



**REGULAR MEETING NOTICE/AGENDA
THE CIVIL SERVICE COMMISSION
9:30 A.M. –MARCH 21, 2023**

NOTICE IS HEREBY GIVEN by the City of Spokane Civil Service Commission, that a regularly scheduled meeting of the Civil Service Commission will be held on March 21, 2023, commencing at 9:30 A.M. in the City Council Chambers – Lower Level of City Hall (808 W. Spokane Falls Blvd., Spokane WA, 99201). The purpose of the meeting is to conduct the monthly commission meeting and to discuss other matters as reflected on the attached agenda.

The meeting will be conducted in-person and open to the public with commission members, staff and presenters attending in-person. All meetings will be streamed live on Channel 5.

Oral public comment will be accepted at the meeting for agenda items to be decided by the Commission, excluding hearing items. Individuals who want to provide oral comment at this time but are unable to physically attend the meeting shall contact the Commission at civilservice@spokanecity.org to request by 5:00 P.M. the day before the meeting, (Monday, March 20, 2023) so the Commission can make arrangements for you to participate telephonically at the meeting.

DATED THIS 14th day of December 2022.

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 City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, 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 509.625.6237, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mpiccolo@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



AGENDA

REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

9:30 A.M MARCH 21, 2023

CITY HALL – CITY COUNCIL CHAMBERS

LOWER LEVEL CITY HALL

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

1. CALL TO ORDER/ROLL CALL

2. APPROVAL OF MINUTES

- a. February 21, 2023 Minutes
(Pg.3)

3. CHIEF EXAMINER UPDATE

4. NEW BUSINESS

- a. Introduction of new Human Resources Director: David Moss
(Piccolo)
- b. Findings of Fact, Conclusions of Law, and Decision in the C. Conrath
Appeal (Pg.5)

5. OTHER BUSINESS

6. Adjourn

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



**REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
MINUTES – FEBRUARY 21, 2023**

1. CALL TO ORDER/ROLL CALL

Meeting called to order at 9:31 a.m.

All Commissioners were present except Commissioner Hult and Stephens who have an excused absence.

2. APPROVAL OF MINUTES

- a. January 17, 2023, Minutes

MOTION: Move to approve the Minutes from January 17, 2023

Palmerton/Gilmore: Motion passed unanimously

- b. January 24, 2023, Minutes

MOTION: I would move to accept the minutes as presented

Gilmore/Palmerton: Motion passed unanimously

3. CHIEF EXAMINER UPDATE

Chief Examiner Person gave updates on Civil Service news

- a. Currently working on Rule 5 for Rule Review - 4 rules left to review. Expect full presentation of changes before end of year.
- b. New HR Director starting next week – introduction at next Commission meeting
- c. Colin Martin, Exam and Classification Analyst III is leaving for City of Portland
- d. Process of hiring Marketing Coordinator for Civil Service – Tentatively May 2023

4. NEW BUSINESS

- a. Reclass Request for Kim Anderson from a Clerk III to a Clerk IV
 - i. Job survey determined she is working at Clerk IV level.
 - ii. She was previously reclassified in 2016 to a Clerk III and sighting Rule III Section 6b – must be approved by Civil Service Commission.
 - iii. Management and Labor are aware and support this reclassification.
 - iv. Commissioner Lindsay asked if there was some inherent problem with the process in the department.
 - v. Chief Examiner Pearson stated that over time the work has changed, and more responsibility has been placed and she now supervises subordinate staff.
 - vi. Commissioner Gilmore asked questions regarding the process at the Police department which were answered by Chief Examiner Pearson.
 - vii. Commissioner Gilmore wants to make sure this does not happen again.
 - viii. Commissioner Lindsey asked how we keep this from happening again which was answered by Chief Examiner Pearson
 - ix. Commissioner Lindsey asked City Attorney Piccolo if there was any legal difficulty in having the Chief Examiner following up on reclassifications: Attorney Piccolo stated there was not
 - x. Commissioner Gilmore stated that we approve this reclassification with the

understanding that Civil Service will monitor the situation and test.

