



**REGULAR MEETING NOTICE/AGENDA  
THE CIVIL SERVICE COMMISSION  
9:30 a.m. – MARCH 16, 2021**

Notice is hereby given that, pursuant to Governor Jay Inslee's Fifteenth Updated Proclamation 20-28.15, dated January 19, 2021, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and that the in-person attendance requirement in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded, whichever occurs first. Proclamations 20-28, et seq, were amended by the Washington State Legislature to recognize the extension of statutory waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.

While all public meetings must continue to be held remotely, an option for an additional in-person meeting component is permitted in Phase 2 regions consistent with the business meetings requirements contained in the Miscellaneous Venues guidance incorporated into Proclamation 20-25, et seq. At this time, the Civil Service Commission has decided to continue its meetings with remote access only and to not include an in-person attendance component.

The regularly scheduled Civil Service Commission Meeting, March 16, 2021 at 9:30 a.m. will be held virtually, some members of the Civil Service Commission staff will be attending virtually.

Temporarily and until further notice, the public's ability to attend Civil Service Commission meetings is by remote access only. In-person attendance is not permitted at this time. **The public is encouraged to tune in to the meeting by calling 1-408-418-9388 and entering the access code 187 381 8007 when prompted.**

The public will be able to address the Commission regarding the agenda during the meeting by submitting written public comment via email to [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org).



## **AGENDA**

### **REGULAR MEETING OF THE CIVIL SERVICE COMMISSION**

9:30 A.M. March 16, 2021

CITY HALL – CITY COUNCIL BRIEFING CENTER

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

#### **1. CALL TO ORDER/ROLL CALL**

#### **2. APPROVAL OF MINUTES**

- a. February 16, 2021 Minutes  
(p. 3)

#### **3. CHIEF EXAMINER UPDATE**

#### **4. PRESENTATIONS**

- a. Client Engagement – 2021 Overview  
(Myers)(p. 4)

#### **5. NEW BUSINESS**

- a. Nicholas Appeal Hearing  
(p. 13)

#### **6. OTHER BUSINESS**

- a. Chief Examiner Recruitment Update  
(Bergin/Gilmore)

#### **7. ADJOURN**

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

**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](mailto: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.



**REGULAR MEETING OF THE CIVIL SERVICE COMMISSION  
MINUTES – FEBRUARY 16, 2021**

**1. CALL TO ORDER/ROLL CALL**

Meeting called to order at 9:30 a.m.

Commissioners Gilmore, Hult, and Stephens were present via Webex.

Commissioner Lindsey was absent (excused).

**2. APPROVAL OF MINUTES**

a. January 19, 2021 Minutes

MOTION: Accept January 19, 2021 Minutes as presented.

Stephens/Hult: Motion passed unanimously.

**3. CHIEF EXAMINER UPDATE**

Interim Chief Examiner Pearson provided updates regarding Civil Service Department operations.

**4. NEW BUSINESS**

a. Resolution 2021-01: Classification Actions

MOTION: Move approval of the classification actions.

Hult/Stephens: Motion passed unanimously.

**5. OTHER BUSINESS**

a. Chief Examiner Recruitment Update

Pamela Bergin, Senior Human Resources Analyst, presented Human Resources services and role within the recruitment process for Chief Examiner.

**6. ADJOURN**

The Commission adjourned at 10:07 a.m.

## ITEM 4A – CLIENT ENGAGEMENT PRESENTATION

### BACKGROUND

Communication, Education and Outreach update:

The Civil Service Communications Manager will be providing updates on the new Pathways to Public Service hiring workshop, the newly expanded Lunch and Learn training series, the new quarterly Civil Service for Hiring Managers training, the Supported Employment Program and additional outreach updates.



