



**REGULAR MEETING NOTICE/AGENDA
THE CIVIL SERVICE COMMISSION
9:30 a.m. – MAY 18, 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in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded, whichever occurs first.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waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.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 3 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, May 18, 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 187 699 7361 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.



AGENDA

REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

9:30 A.M. May 18, 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. April 15, 2021 Minutes
(p. 3)
- b. April 20, 2021 Minutes
(p. 4)

3. CHIEF EXAMINER UPDATE

4. NEW BUSINESS

- a. Nicole Palmerton Swearing In
(Pearson, p. 6)
- b. Nicholas Appeal Hearing
(p. 7)

5. OTHER BUSINESS

- a. Chief Examiner Selection

6. EXECUTIVE SESSION

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

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.



**SPECIAL MEETING OF THE CIVIL SERVICE COMMISSION with CITY COUNCIL
MINUTES - APRIL 15, 2021**

1. CALL TO ORDER/ROLL CALL

Meeting was called to order at 11:00 a.m.

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

2. CIVIL SERVICE COMMISSION/CITY COUNCIL

- a. Question and Answer Session between Civil Service Commission and City Council.

3. ADJOURN

The Civil Service Commission adjourned at 12:00 p.m.

DRAFT



**REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
MINUTES - APRIL 20, 2021**

1. CALL TO ORDER/ROLL CALL

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

Commissioner Lindsey was present via Webex and in-person.

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

2. APPROVAL OF MINUTES

- a. March 16, 2021 Minutes

MOTION: Move to approve March 16, 2021 Minutes.

Hult/Stephens: Motion passed unanimously.

3. CHIEF EXAMINER UPDATE

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

- i. Ms. Nicole Palmerton confirmed to the Civil Service Commission by City Council on April 19, 2021.

4. NEW BUSINESS

- a. Assistant Planner II Eligibility List

MOTION: Move approval to void the list as requested.

Hult/Gilmore: Motion passed unanimously.

- i. Commissioner Gilmore inquired about Civil Service rules regarding interviewing candidates twice and which Bargaining Union the position fell under.
- ii. Louis Meuler – Interim Planning Director, commented on interviewing the list twice.
- iii. Dave Kokot – President Managerial & Professional, commented on voiding of the eligible list.

5. OTHER BUSINESS

- a. The Commission adjourned into Executive Session at 9:40 a.m. and resumed open session at 10:18 a.m.

- b. Chief Examiner Recruitment

Pamela Bergin – Senior Human Resources Analyst, delivered an update regarding the Chief Examiner recruitment with interviews occurring the week of May 3rd, 2021.

- i. Commissioners Gilmore, Hult, and Stephens asked Pamela to provide consistent questions for comparability of candidates with each interview panel.
- ii. Commissioner Gilmore requested Pamela not put together large interview panels and wanted feedback on who the internal stakeholders would be.
- iii. Commissioner Lindsey spoke of the need to get the interviews scheduled and under way due to time.

6. ADJOURN

The Commission adjourned at 10:36 a.m.

DRAFT

ITEM 4A – SWEARING IN OF MS. NICOLE PALMERTON

BACKGROUND

Swearing in of Ms. Nicole Palmerton to the Civil Service Commission for a four-year term.



Civil Service Commission



ITEM 4B – 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 1st or on December 3rd 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 25th 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

ITEM 4B – NICHOLAS APPEAL: BRIEFING DOCUMENTS

The Appeal Process allows for submission of briefing documents from both representing sides to Civil Service one week prior to the scheduled appeal hearing.

The City of Spokane has submitted said briefing documents in a timely manner for review by the Commission and Local 270. Local 270 has chosen not to submit any documents for review.