MOTION: I move we accept it and grant the reclassification

Palmerton/Gilmore: Motion passed unanimously

b. Findings of Fact, Conclusions of Law, and Decision in the C. Conrath Appeal

Tabled to the next Commission meeting as all the Commissioners present for the Appeal are not present for the voting.

MOTION: I will move to adjourn Item 4B until the Commission meets again next month

- i. City Attorney Piccolo stated that the Appeal is finished, and the decision has been made, this is just to approve the written findings and two of the four Commissioners that were present at the appeal are not present today – no harm in continuing this until the next meeting.
- ii. Commissioner Gilmore asked that everyone concerned knows the result and this is not holding anybody up which - was answered by the Commission.

Palmerton/Gilmore: Motion passed unanimously

5. OTHER BUSINESS

6. ADJOURN

MOTION: I would move to adjourn

Gilmore/Palmerton

Meeting adjourned at 9:46

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

ITEM 4B – FINDINGS, CONCLUSIONS OF LAW AND DECISION OF THE CIVIL SERVICE COMMISSION

BACKGROUND

The Findings of Fact regarding the Mr. Christopher Conrath appeal decision.

Commission action is required.

1
2
3 BEFORE THE CIVIL SERVICE COMMISSION, CITY OF SPOKANE

4 In Re the Matter of:

5 Christopher Conrath,

6 Appellant,

7 v.

8 City of Spokane,

9 Respondent.
10

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION OF THE CIVIL SERVICE
COMMISSION

11
12 On January 17, 2023, the Civil Service Commission (Commission) for the City
13 of Spokane conducted the hearing of the appeal of pass over filed by Cpl.

14 Christopher Conrath. The appeal was in regard to the determination of Major Eric

15 Olsen (with concurrence by the Assistant Police Chief) to pass Cpl. Conrath over for
16 promotion to the position of Police Sergeant twice, on August 22, 2022 and

17 November 4, 2022 respectively, based upon reasonable cause as set forth in Rule V

18 Section 4 (a) of the Civil Service Rules. Cpl. Conrath timely filed his wish to appeal

19 both matters to the Commission pursuant to Rule V Section 4 (c) and the matters

20 were consolidated for hearing. The Commission heard oral argument from the City's

21 legal counsel Michael Bolasina, and from Cpl. Conrath's legal counsel Joe Kuhlman.

22 The Commission heard the testimony from the City's witnesses: Assistant Police

23 Chief Justin Lundgren, Major Eric Olsen, and Captain Tracie Meidl. Cpl. Conrath

24 testified on his own behalf. The Commission also considered the pre-appeal
25
26

27 Findings of Fact, Conclusions of Law and
28 Decision of the Civil Service Commission

CIVIL SERVICE COMMISSION
Fourth Floor Municipal Building
Spokane, WA 99201-3315
(509) 625-6160
FAX (509) 625-6077

1 documentation filed by the City, which consisted of the City’s prehearing brief,
2 including its Exhibits 1-23. The Appellant did not present a prehearing brief or any
3 exhibits. Having heard and considered the above-cited argument, testimony and pre-
4 appeal statements and documentation, the Commission makes the following Findings
5 of Fact, Conclusion of Law, and Decision.
6

7 FINDINGS OF FACT

8 Cpl. Conrath had previously taken the sergeant promotional examination
9 administered by the Civil Service Commission, which placed him on the list of officers
10 eligible for promotion to the position of sergeant. Over the period the sergeant
11 promotional list was active, Cpl. Conrath’s name moved to the first position on the list
12 due to other officers on the list being promoted to sergeant or otherwise removed
13 from the list of eligibles. A sergeant’s position became open on or about August 22,
14 2022, as well as on or about November 4, 2022, which made Cpl. Conrath the first
15 eligible on the segreant promotional list to be considered for the promotion.
16