Civil Service Commission

# Communication, Education & Outreach Update

## City of Spokane



Civil Service Commission

# Pathways to Public Service

## New hiring workshop

### Topics:

- Why work for the City
- Diverse career fields
- Welcome to Civil Service & Merit System
- How to apply and what to expect when applying for jobs
- Registering & navigating Governmentjobs.com

### Where we have advertised:

- City social media (Twitter, Facebook)
- Blog on City webpage
- LinkedIn
- Worksource
- SCC/SFCC
- EWU
- Whitworth
- Community/Mayors Update newsletter
- Community Centers
- Spokane Public Library Newsletter
- City Council
- Jobs webpage
- Spokane County
- SEP Community partners
- Merit Matters/CS Newsletter

**join  
our team**



# Expanded Lunch & Learn Trainings

- Now offering monthly trainings.
- Positive feedback now that we are offering this virtually.
- Increased participation from off site departments (Fire, SPD, Courts, Streets).
- Previous topics:
  - SEP, Date in Class, Classification 101, Online Testing Basics, Promotions, Civil Service Commission 101, Exams & Eligible Lists, Navigating NeoGov, Transfer & Demotion.



Civil Service Commission

# Civil Service for Hiring Managers

- New training that will be offered once per quarter.
- First training March 30<sup>th</sup>.
- Topics will include:
  - Hiring a classified employee/filling a vacancy
  - Classification work (job surveys, reclassification/studies)
  - Employee transfers/demotions
  - Subject Matter Experts
  - Supported Employment Program
  - Project Employees
  - Promotions

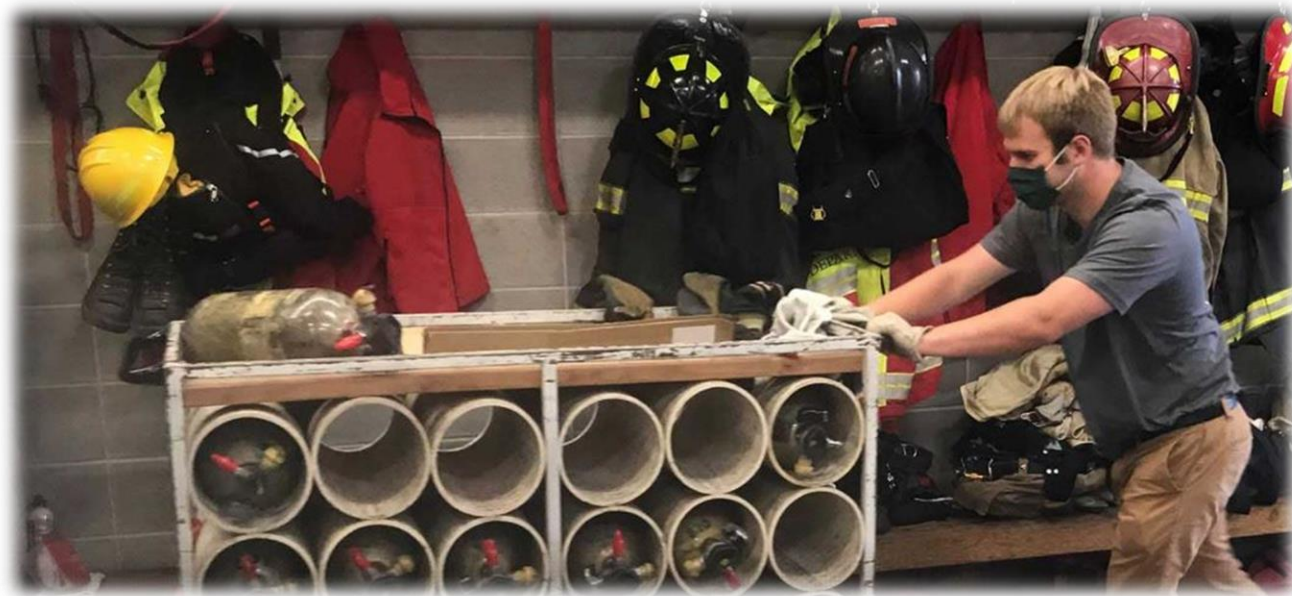


Civil Service Commission



# Supported Employment Program Outreach

- SEP 2020 fall event and application window.
- Planning for a spring event in April/May (continue to engage job seekers, managers and community around this program).
- Maintaining community outreach/partnerships (HireAbility, Rotary 21, Worksource, Local job coaches & organizations).
- Presentation at DSHS/DVR – Job Specialists that work with applicants.



