and thank him for his service to our country.
Hult/Gilmore: Motion passed unanimously.

6. Unfinished Business

a. Policy Agency Disqualifiers

FIRST MOTION: Move to add language to Police Agency Disqualifiers.

Gilmore: Withdrew Motion

SECOND MOTION: Commissioner Stephen will bring language to next month's meeting for that particular disqualifier under financial on the Police Officer.

Gilmore/DeCounter: Motion passed unanimously.

7. ADJOURN

The Commission adjourned at 10:44 a.m.

DRAFT

BEFORE THE CIVIL SERVICE COMMISSION, CITY OF SPOKANE

In re: the Appeal of:

ADRIANO EVA

**CITY OF SPOKANE'S MOTION FOR
RECONSIDERATION**

The City of Spokane ("the City") submits the following Motion for Reconsideration of the Civil Service Commission's ("Commission") Findings of Fact, Conclusions of Law, and Decision entered and adopted on April 16, 2019 that upheld the appeal and reinstated Adriano Eva.

I. BRIEF PROCEDURAL HISTORY

In October 2018, the City Human Resources Department began investigating a harassment complaint brought by Conor Wigert against his supervisor, Appellant Adriano Eva ("Appellant"). Appellant was alleged to have engaged in inappropriate behavior regarding Mr. Wigert's sexual orientation. The investigation found that Appellant violated City policy and Civil Service Rules. On December 5, 2018, following two Loudermill (predisciplinary) hearings, Appellant was demoted from his

CITY OF SPOKANE MOTION FOR
RECONSIDERATION - 1

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1 supervisory role. As there was no position available for him to demote into, Appellant
2 was laid off until such a position becomes available.

3 On March 19 and 26, 2019, the Commission heard the appeal of Appellant's
4 discipline. On April 16, 2019, the Commission entered its Findings of Fact,
5 Conclusions of Law, and Decision (hereafter referred to as "Decision") where it, by a
6 vote of 4-0 (Commissioner Gilmore recused herself from the Decision¹), upheld the
7 appeal of Appellant and reinstated him to City employment.
8

9 II. STANDARD OF REVIEW

10 The standard of appellate review of a commission's decision is "whether the
11 decision below was contrary to law and whether the factual determinations are
12 supported by substantial evidence." City of Seattle, Seattle Police Dep't v. Werner,
13 163 Wn. App. 899, 906-07 (Div. 1, 2011) (citing Hilltop Terrace Homeowner's Ass'n
14 v. Island County, 126 Wash.2d 22, 29 (1995)).
15

16 The Commission, an administrative body acting in a quasi-judicial capacity,
17 must base its decision on evidence introduced at the hearing. Kaiser Aluminum &
18 Chem. Corp. v. Dept. of Labor & Indus., 45 Wash.2d 745, 747 (1954). "A civil service
19 board or other hearing tribunal cannot act upon its own information, and nothing can
20 be considered as evidence that was not introduced at the hearing of which the parties
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23 ¹ The basis of Ms. Gilmore's recusal is not entirely clear. At the hearing, Ms. Gilmore
24 stated, in part, she "was going to abstain from this vote not because I was challenged
25 to recuse myself but because I'm a member of this Commission and because in the
26 room we sat and discussed everything we'd heard, I believe there are challenges
27 ahead for us and for the departments of the City and I want to be able to work with
everybody on those challenges which I think we are going to need to look at closely
in the future." See audio recording of the March 26, 2019 hearing at 3:28:20.

1 had notice, or at which they were present.” McQUILLIN, MUN. CORP. § 45:125 (3d ed.
2 2011). If findings are based on the experience of the tribunal's members rather than
3 the evidence, then “any effective court review is at an end.” Kaiser, 45 Wash.2d at
4 747. The City asserts that the factual determinations in the Commission’s Decision
5 were not supported by substantial evidence, and its findings were contrary to law.
6

7 III. LEGAL ANALYSIS

8 A. Cause for discipline is proper under the Civil Service Rules absent 9 willful misconduct; to the extent the Commission found otherwise, 10 that was error.

11 Like many contested matters before the Commission, the central question of
12 Appellant’s appeal was whether the City had “cause” to discipline him under the Civil
13 Service Rules (hereafter as “Rules”). Rule VIII, §§ 5(a) - (n) outlines fourteen causes
14 for discipline. The City’s position statement directed the Commission to the three
15 mentioned in Appellant’s letter of demotion; §§ 5(c), (e) and (f).² Though each section
16 is quoted in the definitional portion of the Decision, the only *analysis* in the Decision
17 as to whether there was cause to discipline Appellant was the following:
18

19 To discipline an employee, the Civil Service Rules require that the
20 discipline be for cause. The Civil Service Rules require that there be a
21 willful violation of the City Charter, the Civil Service Rules or any
22 personnel policy. Civil Service Rule VIII Section 5(e).

23 . . .

24 The testimony provided to the Commission demonstrated that Mr. Eva’s
25 behavior did not meet the definitions of general harassment or sexual
26 harassment under the City’s personnel policies, *nor did the testimony*
27 *demonstrate that his conduct was willful under the Civil Service Rules.*³

28 ² The letter of demotion was attached as **Exhibit F** to the City’s position statement.

³ See Decision at p. 5 (emphasis added).

1 The City argued in its statement, and at the hearing, that Appellant's actions rendered
2 him "incompetent or inefficient in the performance of his duties and responsibilities"
3 (see §5(c)) **and/or** constituted "conduct unbecoming an officer or employee of the
4 City" (see §5(f)). Other than quoting the definitions, the Commission discussed
5 neither in its Decision.⁴
6

7 At the hearing, Mr. Wigert testified at length about his interactions with
8 Appellant and the reasons why he filed the HR complaint. Specifically, Mr. Wigert
9 described that Appellant, his supervisor, did the following at work: 1) shortly after
10 Mr. Wigert's hire, Appellant approached him and said "he knew [Mr. Wigert] was gay
11 and thought they should discuss it because he felt like it may be why I was a little
12 closed off";⁵ 2) told Mr. Wigert that he "believed what the Bible said about
13 [homosexuality]";⁶ 3) continued to play gospel music in their small, two-person office
14 even after a supervisor told Appellant that the music made Mr. Wigert
15 uncomfortable;⁷ 4) asked Mr. Wigert "how being attracted to another man
16 works...whether [Mr. Wigert] checked out other guys on the street like a straight guy
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22 ⁴ In addition to the letter of demotion, the City alleged that Appellant engaged in
23 conduct unbecoming an officer in its position statement and both the opening and
24 closing statements of counsel at the hearing.

25 ⁵ See audio recording of the March 19, 2019 hearing, C. Wigert testimony, beginning
26 at 12:20.

27 ⁶ *Id.* beginning at 14:10; see *a/so* the audio recording of the March 26, 2019 hearing,
28 Appellant testifying, beginning at 2:21:52 (**Q**: Did you tell [Mr. Wigert] that you have
love in your heart for all people but believe what the Bible says? **A**: I did.).

⁷ Audio recording of March 19, 2019 hearing at 14:38.

1 would check out a woman;”⁸ 5) told Mr. Wigert a story where he demonstrated a
2 belief that homosexuality and pedophilia were the same;⁹ 6) disclosed Mr. Wigert’s
3 sexual orientation to others without consent;¹⁰ and 7) joked that Mr. Wigert wouldn’t
4 enjoy a picture of a woman as much as other male employees because of his sexual
5 orientation.¹¹ Appellant also emailed coworkers that a “girl” came with a score clock
6 he was considering purchasing and spread rumors to colleagues that witness Carissa
7 Ware betrayed him and said “appalling” things during the investigation of Mr. Wigert’s
8 complaint.
9

10 Aside from the seventh item above -- joking that Mr. Wigert would not enjoy a
11 picture of a woman as a result of his sexual orientation -- Appellant did not dispute
12 any of the things Mr. Wigert alleged. Appellant also admitted making the joke about
13 the “girl” and sending the text denigrating Ms. Ware. The City finds it astounding that
14 of all Appellant’s actions toward Mr. Wigert and Ms. Ware -- enumerated above as
15 nine separate instances of alleged misconduct -- *no Commissioner found a single*
16 *instance of conduct unbecoming an officer of the City.* Appellant’s counsel clearly
17 believed such a finding was possible, as he moved at 8:30 p.m. the evening before
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22 ⁸ *Id.* beginning at 17:05; see also Appellant testimony (March 26 hearing) beginning
23 at 2:22:56 (**Q:** Did you talk to [Mr. Wigert] about, apparently, boys with their haircuts
24 and homosexuality? **A:** I did tell him there was a gentleman in our neighborhood, a
25 barber, who was homosexual...I told Conor that I knew that some of the boys had
26 engaged in sexual relationships with him...).
27

⁹ See audio recording of March 19, 2019 hearing beginning at 17:30; March 26
hearing, M. McLeod testimony, beginning at 2:01:00.

¹⁰ See Audio recording of March 19 hearing beginning at 19:00, 19:35, and 19:40.

¹¹ *Id.* beginning at 20:35.

1 the continuation of the hearing to strike all argument that Appellant conducted himself
2 in a manner unbecoming of an officer.¹²

3 At the hearing, Appellant denied acting willfully. Based on the Decision's
4 analysis focusing solely on the need for willful misconduct, the City believes the
5 Commission misapplied the Rules and required willful misconduct as a prerequisite to
6 discipline. Neither a showing of incompetence nor conduct unbecoming an officer
7 requires willfulness; the word "willful" is not in either rule. The City respectfully
8 requests the Commission reconsider whether cause to discipline Appellant existed
9 under Rule VIII, Sections 5(c) and (f).
10

11 **B. Appellant's actions toward Mr. Wigert and Ms. Ware were willful.**

12 As argued in the preceding section, it is the City's position that by requiring
13 proof of willful misconduct the Commission erred in the application of its Rules.
14 Notwithstanding this argument, the City asserts that Appellant's conduct towards
15 Mr. Wigert and Ms. Ware was willful. In Crosswhite v. Washington State Dep't of Soc.
16 & Health Servs.,¹³ the Division 3 Court of Appeals, citing Webster's Third New
17 International Dictionary,¹⁴ defined "willful" as "done deliberately: not accidental or
18 without purpose: intentional, self-determined...done of one's own free will: not
19 compulsory." Asking a subordinate whether or not he is gay is an intentional act.
20 Implying to a subordinate that homosexuality is wrong based on your religion is a
21 deliberate act. Telling coworkers that your subordinate is homosexual is not
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25 ¹² See Appellant's Motion on Due Process-Notice Failure at pg. 2 and 3. Appellant's
26 counsel withdrew the motion following oral argument.

27 ¹³ 197 Wn. App. 539, 553 (Div. 3, 2017), *review denied*, 188 Wn.2d 1009 (2017).

¹⁴ 1999 edition, at page 2617.

1 accidental. Sending a text message to a coworker that a witness to a harassment
2 investigation is someone who commits betrayal, doesn't value friendships, and says
3 appalling things is a willful act.

4 It is the City's position that in determining Appellant's actions were not willful,
5 the Commission engaged in an unnecessarily complicated, and ultimately incorrect,
6 exercise in semantics. Appellant did not testify that he accidentally sent the text
7 message regarding Ms. Ware to a colleague, intending to send it to someone else.
8 Like his conversations with Mr. Wigert, he sent the text intending to convey the
9 message it conveyed. His actions were not compulsory but were done of his own free
10 will; were done willfully. The Commission's conclusion that Appellant's actions were
11 not willful and therefore the City lacked cause for discipline under §5(c) was not
12 supported by substantial evidence, and is contrary to law. The City respectfully
13 requests the Commission reconsider its decision that Appellant's actions were not
14 willful.
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18 **C. The Commission erred when it determined that Appellant's**
19 **conduct did not violate the City's General Harassment Policy or**
20 **the City's Sexual Harassment Policy.**

21 The City alleged Appellant violated the City's Sexual Harassment Policy and
22 General Harassment Policy. Following the hearing, the Commission reached the
23 following conclusion regarding such allegations:

24 The testimony provided to the Commission demonstrated that Mr. Eva's
25 behavior did not meet the definitions of general harassment or sexual
26 harassment under the City's personnel policies, nor did the testimony
27 demonstrate that his conduct was willful under the Civil Service Rules.
Testimony was submitted indicating that the conversations between
Mr. Eva his subordinate regarding sexual orientation, discussions

1 regarding religion and playing of gospel music was at times initiated by the
2 subordinate and did not demonstrate that the conversations and activities
3 were unwelcome or unwanted.¹⁵

4 As outlined in the Decision, "harassment" is defined by City policy as "any
5 unwelcome action by any person whether verbal or physical, on a single or repeated
6 basis, which humiliates, insults or degrades." The terms "unwelcome" or "unwanted"
7 in this context means "any actions which the harasser knows or should reasonably
8 know are not desired by the victim of the harassment." Sexual harassment, on the
9 other hand, is "any verbal, non-verbal, or physical behavior of a sexual nature which
10 is unwelcome, uninvited, and offensive to a reasonable person in the recipient's
11 position and alters the condition of recipient's employment." As was acknowledged at
12 the hearing, under the General Harassment Policy the Commission is to consider the
13 mindset of the alleged harasser ("any actions the harasser knows or should know...");
14 whereas under the Sexual Harassment Policy the focus is on the mindset of the
15 victim ("unwelcome, uninvited and offensive to a reasonable person in the recipient's
16 position...").
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19 Even if the Commission finds that Appellant (who, to reiterate, was a
20 supervisor) had no reason to know, for example, not to disclose the sexual orientation
21 of a subordinate without consent to coworkers, such conduct, as Mr. Wigert
22 eloquently explained at the hearing, was "unwelcome, uninvited, and offensive" to a
23 reasonable person in Mr. Wigert's shoes. A discussion of someone's sexual
24 orientation is, at its base, a discussion about how they have sex; it is
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27 ¹⁵ See Decision at pg. 5.

1 “verbal...behavior of a sexual nature.” There is no legitimate business reason for
2 Appellant to discuss a subordinate’s sexual orientation at work or disclose it to others
3 without consent. Furthermore, it is the City’s position that a reasonable supervisor in
4 Appellant’s position would have known his many inappropriate workplace
5 conversations were not desired by Mr. Wigert. The City respectfully requests the
6 Commission reconsider its finding that Appellant did not violate the City’s General
7 Harassment or Sexual Harassment Policies.
8

9 **D. Appellant’s October 23, 2018 text message to a coworker was**
10 **retaliatory.**

11 Regarding the City’s retaliation allegations against Appellant, the Commission
12 wrote “testimony and evidence from various e-mail messages, when read in their
13 entirety, does not demonstrate retaliation or insubordination.”¹⁶ Based on this
14 language, it appears the Commission did not consider Appellant’s October 23, 2018
15 text message where he told a colleague (actually, a superior to Appellant and
16 Ms. Ware) that Ms. Ware “betrayed” him by participating in the investigation, that she
17 “didn’t protect their friendship,” and told the coworker he would be “appalled” at what
18 Ms. Ware said. The text message, which was attached as **Exhibit C** to the City’s
19 position statement, conveyed a negative message about Ms. Ware directly related to
20 her participation as a witness in a harassment investigation. It was error for the
21 Commission not to consider the text in the context of the retaliation allegations.
22
23

24 Retaliation is prohibited by both the City’s General Harassment and Sexual
25 Harassment Policies. Beginning with the General Harassment Policy:
26

27 ¹⁶ See Decision at pg. 5.

1 6.1.9 Retaliation: No individual will be retaliated against or otherwise
2 adversely affected in employment as a result of making a
3 harassment complaint or for participating in a complaint
4 investigation or as a result of being erroneously accused of
5 harassment.