17 On August 22, 2022, and November 4, 2022, Major Eric Olsen twice informed
18 the Civil Service Chief Examiner that he was passing Cpl. Conrath over for cause for
19 the sergeant promotion. Cpl. Conrath timely filed his appeal of both pass overs for
20 cause and the matters were consolidated for review before this Commission.
21

22 Cpl. Conrath was subject to a prior internal affairs investigation in September
23 2021 resulting in a determination that he had violated the Police Department’s Policy
24 340.3(D) regarding disobedience or insubordination and Police Department’s Policy
25

1 212.3 regarding prohibited email use which resulted in discipline in the form of a letter
2 of reprimand. This finding was made March 24, 2022.

3 CONCLUSIONS OF LAW
4

5 The Civil Service Commission is to certify a list of employees eligible for
6 promotion based upon the promotional examination. Upon receipt of the certification,
7 the appointing officer may pass over the eligible and shall notify the Chief Examiner
8 of the pass over. Rule V Section 4 of the Civil Service Rules provides that no
9 promotional eligible shall be passed over except for reasonable cause. Reasonable
10 cause for passing over a promotional eligible may include the following:

- 11 1) An eligible's documented substandard work performance, or
- 12 2) An eligible's documented prior disciplinary problems, or
- 13 3) Documented errors in an eligible's judgment, or
- 14 4) Any other documented performance-related reasons, or
- 15 5) Mutual Passover.

16 A promotional eligible shall be notified of the pass over and may petition the
17 Civil Service Commission regarding the pass over.
18

19 DECISION
20

21 Based upon the submitted record, witness testimony, oral argument presented
22 by the parties, the Civil Service Rules governing promotion and the above Findings of
23 Facts and Conclusions of Law, a motion was made and seconded by the Civil
24 Service Commission to GRANT the appeal of Cpl. Conrath. Pursuant to Civil Service
25 Rule XI, Section 8 (a) a quorum of no less than four members of the Commission is
26 required to conduct a hearing and render a decision, providing that the decision

27 Findings of Fact, Conclusions of Law and
28 Decision of the Civil Service Commission

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1 receive at least three affirmative votes. The Commission voted two to two on the
2 motion to GRANT the appeal; two votes in favor of the motion to grant Cpl. Conrath's
3 appeal and two votes against the motion to grant Cpl. Conrath's appeal. Because the
4 Commission was unable to conclude by a three-vote majority to grant the appeal of
5 Christopher Conrath, the status quo remains in place which effectively denies the
6 appeal of Christopher Conrath and affirms that the decision of Major Olsen to pass
7 Mr. Conrath over for promotion to the Police Sergeant position was based on
8 reasonable cause as set forth in Rule V Section 4 of the Civil Service Rules.

9
10 DATED this ____ day of February, 2023.

11
12 By: _____

13 Judith Gilmore – Vice Chairperson
14 Civil Service Commission

CERTIFICATE OF SERVICE

The undersigned, under penalty of perjury, certifies that on the _____ day of February, 2023, I caused a true and correct copy of this document to be forwarded, with all required charges prepaid, by the methods indicated below, to the following person(s):

Michael C. Bolasina

- VIA E – MAIL
- VIA FACSIMILE
- VIA U.S. MAIL
- VIA OVERNIGHT SERVICE
- VIA HAND DELIVERY

Joe Kuhlman

- VIA E - MAIL
- VIA FACSIMILE
- VIA U.S. MAIL
- VIA OVERNIGHT SERVICE
- VIA HAND DELIVERY

 Secretary to the
 Civil Service Commission
 Fourth Floor Municipal Bldg.
 808 W. Spokane Falls Blvd.
 Spokane, WA 99201

Findings of Fact, Conclusions of Law and Decision of the Civil Service Commission

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