

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

Notice is hereby given that, pursuant to Governor Jay Inslee's **Revised** Proclamation **20-25.15**, 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in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first.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waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.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.

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 as noted below.

The regularly scheduled Spokane City Civil Service Commission Meeting at 9:30 a.m. on Tuesday, November 16, 2021 will be held virtually. Some members of the Civil Service Commission and staff will be attending virtually. **The public is encouraged to tune in to the meeting by calling 1-408-418-9388 and entering the access code 2485 380 2071 when prompted.**

Civil Service Commission



AGENDA REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

9:30 A.M. November 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. October 19, 2021 Minutes (p. 3)

3. CHIEF EXAMINER UPDATE

4. NEW BUSINESS

- a. Robert's Rules of Order and OPMA (Open Public Meetings Act) Refresher Presentation (Piccolo, p. 5)
- b. Classification and Compensation Presentation (Sullivan/Bergin, p. 18)

5. OTHER BUSINESS

6. ADJOURN

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





REGULAR MEETING OF THE CIVIL SERVICE COMMISSION MINUTES – OCTOBER 19, 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 Hult, Palmerton, and Stephens were present via Webex. Commissioner Gilmore arrived at 10:25 a.m. and was present via telephone.

2. APPROVAL OF MINUTES

a. September 21, 2021 Minutes
 MOTION: Move to approve minutes.
 Hult/Stephens: Motion passed unanimously

3. CHIEF EXAMINER UPDATE

Chief Examiner Pearson provided updates regarding Civil Service department operations.

- a. All Department Staff Retreat
 - i. Brainstormed the department's 2022 and beyond Work Plan, Process Improvement, and Long-Term Goals
- b. Chief Examiner Pearson attended a City Council Session on September 30th, 2021 for a hour long Chief Examiner Q&A
 - i. Chief Examiner did stress they would like to come at least once a quarter to keep a strong dialogue between Civil Service and City Council

4. NEW BUSINESS

- a. Administrative Complaint: Water Maintenance Supervisor Training and Experience Examination request for investigation Warren Sirianni
- b. Administrative Complaint: Water Maintenance Supervisor Training and Experience Examination request for investigation Leon Hopkins
 - i. Use any of the three links below to view and hear the proceedings of Agenda Item 4a and 4b.
 - 1. City of Spokane Vimeo
 - a. https://vimeo.com/637225827
 - 2. City of Spokane YouTube
 - a. https://www.youtube.com/watch?v=mMv8lWwftT0
 - Webex Meeting Recording: Civil Service Commission Meeting October 19, 2021
 @ 9:30 a.m.-20211019 1631-1
 - a. Recording link: <u>https://spokanecity.webex.com/spokanecity/ldr.php?RCID=fbd908be648</u> <u>cb41df240fa1ec209b768</u>
 - b. Password: kPDAj2az

The Commission heard the complaints presented.

MOTION: Instruct Civil Service to investigate this particular testing mechanism. Stephens/Gilmore: 2-Yeas (Gilmore, Stephens), 3-Nays (Hult, Lindsey, Palmerton)

 c. Resolution 2021-05: Classification Actions MOTION: Given concurrence of Management and Bargaining and Civil Service, motion approval of the classification change.
 Hult (Stophons: Motion passed uponimously)

Hult/Stephens: Motion passed unanimously.

- Resolution 2021-06: 2022 Budget Adoption MOTION: Move to adopt the 2022 Budget.
 Palmerton/Stephens: Motion passed unanimously.
- e. 2022 Rule Review Overview
 - i. Chief Examiner Pearson gave an overview of Rule Review with kickoff occurring January 13th, 2022.
 - ii. Commissioner Gilmore asked if Rule Review would be done electronically or live.
 - 1. Chief Examiner Pearson responded that more than likely we are looking at a hybrid model.
 - iii. Commissioner Gilmore mentioned how Rule Review was done last time and the amount of time it took.
 - 1. Chief Examiner Pearson responded that it is not a small undertaking and will take all year.
- f. Resolution 2021-07: Civil Service Commission Appointee *MOTION*: Nominate Scott Stephens to fill the fifth chair. Hult/Gilmore: Motion passed unanimously.
- g. 2022-2023 Chair and Vice Chair Appointments
 MOTION: Party ticket nomination of retaining Mr. Lindsey as our Chair and Ms. Gilmore as our Vice Chair.

Stephens/Hult: Motion passed unanimously.

5. OTHER BUSINESS

a. Commissioner Gilmore would like to suggest that at least on one of the papers that comes in their packet that they have the phone number to this in the event that they have a computer meltdown.

6. ADJOURN

The Commission adjourned at 11:20 a.m.



Parliamentary Procedure: A Brief Guide to Robert's Rules of Order

This page provides a brief overview of important aspects of Robert's Rules of Order as applied to parliamentary procedure for local governments in Washington State.