6 Similarly, the City's Sexual Harassment Policy states:

7 6.1.5 Retaliation: No individual will be retaliated against or otherwise
8 adversely affected in employment as a result of making a sexual
9 harassment complaint, or participating in an investigation of sexual
10 harassment, or as a result of being erroneously accused of sexual
11 harassment.

12 As outlined in the City's position statement,¹⁷ per the Equal Employment
13 Opportunity Commission (EEOC), retaliation includes "engaging in verbal abuse,"
14 "increasing scrutiny," and "spreading false rumors." When asked at hearing how
15 Ms. Ware betrayed him, Appellant struggled to describe how her actions constituted
16 betrayal. He offered no testimony that she lied to investigators or was vindictive
17 towards him. Yet, he labeled her to colleagues that she is someone who betrays
18 coworkers and friends, doesn't value friendships, and says appalling things. He
19 spread false rumors and increased scrutiny on Ms. Ware; per the EEOC this is
20 retaliation.

21 Appellant acted willfully when he sent the text message, which was in
22 retaliation for Ms. Ware participating as a witness in the investigation. Retaliation is
23 prohibited under the City's General Harassment and Sexual Harassment Policies.
24 The Commission misapplied facts and City policy when it found no evidence of
25 retaliation, or violation of the General Harassment or Sexual Harassment Policy.

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27 ¹⁷ See pg. 14; *citing* <https://www.eeoc.gov/laws/types/retaliation.cfm>

1 IV. CONCLUSION

2 Proceedings before the Commission are informal in nature. See Rule VIII, §
3 (c). As such, while there is no rule expressly permitting a motion for reconsideration,
4 there is no rule precluding it either. Indeed, the Commission considered two motions
5 from Appellant filed the evening prior to the March 26, 2019 hearing – something that
6 is not ordinarily permitted in more formal legal proceedings. For the foregoing
7 reasons, the City respectfully requests the Commission reconsider its decision and
8 find the City had cause to discipline Appellant under the Rules and deny Appellant's
9 appeal.
10

11 DATED this 16th of April, 2019.

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14 Nathaniel J. Odle, WSBA #39602
15 Assistant City Attorney
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DECLARATION OF SERVICE

I declare, under penalty of perjury, that on the 16th day of April, 2019, I caused a true and correct copy of the foregoing "**CITY OF SPOKANE'S MOTION FOR RECONSIDERATION**," to be delivered via e-mail to the parties below:

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Chief Examiner
Civil Service Commission
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Christine Cavanaugh
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BEFORE THE CIVIL SERVICE COMMISSION, CITY OF SPOKANE

In Re the Appeal of
ADRIANO EVA

RESPONSE ON THE CITY'S
MOTION FOR RECONSIDERATION

Within 10 days of a hearing, the Commission shall render its decision in writing. *Spokane City Charter, Art. VI, Sec. 55(D)*. The decision issued by the Commission is final and binding upon the City. *Spokane City Charter, Art. VI, Sec. 55(D); Civil Service Commission Rule XI, sec. 8(a)*. Once a decision is final, it cannot be re-opened outside the authorization of a rule or statute. *Rose ex rel. Estate of Rose v. Fritz*, 104 Wn. App. 116, 120 (2001).

This Commission issued a written decision on April 16, 2019. It was final on that day.¹ It violates the *Spokane City Charter* and the Commission's rules to re-open that final decision merely because the City Administrator disagrees with this Commission's final and binding decision. The City Administrator's choice to violate the *Spokane City Charter* with her current motion lacks the authority of law. This Commission should follow the law and the *Spokane City Charter* by refusing to re-open a final and binding decision.

¹ It should be noted that it could have been final under *Civil Service Commission Rule XI, sec. 8(a)* when four commissioners voted on it. However, since there is clear evidence and law of finality on April 16, 2019 the earlier date is not argued at this time for purpose of this response.

RESPONSE ON THE CITY'S MOTION FOR
RECONSIDERATION- 1

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1 Mr. Eva's brief will address the brief of the City Administrator² on the following
2 items: (A) the Commissions decision was final on April 16, 2019; (B) two days of hearings
3 and arguments properly support this Commission's 4-0 decision, and Spokane, Washington is
4 bound by that final decision; and (C) the City Administrator's only remedy is in RCW
5 7.16.040, 050's appeal to court, and that runs May 16, 2019.

6
7 **A. The Commissions decision is final and cannot be re-opened**

8 There is no question that the Commission's written decision is final and binding on
9 Spokane, Washington. *Spokane City Charter, Art. VI, Sec. 55(D); Civil Service Commission*
10 *Rule XI, sec. 8(a)*. Once a decision is final, it cannot be re-opened outside the authorization of
11 a rule or statute. *Rose ex rel. Estate of Rose v. Fritz*, 104 Wn. App. 116, 120 (2001).

12
13 **1. Why Finality Matters**

14 The functions on *Spokane City Charter, Art. VI, Sec. 55(D)* appeals are quasi-judicial
15 in nature. When performing these functions, the Commissioners "must, as far as practical, be
16 open-minded, objective, impartial, free of entangling influences, capable of hearing the weak
17 voices as well as the strong and must also give the appearance of impartiality." *Narrowview*
18 *Pres. Ass'n v. City of Tacoma*, 84 Wn.2d 416, 420 (1974). As previously briefed to this
19 Commission, there is a duty to not have actual bias, and to refrain from even the appearance of
20 bias. *Chicago, M., St. P. & P. R. Co. v. Washington State Human Rights Comm'n*, 87 Wn.2d
21 802, 809 (1976). Finality of the written decision in Mr. Eva's appeal advances this
22 Commission's adherence to the fairness doctrine by limiting outside influence and bias.

23 This is particularly important in this matter since this Commission's final decision has
24 received a fair amount of outside comment. Since this Commission's final decision, Mr. Eva is
25 aware of at least three instances of outside factors and conduct that have the potential to
26 unfairly influence this Commission in a new decision. These are:

- 27
 - Public testimony on April 16, 2019. The Commission correctly closed public
28 comments on its written findings until they were entered. However, people

29

² This is no longer addressed as the City of Spokane, or City, because this brief was put forward in violation of
30 this Commissions final finding, and in violation of the Spokane City Charter and cannot be a position of Spokane,
Washington.

1 gave public testimony on the Commission's ruling that could appear to
2 improperly influence the Commission in a re-consideration of that already final
3 written decision.

- 4 • Inlander Article. The Inlander ran an article on Mr. Eva and this matter. It
5 cites other human resources complaints, that were not part of this decision and
6 comments from Ms. Ware, Mr. Wigart, Ms. Cavanaugh and a City
7 Spokeswoman that are all testimony outside of the hearing. The Inlander
8 article takes a stance against Mr. Eva, arguing that Mr. Wigart and Ms. Ware
9 were invalidated and silenced by this Commission.
- 10 • Spokesman Review. Someone provided a copy of the City Administrator's
11 motion for reconsideration to the Spokesman Review. A reporter from there
12 has called and said the Spokesman Review intends to run a story using that
13 motion for reconsideration. They have even talked to a City spokesperson.

14 Now, after public testimony lamented that this Commission made the wrong decision,
15 after The Inlander publishes facts irrelevant to the hearing on Mr. Eva's past and paints him in
16 a false light, after another news outlet readies their printing presses to run a story on Mr.
17 Eva... Now, the City Administrator asks for reconsideration arguing the same case it did in the
18 hearing. The only change since the Commission's final decision on April 16, 2019 is the
19 public attention this matter has received, and the City Administrator or those who work for her
20 have likely encouraged that attention.

21 The Appeal was only to consider items introduced at the hearing. *Commission Rule*
22 *XI, Sec. 7*. The Commission was then to render a decision by a vote of at least three
23 affirmative votes (this matter received four). *Commission Rule XI, Sec. 8(a)*. Under the
24 Commission's rules that decision "shall be final and binding." *Id.* Under the *Spokane City*
25 *Charter*, the Commission is to hold a hearing and enter a decision in writing within 10 days of
26 that hearing, and the decision is final. *Spokane City Charter, Art. VI, Sec. 55(D)*. All of this,
including the finality, protects the Commission from outside influence in its decision.

27 A reconsideration of the final decision would be a decision tainted by outside
28 influence, or at a minimum have the appearance of such bias. This is why it is important for
29 the Commission to follow its own rule and the Spokane City Charter's mandate on finality.

1 Bias, or its appearance, and outside influence will make any new decision not only unlawful,
2 but also untrustworthy.

3
4 **2. Mr. Eva's pre-finality motions do not create the ability to re-**
5 **open a final decision**

6 The City Administrator's brief does not openly try to show this Commission how it has
7 authority to re-open its already final decision. The City Administrator's closest argument is in
8 the closing that Mr. Eva's pre-finality motions somehow make this legitimate (*Administrator's*
9 *Brief p. 11, Sec. IV*). That breaches common sense.

10 Mr. Eva's motions on procedural due process issues were submitted on March 25,
11 2019, and argued March 26, 2019. This was during the time this Commission set for the
12 hearing of Mr. Eva's appeal, and prior to the Commission voting 4-0, with one abstention, to
13 uphold Mr. Eva's appeal. These motions were well before the written decision on April 16,
14 2019. Mr. Eva's motions were all prior to the final decision.

15 Motions prior to finality are proper since the purpose of the motion is to alert the
16 tribunal to perceived issues so they can be fixed prior to the final ruling. Since a tribunal
17 should always be able to fix its errors, motions on errors should be raised before a final
18 decision, and a tribunal's rulings are always changeable until the final decision. *Alwood v.*
19 *Aukeen Dist. Court*, 94 Wn. App. 396, 400-01 (1999).

20 In contrast to Mr. Eva's motions, the City Administrator has made this motion after the
21 final and binding decision on April 16, 2019. If the City Administrator believed there was
22 error, she was required to raise it prior to the final binding decision. Now the final binding
23 decision cannot be re-opened outside the authorization of a rule or statute. *Rose*, 104 Wn.
24 App. at 120.

25 **B. Two days of hearings presented sufficient facts for this Commission to find**
26 **there was no cause to demote Mr. Eva**

27 The issue before this Commission was whether or not Mr. Eva was demoted, leading to
28 layoff, based upon cause. *Commission Rule VII, sec. 5; Spokane City Charter, Art. VI, Sec.*
29 *55(C)*. It was the purpose of the Appeal to evaluate whether or not the City could prove cause

1 to demote Mr. Eva. *Commission Rule XI, sec. 5*. Whether or not there is cause is an issue of
2 fact, not an issue of law.

3 This Commission held two days of hearings on this matter. It heard six witnesses from
4 the City; two of which were offered as experts on the Commission's Rules and the city's
5 policies. Mr. Eva offered three witnesses during the last day of the hearing. After hearing the
6 witnesses, reviewing documents, and listening to closing arguments this Commission issued a
7 4-0 decision that there was no showing of cause to demote Mr. Eva. The City Administrator's
8 motion just tries to re-argue what the City presented in the hearing

9 As a final decision of this Commission, the *Spokane City Charter* makes that decision
10 binding on Spokane, Washington. *Spokane City Charter, Art. VI, Sec. 55(D); Sec. 53(K);*
11 *Commission Rule XI, Sec. 8(a)*. While the City Administrator does not like the Commission's
12 decision in this matter, she is not allowed to question it to the press, in public hearings or re-
13 bring it up before this Commission. The Commission's decision, after two days of hearings
14 and lots of work is binding on Spokane, Washington and is final.

15 **C. An Appeal to the Superior Court is the City Administrator's proper and only**
16 **remedy**

17 Washington State has provided that the City Administrator can seek judicial review of
18 the Commission's decision. RCW 7.16.040 allows for judicial review of a final decision when
19 there is no other remedy at law. This is particularly true of a final decision issued by a local
20 authority. *Vance v. City of Seattle*, 18 Wn. App. 418, 423 (1977).

21 Since the City Administrator has a remedy provided by statute, she should stop trying
22 to violate the *Spokane City Charter* and seek her proper remedy of appeal. This will be a
23 different review than the Commission did, since appeals are done assuming the facts and
24 reasonable inferences in the best light of the prevailing party. *State ex rel. Lige & Wm. B.*
25 *Dickson Co. v. Cty. of Pierce*, 65 Wn. App. 614, 618 (1992), *opinion corrected* (July 16,
26 1992). The appellate process will accept the Commission's views regarding witness
27 credibility and the weight to be given reasonable but competing inferences. *Id.*

28 The City Administrator's brief even acknowledges that her proper remedy is an appeal,
29 and not reconsideration. *Administrator's Brief p. 2, Sec. II*. There is a whole section and

1 argument on the appellate standard of review citing to *City of Seattle, Seattle Police Dep't v.*
2 *Werner*, 163 Wn. App. 899, 906-907 (2011). The *Werner* court set its standard of review
3 based on RCW 7.16.040 and RCW 7.16.120 and not the *Spokane City Charter*. *Werner*, 163
4 Wn. App. at 907.

5 Since the City Administrator knows, or should know, *Spokane City Charter, Art. VI,*
6 *Sec. 55(D)* made this decision final, the City Administrator's motion is without a legal basis.
7 It is also clear the City Administrator knows her proper remedy would be to appeal this
8 decision under RCW 7.16.040, with a application as provided under RCW 7.16.050. With this
9 knowledge, the City Administrator's motion does not extend the time for the City
10 Administrator to file her appeal from the Commission's final binding decision on April 16,
11 2019.


12 A writ must be filed within a reasonable timeframe, which is usually the similar
13 appellate timeline of the court rule. *Akada v. Park 12-01 Corp.*, 103 Wn.2d 717, 719 (1985).
14 RALJ 2.5 and RAP 5.2 both allow only 30 days from the final decision to initiate an appeal.
15 **The Commission's decision was final on April 16, 2019 and under the rules, an appeal**
16 **must be filed by May 16, 2019.**

17 CONCLUSION

18 The *Spokane City Charter* is clear that the written decision is final. The law is clear
19 that without a rule or statute a final decision cannot be re-opened. The City Administrator
20 may not agree with this decision, but her proper remedy is to seek an appeal. It is not a proper
21 remedy to ask the Commission to violate its rules and the *Spokane City Charter*. The City
22 Administrator is on notice that her time to appeal is 30 days from the final decision, and
23 because there is no basis in law for this motion it does not extend the time for an appeal. The
24 Commission must follow the *Spokane City Charter*; the written decision on April 16, 2019
25 "shall be final." *Spokane City Charter, Art. VI, Sec. 55(D)*.

1 Done this 1st day of May, 2019 in Spokane County, Washington.

2
3
4 By:


Marshall Casey, WSBA 42552
Attorney for Mr. Eva

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30 RESPONSE ON THE CITY'S MOTION FOR
RECONSIDERATION- 7

M CASEY LAW PLLC
Attorneys at Law
1106 N. Washington, Ste B
Spokane, WA 99201
(509) 368-9284

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, under penalty of perjury, that on the 1st of May, 2019, I caused to be served a true and correct copy of the foregoing document on the following:

<input type="checkbox"/>	HAND DELIVERY	Nathan Odle
<input type="checkbox"/>	US MAIL	Office of the Spokane City
<input type="checkbox"/>	FACSIMILE	Attorney
<input checked="" type="checkbox"/>	E-MAIL/ELECTRONIC DELIVERY	808 W Spokane Falls Blvd
		Spokane, WA 99201-3333
		nodle@spokanecity.org

<input type="checkbox"/>	HAND DELIVERY	Michael Piccilo
<input type="checkbox"/>	US MAIL	Office of City Attorney
<input type="checkbox"/>	FACSIMILE	808 W Spokane Falls Blvd Fl 5
<input checked="" type="checkbox"/>	E-MAIL/ELECTRONIC DELIVERY	Spokane, WA 99201-3333
		mpiccolo@spokanecity.org

<input checked="" type="checkbox"/>	HAND DELIVERY	Amber Richards
<input type="checkbox"/>	US MAIL	Chief Examiner
<input type="checkbox"/>	FACSIMILE	Civil Service Commission
<input checked="" type="checkbox"/>	E-MAIL/ELECTRONIC DELIVERY	4th Floor, City Hall
		808 W. Spokane Falls Blvd.
		Spokane, WA 99201
		arichards@spokanecity.org

/s/Marshall Casey
Marshall Casey

April 23rd 2019

Amber Richards, Chief Examiner

Civil Service

City of Spokane

Ms. Richards, I am writing to you to request an Indefinite Leave of Absence pursuant to Rule X Section 4 (f).