Attachments:

- City of Spokane – Briefing Documents



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8 BEFORE THE CIVIL SERVICE COMMISSION, CITY OF SPOKANE

9 In re: the appeal of:

10
11 VINCENT NICHOLAS

**CITY OF SPOKANE'S PRE-APPEAL
STATEMENT**

12
13 The City of Spokane ("the City") submits the following Pre-Appeal Statement in
14 advance of the appeal of Vincent Nicholas to be heard during the Civil Service
15 Commission's regular meeting on March 16, 2021 at 9:30 a.m.
16

17 As the severity of Mr. Nicholas's discipline is outside the scope of the authority
18 delegated to the Commission, the Commission should limit its analysis to the
19 question of whether or not the City had cause to discipline Mr. Nicholas. As outlined
20 below, Mr. Nicholas violated numerous City policies and Civil Service Rules; such
21 violation provided cause for discipline. The City respectfully requests the City affirm
22 Mr. Nicholas's termination.
23

24 **I. WITNESS DISCLOSURE**

25 The City provides notice that it may call the following individuals to testify at
26 the hearing: 1) Pamela Bergin; 2) Loren Searl; 3) Tonya Reiss; and 4) Greg Burchett.
27

28 CITY OF SPOKANE PRE-APPEAL
STATEMENT - 1

Michael Ormsby, City Attorney
OFFICE OF THE CITY ATTORNEY
5th Floor Municipal Building
Spokane, WA 99201-3326
(509) 625-6225
FAX (509) 625-6277

II. FACTUAL BACKGROUND

Mr. Nicholas was employed by the Water Department as a Certified Water Service Specialist. This appeal follows his December 4, 2020 termination.

Mr. Nicholas's discipline history began on September 11, 2020 when he received a Record of Counseling regarding his attendance. See **Ex. A**, attached hereto. The Record noted Mr. Nicholas had gone into "leave-without-pay status" due to exhausting leave accruals. Regarding his record of absences, the Record outlined the following:

"Since January 1, 2020 you have had five (5) instances of unscheduled leave during the first quarter of 2020, eleven (11) instances of unscheduled leave during the second quarter of 2020, and five (5) instances of unscheduled leave so far in the third quarter."

The Record of Counseling cautioned Mr. Nicholas that continued absenteeism could result in discipline.

On October 19, 2020, Mr. Nicholas received a Letter of Reprimand from Water Superintendent, Loren Searl. See **Ex. B**, attached hereto. The Letter, which followed an October 13, 2020 pre-disciplinary hearing, noted:

1. On September 27, 2020, Mr. Nicholas threatened a coworker that "if you get me sick, I'll shoot your kids." Mr. Nicholas repeated the threat a second time to the coworker.
2. On October 4, 2020, Mr. Nicholas took a City of Spokane vehicle home without authorization from his supervisor. The vehicle was then burglarized at a cost of \$2,690 to the City.

1 The Letter of Reprimand reminded Mr. Nicholas to “comply with City policies and
2 follow department policies and procedures at all times,” and “be respectful towards all
3 City employees.” See Ex. B.

4 On November 19, 2020, Mr. Nicholas was notified of a pre-disciplinary hearing
5 to be held on November 25, 2020. See **Ex. C**, attached hereto. The notice outlined
6 the following instances of misconduct to be addressed at the hearing:
7

- 8 1. On October 23, 2020, a customer reported Mr. Nicholas for not wearing
9 a mask. At the time, due to the Covid-19 pandemic, City employees
10 working in public were required to wear masks.¹
- 11 2. On October 30, 2020, Mr. Nicholas lit a firework on a job site and threw
12 it. The firework flew in the direction of third-party contractors while
13 emitting sparks.
- 14 3. On November 2, 2020, Mr. Nicholas, out of compliance with department
15 protocol, left a City vehicle parked unattended on the street while at a
16 different work location, prompting a citizen complaint about the vehicle.
- 17 4. On November 4, 2020, Mr. Nicholas installed an unapproved wire
18 connection to a water meter.
- 19 5. Also on November 4, 2020, Mr. Nicholas made an appointment with
20 Wal-Mart to change out a 2” irrigation meter at 5:00 am the following
21
22
23