# Local Partnerships for Recruiting

## Current:

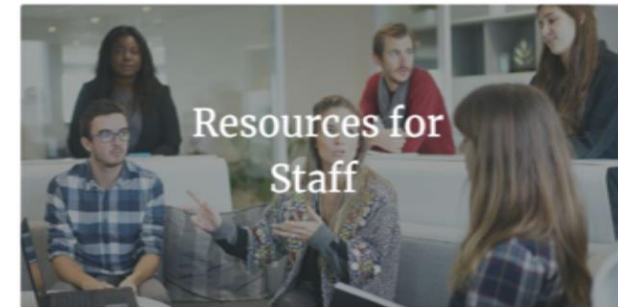


## Planned for 2021:

Gonzaga University, community centers and local organizations (Hispanic Business Professional Association, NAACP, The Native Project, League of Women Voters, etc.).

# Additional Outreach

- Quarterly Merit Matters newsletter
- Updated/Fresh look for [Civil Service SharePoint](#)



# Questions?



Civil Service Commission

## ITEM 5A – NICHOLAS APPEAL HEARING

### BACKGROUND

Mr. Nicholas a Certified Water Service Specialist for the City of Spokane was terminated effective end of day December 4, 2020 at 5:00 p.m..

Under Civil Service Rule XI, Section 5:

**APPEALS:** Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule VIII may appeal such action to the Commission. All appeals must be in writing and filed with the secretary within 10 working days from date of filing of such order with the commission or from date of service of such order on the employee, whichever is later. The secretary shall provide a copy to the Human Resources Director of any appeal so filed. Failure to file within the prescribed time shall be considered as acceptance of the action and the action shall be deemed complete.

Mr. Nicholas is being represented by Local 270, the City of Spokane is being represented by Mr. Nathaniel Odle.

Attachments:

- Nicholas Termination Letter 12.08.2020
- Civil Service Right to Appeal Letter 01.08.2021
- Local 270 Representation Letter 01.15.2021





CITY OF SPOKANE  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3327  
509.625.6250

December 8, 2020

Vincent Nicholas  
139 W. Gray Ct.  
Spokane, WA 99205

Dear Mr. Nicholas,

It has been brought to my attention that you are in violation of Civil Service rules for safety-related incidents, performance issues, absenteeism, behavioral issues and non-compliance with a mandatory Employee Assistance Program referral. On November 25, 2020, a predisciplinary hearing was convened to provide you with an opportunity to respond to allegations that you violated Civil Service rules through a series of inappropriate, unprofessional and unsafe behaviors. These behaviors include:

- Lighting a firework at a worksite and refusing to wear a mask as required during working hours.
- Leaving your vehicle unattended, performing substandard work, and scheduling unnecessary maintenance.
- Excessive absenteeism and tardiness.
- Using profanity toward contractors and colleagues with a lack of civility and respect.
- Not complying with a mandatory Employee Assistance Program referral.

Present with you at that hearing were Local 270 representative, Natalie Hildebrand; Sr.HR Analyst, Pamela Bergin; Water Superintendent, Loren Searl; Water Services Maintenance Supervisor, Tonya Reiss; and Water Service Foreperson, Greg Burchett. During this hearing you acknowledged lighting a firework, refusing to wear a mask during working hours, leaving your vehicle unattended, continued absences and tardiness, and not complying with the mandatory Employee Assistance Program referral. During the hearing, you did not express remorse, contrition or accountability for these behaviors nor were you able to provide any assurances that you would be able to cease the inappropriate, unprofessional and unsafe behaviors.