Overview

Parliamentary procedure provides the process for proposing, amending, approving and defeating legislative motions. Although following parliamentary procedure is not required, it can make council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies.

A city may adopt, by ordinance or resolution, its own set of rules governing the conduct of council meetings, or it may adopt by reference formalized rules such as Robert's Rules of Order. Many Washington cities have adopted Robert's Rules, supplementing those rules with additional rules on issues such as voting abstentions and motions for reconsideration.

Basic Rules

- Only one subject may be before a group at one time. Each item to be considered is proposed as a motion which usually requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the council by restating the motion.
- "Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.
- Only one person may speak at any given time. When a motion is on the floor, an order of speaking is prescribed by Robert's Rules, allowing the mover of a motion to speak first, so that the group understands the basic premise of the motion. The mover is also the last to speak, so that the group has an opportunity to consider rebuttals to any arguments opposing the motion.
- All members have equal rights. Each speaker must be recognized by the moderator prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments.

- Each item presented for consideration is entitled to a full and free debate. Each person speaks once, until everyone else has had an opportunity to speak.
- The rights of the minority must be protected, but the will of the majority must prevail. Persons who don't share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the council will or will not do. Use parliamentary procedure as a tool, not a bludgeon.

Motions

Business is brought before the council by motions, a formal procedure for taking actions. To make a motion, a councilmember must first be recognized by the mayor. After the councilmember has made a motion (and after the motion is seconded if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are a few exceptions.

Exact wording of motions and amendments is important for clarity and recording in the minutes. If it's a complex motion, the motion should be written down for the chair to read.

Robert's Rules of Order provides for four general types of motions: main motions, subsidiary motions, incidental motions, and renewal motions.

Main Motions

The most important are main motions, which bring before the council, for its action, any particular subject. Main motions cannot be made when any other motions are before the group.

Subsidiary Motions

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

- **Tabling.** Used to postpone discussion until the group decides by majority vote to resume discussion. By adopting the motion to "lay on the table", a majority has the power to halt consideration of the question immediately without debate. Requires a second, non-debatable, not amendable.
- **Previous question or close debate.** Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the moderator. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority.
- Limit/extend debate. May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.
- **Postpone to a definite time.** Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.
- Refer to committee. Directs that some other body will study the matter and report back.
- Amendment. Used to "fine tune" a motion to make it more acceptable to the group. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment

changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. Requires a second, debatable, majority vote.

• **Postpone indefinitely.** This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

Incidental Motions

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

- **Point of order.** To bring to the group's attention that the rules are being violated. You don't need to be recognized prior to making a point of order. This is not really a motion, but requires the moderator to make a ruling as to whether or not immediate consideration is proper.
- Appeal from the decision of the chair. The group can overrule the chair on any decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the moderator immediately states the question, "Shall the decision of the chair stand as the judgment of the council?" If there is a tie vote, the chair's decision is upheld. The motion is not debatable when it applies to a matter of improper use of authority or when it is made while there is a pending motion to close debate. However, the motion can be debated at other times. Each person may speak once, and the moderator may also state the basis for the decision.
- Parliamentary inquiry. Not a motion, but a question as to whether an action would be in order.
- **Point of information.** A person may rise to offer information that is considered necessary for the group. This provision is not used to offer debate.
- **Division of assembly.** To require a more precise method of counting votes than by a voice vote, such as having persons raise hands, or stand. No second, not debatable, and no vote required.
- **Request to withdraw a motion.** Contrary to popular misconception, a motion cannot be withdrawn by its mover. This request requires majority approval.
- **Suspension of the rules.** When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a two-thirds vote of the group. However, until the rules are restored, only discussion can occur; no decisions can be made. Second required, not debatable, and not amendable.
- **Object to consideration of a question.** When a motion is so outrageous, intended to distract the group from resolving legitimate business. The motion can be objected to and ruled out of order without debate. However, if the chair does not rule the motion out of order, a two-thirds vote of the group can block further consideration.

Renewal Motions

Once the group has taken action, renewal motions require the group to further discuss or dispose of a motion. The motions include:

• **Reconsider.** When the group needs to discuss further a motion that has already been defeated at the same meeting. A majority of the council must approve taking additional time to debate the motion again. The motion can be made only by a person who voted on the prevailing side earlier on the question. Contrary to another popular misconception, the motion may be brought up again at a subsequent meeting. If the moderator believes

that there is no indication that the group's wishes have changed, however, the motion can be ruled out of order, subject to an appeal from the decision of the chair.

- Take from the table. Unless the original motion to table directed that the motion be brought back at a specific date and time, a majority of the group must pass a motion to take from the table. Such a motion is non-debatable.
- **Rescind.** When the group wishes to annul some action, a motion to rescind is in order at any time. If prior notice has been given to the group that this action will be considered, the motion to rescind can pass with a simple majority vote; however, if no prior notice has been given, the vote requires a two-thirds majority.