24 ¹ Per order of the Washington Governor, in light of the Covid-19 pandemic,
25 employers were to ensure employees wear face covering at work in almost all
26 situations. See [https://coronavirus.wa.gov/information-for-you-and-your-family/face-](https://coronavirus.wa.gov/information-for-you-and-your-family/face-masks-or-cloth-face-covering)
27 [masks-or-cloth-face-covering](https://coronavirus.wa.gov/information-for-you-and-your-family/face-masks-or-cloth-face-covering); see also Water Department Checklist for Entering
Structures, attached hereto as **Exhibit E**.

1 day. The appointment required Wal-Mart to make special arrangements
2 to staff the work at the early hour. Mr. Nicholas called in sick the day of
3 the appointment. The Water Department employee sent to the
4 appointment in place of Mr. Nicholas determined that staffing by Wal-
5 Mart was unneeded as the water meter was an irrigation line which did
6 not require the water to be shut off. Mr. Nicholas's actions caused
7 unnecessary interruption to Wal-Mart's business.
8

9 6. Also on November 4, 2020, Mr. Nicholas made an appointment to
10 change out a water meter on November 5, 2020. Mr. Nicholas called in
11 sick the day of the appointment. The Water Department employee sent
12 to the appointment in place of Mr. Nicholas determined the meter was
13 privately owned and not maintained by the City. As the water meter
14 card clearly stated the meter was privately owned, Mr. Nicholas's
15 actions wasted City time and resources.
16

17 7. On November 9, 2020, a customer reported Mr. Nicholas, while in a
18 restaurant changing a water meter, was not wearing a mask.
19

20 8. Also on November 9, 2020, management was notified that Mr. Nicholas
21 refused to wear a mask inside a gas station during work hours and was
22 asked to leave.
23

24 9. On November 10, 2020, while working on the Water Department yard,
25 Mr. Nicholas was observed yelling at and using profanity towards an
26 employee of a third-party contractor and a coworker.
27

1 10. Following his October 19, 2020 Letter of Reprimand, Mr. Nicholas
2 received a mandatory referral to the City's Employee Assistance
3 Program (EAP). On November 19, 2020, an EAP representative
4 reported that Mr. Nicholas was not in compliance with the referral.
5

6 11. The notice of pre-disciplinary hearing also documented continued
7 attendance issues as outlined in Mr. Nicholas's September 11, 2020
8 Record of Counseling.²

9 On November 25, 2020, Mr. Nicholas attended the predisciplinary meeting,
10 with Union representation, and responded to the allegations against him. Following
11 the meeting, as outlined in a December 8, 2020 letter from Interim City Administrator
12 Scott Simmons, Mr. Nicholas was terminated. Rule VIII of the Merit System Rules of
13 the Civil Service Commission outlines disciplinary actions, specifically under what
14 circumstances an employee may be suspended, demoted, or discharged. The letter
15 of termination (attached hereto as **Ex. D**) quoted the following subparagraphs of Rule
16 of termination (attached hereto as **Ex. D**) quoted the following subparagraphs of Rule
17 VIII, § 5 which outline "cause" for discipline:
18

- 19 (c) Is incompetent or inefficient in the performance of the duties and
20 responsibilities of the position held;
- 21 (d) Is willfully careless or negligent of the property of the City;
- 22 (e) Any willful violation of the Charter, these Rules, any written
23 personnel policies, written departmental rules or procedures, or of
24 any reasonable and proper order or direction given by a supervisor,
25 where such violation or failure to obey amounts to an act of
26 insubordination or a serious breach of proper discipline or resulted

27
28 ² The November 19, 2020 correspondence noted that on November 3, 2020,
29 Mr. Nicholas was an hour and twenty minutes late without notification and was absent
30 from work on November 5 and 6.

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's employment with the City was terminated effective December 4, 2020.