The reason for this request is to assume a position with the City Street Department Management Team as the Street Manager. This job is classified as an exempt position in the City.

Thank you for your attention to this matter.

Sincerely,



Rodney Mann

Street Maintenance Operator II

509 290-3043



Civil Service

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RESOLUTION 2019-02 CLASSIFICATION UPDATES

BACKGROUND

1. CityCable 5 requires ongoing work in communicating with media and the public about City services, programs, and issues relevant to City work. The new job classification has concurrence of the Communications/CityCable 5 management, and the Managerial and Professional Association.
2. The Food/Beverage Supervisor position is responsible for multiple food and beverage operations in a variety of City Parks locations. The job specification has been updated to reflect current work, and a retitle has been selected to more properly reflect the work required. These changes have concurrence of the Parks management and the Managerial and Professional Association.

PROPOSED CHANGES

1. Adopt a new job classification:
SPN 600 Media Manager
2. Retitle and adopt specification changes:
SPN 682 Food Services Program Manager (from Food/Beverage Supervisor)

CLASS TITLE: MEDIA MANAGER
SALARY RANGE: TBD
DEPARTMENT: COMMUNICATIONS
REPORTS TO: CITYCABLE 5 DIRECTOR
BARGAINING UNIT: Choose

CLASS CODE: 600
GRADE: TBD
FLSA STATUS:
EEO-4 CODE:
DATE: 5/19

JOB SUMMARY:

Plans, coordinates, develops, and delivers public information and stories about City services, issues, and programs for dissemination to citizens and media.

SUPERVISION EXERCISED:

Work is performed under general direction with considerable independence and discretion. May instruct, check, and supervise the work of assistants, such as interns or temporary/seasonal employees.

EXAMPLES OF DUTIES: *This list is ILLUSTRATIVE only and is not a comprehensive listing of all functions and duties performed by the incumbent of this class. Duties may include, but are not limited to the following:*

- Coordinates, schedules, prioritizes, and promotes citywide video production activities.
- Researches and develops ideas in collaboration with elected officials, City department heads, divisional communication managers, and other key staff.
- Identifies timely information and stories that humanize government and provide greater insight into services and programs.
- Enterprises and designs newsworthy stories to communicate the mission of the City of Spokane, demonstrate the services its employees provide, and outline issues important to citizens.
- Writes scripts and produces final story content. Plans delivery of stories with a professional multi-media approach, utilizing CityCable 5, the City website, social media, etc.
- Interviews others and presents stories on camera. Provides narration for a variety of video programs.
- Develops b-roll footage and video interviews that are easily repurposed and shared by both local broadcast and print media, expanding the reach of information into the community.
- Works with City departments to obtain specialized video of City work, such as Police, Fire and Public Works operations worthy of sharing with other media.
- Coordinates the launch of information, with strategic positioning to gain public engagement and support for programs and initiatives, as well as promoting higher levels of media interest and interaction.
- Acts as a liaison to local and national news organizations covering City events and activities, focusing on providing them with b-roll video enhancements beyond what is ordinarily available to media.
- Performs related work as required.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of:

- broadcasting standards
- video production
- video editing techniques

Skill in:

- public speaking and presentation
- interviewing for public broadcast
- creative expression, including communication, both verbally and in writing, of technical or complicated subjects in clear, concise, and easily understood language
- customer service, working directly with City personnel to identify electronic media needs
- interpersonal relations, establishing and maintaining beneficial working relationships with both internal and external contacts
- applied technology for media communication, such as editing video content on a computer
- time management, including meeting tight deadlines and accommodating competing requests in a fast-paced working environment

Physical Demands and Working Conditions:

- Ability to read standard text and information on a video monitor.
- Ability to communicate so that information can be clearly received and conveyed.
- Ability to operate a computer.
- Ability to walk, stoop, kneel, and crouch while operating a handheld camera or setting up audio/video equipment.
- Ability to manually adjust audio/visual equipment.
- Ability to drive an automobile.
- Work is light to medium in nature; requires ability to lift and move audio/video equipment weighing up to 50 lbs.
- Unusual hours may be required.
- Various work locations, both indoor and outdoor, may be used as needed.

MINIMUM QUALIFICATIONS REQUIRED:**Education and Experience:**

Bachelor's degree from an accredited college or university in communications, journalism, public relations or a closely related field, and a minimum of three years of specialized work experience in a creative, on-camera media communications role.

Additional experience may substitute for the education requirement on a year-for-year basis.

License: A valid driver's license is required.

NATURE OF WORK:

~~Performs supervisory work directing all~~ Manages the food and beverage program operations at Riverfront Park and other Park department facilities. Duties involve analyzing facts to determine the proper course of action within the limits of standard operating procedures. ~~Some checks and controls exist; but, if not detected, errors could cause waste of materials, delays, or embarrassment to the City.~~ Employee has frequent contact with the public, park clients, product suppliers and other City departments and employees. Duties are light in nature, performed under varying weather conditions, and require multiple ~~task~~ tasking skills to avoid delays or errors. Employee will be required to work holidays, overtime, and other than normal hours.

SUPERVISION:

Work is performed under general direction; ~~E~~employee plans and arranges their own work and schedule, referring only unusual cases to the supervisor. Employee is responsible for hiring, assigning, evaluating, training, and supervising subordinate crew.

ESSENTIAL JOB FUNCTIONS:

Directs the daily food and beverage operation for all Riverfront Park, Merkel Sport Complex food service locations and Park Bench Café, assists in the planning and operation of concession areas at City aquatic centers.

Hires and supervises subordinate staff. Develops training material and provides training in food handling, sanitation, preparation, equipment operation and maintenance, display procedures; safety; customer service and cash handling procedures. Trains subordinate supervisors in ordering, inventory control, staff training, supervisory skill and problem solving; hiring, and scheduling. Ensures compliance with state board of health standards, including food worker cards.

Develops and implements procedures for food and beverage preparation, opening, operating, and closing of restaurants, concession stands, and food and beverage services for special events.

Supports Riverfront Spokane catering efforts, to include the development of menus, event scheduling, and working with concessionaire and third-party vendors to service park customers, clients, and touring acts.

~~Plans or assists with group, private, catered and public events and functions.~~ Recruits food vendors, administers contracts and other purchasing agreements, adhering to City procurement regulations. ~~E~~evaluates vendor performance; inspects vendor concession stands. Contracts with non-profit groups to assist with special event concessions; trains their members and evaluates their performance.

Designs, evaluates and refines menu to minimize waste and increase service and profitability. Orders and maintains inventory of all food, beverage and related service items.

~~Develops and implements procedures for food and beverage preparation, opening, operating, and closing of restaurants, concession stands, and special event concession locations.~~

Ensures all equipment is properly operational; inspects, adjusts, repairs, and orders repairs. Performs safety inspection on food service vehicles.

Performs related administrative and budget tasks; recommends food and beverage equipment, develops bid specifications, solicits bids, negotiates contracts, prepares purchase requisitions and small service contracts. Maintains records related to food costs, shrinkage, event pre and post costs, and labor costs. Recommends and ~~C~~creates business plans ~~on other for~~ revenue generating opportunities.

Initiates capital improvement projects, writes applications, and completes approved capital projects.

Works with park management and marketing team to ~~D~~develops and plans, and implements promotions and marketing efforts off food and beverage services.

Performs follow-up with public on comment cards and responses.

Performs related work as required.

Food/Beverage Supervisor Services Program Manager

Page two

REQUIREMENTS OF WORK:

~~Considerable knowledge~~ of food and beverage program management to include operation, purchase, inventory, handling, preparation, display, and sanitation.

Knowledge of food and beverage business planning, budgeting and revenue projection.

Knowledge of equipment related to food and beverage handling and preparation, to include operation and maintenance.

Ability to coordinate food and beverage management with specific events, including high-volume catering functions.

Ability to supervise, develop, coach and train employees in relation to food and beverage operations meeting or exceeding health regulations and codes.

Ability to deal with public. Ability to communicate effectively in oral and written form.

Ability to work independently, prioritize, and accomplish multiple tasks.

Ability to use computers, registers, fax machines, audio-visual equipment, and photo copiers.

PHYSICAL REQUIREMENTS:

Ability to ~~see, with or without corrective lenses, well enough to~~ read standard text and computer monitor.

Ability to ~~hear, with or without a hearing aid, well enough to~~ converse on telephone, radio, and public address system, and communicate with groups.

~~Enough manual dexterity~~Ability to write, type, use calculator, and computer.

~~Enough strength~~Ability to carry food containers and equipment weighing up to 50 pounds.

~~Enough body mobility~~Ability to move around to different ~~concessions in the 100-acre park~~ work locations.

~~Enough stamina~~Ability to stand for several hours.

~~Tolerance~~Ability to work in various weather conditions, ~~and~~ walk-in freezer, and refrigerators.

Ability to climb stairs and ladders.

~~Ability to operate park's attractions.~~

MINIMUM EDUCATION AND EXPERIENCE:

Open Entry Requirements: Associate's degree with course work in Food and Nutrition, Food and Beverage Management, or a related field: and 4-four years of food service experience involving high-volume, multiple-location supervisory responsibility. A bachelor's degree with course work as noted above may substitute for 2-two years of the required experience.

License:

A valid driver's license, or otherwise demonstrated ability to move to and from multiple work locations, is required.

New: 12/90

Retitled: 5/19

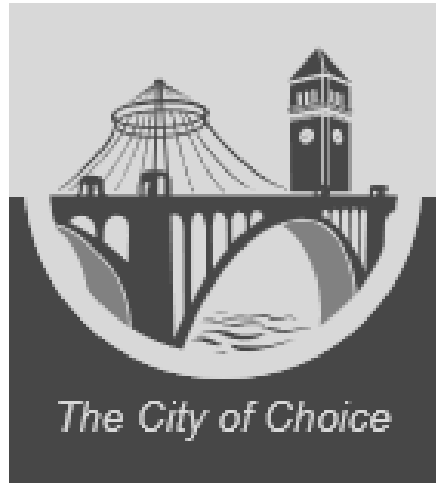
Revised: 5/94, 6/96, 6/98, 4/02, 7/11, 4/16, 5/19

Reviewed: 5/00, 7/04, 8/06, 12/09

Union/: M&P

Range: 33

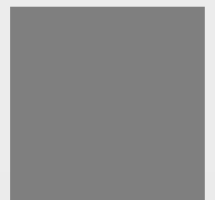
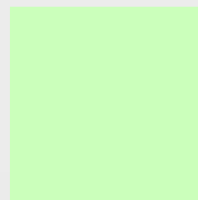
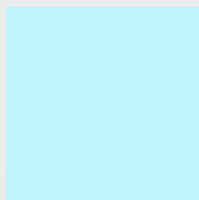
EEO code: 2



Civil Service

2018 Annual Report

Richards, Amber



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Civil Service
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ORGANIZATIONAL OVERVIEW

CITY COUNCIL AND ADMINISTRATION

City Council

Ben Stuckart, Council President

District 1

Kate Burke

Mike Fagan

District 2

Breean Beggs

Lori Kinnear

District 3

Candace Mumm

Karen Stratton

Administration

David Condon, Mayor

CIVIL SERVICE COMMISSION ROLE AND RESPONSIBILITIES

Civil Service provides merit-based, objective, and apolitical personnel services related to hiring, promotions, discipline, and termination. These functions are critical to the city because they provide mechanisms for creating the diverse, highly qualified workforce that is ultimately responsible for the execution of the joint Administration - City Council strategic plan.

The Commission's primary responsibility is to prevent political influence in the City's hiring, promotional, and disciplinary processes. The Commission has a duty to ensure:

- Positions are open to all interested individuals, regardless of their connections or political affiliations,
- Candidates have the qualifications and appropriate skills to perform the jobs they apply for,
- Positions are earned on the basis of individual merit, and
- Due process rights are preserved during employee discipline and terminations

COMMISSIONERS

Mark Lindsey, Chair

Uniformed Employee Groups Appointment

January 2015-December 2018

Reappointed December 2018. New term will expire December 31, 2021.

Judith Gilmore, Vice Chair

Civilian Employee Groups/SERS Board Appointment

September 2016-December 2020

Pam DeCounter

Mayoral Appointment

January 2017-December 2020

Craig Hult

Mayoral Appointment

March 2011-December 2018

Reappointed December 2018. New term will expire December 31, 2021.

Scott Stephens

Commission Appointment

August 2017-December 2021

COMMISSION DEPARTMENT

The Civil Service Department provides a suite of programs and services to support approximately 1900 personnel in 350 classifications that fall under the authority of the Civil Service Commission. These services predominantly include Commission rule interpretation and customer-centric functions for internal and external job applicants; job surveys, job analysis and classification of work; open, competitive entry-level and promotional examinations; certification of payroll; certification of eligible candidates; and provision and maintenance of eligibility lists.

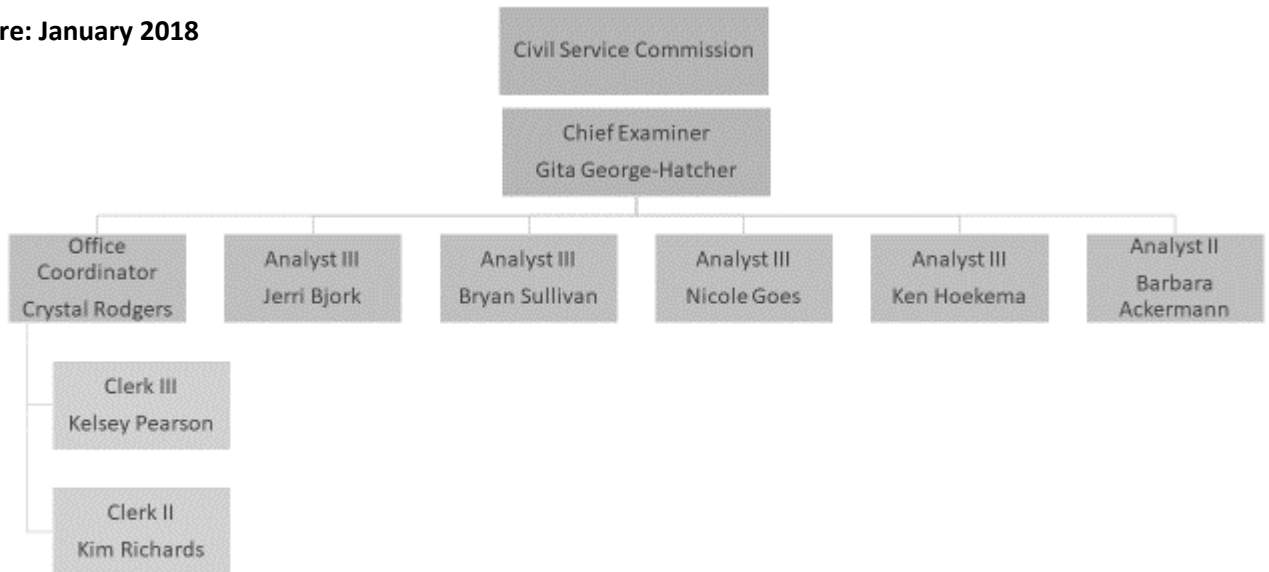
2018 was a year of transition for the Civil Service Department as staff turnover was remarkably high. There are nine full-time employees in the Civil Service Department. Four of nine staff members are new to the City, and an additional two are new in their positions. Only three of the nine staff employed at the beginning of 2018 remain in their original roles.