Your continued behaviors are in violation of the following Civil Service rules:

**Civil Service Rule VIII, Suspension, Discharge, Layoff, Section 5, Cause, paragraphs:**

*(c) Is incompetent or inefficient in the performance of the duties and responsibilities of the position held;*

*(d) Is willfully careless or negligent of the property of the City;*

*(e) Any willful violation of the Charter, these Rules, any written personnel policies, written departmental rules or procedures, or of any reasonable and proper order or direction given by a supervisor, where such violation or failure to obey amounts to an act of insubordination*



*or a serious breach of proper discipline or resulted or might reasonably be expected to result in loss or injury to the City, or the public, or to the prisoners or wards of the City;*

*(f) Has been guilty of conduct unbecoming an officer or employee of the City;*

*(l) Excessive absenteeism or habitual pattern of failure to report for duty on time without good and sufficient reason;*

*(m) Has committed, or has induced or has attempted to induce an officer or employee of the City, to commit an unlawful act or to act in violation of any reasonable and lawful departmental or official regulation or order [.]*

Mr. Nicholas, I see that the City of Spokane has made every effort to provide you with opportunities to improve your behavior in the workplace. You have received continued verbal counseling regarding absenteeism issues. You have been provided Employee Assistance Program (EAP) resources, to include authorization to attend counseling sessions during work hours as needed. Corrective action has taken the form of a written reprimand issued on October 19, 2020 for making a workplace threat and for taking a work vehicle home without authorization, which was subsequently burglarized.

In view of your continued failure to comply with Civil Service rules, it is my decision that your employment as a Certified Water Service Specialist for the City of Spokane be terminated effective end of day December 4, 2020 at 5:00 pm.

During the predisciplinary hearing, you agreed to pick up your personal belongings at City Hall on Tuesday, December 1, 2020 and to leave Water Department property with the Security Desk, which included City Water truck and van keys, a flashlight and additional items. You did not fulfill this obligation on December 1<sup>st</sup> or on December 3<sup>rd</sup> after the Sr. Human Resources Analyst agreed to provide to you bus fare reimbursement for your travel to City Hall. Please contact Pamela Bergin at (509) 625-6373 to arrange the exchange of belongings.

You have the right of appeal as specified in Civil Service Rule XI, Section 5, as follows:

**APPEALS:** Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule VIII may appeal such action to the Commission. All appeals must be in writing and filed with the Secretary within 10 working days from date of filing of such order with the Commission or from date of service of such order on the employee, whichever is later. The Secretary shall provide a copy to the Human Resources Director of any appeal so filed. Failure to file within the prescribed time shall be considered as acceptance of the action and the action shall be deemed complete.

In addition to any rights you may have under the City of Spokane Civil Service System, your collective bargaining agreement may grant you the right to grieve the discipline. Please consult your union representative for assistance. Additionally, please note that should you decide to appeal your termination, you may appeal either through the Civil Service Commission or through your Union, but not both.

Sincerely,

A handwritten signature in cursive script that reads "Scott Simmons".

Scott Simmons, Interim City Administrator  
City of Spokane

cc: Amber Richards, Director, Human Resources  
Steve Burns, Director of Water and Hydroelectric Services  
Loren Searl, Water Superintendent  
Nate Odle, Employment City Attorney  
Kelsey Pearson, Interim Chief Examiner, Civil Service  
Joe Cavanaugh, President, Local 270  
Natalie Hildebrand, Staff Representative, WSCCCE  
Pamela Bergin, Sr. Human Resources Analyst

Notification will be provided to:  
Christine Shisler, Retirement  
Darcie Chaffin-Leonard, Payroll  
Human Resources Clerks



91 7199 9991 7039 0187 7800



CIVIL SERVICE COMMISSION  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3315  
(509) 625-6160

January 8, 2021

Vincent Nicholas  
139 W. Gray Ct.  
Apt# 302  
Spokane, WA 99205

Dear Mr. Nicholas,

We are in receipt of a copy of your letter of termination for cause dated December 8, 2020.

Civil Service Rule XI, Section 5 states: "APPEALS: Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule VIII may appeal such action to the Commission. All appeals must be in writing and filed with the Secretary within 10 working days from date of filing of such order with the Commission or from date of service of such order on the employee, whichever is later."

The Civil Service Commission received the order on December 14, 2020. Therefore, if you wish to appeal your discharge, you must file written notice with the Chief Examiner's office by 5:00 p.m. on Monday, January 25, 2021.