III. MR. NICHOLAS VIOLATED CITY POLICY AND CIVIL SERVICE RULES AND DISCIPLINE WAS APPROPRIATE

Under the Civil Service Rules "any employee may be permanently discharged from the service for cause."³ The "for cause" language ensures discipline is not imposed for non-merit factors such as "race, creed, color, affiliation, national origin, sex, sexual orientation, age, marital status, or the presence of any physical or mental disability..."⁴ "Cause" for discipline is defined in Rule VIII, § 5 to exist in fourteen circumstances, six of which were cited in Mr. Nicholas's termination letter.

The varied bases for Mr. Nicholas's discipline include: while working, he lit and threw a firework, in violation of the Spokane Municipal Code,⁵ which reportedly flew

³ See Rule VIII, Section 4(c).

⁴ Rule VIII, Section 5.

⁵ See SMC 10.33A.055 "Unless acting within the terms of a permit, no person may sell at retail and ***no person may discharge, or make any other use of any fireworks in the City of Spokane***, except 'agricultural and wildlife fireworks' as defined in RCW 70.77.141" (emphasis added).

1 near employees of a contractor. He was guilty of conduct unbecoming an officer
2 when he was observed yelling at and using profanity to both an employee of a third-
3 party landscaping contractor and a fellow employee. He violated department policy
4 when he refused, on multiple occasions, to wear a mask while working in public and
5 was willfully careless/negligent of City property when he left a department vehicle
6 unattended on the street for several hours. He was incompetent or inefficient in the
7 performance of his duties when he installed an unapproved wire connection to a
8 water meter, unnecessarily disrupted a business's schedule when he made an early
9 morning appointment and provided incorrect information regarding the replacement of
10 an irrigation meter, and scheduled service for a non-City owned water meter. Finally,
11 despite a Record of Counseling in September 2020, Mr. Nicholas continued to be
12 excessively absent from work.
13
14


15 Mr. Nicholas's failure to abide by Water Department policies and the Civil
16 Service Rules provided grounds for discipline. In light of the nature of the violations,
17 and the fact that progressive discipline was ineffective, the Interim City Administrator
18 determined termination was appropriate under the circumstances. As outlined above,
19 to the extent Mr. Nicholas argues that he should have received some punishment
20 less than termination, the City requests the Commission refrain from considering
21 such an argument. The scope of the Commission's authority is limited to whether the
22 City had cause, as defined by the Rules, to discipline Mr. Nicholas; not the extent of
23 the discipline received. The record before the Commission is clear that cause for
24 discipline existed.
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IV. CONCLUSION

To succeed on his appeal, Mr. Nicholas must show the City was without any cause to discipline him. He cannot make such a showing. The City respectfully requests that Mr. Nicholas's appeal be denied and his termination from City employment be affirmed.

DATED this 9th of March, 2021.


Nathaniel J. Odle, WSBA #39602
Assistant City Attorney

DECLARATION OF SERVICE

I declare, under penalty of perjury, that on the 9th day of March, 2021, I caused a true and correct copy of the foregoing "CITY OF SPOKANE'S PRE-APPEAL STATEMENT," to be delivered via e-mail to the parties below:

Kelsey Pearson Interim Chief Examiner Civil Service Commission City of Spokane 808 w. Spokane Falls Blvd. Spokane, WA 99201	<input checked="" type="checkbox"/> VIA EMAIL kpearson@spokanecity.org
Natalie Hilderbrand Joe Cavanaugh Staff Representative, WSCCCE – Council 2 1105 W. Francis Ave., Suite C Spokane, WA 99205	<input checked="" type="checkbox"/> VIA EMAIL natalieh@council2.com jcavanaugh@spokanecity.org


Terry L. Strothman
City Attorney's Office
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3326

EXHIBIT A

RECORD OF COUNSELING

PURPOSE: To provide a record of personnel counseling.