This anomaly presented some unique challenges and opportunities. The department's production capacity suffered over the course of this year as a result of the turnover, however, staff have worked hard to regain organizational continuity, respond to the operational needs of the City, and evaluate existing practices. This work resulted in a number of changes in structure, strategy, and process. The following highlights the immense transition the department has undergone during this past year and outlines areas of focus for the future.

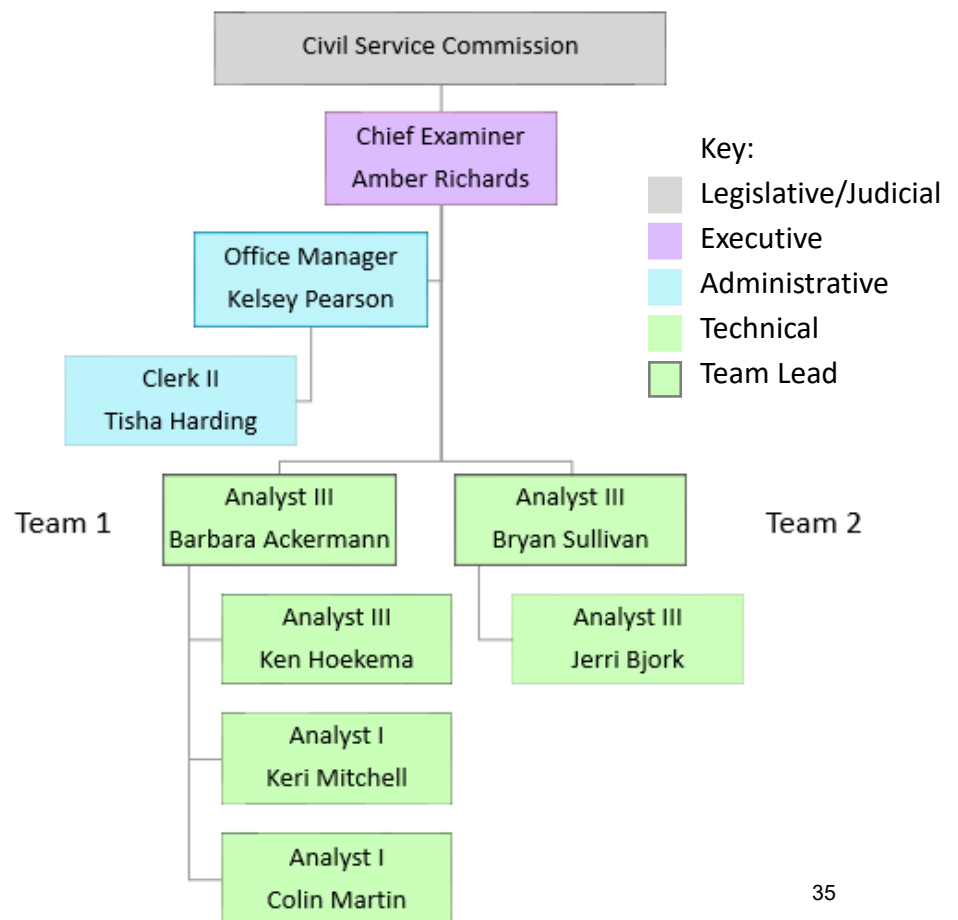
STRUCTURAL CHANGES

The organizational charts below reflect the turnover in the department as well as a new, team-based, department structure. This change was implemented to promote greater accountability, efficiency, resiliency, and sharing of knowledge to mitigate the vulnerabilities discovered in 2018.

Org Structure: January 2018



Org Structure: December 2018



Department Seniority

The charts below reflect the collective seniority of staff in two data sets – number of years in current role and number of years with the City. The relative newness of the department is simultaneously a hindrance and a benefit. The previous fragmentation of the department left little continuity of practice when staff left the department and/or organization creating procedural and knowledge gaps, some of which are likely still unknown. While these gaps slow down our processes, they create an environment that is more conducive to change and innovation. We view these gaps as opportunities to explore and evaluate new ideas and processes as we work toward achieving our new vision.

Civil Service Staff - # of years in current role:

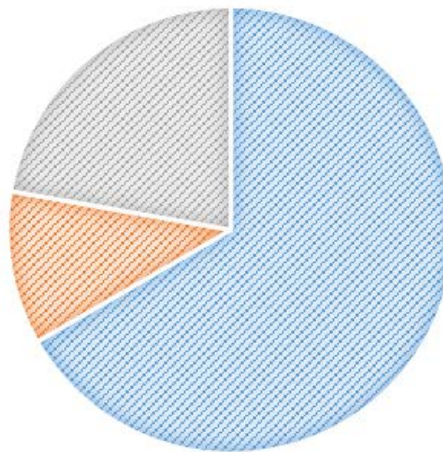
Less than a year: 6

1-5 years: 1

6-10 years: 2

YEARS IN CURRENT ROLE

■ Less than 1 ■ 1-5 ■ 6-10



Civil Service Staff - # of years with City:

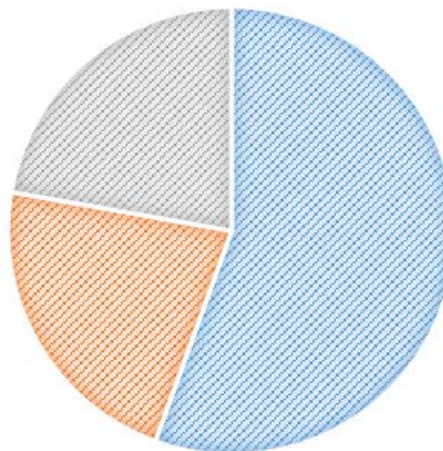
Less than a year: 5

6-10 years: 2

11-15 years: 2

YEARS WITH CITY

■ Less than 1 ■ 6-10 ■ 11-15



Training and development of staff is critical to maintaining high-quality processes and is a key factor in employee engagement. The Civil Service Department is a well-educated team of professionals who strive to continuously improve our trade. As such, Civil Service staff pursued a number of different training and development opportunities over the past year. A few of the significant events are listed below; each is accompanied by a brief summary highlighting the benefits of the conference or event, written by the team member who attended.

Western Region International Public Management Association for Human Resources Annual Conference – Jerri Bjork

This three-day conference was full of invigorating opportunities for learning and honing of skills. The highlight was a three-hour workshop on conducting job classification studies. Practical tips for reaching quality results with limited resources were a key focus. Important current issues faced by the public sector were addressed, from organizational restructuring and job evolution factors, to building career paths and succession planning. It was exciting to learn how other agencies are successfully dealing with change and developing strategies to work smarter. The many other engaging session topics included social media recruiting strategies, communication skills to become a stronger business partner, emotional resiliency, the riches of a multi-generational workforce, and the value of diversity in the workplace.

International Personnel Assessment Council Annual Conference – Bryan Sullivan

Structured Interviews: The main takeaway from this session was that we are basically using a correct method by defining competencies with low, medium, and high benchmarks. We can, however, do a better job of demonstrating the different competence levels to evaluators during training, and that will be incorporated into future testing.

Computer-Adaptive Testing (CAT): This may be years and years away for us, if ever – the demands for CAT are quite high, on the order of 100-1000 questions per exam. However, I came back with a stronger understanding of what CAT is and how it works. If we can find a way to incorporate it into our testing, we will.

Uniform Guidelines: The panel discussion included an employee of the EEOC. The info that I brought back was clarity that the UG applied to “bona-fide applicants” only and that it does not apply to recruiting practices. Also, the courts and the EEOC have stopped relying on the “four-fifths” rule and are instead using tests of statistical significance to look for adverse impact.

Society of Industrial and Organizational Psychology Annual Conference – Barbara Ackermann

This industry event provides a variety of benefits of both a personal and professional nature to those attending. The conference provides access to hundreds of educational and networking opportunities. Attending an event with participants from around the globe facilitates exposure to new and recurring problems faced universally by practitioners in the field, access to cutting edge research and information, insight into the pathways and approaches being used to address common issues and solve problems.

During the course of the five-day conference, I attended an in-depth two-day training on how advanced technology in selection processes is being used and developed within our industry to solve some of the greatest problems being faced by organizations around the world. I also attended educational sessions focused on testing and assessment, job analysis and design, leadership, and industry technology. These educational opportunities provide practical information and ideas that impact the work being done in Civil Service every day. I have applied newly acquired knowledge to strategic initiatives, routine test development processes, and creative problem solving. This knowledge and information is shared

throughout our team, and our collective enhancement of talent and skills has a meaningful impact on the results we achieve.

SIOP also provides ample opportunity for networking and connecting with others. This increased exposure to the industry is much larger than our focused role. Interacting with others doing similar work, applying similar techniques to different work, and experiencing personal perspectives outside my normal sphere of reference enhanced my personal growth by making my world bigger.

Job Analysis and Assessment Development Training and Qualifications Analysis Training – Colin Martin and Keri Mitchell

In November 2018 the team participated in two training courses offered by Graduate School USA, a nonprofit educational institution that offers public sector workforce training. We were left with four sizable books and plenty of online resources for us to refer to as we move forward with process improvement and developing best practices.

The content from the training strongly supported the process improvements we had already begun in 2018. A few examples include: using the MOSAIC Competency model as the foundation for our classification and testing plans, identifying the need for a more effective job analysis process, and a streamlined approach to classification planning. It also confirmed that many of our commonly used methods for applicant rating and grading standards are consistent with federal standards.

The most valuable takeaway from this training was the inspiration to create a scalable approach to job analysis based on assessment strategies that are taught to delegated examining authorities at the federal level. After a few weeks of development, the idea was successfully implemented to perform what we consider a medium-scale job analysis on Clerk III positions across the city. This newly developed process will allow us to merge and expand upon the results from the Koff & Associates study with our ongoing work plans.

Staff Education

Civil Service staff also have a high degree of personal commitment in the pursuit of higher education, which can be seen in the chart below. Of note for 2018, one staff member completed a Master of Public Administration degree and another began working towards an additional associate's degree in Accounting. Also noteworthy, some members of the department have multiple degrees/certificates.

of Civil Service Staff with:

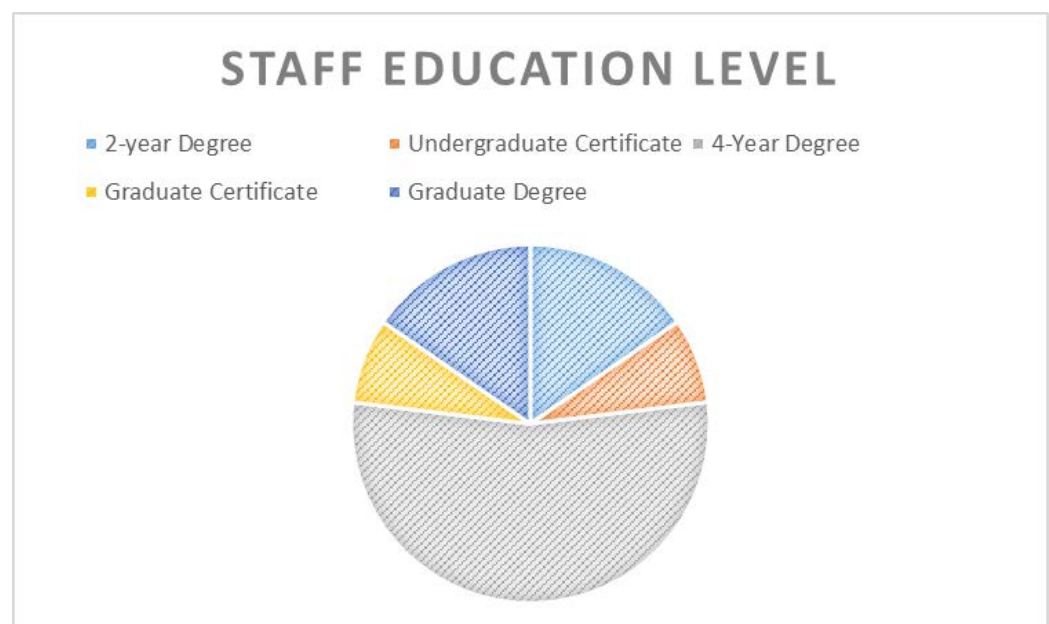
2-year degree: 2

4-year degree: 7

Graduate degree: 2

Undergraduate certificate: 1

Graduate certificate: 1



Passion for Public Service

More importantly, the team is comprised of dedicated individuals who take a great deal of pride in their roles as public servants. The staff comments below capture some common sentiments staff have in regards to their work.

When asked,

“What do you love most about Civil Service?”

I love Civil Service for its mission and values. I am a strong proponent of an organization staffed through merit and not connections and my work is an opportunity to promote and maintain the merit system. Civil Service also has a value structure that focuses on teamwork and trust. The structure of support in place in the department helps me to learn and succeed in my job.

This work is very challenging but to me, the reward is worth it - Civil Service is a very important function in ensuring we have the right workforce in place to serve our community!

When asked,

“What do you love most about working in local government?”

I believe local government is a force for good, and through my work I can contribute to making our government efficient and effective. I appreciate being able to work for an organization that has a meaningful impact on people's lives.

Staff responded with the following:

Feeling that our work has value because our successes directly support almost every department in the city.

I truly believe in the merit system and feel that we provide a valuable service to the City.

I love contributing to our system that supports fairness and equal opportunities for all citizens.

The learning of truly what Civil Service is and does. Also, for me personally; I enjoy the mix of job responsibilities that the department allows me to take on.

Staff responded with:

I enjoy knowing that the work I do supports the City I am born, raised, and live in.

I love making a difference in the community and I love seeing the impact of my work each day!

ACCOMPLISHMENTS AND GOALS

MISSION/VISION

Staff undertook the work of creating a new strategic vision and mission for the department through a collaborative and thoughtful effort. The goals of this initiative were to develop clear, simple, and modern statements that are reflective of the work we do. The resulting statements were adopted as follows:

Civil Service: Fair. Fast. *Friendly.* Forward.

Providing a diverse, high-performing workforce to serve the Spokane community for generations to come through open, competitive, streamlined, and customer-centric personnel services.

2019 STRATEGIC AND TACTICAL GOALS

We also took a critical and comprehensive look at the department to identify methods and opportunities and to define priorities to drive toward achievement of this new vision and mission. Staff worked together to outline the following four strategic goals. Tactical goals for 2019 are listed below the strategic goals they support.

Create an organization that mirrors the demographic composition of the Spokane community:

- Develop comprehensive, collaborative recruiting efforts
- Adopt Excepted Schedule for Supported Employment
- Remove identifying info from lists
- Broaden discretion for appointing authority

Create a proactive and responsive structure and processes to meet the changing needs of the City organization:

- Revise rules
- Restructure Classification Plan
 - Simplify
 - Reduce need for regular re-classification/new classification through structure
 - Reduce classification creation time
- Revise Testing Plan
 - Simplify
 - Create modular testing structure
 - Reduce test development time
 - Reduce test administration time

Provide exemplary customer service to applicants, employees, and hiring managers:

- Relate and educate stakeholders/users:
 - define the purpose of Civil Service in practical terms
 - who we are
 - what we do
 - why we are important
 - when/how to connect with us
- Improve navigation through our processes

- Create resource sheets for services/processes
- Rebrand Civil Service
 - Promote our value
 - Value as an independent body
 - Value in support of City's strategic efforts

Develop a high-performing, resilient Civil Service Department

- Create a culture of learning and development
- Leverage and prioritize technology
- Continuity and succession planning
- Develop performance measures
- Create ongoing process improvement cycle

STATUS OF 2018 GOALS

The Civil Service Department identified three main goals for 2018. Each goal is outlined below, and is accompanied by a brief summary of work undertaken during the year toward its achievement.