Questions of Privilege

Finally, there are a few questions of privilege that are in order at any time and must be disposed of prior to resuming discussion on the matter at hand:

- Fix the time for next meeting. This is in order at any time, including when a motion to adjourn is pending. Second required, not debatable, and is amendable.
- Adjourn. To bring the meeting to a halt. Second required, not debatable, and not amendable. Alternatively, instead of a motion, the chair can ask if there is any further business. If there is no response, the chair can say, "since there is no further business, the meeting is adjourned."
- **Recess.** A temporary break in the meeting; should state a time at which the meeting will resume. Second required, not debatable, and not amendable.
- **Point of privilege.** A matter that concerns the welfare of the group. Can be raised even when another person is speaking. No second, not debatable, and no vote required.
- Call for the orders of the day. A demand that the group return to the agenda. Can be taken when another person is speaking, no second required, not debatable, and no vote required.

Recommended Resources

- <u>The Official Robert's Rules of Order Website</u> Includes a short history of Robert's Rules, how an organization can adopt it, the basics of parliamentary procedure, a question and answer forum, and an "Ask the Authors" feature.
- Georgia Municipal Association: Parliamentary Procedure: A Guide for City Officials (2007)
- Jurassic Parliament Guidance and resources from Ann MacFarlane, a Professional Registered Parliamentarian and one of MRSC's blog guest authors (see <u>Ann MacFaclane MRSC blogs</u>).
- <u>Citizen's Guide to Effective Conduct of Public Meetings Using Parliamentary Procedure and Robert's Rules of Order</u> in Washington State (2017) – The Guide explains the respective roles of mayor or chair, members of the body, and the public, and discusses the right way to run public meetings.
- National Association of Parliamentarians (NAP)
- <u>American Institute of Parliamentarians (AIP)</u>

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OPMA – AGENCY OBLIGATIONS PRACTICE TIPS FOR LOCAL GOVERNMENTS

OPMA – AGENCY OBLIGATIONS: A STARTING POINT

Practice Tips for local governments

The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance. For more information and resources visit mrsc.org/opma.

BASIC REQUIREMENTS

- All meetings open and public. All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA (RCW 42.30.030).
- Quorum. Generally, a gathering of the members of a governing body is subject to the OPMA when a quorum (majority) of the governing body is in attendance with the collective intent to take action, which includes discussion or deliberation as well as voting (RCW 42.30.020(2) & (3)).
- Attendees. All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disorderly attendees may be removed (RCW 42.30.040 & .050).
- No secret ballots. Votes may not be taken by secret ballot (RCW 42.30.060(2)).
- Adoption of ordinances. Ordinances, resolutions, rules, regulations, and orders must be adopted at a public meeting or they are invalid (RCW 42.30.060(1)).

POSITION IN AGENCY	REQUIRED TO COMPLY
 Member of a governing body* City or Town Councilmember or Mayor* County Commissioner or County Councilmember Special Purpose District Commissioner/Board Member 	Yes Yes Yes
 Member of a subagency created by ordinance or legislative act, e.g.: Planning Commission Library Board Parks Board Civil Service Commission 	Yes Yes Yes Yes
 Member of a committee Committees that act on behalf of (exercise actual or de facto decision-making authority for) the governing body, conduct hearings, or take testimony or public comment Committees that are purely advisory 	Yes No
Agency staff	No, unless agency employee is a member of a committee that is required to comply

* In a city with a "strong" mayor, the mayor does not count towards a quorum and is only subject to the OPMA when presiding over a council meeting or serving on a committee that is required to comply.



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PENALTIES FOR NONCOMPLIANCE

- Actions null and void. Any action taken at a meeting which fails to comply with the provisions of the OPMA is null and void. RCW 42.30.060(1).
- **Personal liability.** Potential personal liability of \$500 for any member of a governing body who attends a meeting knowing that it violates the OPMA and \$1,000 for any subsequent OPMA violation. RCW 42.30.120(1)(2).
- Agency liability. Any person who prevails against an agency in any action in the courts for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with such legal action. RCW 42.30.120(2).

MEETINGS NOT SUBJECT TO OPMA

- Quasi-judicial proceedings. Typically, a city or county governing body is acting in a quasi-judicial capacity in certain land use actions such as site-specific rezones, conditional use applications, variances, and preliminary plat applications. Other examples include the civil service commission when it is considering an appeal of a disciplinary decision and the LEOFF disability board when it is considering an application for disability benefits. However, where a public hearing is required for a quasi-judicial matter, only the deliberations by the body considering the matter can be in closed session. See RCW 42.30.140.
- **Collective bargaining sessions.** Collective bargaining sessions with employee organizations are not subject to OPMA requirements and may occur in closed session without following OPMA procedures. This exemption applies to contract negotiations, grievance meetings, and discussions about the interpretation or application of a labor agreement or to that portion of a meeting when the governing body is planning or adopting its strategy during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings in progress. See RCW 42.30.140.
- Note: Jurisdictions may choose to conduct these proceedings in an open meeting despite the statutory exemption.