For recognition given for outstanding achievement, to be used and referenced for preparation of performance appraisal review reports, awards and to record counseling regarding substandard duty performance, defective attitude or acts of misconduct which may substantiate the need for disciplinary actions.

NAME: Vincent Nicholas

DEPT: Water

DATE: September 11, 2020

CLASS: Certified Water Service Specialist

REASON FOR COUNSELING

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Achievement/Laudable Performance | <input type="checkbox"/> Safety |
| <input type="checkbox"/> Cooperation: Supervisors/Co-workers | <input type="checkbox"/> Progress |
| <input type="checkbox"/> Job Performance | <input type="checkbox"/> Punctuality |
| <input checked="" type="checkbox"/> Attendance | |

COUNSELING

SUMMARY OF COUNSELING:

Since January 1, 2020 you have had five (5) instances of unscheduled leave during the first quarter of 2020, eleven (11) instances of unscheduled leave during the second quarter of 2020, and five (5) instances of unscheduled leave so far in the third quarter.

These instances have brought your PTO balances to zero hours, placing you in a leave-without-pay status for ongoing absences.

On Monday, August 31, 2020, you were advised by Human Resources that the reasons you provided for missing work did not align with the illness leave, FMLA, or any coronavirus-related policy and you must return to work in order to perform essential services as required by your position and to begin rebuilding your leave accruals.

On Friday, September 4, 2020 (your next scheduled day at work) you called in sick again and continue to be in a leave without pay status.

RECOMMENDATION, ADVICE, OR REFERRAL BY COUNSELOR:

As a valued member of the Water Department, we want you to be successful in your position.

We have discussed with you that if your absences are due to a health issue for yourself or a family member, you may be eligible for Family Medical Leave (FMLA) and/or an ADA accommodation and should contact Human Resources.

If your absences are due to a personal issue you are encouraged to contact the City's Employee Assistance Program (EAP).

If your pattern of absences (or low sick leave balance) continues, the issue will be dealt with through the disciplinary process.

Printed Name and Title of Counselor

Signature

ACKNOWLEDGEMENT

Acknowledge receipt of the counseling recorded above. I do ☐ do not ☐ submit comments.

Printed Name/Position of person counseled

Signature

REACTION TO COUNSELING BY INDIVIDUAL:

☐ Excellent ☐ Good ☐ Satisfactory ☐ Poor ☐ Indifferent

EXHIBIT B

DATE: 10/19/2020

TO: Vincent Nicholas, Certified Water Svc. Specialist

FROM: Loren Searl, Water Superintendent

SUBJECT: Letter of Reprimand

REFERENCE: A. Civil Service Rule VIII, Disciplinary Action – Section 5, Cause
B. Local 270 AFSCME Collective Bargaining Agreement, Article VII-Discipline
C. Personnel Policy HR-19, Disciplinary Action

Dear Mr. Nicholas,

This Letter of Reprimand is being issued under the provisions of the above referenced rules and policies, the Local 270, AFSCME Collective Bargaining Agreement and of the City of Spokane Personnel Policy, HR-19, which establishes my authority to administer disciplinary actions for employees of the City of Spokane Water Department.

On September 27, 2020, while performing work, you told a coworker, "If you get me sick, I'll shoot your kids" and that you repeated the statement to the coworker.

On October 4, 2020, after taking a work vehicle home at the end of your shift the prior day, without authorization by a supervisor, you reported that the work vehicle had been burglarized while parked in the parking lot of your apartment complex. You did not reach a supervisor the prior evening for authorization nor did you let the appropriate member of management know that you had the vehicle in your possession. The incident report states that you left the City vehicle unlocked. The damages for stolen items are estimated to be approximately \$2690.00.

On October 13, a pre-disciplinary hearing was held in order to give you an opportunity to explain the circumstances as to why you made the statement to the coworker, and why you took the work vehicle home without obtaining authorization. During the hearing, you apologized and admitted to using poor judgment in both situations.