1. Continue to conduct wider outreach and recruitment.

Historically, the department's recruiting plan concentrated on attending career fairs. In Q3 2018, Civil Service and Human Resources staff worked together to develop a similar recruiting plan for 2019. Broad, strategic recruiting efforts were then deprioritized during the development of the 2018-2019 Strategic Plan. This deprioritization is a result of identification of process improvements that need to occur prior to making significant investments in a recruiting effort. Strategic recruiting will be elevated as a priority again in the 2019-2020 Strategic Plan.

2. Increase efforts towards diversity recruitment.

In Q4 2018, the Commission adopted a Supported Employment Program, which provides a waiver of the competitive examination for individuals with qualifying disabilities. The program effectively launched on January 1, 2019. This program represents the most significant diversity recruitment effort accomplished in 2018.

3. Continue to improve service delivery to customers.

The department undertook a few projects aimed at improving service to customers. These included updating the Commission's webpage to provide a better overview of the role and responsibilities of the organization, revising the Commission's agendas to create more transparency, revising the content for the department's portion of New Employee Orientation to make it more relevant for the target audience, and making adjustments to the department's workflow processes to increase efficiency. In addition, staff worked with stakeholders to improve the process for requesting project employees, and with the Human Resources team to refresh the City's recruiting table and create updated, engaging recruiting materials and fun, City-branded takeaways.

PROGRAMS AND SERVICES

The Civil Service Department provides an array of general programs and services to support approximately 350 classifications that fall under the authority of the Civil Service Commission. These services predominantly include:

- Adjudication of employment, disciplinary, and termination disputes as they arise
- Administrative services to support the general operations of the Commission and the department
- Certification of payroll
- Classification services, to include creation and maintenance of a classification plan, creation and maintenance of classification series and lines of progression, job surveys, and job analysis.
- Commission rule interpretation
- Customer service for internal and external job applicants
- Lists of eligible, qualified candidates
- Test development and administration for entry-level and promotional examinations

VALUE ADDED PROGRAMS AND SERVICES

In addition to the above, the department provides the following additional services to benefit our customers and stakeholders:

Personnel Records Maintenance: The department maintains and provides access to the personnel files for all City staff, to include Civil Service and Human Resources documents for both classified and exempt personnel.

Lunch and Learn Series: A quarterly learning session hosted by Civil Service staff, designed to educate participants on relevant civil service topics.

Recruiting: An ongoing program focused on attracting talented candidates to the City of Spokane. This program is currently under construction.

Supported Employment Program: A program designed to increase diversity by allowing a waiver of the civil service examination for applicants with qualifying disabilities.

DEPARTMENT DATA AND STATISTICS

ORGANIZATIONAL STATISTICS AND TRENDS

The Civil Service Department workload is directly influenced by personnel trends occurring within the City. There are a number of factors that contribute to and impact these trends, to include the number of classified staff employed by the City, staff turnover, changing dynamics in the labor force, external market demands, hiring climate and competition, along with a great many indirect factors.

From a staffing perspective, the City of Spokane has experienced a period of significant growth over the last 3 years. Staffing levels increased by approximately 200 between 2015 and 2018. Turnover is also increasing due to a wave of delayed and anticipated retirements associated with an aging workforce. Currently, 11% of the City's workforce is over 60, and another 13% is between 55 and 60, meaning that close to 25% of the workforce can be expected to turn over due to retirements in the next 5-10 years. These figures only account for those currently eligible and nearing eligibility to retire. The annual turnover rate, which includes retirements, is about 6.9% per year for classified staff. This rate is expected to increase as the retirement rate accelerates, and as employment trends among younger generations such as

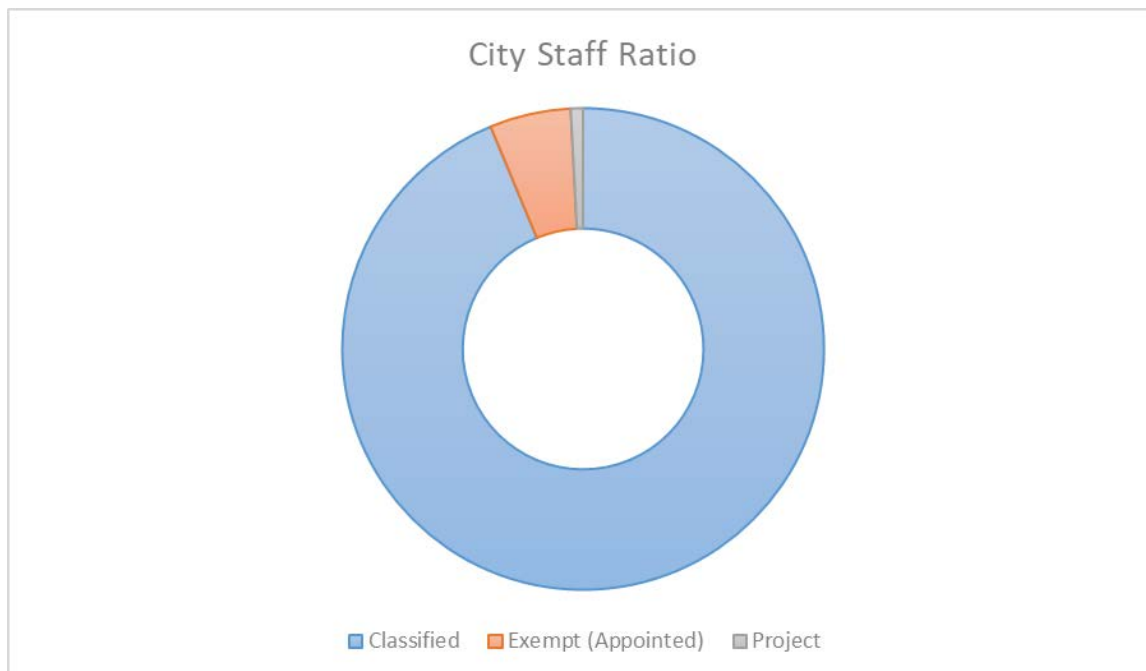
job-hopping become more prevalent. Turnover directly impacts the department’s work, as it drives the number of recruitments that are run on an annual basis.

From a market perspective, employment levels throughout 2018 locally and nationally were at all-time highs making the labor market highly competitive. Certain fields, such as police and IT, have proven increasingly difficult to recruit for. This trend will likely continue for the foreseeable future. Another notable change that is driven by the current labor market relates to recruitments. In the past, recruitments were conducted on a biennial basis to establish two-year eligibility lists. This is no longer the case in many instances. The department frequently runs multiple recruitments for the same position in order to maintain enough candidates to meet the demands of the organization. This requires staff to conduct multiple recruitments for individual classifications due to exhaustion of the eligibility list or lack of candidates.

The combination of these forces has dramatically increased the workload for Civil Service staff. This uptick, coinciding with the staffing challenges discussed above, created somewhat of a perfect storm within the department, which ultimately led to a greater backlog of work.

The charts below highlight some of the internal hiring trends experienced by the City. It should be noted that Civil Service does not have hiring or oversight authority for exempt¹ positions, however the department monitors trends related to these positions for a variety of reasons. The same is true for project positions and temporary/seasonal positions. Some of the data sets below include figures for these positions for purposes of comparison and perspective.

As of January 1, 2019, 1942 classified employees and 113 exempt employees were on the City’s payroll. The ratio of classified and exempt personnel in 2018 remained consistent with the trend over the last 10 years. Exempt personnel make up 5.4% of the total number of City staff. There are an additional 16 individuals serving in project employees² serving in various positions throughout the organization.



¹ Exempt in this context refers to appointed positions within the City. These positions are considered exempt from Civil Service as opposed to those classified positions that fall under the civil service system. It is not indicative of FLSA status.

² Project employees are hired to perform a specific project or non-recurring work that will not exceed two years.

Classified/Exempt Historical 10-Year Comparison:

Type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Classified	1849	1874	1837	1807	1759	1768	1808	1864	1888	1942
Exempt	115	118	115	106	104	113	113	113	113	113
Combined Total	1964	1992	1952	1913	1863	1881	1921	1977	2001	2055
% Exempt	5.9	5.9	5.9	5.5	5.6	6.0	5.9	5.7	5.6	5.4

The table below indicates the breakdown of exempt employees by department. It should be noted that Council, Legal, and Mayoral departments are not subject to restrictions regarding the number of exempt personnel. All other departments are authorized two exempt positions. Based on these figures, there is no indication that exempt positions are being overused or that any department is currently out of compliance.

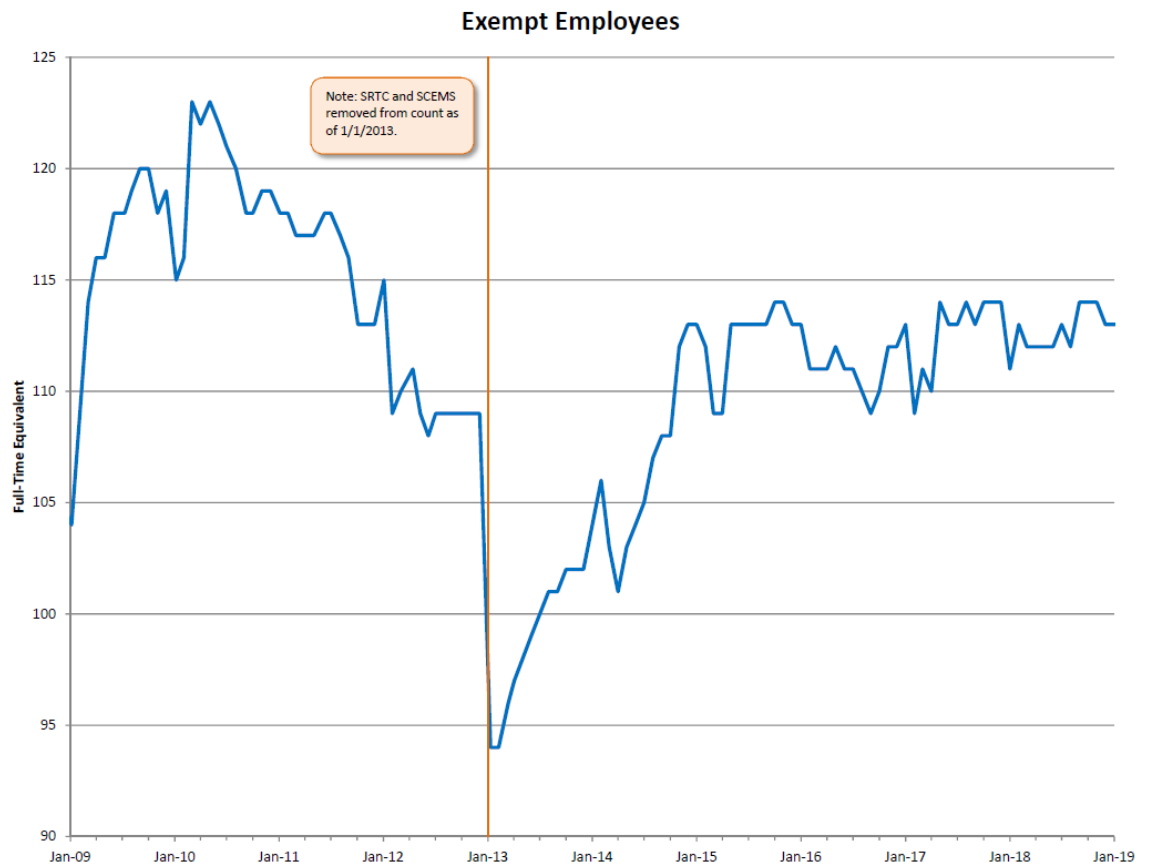
Exempt Employee Detail by Department:

# Exempt	Department	# Exempt	Department
2	Accounting	24	Legal
1	Advanced WW Treatment	7	Mayor
2	Asset Management	8	Municipal Court
1	Building Services	1	My Spokane 311
2	CHHS	1	Neighborhood Services
2	City Clerk	1	Hearing Examiner
15	Council	7	Parks and Rec*
1	Development Services	6	Police*
1	Economic Development	2	Police Ombudsman
2	Fire/EMS	1	Public Affairs
1	Engineering Services	1	Public Defender
2	Finance	2	Public Works & Utilities
1	Fleet	2	Retirement
1	Grants	2	Solid Waste Disposal
1	Historic Preservation	1	Solid Waste Management
2	HR	2	Streets
2	Integrated Capital Management	1	Treasurer
2	IT	2	Water
1	Law Enforcement Info Systems	113	Total

* Parks and Rec and Police consist of 5 departments, each with authorization for 10 exempt personnel.

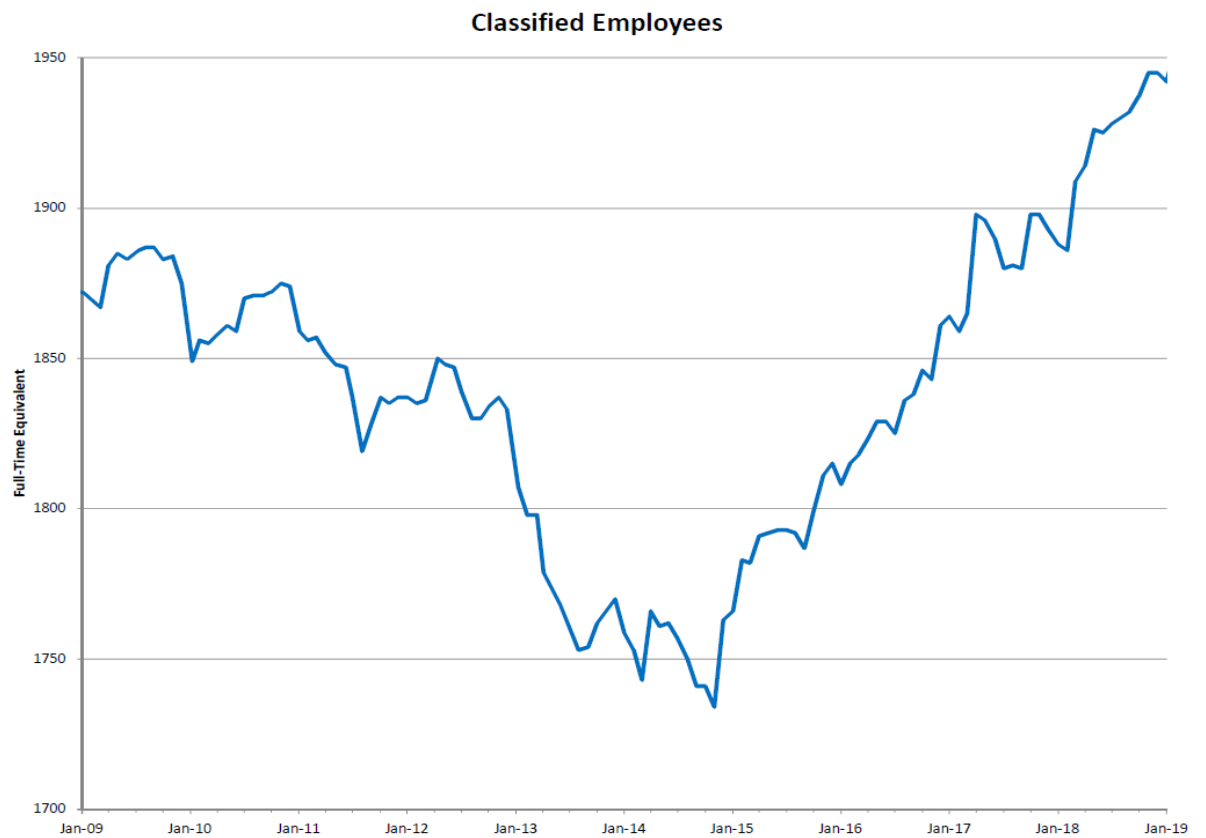
of Exempt Employees by Year:

2009: 115
2010: 118
2011: 115
2012: 106
2013: 104
2014: 113
2015: 113
2016: 113
2017: 113
2018: 113



of Classified Employees by Year:

2009: 1849
2010: 1874
2011: 1837
2012: 1807
2013: 1759
2014: 1768
2015: 1808
2016: 1864
2017: 1888
2018: 1943



Total Classified Employee Turnover – 2018

Month	Retirements	Deaths	Layoffs	DD Probation	Discharges	Resignations	LOA to Exempt	Total
Jan	10	0	0	3	0	0	0	13
Feb	3	0	0	0	0	4	0	7
Mar	5	0	0	1	1	2	0	9
Apr	9	1	0	3	0	1	1	15
May	8	0	1	1	0	4	0	14
Jun	10	0	1	1	0	4	0	16
Jul	7	0	3	2	0	2	0	14
Aug	6	0	0	1	0	6	1	14
Sep	5	0	0	1	0	2	0	8
Oct	4	0	0	0	0	1	0	5
Nov	3	0	1	1	0	3	0	8
Dec	3	0	1	2	1	2	0	9
Annual Totals	73	1	7	16	2	31	2	132

Annual Turnover Rate – 2018: Classified and Exempt Employees

Classified Employees					Exempt Employees				
	Start	Plus	Minus	End		Start	Plus	Minus	End
Jan-18	1888	11	13	1886	Jan-18	111	2	0	113
Feb-18	1886	30	7	1909	Feb-18	113	0	1	112
Mar-18	1909	14	9	1914	Mar-18	112	2	2	112
Apr-18	1914	27	15	1926	Apr-18	112	3	3	112
May-18	1926	13	14	1925	May-18	112	0	0	112
Jun-18	1925	19	16	1928	Jun-18	112	3	2	113
Jul-18	1928	16	14	1930	Jul-18	113	1	2	112
Aug-18	1930	16	14	1932	Aug-18	112	3	1	114
Sep-18	1932	13	8	1937	Sep-18	114	0	0	114
Oct-18	1937	13	5	1945	Oct-18	114	0	0	114
Nov-18	1945	8	8	1945	Nov-18	114	1	2	113
Dec-18	1945	6	9	1942	Dec-18	113	1	1	113
		186	132	1927			16	14	113
Total Annual Turnover				6.9%	Total Annual Turnover				12.4%

Project Employee Information – Breakdown by Department:

	Council	Communications	NBS	Engineering	Historic Pres	HR	ICM	IT	OPM	Planning	PW	Waste Water	Total
#	1	1	1	1	1	3	1	3	1	1	1	1	16

CLASSIFICATION STATISTICS AND TRENDS

Classification is a dedicated Civil Service function under the authority of the City Charter and the Civil Service Rules. City job classifications, which are created using a job-content-based form of job evaluation, are the written specifications of work required to provide City services. Job Classification is well-suited to large organizations with many jobs and limited resources to commit to the evaluation process.³

The current Civil Service Classification Plan consists of a list of job classes and potential career paths. Civil Service staff have identified an opportunity to develop our classification plan into a robust, systematic framework for grouping jobs into common classifications based on similarities in duties, responsibilities, and requirements. In addition to providing the basis for various human resources management and process decisions, a strong classification plan also effectively supports systems of administrative and fiscal control. Grouping positions into an orderly classification system creates process efficiencies and supports planning, budget analysis and preparation, and other administrative functions.

A comprehensive review of classifications has not been conducted throughout the City for many years. The nature of work, structure of the City, technological advances, and numerous other factors have changed and evolved significantly over the course of time, necessitating effort in this area.

Civil Service staff began working on a comprehensive Class Plan update in September. Initial research was conducted, a draft plan was developed, and a loose timeline for accomplishing this work was established. Classification plan development and class study is scheduled to continue throughout 2019. The following classification data provides a snapshot of the classification work accomplished by the department in 2018:

Deleted Classifications	Reviewed Classifications	Revised Classifications	Surveyed Positions	# Classifications at Year End	# Positions Filled	# Open Filled	# Promo Filled
2	31	24	4	357	322	196	126

10 Year Historical Snapshot:

Classifications	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
# Beginning of year	303	309	315	315	318	298	322	340	360	347
# added	6	7	6	6	11	30	26	41	22	12
# deleted	0	1	6	3	31	6	8	21	35	2 ⁴
# Reviewed - revised	85	116	208	135	65	47	57	88	96	31
# year end	309	315	315	318	298	322	340	360	347	357

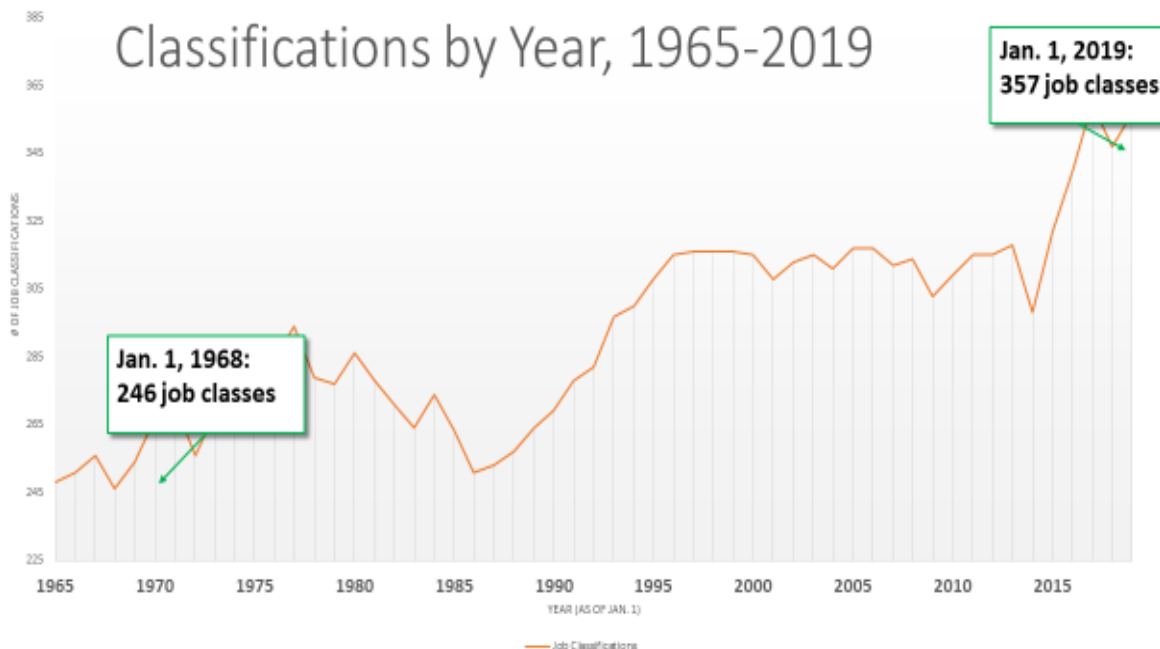
The majority of requests received by the department are complicated by, and/or related to problems that stem from the lack of a structured, formal Class Plan and the issues stated above. Addressing the root cause will reduce the amount of time analysts spend on classification-related issues, creating more bandwidth to address test development and

³ Society for Human Resource Management.

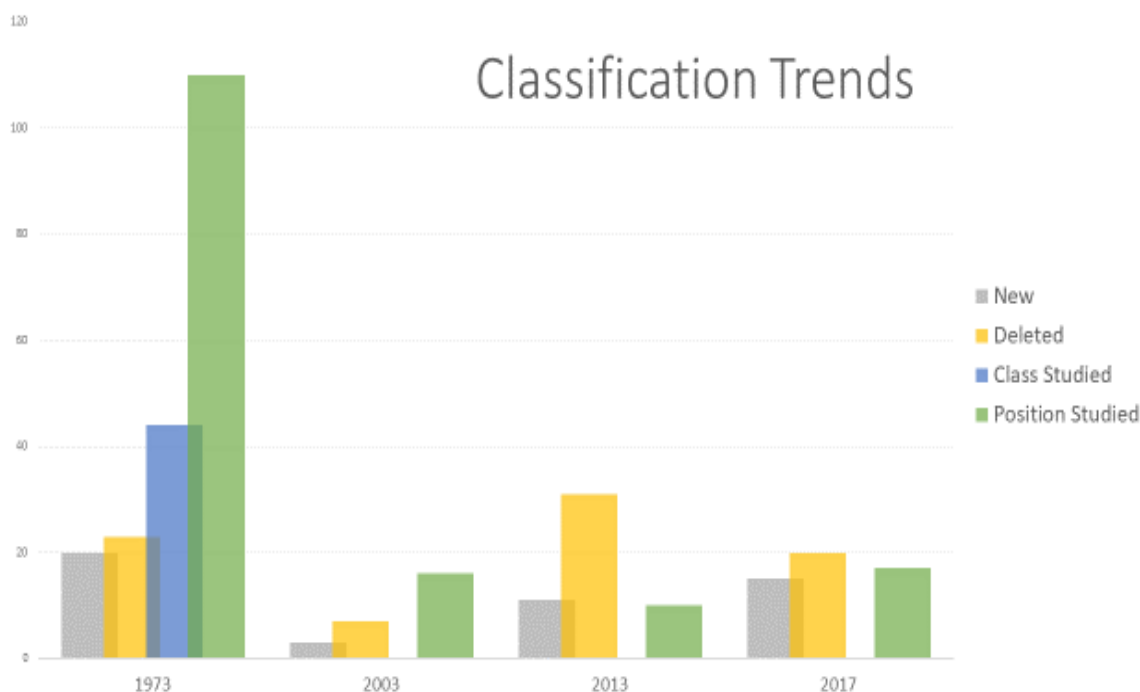
⁴ Three total classes were deleted, however, one was actually a classification that was deleted in a previous year but had never been removed from the active list.

recruitments. It will also improve the service we provide to other departments by reducing frustration among hiring managers and city staff. The charts that follow provide some context on how the work within the department has changed over time. In all cases, the changes have resulted in more than a 30% increase in work load per team member, as staffing levels have remained constant.

For example, the number of classifications has increased by more than 100 over the life of the department, with a significant increase over the past 5 years. Each time a classification is added, there is an initial body of work and an ongoing body of work required to create and maintain tests and eligibility lists as required by the Charter.



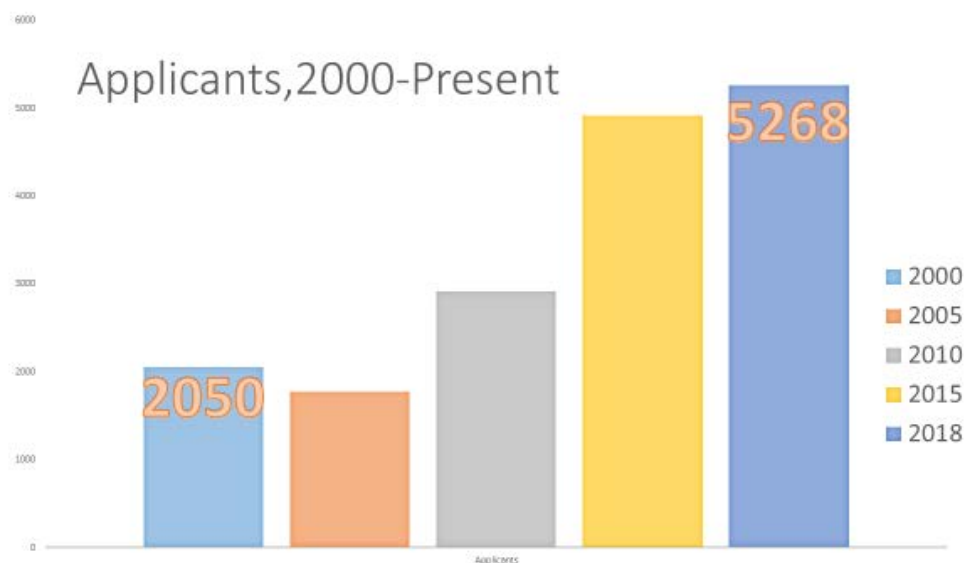
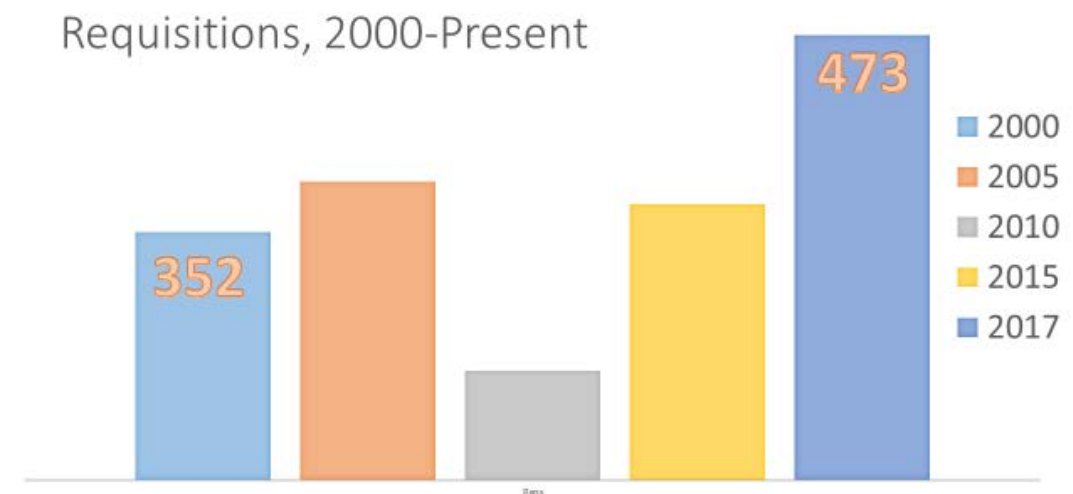
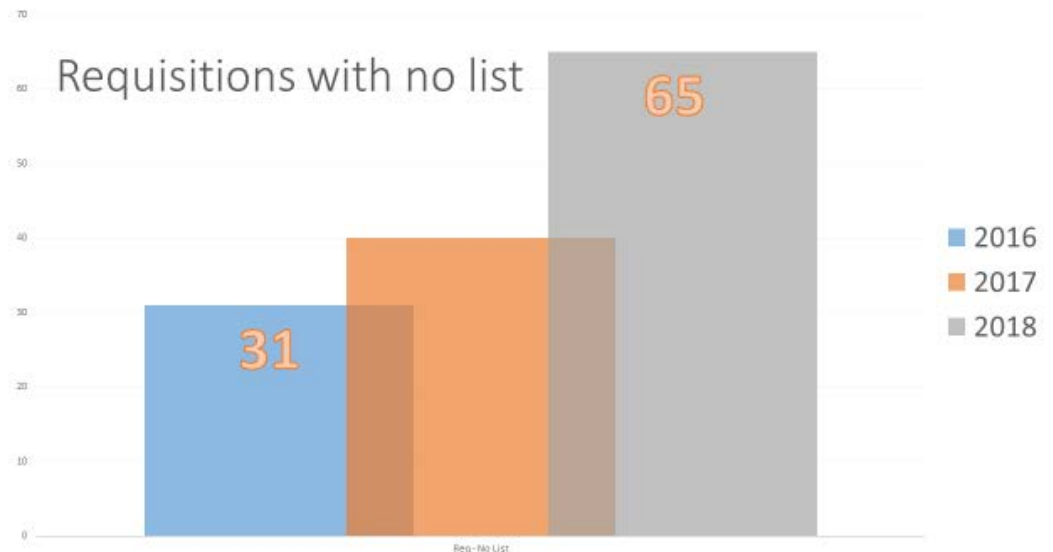
To keep up with these demands, the department has drastically reduced the number of in-depth classification studies conducted, which results in out-of-date classifications and test processes that yield lists with candidates who may have a skillset that is mis-aligned with the work they are being asked to perform. This creates a lack of confidence in the quality of the lists. The resulting effect is an aversion to the eligibility lists.