OPMA TRAINING REQUIREMENTS

- Every member of a governing body of a public agency must complete training requirements on the OPMA within 90 days of assuming office or taking the oath of office. RCW 42.30.205(1).
- In addition, every member of a governing body must complete training at intervals of no more than four years as long as they remain in office. RCW 42.30.205(2).

DISCLAIMER: These practice tips are meant to provide summary information on basic agency obligations of the OPMA; the practice tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel for guidance on specific situations.

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OPMA - EXECUTIVE SESSIONS

Checklist for local governments

The Open Public Meetings Act (OPMA) requires specific steps be taken in order to hold an executive session. Use this checklist to guide your agency's compliance with the OPMA related to executive sessions. For more information and resources visit mrsc.org/opma.

REQUIREMENT	COMPLETED
Meeting	
An executive session can only be held as part of a regular or special meeting.	
Purpose	
The presiding officer announces in open session the purpose/topic of the executive session.	
End Time	
The presiding officer announces in open session the time the executive session will end. Note: Announce a specific time - announcing a length of time is not sufficient.	
Legal Counsel	
Legal counsel is present during the executive session, if required.	
Confidentiality	
At the start of the executive session, participants are reminded that discussions are confidential.	
Discussion topics for local governments as set forth in RCW 42.30.110(1). (See Notes for Specific Discussion Topics in Practice Tips section.)	
Matters affecting national security (RCW 42.30.110(1)(a)(ii)).	
 Infrastructure and security of agency computer and telecommunications network (RCW 42.30.110(1)(a)(ii)). Note: Requires presence of legal counsel. 	
 Consideration of site selection or acquisition of real estate purchase or lease if likelihood that disclosure would increase price (RCW 42.30.110(1)(b)). 	
 Consideration of the minimum offering price for sale or lease of real estate if there's a likelihood that disclosure would decrease the price (RCW 42.30.110(1)(c)). Only minimum price may be discussed; factors influencing price must be discussed in public session. See <i>Columbia Riverkeeper v. Port of Vancouver</i>. Note: Final action selling or leasing public property must also be taken in open session. 	
 Complaints or charges brought against a public officer or employee (RCW 42.30.110(1)(f). Note: At accused's request, discussion must be in open session. 	
• Qualifications of an applicant for public employment (RCW 42.30.110(1)(g)).	
Performance of a public employee (RCW 42.30.110(1)(g)).	
 Qualifications of an applicant/candidate for appointment to elective office (RCW 42.30.110(1)(h)). Any interviews or votes must be held in open session. 	
Discussions with legal counsel regarding agency enforcement actions (RCW 42.30.110(1)(i)).	
Discussion with legal counsel about current or potential litigation (RCW 42.30.110(1)(i)).	
Discussion with legal counsel about legal risks of current or proposed action (RCW 42.30.110(1)(i)).	

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REQUIREMENT	COMPLETED
Extended End Time	
If the executive session is not completed by the originally announced end time, the presiding officer announces the extended end time in open session before returning to executive session.	
Resumption	
Open session is not resumed until after the announced end time.	

MEETING DATE

FORM COMPLETED BY

ATTENDEES

DISCLAIMER: This checklist is meant to provide summary information on executive sessions; the checklist is not intended to be regarded as specific legal advice. Consult with your agency's attorney for guidance on specific situations.

OPMA – EXECUTIVE SESSION PROCEDURES

Practice Tips FOR LOCAL GOVERNMENTS

An executive session must begin after a regular or special meeting is convened and adjourn before the meeting ends. You can hold a special meeting for the sole purpose of holding an executive session.

Before going into executive session, the chair must announce the executive session to those in attendance at the meeting, including: (1) the purpose of the executive session; and (2) the time when the executive session will end. Minutes should reflect the stated purpose of the executive session.

ANNOUNCED PURPOSE

The announced purpose of the executive session must be one of the statutorily-identified purposes for which an executive session may be held. The announcement must contain enough detail to identify the purpose as falling within the limits of the law.

It would not be sufficient, for example, for a meeting chair to declare simply that the governing body will now meet in executive session to discuss "personnel matters." Discussion of personnel matters, in general, is not an authorized purpose for holding an executive session; only certain specific issues relating to personnel may be addressed in executive session.