Your leadership made clear that threats of violence are not ever appropriate in the workplace, even if intended as a joke. It was also established that there was no reason and there would be no reason in the future to think that bringing a work vehicle home without authorization is ever acceptable.

Although your honesty, ownership and accountability for these lapses in judgment is appreciated, I cannot overlook the fact that these decisions had substantial negative impact to the department. For these reasons I am issuing you this Letter of Reprimand, which will remain in your official personnel file for two (2) years. In two (2) years you may request to have this letter removed from your personnel file if you have no further incidents of this type of behavior occur.

Going forward, the corrective actions expected of you now and in the future is as follows:

Written Reprimand

Vincent Nicholas, Certified Water Svc. Specialist

Page 2 of 2

- You will comply with all City policies and follow departmental policies and procedures at all times.
- You will be respectful towards all City employees.
- Your schedule will be changed to Monday through Friday, 7:00 AM – 3:30 PM.
- You are required to seek support and guidance from the Employee Assistance Program (EAP) and follow all appointment schedules and/or treatment recommendations. An EAP brochure with contact information was provided to you on October 9, 2020. If you desire to work with a healthcare provider outside of the EAP Network, please contact your Human Resources Analyst, Pamela Bergin, at 509-625-6373.

Future violations of a similar nature could result in further discipline up to and including termination.

Sincerely,


Loren Searl
Water Superintendent

You are requested to provide your signature and to fill in the date lines below acknowledging receipt of this written reprimand. Any refusal to sign will be noted by me and will not result in any change to the processing of this document and inclusion in your official personnel file.


Vincent Nichols

10-19-20
Date

Original: Employee Personnel File
CC: Tonya Reiss, Water Services Maintenance Supervisor
Joe Cavanaugh, President, Local 270
Natalie Hilderbrand, Staff Representative, WSCCCE
Pamela Bergin, Sr. Human Resources Analyst

EXHIBIT C

NOTIFICATION OF PREDISCIPLINARY HEARING

TO: Vincent Nicholas, Certified Water Service Specialist

DATE: November 19, 2020

FROM: Loren Searl, Water Superintendent

The City of Spokane is considering taking disciplinary action against you based on the following:

Safety-related incidents

- On October 30, 2020, you were observed lighting a firework at a worksite during work hours. The firework, once lit, became air-bound and flew in the direction of contracted landscapers while emitting sparks. Using fireworks without a permit is illegal in Spokane County and punishable by imprisonment or fine as a misdemeanor. Engaging in this type of behavior puts others in the vicinity at risk of harm and property at risk of damage. It also exposes the City to liability and demonstrates conduct unbecoming of a representative of the City.
- A customer reported that on October 23, 2020, she expressed concern to you that you were not wearing a mask. You allegedly replied that you did not need to and that you were a "rule breaker." The customer insisted that you wear a mask and provided one to you.
- A customer reported that on November 9, 2020, you were not wearing a mask in his restaurant when you were changing the meter. In addition, he expressed concerns about you opening one of his freezers and taking pictures of the inside. He also reported that you were not wearing your vest and name tag.
- On November 9, 2020, during working hours and while driving a City vehicle, you were observed not wearing a mask inside a gas station while attempting to buy snacks. The gas station clerk asked you to wear a mask and you refused. The clerk asked a second time, adding that the gas station could be fined if you did not wear a mask. You again refused and you were asked to leave.

Performance issues

On October 19, 2020, you received a Letter of Reprimand after taking a work vehicle home without authorization and leaving it unattended; it was broken into and several thousand dollars' work of equipment was stolen. The Letter of Reprimand stated that you were to comply with all City policies and procedures.