If you have any questions regarding this procedure, please feel free to contact us.

Sincerely,  
CIVIL SERVICE COMMISSION

Kelsey Pearson  
Interim Chief Examiner

cc: Amber Richards, Human Resources  
Meghann Steinolfson, Human Resources  
Joe Cavanaugh, Local 270  
Natalie Hildebrand, Local 270  
Nicholas, Vincent, Personnel File

## CIVIL SERVICE APPEAL HEARING PROCEDURE

- 1) Upon the filing of an appeal, the Civil Service Commission shall forward a copy of the appeal to the City's Human Resources Director, if the appeal is filed by a union, and to the appropriate union representative, if the appeal is filed by the City. Each party shall file with the Commission a notice of appearance indicating who the representative for the respective party will be for both the City and the appellant. For example, the City's official representative may be an assistant city attorney, a department head or a representative of the Human Resources Department. The official representative for the appellant may be a union official, the employee or a private attorney representing the appellant. The official representative for each party shall be responsible for all communications between the parties and with the Commission. If the Commission does not receive official notice of the parties' representative, the Commission will proceed with the assumption that the City's Director of Human Resources and the president of the respective union are the official representatives until the Commission receives written notification of different representation.
- 2) The parties shall be responsible to coordinate with each other as to the production of records and witness lists necessary for the appeal hearing and with the timing of document production. If the parties are unable to agree on the production of documents, either party may request that the Commission issue a subpoena for the production of the records. The Commission shall determine the relevancy of the requested documents and issue subpoenas accordingly. Witness lists should be provided to the respective parties in order to provide adequate time for notification to the witnesses. If the witnesses are city employees, the Commission will request that the City, through the appropriate Department and supervisors, notify and request the employees to attend the commission hearing or to be available to attend in order to testify. If the witness is not a city employee or if there is concern that the witness will not attend the commission hearing, the Commission may determine the relevancy of the witness and whether to issue a subpoena.
- 3) The parties shall submit written legal briefs which shall be filed with the Commission one week prior to the hearing date. Each party shall file an original plus seven copies of the legal brief with the Commission and one copy with the opposing side.



WASHINGTON STATE  
COUNCIL OF COUNTY AND CITY EMPLOYEES  
AFSCME AFL-CIO

CHRIS DUGOVICH President/Executive Director

January 15, 2021

Kelsey Pearson, Interim Chief Examiner  
City of Spokane  
Civil Service Commission  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

RE: Vincent Nicholas – Discharge Appeal

Dear Ms. Pearson:

At the request of Mr. Vincent Nicholas, Local 270 is filing an appeal on his behalf under Civil Service Rule XI, Section 5 – Appeals. “Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule VIII may appeal such action to the Commission. All appeals must be in writing and filed with the Secretary within ten (10) working days from date of filing of such order with the Commission or from date of service of such order on the employee, whichever is later.”

Mr. Nicholas informed me that he recently received the appeal notification letter you sent him dated January 8, 2021 which have him until January 25<sup>th</sup> to file his written appeal. Therefore since Vincent does not agree with the severe level of discipline imposed on him by the City of Spokane, we would like to officially appeal his termination “effective end of day December 4, 2020 at 5:00 pm”.

Both Mr. Joe Cavanaugh, President of Local 270, and I will be representing Mr. Nicholas at his Civil Service appeal hearing. Kelsey, we would appreciate this appeal being placed on the agenda at the next regularly scheduled monthly meeting of the Civil Service Commission.

Please feel free to contact me at 328-2830 if you should have any questions.

Sincerely,

Natalie Hilderbrand  
Staff Representative, WSCCCE – Council 2

NH:nh

cc: J. Cavanaugh  
V. Nicholas

A. Richards  
M. Steinolfon  
P. Bergin

S. Burns  
L. Searl

1105 W. Francis Ave., Suite C  
Spokane, WA 99205  
(509) 328-2830 FAX(509) 328-3604

Affiliated with:  
American Federation of State, County & Municipal Employees  
Washington State Labor Council