Attendance of legal counsel: Legal counsel must be present at an executive session, either in person or remotely via a device that allows two-way communication, to discuss enforcement actions, current or potential litigation, or the legal risks of current or proposed action (RCW 42.30.110(1)(1)). "Potential litigation" means litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party; or the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity. Discussion of the "legal risks" of a current or proposed action can only occur in executive session if public discussion of those legal risks is likely to result in an adverse legal or financial consequence to the agency. Legal counsel should also be present for considerations regarding infrastructure and security of computer and telecommunications networks (RCW 42.30.110(1)(a)(ii)).

NOTES FOR SPECIFIC DISCUSSION TOPICS (See Discussion topics for local governments as set forth in <u>RCW 42.30.110(1)</u> in <u>Checklist</u> section.)

- Security of computer and telecommunications network. Governing body may be briefed in executive session about agency cybersecurity issues or data breaches. If a data breach occurs, the agency must comply with breach notification requirements.
- Contract Performance. Review of contract performance of publicly bid contracts may only be discussed in executive session when public knowledge of such consideration would likely cause increased costs.
- Qualifications of an applicant for public employment or review of performance of a public employee. Be careful not to
 take any votes, straw polls, or anything that can be interpreted as making a collective decision while in executive session.
 If the governing body elects to take final action regarding hiring, setting the salary of an individual employee or class of
 employees, or discharging or disciplining an employee, that action must be taken in open session.
- Qualifications of candidate for appointment to elective office. You can discuss the qualifications, but the candidate interviews and final action appointing a candidate to elective office must be in an open public meeting.



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LENGTH OF SESSION

If the governing body concludes the executive session before the time stated, it should not reconvene in open session until the time stated. Otherwise, public may, in effect, be excluded from that part of the open meeting that occurs between the close of the executive session and the time when the chair announced the executive session would conclude. If the executive session is not over at the stated time, it may be extended only if the chair announces to the public at the meeting place that it will be extended to a stated time.

ATTENDANCE

Attendance at an executive session need not be limited to the members of the governing body. Persons other than elected members may attend the executive session at the invitation of the governing body. Those invited should have some relationship to the matter being addressed in the executive session, or they should be in attendance to otherwise provide assistance to the governing body. Note that if the stated purpose for the executive session is to discuss litigation or potential litigation with the governing body's attorney, the presence of persons at the session who are not governing body members or agency staff may waive the attorney-client privilege.

MINUTES

Minutes are not required to be taken at an executive session. If minutes or notes are taken during an executive session, they may be subject to the disclosure requirements of the Public Records Act.

DISCLAIMER: These practice tips are meant to provide summary information on executive sessions; these tips are not intended to be regarded as specific legal advice. Consult with your agency's attorney for guidance on specific situations.

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OPMA – EXECUTIVE SESSIONS CHECKLIST AND PRACTICE TIPS FOR LOCAL GOVERNMENTS WEB-20-0023: UPDATED MAY 2021



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OPMA – ELECTRONIC COMMUNICATIONS

Practice Tips FOR LOCAL GOVERNMENTS

These practice tips are intended to provide practical information to local government officials and staff about electronic communications and requirements under the Open Public Meetings Act (OPMA), chapter 42.30 RCW. Electronic communications between members of an agency's governing body can implicate the OPMA, and these practice tips will help guide you in identifying and addressing key issues in this regard. For more information and resources visit mrsc.org/opma.

ELECTRONIC COMMUNICATIONS CAN CREATE AN ILLEGAL "SERIAL" MEETING

If you, as a member of the governing body (e.g., city council, board of commissioners, planning commission), communicate with other members of the governing body by email or using social media, keep in mind that exchanges involving a majority of members of the governing body can be considered an illegal "meeting" under the OPMA. This principle also applies to text messaging, instant messaging, and the "chat" feature of video-conferencing software.

What types of email exchanges can constitute a meeting?

If a majority of the members of the governing body takes "action" on behalf of the agency through an email or other electronic exchange such as social media, that would constitute a meeting under the OPMA. "Action" under the OPMA includes mere discussion of agency business, and that any "action" may be taken only in a meeting open to the public. The participants in the email exchange don't have to be participating in that exchange at the same time, as a "serial" or "rolling" meeting happens when a majority of the body are involved in the exchange. However, the participants must collectively intend to meet to conduct agency business.

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- Tips: As a member of the governing body, consider the following to avoid potential OPMA violations:
- Passive receipt of information via email is permissible, but discussion of issues via email by the governing body can constitute a meeting.
- An email message to a majority or more of your colleagues on the governing body is allowable when the message is to provide only documents or factual information, such as emailing a document to all members for their review prior to the next meeting.
- If you want to provide information or documents via email to a majority of members of the governing body, especially regarding a matter that may come before the body for a vote, have the first line of the email clearly state: "For informational purposes only. Do not reply." Consider using the "BCC:" email line for all those who should not "reply all."
- Unless for informational purposes only, don't send an email to all or a majority of the governing body, and don't use "reply all" when the recipients are all or a majority of the members of the governing body.
- Alternatively, instead of emailing materials to your colleagues on the governing body in preparation for a
 meeting, have a designated staff member email the documents or provide hard copies to each member. A staff
 member can communicate via email with members of the governing body in preparation for a meeting, but the
 staff member needs to take care not to share any email replies with the other members of the governing body
 as part of that email exchange.