- On November 2, 2020, a customer complained of a City vehicle parked for several hours on the 6000 block of N. Mayfair. When the department reviewed further, they found that you had left the City vehicle unattended while working at a different location. This is not in compliance with department protocol regarding the use of City vehicles.
- On November 4, 2020, you made an appointment to change out a meter on November 5, 2020. You called in sick on November 5th. Another employee was dispatched to the appointment and found that the meter repair card clearly stated that it was a deduct meter and not maintained by the City.
- On November 4, 2020, you made an appointment with Walmart to change out a 2" meter at 5:00 AM – a time accommodation to ensure the bakery had water to serve customers during business hours - on November 6, 2020. You called in sick on November 6th. When the department reviewed further, they found a time accommodation was not necessary because the required service did not require domestic water shut off. This oversight unnecessarily impacted the business's schedule.
- On November 4, 2020, you performed meter service for an MCO and ERT. When the department returned to verify/correct the serial number on the meter, they found an unapproved wire connection to the remote.

Absenteeism issues

On September 11, 2020, you received a Record of Counseling regarding ongoing attendance issues, that outlined five (5) unscheduled leave occurrences in Q1 of 2020, eleven (11) unscheduled leave occurrences in Q2 of 2020, and five (5) unscheduled leave occurrences for part of Q3 of 2020. You had also gone into leave-without-pay status due to exhausting your leave accruals. The Record of Counseling clearly stated that continued absenteeism could lead to discipline. It also outlined your options to pursue FMLA and/or an ADA accommodation if your absenteeism was related to a serious medical condition. In August, Human Resources provided to you FMLA paperwork; you never returned completed paperwork.

On September 21, 2020, you called in sick. On October 2, 2020, you called in sick.

On October 9, 2020 you met with Human Resources, Local 270 and department leadership to discuss the ongoing absenteeism. It was again stated to you that continued absences could lead to discipline. You were again given the opportunity to pursue an FMLA designation and/or ADA accommodation if your absences were due to a serious medical condition.

- On November 3, 2020, you were late (by approximately one hour and twenty minutes) and did not notify the Radio Room or your supervisor. You asked to leave early the same day so that you could vote.
- On November 5, 2020 you called in sick.
- On November 6, 2020, you called in sick.

Behavioral issues

On October 19, 2020, you received a Letter of Reprimand after making a threat of violence at work towards a coworker. The Letter of Reprimand clearly outlined the expectation that you are to be respectful towards all City employees.

- On November 10, 2020 you were observed yelling "Hurry the fuck up. You don't know what the hell you are doing!" at a contractor performing tree removal at the Water Department facilities.
- On November 10, 2020, you were also observed using profanity towards an employee when explaining to them how to perform a task.

Mandatory referral compliance issue

On October 19, 2020, you received a Letter of Reprimand that outlined a mandatory referral to the Employee Assistance Program (EAP).

- On November 9, 2020, you notified your Human Resources Analyst that you had an EAP appointment scheduled on Friday, November 13, 2020. You also informed her that you had already attended two in-person appointments with a different EAP counselor.
- On November 11, 2020, your Human Resources Analyst notified you via conference call, with your leadership present, that you were being placed on administrative leave. It was explained that you would need to be available during the hours of 8 AM to 5 PM, Monday through Friday, and that you would still be expected to go to your EAP appointments during your administrative leave.
- On November 19, 2020, the EAP reported that you are not in compliance with the mandatory referral. They report that you did not attend the scheduled November 13th appointment, and they can find no record that you were scheduled with or attended any EAP sessions prior with a different counselor.

The above allegations are in direct violation of the following City rules, policies, and collective bargaining agreement. Specifically:

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 [.]

A predisciplinary hearing will be held on:

Date: November 25, 2020

Time: 12:00 PMPST

Location: WebEx via site: <https://spokanecity.webex.com/meet/pbergin>, Meeting #/Access Code: 965-852-287

WebEx via phone: 1-408-418-9388, 965852287##

Web Ex via video conferencing: Dial pbergin@spokanecity.webex.com

If experiencing technical difficulties with WebEx, call Pamela Bergin at 509-818-4888

This hearing is being held to discuss the above stated reasons for discipline. During the predisciplinary hearing you may convey any reasons or provide any information you feel is relevant. You have the right to representation by your union, co-worker, or an attorney at your expense. You may bring pertinent documentation and/or witnesses. Witnesses must have permission from their supervisors prior to attending the hearing.