The department has also fallen out of compliance with the Charter requirement to have current eligibility lists for all classifications. This has been the case for some time, and data suggests this issue is worsening. This trend is obvious when looking at the number of requisitions without lists. That figure has more than doubled since 2016, translating to longer hiring processes as the time between requisition and certification increases as a result.

Additionally, the number of requisitions received by the department has increased by a significant margin since 2000. This often results in lists that are exhausted long before their two-year life cycle. In 2018, there were 24 classifications that required multiple recruitment cycles due to exhaustion and lack of good candidates. This also translates to longer hiring processes and increased workload, which delays other recruitments.

Finally, the number of applicants since 2000 has more than doubled. While this is a positive trend, screening candidates requires additional time and effort on the part of the analyst team. The department has invested in technology that could offset some of this increase, however, developing and leveraging these investments was not prioritized in the past. This will be an area of focus in 2019.



DIVERSITY STATISTICS AND TRENDS

The information below captures the demographic information for the City of Spokane that is relevant from a Civil Service perspective. The figures are for both open-entry and promotional positions. Trends are simultaneously encouraging and demonstrate there are areas where more focused effort is needed. When comparing the number of applicants by gender and race/ethnicity to the demographic composition of the Spokane community (city population and county population), the percentage of applicants in each category is reasonably close to the percentage represented in the community.

There are two exceptions to the statements above, as indicated the Applicants by Race/Ethnicity below. Both female and individuals with disabilities categories appear to be underrepresented groups among applicants as compared with the population. From a Civil Service perspective, it is important that all opportunities are open and accessible to candidates of every gender, race, and ethnicity.

With that in mind, many factors need to be assessed to understand the data in context. For example, public safety and laboring positions have traditionally appealed to males while administrative positions have traditionally appealed to females. The majority of positions available within the City are in the former category, which could impact these data sets.

Additionally, it can be assumed that there are some discrepancies in the data due to reporting mechanisms, and that some individuals in this group choose not to disclose their gender and/or disability status during the hiring process. It is unlikely that this accounts for the entire gap, especially for the latter group. Civil Service took steps to improve recruiting efforts and hiring processes in this area by adopting a Supported Employment program in December. The impacts of this effort, however, are not yet known.

Overall, these figures are positive as they indicate we are successfully attracting a candidate pool that closely mirrors the demographic composition of the Spokane area. The question then becomes one of process. Civil Service staff monitor all examinations for adverse impact to ensure that candidates in protected classes are not disproportionately excluded from employment opportunities. In Civil Service terms, this means that eligibility lists are inclusive of candidates in protected classes.

Figures for 2018 hires by gender and race/ethnicity indicate that hiring rates among protected classes are slightly underrepresented when compared to the percent each group is represented in the area population, with exception to females and Hispanics which are more significantly underrepresented in the hire group. Comparing the figures between 2018 hires and the total number of classified staff is also enlightening. The data indicates that the majority of protected classes are underrepresented by relatively significant margins as compared with the area population.

This could be due to a number of factors, such as whether hiring is done externally or internally through promotion, or overly stringent requirements related to appointing authority discretion and ability to work through eligibility lists. The challenge in addressing the diversity issue in light of the above becomes focused on determining the disconnect between creation of the eligibility lists and the point of so that City staff demographically are more representative of the community.

It is likely that effecting change in this area will require a comprehensive look at the hiring processes, both within and outside of Civil Service authority. This presents an opportunity for the department to work with stakeholder groups throughout the City to collaboratively address this area of concern. Ensuring city staff reflect the community from a diversity perspective will continue to be a priority for Civil Service throughout 2019 and for years to come.

Applicants by Gender*:

Gender	Number	Percent	2018 Hires	Hire Percent	# Classified Staff	% Classified Staff	City ⁵ Population	County Population
Female	1820	35.8%	63	31%	402	21%	51%	50%
Male	2609	51.4%	141	69%	1541	79%	49%	50%
Non Binary	6	0.1%	n/d	n/d	n/d	n/d	n/d	n/d
Did not Identify	643	12.7%	n/d	n/d	n/d	n/d	n/d	n/d

Applicants by Race/Ethnicity**:

Race/Ethnicity	Number	Percent	2018 Hires	Hire Percent	# Classified Staff	% Classified Staff	City Population	County Population
American Indian/Native Alaskan	77	1.5%	3	1.4%	30	1.5%	1.8%	1.8%
Asian	132	2.6%	4	1.9%	33	1.7%	2.8%	2.4%
African American	147	2.9%	5	2.5%	20	1.0%	2.3%	2.0%
Hispanic	265	5.2%	7	3.4%	50	2.6%	6.2%	5.7%
Native Hawaiian/Pacific Islander	36	.7%	1	0.5%	2	0.1%	.8%	.6%
White/Non-Hispanic	3611	71.1%	171	84%	1761	91%	81.5%	84.6%

Other protected Classes:

Persons with Disabilities	322	6.3%	15	4.7%	n/d	n/d	12.4%	10.9%
Veterans	553	10.9%	34	11%	n/d	n/d	8%	8%

* The non-binary category was added into NeoGov as an available selection under sex/gender in NeoGov, the Civil Service hiring platform. This addition was made in August 2018 at the request of the 21st Century Workforce Committee. The category does not exist in other applicant tracking, human resources, or census data platforms so there is no data to compare to.

**There are differences in the categories tracked in NeoGov (CS) versus PeopleSoft (HR) that result in unreconciled numbers and minor data discrepancies. Known issues are noted as follows: PeopleSoft data indicates there were 3 hires identified as other, and 10 did not specify race/ethnicity. Additionally, PeopleSoft data indicates 25 classified staff identified as other and 4 classified staff did not specify race/ethnicity. These numbers are not reflected in the table. Additionally, the Hire Percent columns in both tables above for race and ethnicity reflect data for individuals hired from open processes only and is inclusive of exempt hires. Persons with disabilities and veteran hires include both open and promotional processes.

⁵ City/County data for both race and gender retrieved from:

<https://www.census.gov/quickfacts/fact/table/spokanecitywashington,spokanecountywashington/PST120217#PST120217>

RECRUITING

The table below indicates the source of applicants between January 1, 2018, and December 31, 2018. A number of assumptions can be drawn from this information. The recruiting effort, to-date, has focused primarily on hiring workshops and career fairs. These are resource-intensive methods that appear to have nominal return on investment. Improvements were made in the latter part of the year to improve the appearance of the City's recruiting booth and materials so this data set will be re-evaluated at the end of 2019 to determine the value of ongoing investment in this area.

Intangible or indirect factors also have influence with regards to hiring and career fairs that should be considered. For example, positive benefits may be gained through the relationship building and generation of social capital that often occurs at these events. These rewards may not have an immediate impact, but may help to improve the perception of the City, and may additionally lead to interest in a career with the City at a later time, or a participant's willingness to refer a friend or relative to explore career opportunities with the City. In these cases, the applicant may likely identify a different source even if the origin was a career fair.

Other areas warrant further investigation and exploration. Sources such as newspaper, Craigslist, and a variety of other older recruiting websites yield nominal results and likely warrant elimination while social media sources and newer professional networks such as Facebook, Twitter, and LinkedIn have not been fully leveraged and should be further evaluated. We will explore a variety of government-specific recruiting platforms and professional association job boards, such as the International City Management Association (ICMA), National League of Cities (NLC), Engaging Local Government Leaders (ELGL), Public Service Careers, Work of Honor, League of Women in Government, and Code for America. Investments will be made in these areas over the course of 2019.

2018 Applicants by Source and Race/Ethnicity:

<i>Source*</i>	<i>American Indian</i>	<i>Asian</i>	<i>Black</i>	<i>Declined to Respond</i>	<i>Hispanic</i>	<i>Hawaiian Pacific Islander</i>	<i>White</i>	<i>Unknown</i>	<i>Total</i>	<i>Percent</i>
<i>City Employee</i>	9	13	16	25	18	3	412	12	508	8.6%
<i>Craigslist</i>	0	0	0	0	1	0	8	0	9	0.2%
<i>Social Media</i>	3	0	0	3	1	0	43	2	52	0.9%
<i>Friend / Family Member</i>	2	6	4	15	15	3	208	5	258	4.4%
<i>Government Jobs Hiring Workshop</i>	15	50	49	60	90	12	679	25	980	16.5%
<i>Indeed</i>	0	0	0	0	0	0	4	0	4	0.1%
<i>Job Fair</i>	38	54	59	91	90	21	1428	45	1826	30.8%
<i>LinkedIn</i>	1	1	0	1	0	0	4	0	7	0.1%
<i>City Website</i>	2	1	0	4	4	0	38	0	49	0.8%
<i>Other</i>	19	34	31	75	70	6	1185	26	1446	24.4%
<i>Traditional Media</i>	4	9	9	22	15	2	207	10	278	4.7%
<i>Unknown</i>	0	0	0	0	0	0	3	0	3	0.1%
	0	0	0	1	0	0	3	502	506	8.5%

2018 Applicants by Source and Gender:

<i>Source*</i>	<i>Declined to Respond</i>	<i>Female</i>	<i>Male</i>	<i>Non-Binary</i>	<i>Unknown</i>	<i>Total</i>	<i>Percent</i>
<i>City Employee</i>	9	207	281	0	11	508	8.6%
<i>Craigslist</i>	0	3	6	0	0	9	0.2%
<i>Social Media</i>	1	30	19	0	2	52	0.9%
<i>Friend / Family Member</i>	3	105	141	1	8	258	4.4%
<i>Government Jobs</i>	21	336	595	2	26	980	16.5%
<i>Hiring Workshop</i>	0	0	4	0	0	4	0.1%
<i>Indeed</i>	26	818	942	0	40	1826	30.8%
<i>Job Fair</i>	0	3	4	0	0	7	0.1%
<i>LinkedIn</i>	3	12	34	0	0	49	0.8%
<i>City Website</i>	22	563	829	0	32	1446	24.4%
<i>Other</i>	12	84	173	1	8	278	4.7%
<i>Traditional Media</i>	0	1	2	0	0	3	0.1%
<i>Unknown</i>	0	1	3	0	502	506	8.5%

* Association of Washington Cities, Careers in Government, Glassdoor, GSI Jobs Board and Monster were sources used but are not reflected in the two tables above because their applicant yields were zero.

APPEALS AND COMPLAINTS

The Commission's primary responsibility is to prevent political influence in the City's hiring, promotional and disciplinary processes. In executing this duty, the Commission upholds due process rights for employee discipline and terminations to verify any actions are taken for cause through the adjudication of appeals and resolution of complaints related to matters under its jurisdiction.

Three formal appeals were submitted for adjudication during 2018. Two of the three went forward to procedural hearing and were dismissed based on the lack of jurisdiction. The third appeal was filed at the end of 2018 and was not resolved prior to year-end. Additionally, two administrative complaints were raised but neither was heard by the Commission.

The following provides a historical 10-year comparison of formal discipline and appeal actions and trends.

Formal disciplinary actions taken by Administration:

	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
<i>Suspension</i>	8	10	9	6	14	4	0	6	4	14
<i>Demotion</i>	1	1	0	0	0	2	34	0	0	1
<i>Discharge</i>	3	0	2	1	1	2	1	0	3	7
<i>Total</i>	12	11	11	7	15	8	35	6	5	22

Formal appeals submitted to Commission:

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<i>Filed</i>	4	4	4	2	2	4	6	4	7	3 ⁶
<i>Withdrawn</i>	0	0	0	1	0	0	2	1	2	0
<i>Denied</i>	2	5	2	2	1	3	4	2	4	0
<i>Dismissed</i>									1	2
<i>Upheld</i>	1	0	1	0	1	0	0	1	1	0

BUDGET

The Civil Service Department 2018 final budget and 2019 adopted budget are below. In 2018, as in most years, the department ended the year with a budget surplus in the amount of \$49,425.45. There were some anomalies related to staffing turnover during the year that would have led to a more significant surplus, however, staff were able to utilize or encumber all but the amount specified above. The balance was returned to the City's General Fund in accordance with the Charter. It is unlikely the department will have a surplus in 2019 unless there are unexpected events related to staffing.

Other than direct costs related to salary and benefits for FTE's, the most significant budget allocation for 2019 is for professional services. The department will leverage consultants with a significant portion of its operating funds. This is a temporary solution in response to a backlog of work and constrained staffing resources with minimal operational capacity. During 2019, the department will focus on work that cannot be outsourced while contracted outside resources move additional work forward. Staff will work closely with the consultants to learn industry best practices and professional insight with the goal of enhancing our current practices and keeping the work in-house for the long term.

Also worth noting, over a ten-year period from 2009-2018, the department has returned a total of \$422,099.26, averaging approximately \$42K per year. Though fiscal prudence is important, in some ways, returning funds has been detrimental to the department. There have been opportunities along the way to improve processes, conduct the deeper work needed to maintain performance, and leverage technology that have been missed.

More importantly, opportunities to connect the mission and value of Civil Service to the strategic goals of the City have not been capitalized on. This silos the department, minimizes the perceived value of services provided by Civil Service to the organization, and obscures the important function that Civil Service performs.

The department directly supports the strategic mission of the City by providing the workforce that ultimately accomplishes the work required to achieve the goals identified by Council and the Administration. Going forward, the department will keep fiscal prudence at the forefront, while increasing our value proposition to the organization by investing in much-needed process and technological improvements in order to advance the City's agenda.

⁶ One appeal was filed on December 28, 2018. At the time of this writing the appeal has not been heard by the Commission.