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PHONE CALLS AND VOICE MESSAGES CAN CONSTITUTE A MEETING

As with email exchanges, if a majority of the members of the governing body is taking "action" (see above) on behalf of the agency through phone calls or a voice mail exchange, that would constitute a meeting. Such a "telephone tree" occurs, for example, when members call each other to form a majority decision. As above, the calls and messages can constitute a serial or rolling meeting if the members collectively intend to meet and conduct agency business.



Tip: Be on the look out for mixed media. A conversation need not be held entirely in the same format for a rolling or serial meeting to occur. For example, an in-person conversation might be continued on via email and then transition to text.

KEY CONSIDERATION RELATED TO CONFERRING TO CALL A SPECIAL MEETING

Under RCW 42.30.080, a special meeting (in contrast to a regular meeting) may be called at any time by the presiding officer of the governing body or by a majority of the members of the governing body. In order to give effect to this authority granted under RCW 42.30.080, we believe it's permissible for a majority of the members of the governing body to confer outside of a public meeting for the sole purpose of discussing whether to call a special meeting. This includes conferring for that purpose via phone, email or other electronic means.

USE OF SOCIAL MEDIA CAN IMPLICATE THE OPMA

If members of the governing body use social media (e.g., through a Facebook page or Twitter feed) to host a discussion about issues related to the agency and the discussion includes comments from a majority of the members of the governing body, that discussion could constitute a public meeting under the OPMA. There's no authority under the OPMA regarding what would constitute adequate public notice – if that's even possible – for this kind of virtual meeting, so it's best to avoid this type of discussion on social media.



Tip: Social media can be an effective tool to solicit comments from the public, but social media shouldn't be used by your agency's governing body to collectively formulate policy or accept public testimony.

FAILURE TO COMPLY WITH THE OPMA CAN BE COSTLY

Violation of the OPMA can result in personal liability for officials who knowingly violate the OPMA and in invalidation of agency actions taken at a meeting at which an OPMA violation occurred. Attorney fees and court costs are awarded to successful OPMA plaintiffs. OPMA violations can also lead to a loss of public trust in the agency's commitment to open government.

DISCLAIMER: These practice tips are meant to provide practical information to local government officials and staff about electronic records and requirements under the OPMA. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney for guidance on specific situations.

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OPMA - NOTICE REQUIREMENTS

Practice Tips FOR LOCAL GOVERNMENTS

The Open Public Meetings Act (OPMA) requires agencies to provide sufficient public notice of their meetings and, in some cases, to post the agenda for the meeting in advance. Use these practice tips as a starting guide for OPMA notice requirements. For more information and resources visit mrsc.org/opma.

REGULAR MEETINGS (RCW 42.30.070)	SPECIAL MEETINGS (<u>RCW 42.30.080</u>)
Definition	
Held in accordance with a schedule fixed by ordinance, resolution, bylaws, or other rule.	Anything other than a regular meeting. May be called by the presiding officer or a majority of the members of the governing body.
Notice and Agendas	
Agendas must be made available on the agency's website at least 24 hours in advance of the meeting unless the agency:	The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted.
 Doesn't have a website; or 	• Personal notice. Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to:
Employs fewer than 10 full-time equivalent employees.	Each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk, or the member is actually present at the meeting; and
This requirement does not prohibit subsequent modifications to agendas. There are no other notice requirements for	 Each member of the news media who has on file with the governing body a written request for notice of special meetings.
regular meetings in the OPMA. However, other relevant laws apply to some local governments. For example, cities and	 Website notice. Notice must be posted on the agency's website 24 hours in advance of the meeting, unless the agency:
towns are required to establish a procedure	Doesn't have a website; or
for notifying the public of the preliminary	Employs less than 10 full-time equivalent employees; or
agenda for the forthcoming council meeting and any upcoming hearings (although not necessarily online). See RCW 35A.12.160;	Ocean't employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website.
RCW 35.22.288; RCW 35.23.221; RCW 35.27.300. There are no similar requirements for counties or special purpose districts related to preliminary agendas.	 Notice at agency's principal location. Notice must be prominently displayed 24 hours in advance at the main entrance of the agency's principal location and the meeting site if the meeting isn't held at the agency's principal location.
Emergencies	
In an emergency situation (e.g., fire, flood, earthquake, or other emergency), a meeting may be held at a site other than the regular meeting site, and the notice requirements under the OPMA are suspended during such an emergency.	The notices required for special meetings aren't required if a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.