If you need additional time to prepare your presentation or to arrange for representation, please let me know.

Signature of Employee

Date and Time of Receipt

On November 11, 2020, your Human Resources Analyst notified you via conference call, with your leadership present, that you were being placed on administrative leave. It was explained that you would need to be available during the hours of 8 AM to 5 PM, Monday through Friday and that it was your responsibility to inform Human Resources of how to communicate with you doing your leave. You have not contacted Human Resources with alternate contact information than what we have on file. At 3:50 PM on November 19, 2020, Pamela Bergin called your phone number on file and you did not respond; she left a voicemail. The details of the predisciplinary hearing were conveyed in the

voicemail as well as the contact information for Ms. Bergin, which has been provided to you several times.

Notice delivered via certified mail – sent 11/20/2020	Notice delivered via USPS -sent 11/20/2020	Hearing information delivered via voicemail on 11/19/2020
139 W. Gray Ct., Apt. 302 Spokane, WA 99205	139 W. Gray Ct., Apt. 302 Spokane, WA 99205	(509) 990-9840

Original: Human Resources Department
Copy: Tonya Reiss, Water Services/Maintenance Supervisor
Copy: Steve Burns, Director of Water and Hydroelectric Services
Copy: Greg Burchett, Water Service Foreperson
Copy: Employee
Copy: Joe Cavanaugh, L270 President
Copy: Natalie Hilderbrand, WSCCCE Staff Representative

EXHIBIT D



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 1st or on December 3rd 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 black ink that reads "Scott Simmons". The signature is written in a cursive, flowing style.

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

EXHIBIT E



City of Spokane
WATER DEPARTMENT
Checklist for Entering Structures
Phone (509)625-7800

Before knocking on the door verify protective equipment is in place:

- ✓ Wash / Sanitize hands
- ✓ Mask covering mouth and nose.
- ✓ Gloves - optional
- ✓ Safety Glasses- optional
- ✓ Booties for shoes- optional

When speaking to the Customer, ask if anyone in the household/business, is or has recently experienced any Covid related symptoms –

Covid related symptoms have been identified as-

- Fever or chills
- Cough Shortness of breath or difficulty breathing
- Fatigue, Muscle or body aches – Not due to physical activity.
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

If anyone onsite has any of these symptoms, politely let the customer know you will not be able to perform the work today and to call to reschedule the appointment.



City of Spokane
WATER DEPARTMENT
Checklist for Entering Structures
Phone (509)625-7800

If the people in the household/business have not experience Covid related symptoms and you have all of your PPE you may enter to service the meter.

- ✓ Inspect surroundings and stay alert to identify hazards throughout the appointment.
- ✓ Do not touch surfaces within the residence/building unnecessarily to perform maintenance.
- ✓ Proceed directly to the meter location.
- ✓ Maintain social distancing, stay at least 6ft from others. Minimize contact with all occupants.
- ✓ Wipe down all surfaces that you may need to touch with disinfectant. Do not use bleach or aerosols in the building.
- ✓ Work quickly, effectively, and most of all SAFELY.
- ✓ Clean up any spills or messes made during the meter change out.
- ✓ Verify everything is hooked up and working correctly.
- ✓ Wipe down meters, valves, and any other surfaces that you have touched.

Decontamination process once you are outside and all work onsite is complete:

- ✓ Disinfect all tools, buckets/trays, etc. taken onsite.
- ✓ Use disinfectant spray, bleach or approved all-purpose cleaner.
- ✓ Wipe down and store items i.e. old meters, remotes, etc. removed to prevent any cross contamination between new and old items.
- ✓ Check condition of all personal protective equipment. Carefully remove and discard any that may be contaminated.
- ✓ Wash / sanitize hands.