10 Year Budget History:

Year	Budget	Actual	Balance	Percent Used
2009	\$ 714,994.00	\$ 690,421.18	\$ 24,572.82	97%
2010	\$ 733,572.00	\$ 684,369.80	\$ 49,202.20	93%
2011	\$ 809,385.00	\$ 761,090.04	\$ 48,294.96	94%
2012	\$ 835,511.00	\$ 800,234.20	\$ 35,276.80	96%
2013	\$ 846,009.00	\$ 775,152.80	\$ 70,856.20	92%
2014	\$ 839,493.00	\$ 784,583.85	\$ 54,909.15	93%
2015	\$ 858,628.00	\$ 875,400.09	\$ (16,772.09)	102%
2016	\$ 1,072,558.00	\$ 996,738.22	\$ 75,819.78	93%
2017	\$ 1,094,700.00	\$ 1,064,186.01	\$ 30,513.99	97%
2018	\$ 1,173,805.00	\$ 1,124,379.55	\$ 49,425.45	96%

2018 FINAL BUDGET

REPORT: RW1040		CITY OF SPOKANE				DATE: 02/15/19		
SYSTEM: FMSG		EXPENDITURE SUMMARY REPORT THRU PERIOD 13 2018				TIME: 13:24		
USER: ANR0230						PAGE: 1		
DEPARTMENT: 0230		CIVIL SERVICE		PROGRAM: 30600		CIVIL SERVICE		
FNC TYPE	DESCRIPTION	NO OF	YTD	YTD NET	YTD	OUTSTANDING	UNENCUMBERED	%
CLS		POS	BUDGET CHANGE	BUDGET AMOUNT	EXPENDITURES	ENCUMBRANCES	BALANCE	USED

18100 PERSONNEL SERVICES								

18100 PERSONNEL SERVICES								

51020 MANAGERIAL								
00060	CIVIL SERV OFFICE COORDINATOR		32,599-	28,547	13,617.64		14,929.36	48
00450	PERSONNEL ANALYST I	2.00	77,423	77,423	75,269.86		2,153.14	97
00460	EXAM & CLASS ANALYST II		14,198-	60,811	60,811.20		0.20-	100
00470	EXAM & CLASS ANALYST III	4.00	50,626-	292,669	286,419.96		6,249.04	98
00490	CHIEF EXAMINER	1.00	27,491-	91,558	80,308.41		11,249.59	88
00510	OFFICE MANAGER	1.00	20,455	20,455	25,416.36		4,961.36-	124
	*GROUP TOTAL	8.00	27,036- *	571,463 *	541,843.43 *	*	29,619.57 *	95
51040 CLERICAL/ADMINISTRATIVE								
00020	CLERK II	1.00		42,872	35,779.49		7,092.51	83
00030	CLERK III		18,964-	35,428	33,344.01		2,083.99	94
	*GROUP TOTAL		18,964- *	78,300 *	69,123.50 *	*	9,176.50 *	88
51150 PART TIME AND EXTRA HELP								
08490	TEMPORARY SEASONAL			5,000	10,372.83		5,372.83-	207
	*GROUP TOTAL		*	5,000 *	10,372.83 *	*	5,372.83-*	207
51220 OUT OF GRADE								
51250	TERMINATED SICK LEAVE PAY			2,500	6,407.07		3,907.07-	256
51260	TERMINATED VACATION LEAVE PAY			3,107	12,761.03		9,654.03-	411
51275	ANNUAL LEAVE PAYOUT			10,144	26,206.15		16,062.15-	258
51290	LONGEVITY PAY				2,982.00		2,982.00-	***
				2,592	1,402.60		1,189.40	54

				2018 Final Budget Report			
51640 DEFERRED COMPENSATION-MATCHING				15,200	13,980.00	1,220.00	92
** 51000 SALARIES & WAGES	9.00	46,000-	**	688,306 **	685,078.61 **	** 3,227.39 **	100
52110 SOCIAL SECURITY				56,204	50,791.32	5,412.68	90
52210 RETIREMENT				63,076	56,307.20	6,768.80	89
52310 MEDICAL INSURANCE				105,217	92,935.76	12,281.24	88
52320 DENTAL INSURANCE				13,260	12,819.00	441.00	97
52330 LIFE INSURANCE				3,145	2,812.03	332.97	89
52340 DISABILITY INSURANCE				1,857	1,371.83	485.17	74
52400 INDUSTRIAL INSURANCE				846	782.79	63.21	93
** 52000 PERSONNEL BENEFITS			**	243,605 **	217,819.93 **	** 25,785.07 **	89
53101 OFFICE SUPPLIES				3,500	4,036.65	536.65-	115
53102 PUBLICATIONS				500		500.00	
53103 POSTAGE				500	425.37	74.63	85
53104 SOFTWARE (NONCAPITALIZED)				500	910.51	410.51-	182
53105 NON-TRAVEL MEALS/LGHT RFRSHMT				1,000	359.16	640.84	36
53201 OPERATING SUPPLIES				2,300	2,737.98	437.98-	119

REPORT: RW1040
SYSTEM: FMSGL
USER: ANR0230

CITY OF SPOKANE
EXPENDITURE SUMMARY REPORT THRU PERIOD 13 2018

DATE: 02/15/19
TIME: 13:24
PAGE: 2

DEPARTMENT: 0230 CIVIL SERVICE

PROGRAM: 30600 CIVIL SERVICE

FNC TYPE	DESCRIPTION	NO OF	YTD	YTD NET	YTD	OUTSTANDING	UNENCUMBERED	%
CLS		POS	BUDGET CHANGE	BUDGET AMOUNT	EXPENDITURES	ENCUMBRANCES	BALANCE	USED

18100	PERSONNEL SERVICES							

	53502 MINOR EQUIPMENT			2,500			2,500.00	
	53505 OFFICE FURNITURE (NON CAPITAL)			1,000	1,036.54	1,037.47	1,074.01-	207
	53521 COMPUTERS			2,500	29.68		2,470.32	1
** 53000	SUPPLIES		**	14,300 **	9,535.89 **	1,037.47 **	3,726.64 **	74
54101	PROFESSIONAL SERVICES		56,000	85,000	49,798.05	44,000.00	8,798.05-	110
Page 2								
				2018 Final Budget Report				
	54201 CONTRACTUAL SERVICES		3,305	32,705	24,085.62		8,619.38	74
	54302 CELL PHONE				116.48		116.48-	***
	54401 AIRFARE			10,000	4,312.07		5,687.93	43
	54402 LOCAL MILEAGE			500			500.00	
	54407 LODGING			5,000	5,926.28		926.28-	119
	54408 PER DIEM			3,500	896.00		2,604.00	26
	54409 OTHER TRANSPORTATION EXPENSES				443.91		443.91-	***
	54451 ADVERTISING			5,000	2,078.41		2,921.59	42
	54501 OPERATING RENTALS/LEASES			2,400	3,650.81		1,250.81-	152
	54602 RETIREES' INSURANCE BENEFIT			200			200.00	
	54802 BUILDING REPAIRS/MAINTENANCE			500			500.00	
	54803 EQUIPMENT REPAIRS/MAINTENANCE			500	714.84		214.84-	143
	54901 MISC SERVICES/CHARGES				58.24		58.24-	***
	54902 REGISTRATION/SCHOOLING			7,000	6,083.33		916.67	87
	54904 OTH DUES/SUBSCRIPTNS/MEMBERSHP			2,500	2,775.95		275.95-	111
	54909 PRINTING/BINDING/REPRO			1,500	528.40		971.60	35
	54999 OTHER MISC CHARGES			2,500	2,783.57		283.57-	111
** 54000	OTHER SERVICES & CHARGES		59,305 **	158,805 **	104,251.96 **	44,000.00 **	10,553.04 **	93
	54125 FINANCIAL SERVICES			3,351	3,099.35		251.65	92
	54127 CENTRALIZED PURCHASING			119	159.40		40.40-	134
	54128 CENTRALIZED ACCOUNTING			3,069	2,892.80		176.20	94
	54131 RISK MANAGMENT			2,007	2,007.00			
	54133 WORKERS' COMP			962	962.00			
	54142 REPROGRAPHICS			6,109	2,399.31		3,709.69	39
	54321 IT EXPENSES			44,109	43,053.90		1,055.10	98
	54324 IT REPLACEMENT			8,063	8,063.04		0.04-	100
	54842 FACILITY REPAIRS			1,000			1,000.00	
	54847 MOTOR POOL				18.89		18.89-	***
	59951 RESERVE FOR BUDGET ADJUSTMENT		10,000-					
** 59000	INTERFUND PAYMENT FOR SERVICES		10,000-**	68,789 **	62,655.69 **	**	6,133.31 **	91
	FUNCTION TOTAL	9.00	3,305	1,173,805	1,079,342.08	45,037.47	49,425.45	96
	PROGRAM TOTAL	9.00	3,305	1,173,805	1,079,342.08	45,037.47	49,425.45	96
	DEPARTMENT TOTAL	9.00	3,305	1,173,805	1,079,342.08	45,037.47	49,425.45	96

2019 ADOPTED BUDGET

Expenditure Description	Amount
Salaries & Benefits	\$ 962,173.00
OFF SUPPLY	3,500.00
PUBLICATNS	250.00
POSTAGE	250.00
SOFTWARE	1,000.00
NT MEALS	1,000.00
OPER SUPPY	2,300.00
MINOREQUIP	2,500.00
FURNITURE	1,000.00
COMP EQUIP	2,500.00
Supplies	\$ 14,300.00
FINANCL SVC	2,732.00
CNTRL PURCH	79.00
CNTRL ACCT	3,576.00
RISK MGMT	1,521.00
WKRS' COMP	1,205.00
IF REPRO	6,109.00
IT EXPENSES	37,189.00
IT REPLACE	8,691.00
RSV/BGT AJ	10,721.00
Interfund Payments	\$ 71,823.00
PROF SVCS	60,000.00
AIRFARE	5,000.00
LOCAL MILE	500.00
LODGING	5,000.00
PER DIEM	3,500.00
ADVERTISNG	5,000.00
OPERNT LEAS	2,400.00
RETINS BENE	200.00
BLDG R/M	500.00
EQUIP R/M	500.00
FCLTY REPRS	500.00
REGISCHOOL	6,000.00
DUESUBMEMB	3,500.00
PRINTREPRO	1,000.00
OTHMISCHGS	2,500.00
Services	\$ 96,100.00
Total Adopted Budget	\$ 1,144,396.00

Notes

With exception to temp/seasonal and out-of-grade expenditures, the funds requested in salaries, benefits, and interfund payments categories are controlled by finance.

The decrease in salaries and benefits has resulted in a net decrease in the overall budget request. Otherwise, the operational budget for the department remains net neutral in dollars.

In contrast, when comparing the 2018 adopted budget to the 2019 adopted amount, the number dipped slightly from 70% of the charter allocation to 66.5%.

0.50% \$ 860,447.58

1% \$ 1,720,894.13

The operating budget changes are minimal and reflect a desire to consolidate line items, leverage technology, and focus internally on learning and development.



Civil Service

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2020 BUDGET PREP

BACKGROUND

A highly skilled workforce is critical to achieving the City's goals and serving the public. Delays and backlogs in the hiring process result in systemic staffing issues that negatively impact the entire organization. In order for Civil Service to provide these crucial personnel services to the organization in a timely and effectively manner, the department needs to be adequately staffed and funded.

When determining staffing and funding levels, it is an important to consider that the work of the department is directly tied to the organizational staffing needs as a whole, which is significantly impacted by changes in the workforce, the market, technology, and the nature of work itself. Demands placed on the department have increased tremendously which has resulted in operational triage.

Civil Service is a system, with uniquely intertwined components. It must be managed and maintained holistically. The department cannot afford to undercut foundational processes. With this in mind, we must look more strategically at our budget requests and align them with the strategic plan. Considerations such as the desire to accomplish work in-house (classification study, police and fire testing) or with consultants should be weighed and aligned with staffing projections; investments in new technology should be identified and planned for in advance, etc. We must look out beyond the annual budget cycle to project future employment/market trends and the associated budgetary needs that may accompany these changes if we want to be competitive in attracting talent.

The information below takes the above into consideration and is provided as the basis for an initial conversation about the 2020 budget. It includes long-range budget considerations as well.

CHARTER ALLOCATION FOR 2020

Based on 2018 data received from the Finance Department, the Civil Service budget allocation for 2020 will be within the range below:

.05% of the total classified payroll: **\$941,868**

1.0 % of the total classified payroll: **\$1,883,736**

Currently, our 2020 budget projection is: **\$1,259,821**

This figure reflects the same operating budget, increase is due to standard salary and benefits adjustments. It represents .67 of the allocation.

PROPOSED REQUESTS: 2020

The items below represent new, significant items identified as potential budget requests for this cycle. The amount listed for FTE's is the total cost, to include salary and benefits.

AMOUNT	NEED/ITEM	DETAIL	PRIORITY	RECURRING
\$89,999	Program Professional	1 FTE	High	Y
\$60,641	Clerk II	1 FTE	High	
\$100,000	Consultant for Class Study	Public Safety, HR, CS, IT	High	Y
\$10,000	Recruiting	Active recruiting, new platforms, event registration, associated travel	High	Y
\$10,000	Updated, branded materials	Active recruiting, internal and external engagement	High	N
\$30,000	Computers	10 new machines for typing/clerical testing	Medium	Maintenance is recurring
\$15,000-30,000	Office reconfigure	Additional cubicle space	Medium	N
\$330,640	TOTAL			

The combined total of the current budget projection and the proposed items above is: **\$1,590,461** which is .84 of the allocation.

PROJECTED REQUESTS: 2021 AND BEYOND

Looking further out can inform current budget decisions. For example – if there is value in exploring office space in a different location, then perhaps we want to delay an office reconfiguration. Likewise, efficiency and budget savings can be realized by integrating and coordinating large projects.

Items listed below have been identified as potential needs the department is tracking for future budget development cycles.

AMOUNT	NEED/ITEM	DETAIL	PRIORITY	RECURRING
TBD	Computer-based testing	Looking into in-house or external options	High	N
\$80,235	Personnel Analyst I	TBD – based on need	Low	Y
TBD	New office location?	Looking into options – pros/cons; collecting data to inform decision.	M	N



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RESOLUTION 2019-04 RULE CHANGE

BACKGROUND

Civil Service rules allow for both transfer/voluntary demotion and “promotion” to positions at the same or lower salary range as there are no restrictions on which lists an individual chooses to be on, provided they meet the eligibility requirements. The list the individual is hired from is the factor that determines which rules apply after the hire is made.

There was some recent confusion related to this, partially because the definition of a promotion does not specify that an individual can “promote” to an equal or lower class or pay grade. Under Rule II, 38. Promotion is currently defined as: The movement of an employee from a lower classification to a higher classification.

The proposed language, underlined below should help to clarify this to prevent further issues.

PROPOSED CHANGE

38. PROMOTION:

- (a) The movement of an employee from a lower classification to a higher classification.
- (b) The movement of any employee from one classification to another eligible classification when that employee is selected from a promotional eligibility list, regardless of change in rank or pay.



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POLICE AGENCY DISQUALIFIERS

BACKGROUND

Police agency disqualifiers are considered cause for disqualifying uniformed police applicants from the hiring process. These are generally more in-depth than the cause defined for non-law enforcement personnel. This is because of the nature of work required by uniformed officers, and more importantly, because of the critical role law enforcement plays in fostering public trust and public safety.

Disqualifiers should be objective, job related, and reflect the minimum standard the Commission is willing to accept with regard to police applicants. Balance must be achieved in order to establish a solid bar without being overly restrictive.

The Police Department does not appear to have a formally adopted set of agency disqualifiers. They have been using an internal document to determine cause in the past. This was unintentional, however, it is problematic because an appointing authority does not have authority to establish cause; that authority belongs to the Commission.

This issue was recently identified. Since that time, Civil Service staff and Police Department staff have worked together to develop a draft list of agency disqualifiers that could be used to constitute cause for removal.

If adopted, this document will be used to:

- pre-screen applicants before they are added to the eligibility list and sent to the appointing authority, and
- disqualify applicants for items discovered during the background investigation process

This will correct the issue identified above, and will also serve to streamline the hiring process for police on both the Civil Service and appointing authority sides.

Attachment:

Police Agency Disqualifiers

CITY OF SPOKANE CIVIL SERVICE – POLICE AGENCY DISQUALIFIERS

Applicants shall be automatically disqualified for employment with the Spokane Police Department in the following circumstances

DRIVING

- Traffic crime conviction for DUI or Reckless Driving in the last 5 years. Two or more DUI convictions total. Diversion or other similar action shall be the same as a conviction.
- Suspension of driver's license for any cause other than an administrative suspension, within the past 3 years.
- 3 or more moving violations in the past 3 years.
- 2 or more at-fault accidents in the past 3 years.

DRUG USAGE

- Any illegal use, distribution, or possession of any controlled substance, as an adult, within 5 years prior to application.
- Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- Use or possession of marijuana as an adult, within one year prior to application for employment.
- Conviction or admission of the illegal use of any controlled substance while employed in a criminal justice capacity.
- Manufacture or cultivation of a drug or illegal substance, as an adult.

CRIMINAL ACTIVITY

- Any felony conviction as an adult.
- Conviction of any crime under a domestic violence statute as an adult.
- Conviction of two or more misdemeanor offenses classified as a misdemeanor under Washington law as an adult within five years of application.
- Conviction of any crime against a child.

EMPLOYMENT

- Failing to be truthful or honest, by act or omission, at any stage of the hiring process; including training and certification.
- Dishonorable Discharge, Bad Conduct Discharge, or dismissed from any branch of the US Armed Forces, except for reasons of sexual orientation.

- Discharge for material cause from any position of criminal justice employment.
- Law Enforcement Certification, denied or revoked, for misconduct in this or another state.

FINANCIAL

- ~~Conviction for failure to pay income tax, or judicial finding of failure to pay child support.~~
- An applicants' credit history, including excessive credit card debt or unresolved accounts in collection, will be thoroughly assessed and may be grounds for disqualification.