MRSC

REGULAR MEETINGS (RCW 42.30.070)	SPECIAL MEETINGS (RCW 42.30.080)
Holidays	
Regular meetings shall not be held on holidays. If a regular meeting falls on a holiday, the meeting must be held on the next business day.	Although not specifically addressed by the OPMA, we recommend that special meetings not be held on holidays out of consideration for public participation.
Business Transacted There are no restrictions on the type of business that may be transacted at regular	The agency can add matters for discussion to the agenda including an
meetings. The agency can go into executive session even if one was not noticed.	executive session. But, final disposition cannot be taken on any matter not listed in the special meeting notice.

DISCLAIMER: These practice tips are meant to provide summary information on the notice requirements of the OPMA; these tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel for guidance on specific situations.

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Classification and Compensation

Civil Service Human Resources



What classification is...

Job classification is the systematic process of grouping positions into classes based on similar bodies of work and scope of responsibility.

The Charter empowers the Commission to classify positions. Broad guidance is provided by Civil Service Rule III.

We currently maintain 362 classifications.





... And what classification is not.



- It is a process to organize the work by common factors, not dictate organizational structure.
- It is work-centric, not personcentric.
- A class specification (the written document) is not the same as a position description.



Some benefits of a strong classification system.

- Aligns hand in hand with compensation and employee selection processes.
- Better recruitments and retention with clear class descriptions.
- Elimination of artificial barriers to employment.
- Flexibility and mobility to respond to change.
- Elimination of redundant or obsolete classes.





Classification process.



Classification process.

Step 0. The Elevator Pitch

Data Gathering. Many sources of info are sought at this stage:

- Management and labor input
- Employee input via surveys, interviews, and desk audits
 - Related existing classifications
 - Other agencies and federal sources
 - Etc.





Classification process.

Analysis & Development.

- Combine, separate, or rewrite tasks.
- Identify the **competencies** to include in the class specification.
- Note the physical requirements and environmental conditions of the job class.
- Set the <u>minimum</u> education and experience requirements for the job class.
- Finally, write the "Draft 1" class specification and issue it to management.





Classification Process

Revision and Approval.

- Mgmt. approval can take many drafts.

- The proposed spec is sent to the proper bargaining unit for review. More drafts may follow before labor and management are in concurrence.

- New classifications or class title changes are brought to the Commission.

- Adopted classes are referred to HR for the compensation process.



Job Classification Specification

CITY OF SPOKANE CIVIL SERVICE COMMISSION • ESTABLISHED 1910

CONTINUOUS IMPROVEMENT ANALYST

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SPN: 036	Bargaining Unit: M&P-B	Pay Range: 42	Effective Date: 2/2021

CLASS SUMMARY

Develops, implements, and monitors continuous improvement initiatives to reduce waste and streamline processes across all City departments. Assignments are given with general guidelines, and incumbents are responsible for establishing objectives, timelines, and methods to deliver work products or services. Work is typically reviewed upon completion for soundness, appropriateness, and conformity to policy and requirements. Employee exchanges information regularly with internal contacts and occasionally with external contacts. Duties are sedentary in nature and performed primarily in an office environment, but travel to various work locations may be required.

CLASS CHARACTERISTICS

This is the journey-level professional classification in the Continuous Improvement series. Incumbents initially work under close supervision, but as experience is gained, incumbents are expected to complete more varied, complex, and difficult assignments. After training, positions at this level perform the full range of assigned duties, work independently, and exercise judgment and initiative. Positions at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Senior Continuous Improvement Analyst in that the latter acts as a team lead while performing advanced-level professional work in the continuous improvement field.

SUPERVISION RECEIVED AND EXERCISED

Receives close supervision (at hire) to general supervision (with experience) from assigned supervisory or management personnel. Exercises no direct supervision of employees.

EXAMPLES OF JOB FUNCTIONS

This description was prepared to indicate the kinds of activities and levels of work difficulty required of positions in this class. It is not intended as a complete list of specific duties and responsibilities.

Consults with management to define areas for process improvements, recommend work



What happens when Civil Service routes a significantly revised or new classification to HR?



Internal Equity Analysis External Market Analysis



The **Point Factor Analysis** assigns points to compensable factors, with the total score equating to the pay plan.

- Job Knowledge
- Human Relations Skill
- Mental Effort
- Physical Effort
- Work Direction and Control

- Policies & Procedures
- Amount of Discretion
- Surroundings
- Effect of actions

	Hazards	270	M&P
Level	Definition	Points	Points
1Regular	The work environment presents minimal risks whether the second se	0	0
1Occassional	The work environment presents minimal risks whether the second se	0	0
2Regular	The work involves some clearly definable risks a	14	27
2Occassional	The work involves some clearly definable risks a	7	14
3Regular	The work involves considerable risks requiring a	28	54
3Occassional	The work involves considerable risks requiring a	21	41
4Regular	The work involves high risks with exposure to inl	42	81
4Occassional	The work involves high risks with exposure to inl	35	68
	Work Direction and Control	270	M&P
Level	Definition	Points	Points
1	Exercises no work direction and control over oth	0	0
2	Intermittently provides technical and/or functiona	34	37
3	Regularly provides technical and/or functional su	68	74
4	Supervises others in the performance of work; v	102	111
5	Plans and coordinates long range work objective	136	148
6	Plans, organizes, directs, and controls major wo	170	185

Point Total: 767 Recommended Range: 34 Local 270L: \$43,392.82 - \$67,605.26



The **Internal Equity Analysis** ensures fairness is maintained by comparing similar duties and minimum requirements.

		Position Data
SPN #:	955	
Position Title:	REVISED CLASS SPEC	
Department:	DEPT	
Current Salary Grade:	38	
Recommended Grade:	39	
Union/Pay Plan:	M&P-B	

CLASS	SPN	RANGE	RANGE	PAY PLAN	MINIMUM	DUTIES
SPECIFICATION			VALUE		REQUIREMENTS	
REVISED CLASS SPEC	038	38	\$56856.24 - \$80534.16	M&P-B	Graduation from an accredited college or university with a degree prevention, education, marketing, communications, or a closely related field.	Promotes fire prevention and safety awareness through the leadership, vision, and management of Fire Department public education programs and support activities. Responsible for development and delivery of all Fire Department public safety campaigns
INTERNAL COMP 1	055	39	\$58276.08 - \$82559.52	M&P-B	Open Entry Requirements: Completion of two years of college coursework agency such as: Certified Employee Benefits Specialist.	Performs responsible administrative work in the management of claims, loss control and financial planning for the self-insured/self-administered insurance plans for the City.
INTERNAL COMP 2	120	40	\$59779.44 - \$84731.04	M&P-B	Open Entry Requirements: Two years of education above the high school	Performs responsible supervisory and administrative work assisting the Court Administrator and Judicial Officers of the Municipal Court. Duties require knowledge of



The **External Market Analysis** compares what the organization is willing to pay versus what outside organizations competing for the same talent are willing to pay.

We use the NEOGOV tool *SalaryStudy* to locate comparables across the region.

region.



We utilize the Bureau of Labor Statistics **EMPLOYMENT COST INDEX (ECI)** to measure the differences in total employee compensation between counties across the

	ECI Calculator	
	County	ECI Ratio
1	U.S. TOTAL	2%
2	Washington	18%
3	Adams County, Washington	-10%
4	Asotin County, Washington	-21%
5	Benton County, Washington	21%

		SAI	SALARY		
ORGANIZATION	JOB TITLE	Low	High	Compared	
				to Spokane	
City of Bothell	COMP 1	\$66563.04	\$84633.96	39% more	
		\$47887.08	\$60887.74		
City of Kirkland	COMP 2	\$70158.40	\$82534.40	39% more	
		\$50473.67	\$59377.27		
		450001.00	470000.40		
City of Olympia	COMP 3	\$59904.00	\$72839.10	9% more	
		\$54957.80	\$66824.86		
City of Puyallup	COMP 4	\$57741.60	\$75061.44	23% more	
city of Fuyanup	001111 4	\$46944.39	\$61025.56	2570 11010	
		<i>Q</i> 10511105	<i>QUIULD.00</i>		
City of Renton	COMP 5	\$68076.00	\$82884.00	39% more	
~		\$48975.54	\$59,628.78		

Organizational charts and lines of progression are also analyzed to avoid wage inequities and compression.

Once analyses is completed, a pay plan recommendation is made.



How are pay plan recommendations finalized? Concurrence **Collaboration** ROUTING Notification

Did you know?

- Human Resources maintains approximately 86 non-classified job descriptions.
- Human Resources completes an average of 18 salary surveys a year.
- In 2017, Human Resources implemented an automated distribution process for finalized salaries through OnBase.

Memo

General Information

To:*		From: *	
HR DIRECTOR		HR ANALYST	
Effective Date: *		Department: *	
11/5/2021			•
Type of Memo: *		Payroll Department (for	
NEW CLASSIFICATION	•	notification purposes)*	
			•

Memo Details

NOTICE: New Classification and Updated Classification memos should only be submitted by HR personnel.

FLSA Status: NON-EXEMPT

EEO4 Code:

8 – SERVICE-MAINTENANCE

Worker's Compensation Code:

0803 – REGULAR CITY OPER/ 🗙 🔻



