

**CITY OF SPOKANE
CIVIL SERVICE COMMISSION MEETING
MINUTES
March 17, 2015**

Cheryl Beckett, Acting Chair, called the regular meeting to order at 9:30 a.m. Present were Cheryl Beckett, Phyllis Gabel, Craig Hult and Mark Lindsey.

Agenda Item I.

Approval of Minutes:

Ms. Cheryl Beckett introduced the minutes from the regular meeting of February 17, 2015. Hearing no changes or corrections to the minutes, Ms. Beckett stated that the minutes were approved as submitted.

Agenda Item II.

Commission Appointment of Fifth Member and Elections:

Ms. Beckett stated the Commission had received an application from Ms. Kathryn Sewell to be appointed as the fifth member to the Commission and asked for a motion to appoint Ms. Sewell. Ms. Phyllis Gabel made the motion to appoint Ms. Sewell and the motion was seconded by Mr. Craig Hult. Ms. Sewell was in the audience and the Acting Chair invited Ms. Sewell to introduce herself. Ms. Sewell stated she has been a lifelong resident of Spokane, has worked in the human resources field for the past 30 years beginning with the Crescent store until they closed, a law firm and then in Health Care for the past 20 years. She said she had an extensive background in human resources and labor relations.

Ms. Beckett called for a vote and the motion to appoint Ms. Sewell passed unanimously. Ms. Beckett invited Ms. Sewell to come up to the dais and take her place as a Commissioner.

Ms. Beckett then called for nominations for Chair and Vice Chair. Mr. Hult nominated Ms. Beckett for the position of Chair and it was seconded by Ms. Gabel. Ms. Beckett said she would be able to serve for one year as Chair. Ms. Beckett called for a vote and the motion to elect Ms. Beckett as Chair passed unanimously.

Ms. Gabel moved to nominate Mr. Hult as Vice Chair and the motion was seconded by Mr. Mark Lindsey. The nomination was accepted by Mr. Hult. Ms. Beckett called for a vote and the motion to elect Mr. Hult as Vice Chair passed unanimously.

Agenda Item III. Staff Activities:

The Chief Examiner, Ms. Gita George-Hatcher reported the following statistics for the month of February:

Announcements issued:	9	Classifications revised:	8
Examinations:	38	Classifications new/deleted:	3/0
Requisitions received:	24	Requisitions certified:	28
Requisitions pending:	51	Class Surveys completed:	2
Requisitions pending:	51	Class Surveys in progress:	11
Requisitions canceled:			

Average days from department initiation of request to receipt in Civil Service:	4.3
Average days from requisition receipt to certification:	0.4
Percentage certified within 24 hours:	70%

Ms. George-Hatcher also reported that staff was able to more thoroughly research the issue brought forward last month by Local 270 pertaining to the certification of names of those laid off outside of the hiring department. The research indicated that between 2003 and 2014, laid off employees were the only names certified along with transfers and voluntary demotions for position openings in classifications from which the employees were laid off whether from the department they were laid off from or a different department. There were 88 cases reviewed and in 86 cases, the open list was not certified while there were individuals in layoff status from those classifications. In 2 out of the 88 cases, the employees had been terminated and there were no records available.

In the specific instance of the layoff list that was discussed at the February meeting, because the situation involved documented performance concerns, pending the convening of an interim rule review committee meeting later in the year, Ms. George-Hatcher stated she would as directed by the Commission, make an administrative decision and provide an option for the employees to appeal the Chief Examiner's decision. The particular concern that had been brought up regarding this process was that departments that had no part in the layoff should not be forced to hire someone who has no return rights under the rules and be subjected to defend an appeal.

Agenda Item IV. Classification Resolution:

Ms. George-Hatcher reported that there was labor and management concurrence on the classifications to be adopted as follows:

Assistant Parks and Recreation Manager - SPN 066 is a revision of the original title of Parks and Recreation Division Manager in order to keep with the correct title of the sections within Parks and Recreation, with minor modifications to the Open Entry requirements and major modifications to the Promotional requirements, consistent with industry standards. The SPN number will remain the same.

Carpenter – SPN 606 is a new classification separated from the classification of Craft Specialist – SPN 611 that had included this function.

Wastewater Collections and Maintenance Superintendent – SPN 545 is a title change from the existing Waste Water Supervisor with significant revisions to the responsibilities and promotional requirements while keeping the same SPN number.

WTE Disposal Operations Supervisor – SPN 594 – the title and SPN were adopted on November 18, 2014, pending the development of and concurrence on the classifications specifications which are being presented for adoption.

Assistant Urban Designer – SPN 261; Urban Designer – SPN 259 and Senior Urban Designer – SPN 263 are all new classifications and are differentiated from the Planner series in that the Planner series is focused on zoning, land use and codes while the Urban Designer series deals with neighborhood planning and design and requires specialization in Urban Design, Architecture, Landscape Architecture or Environmental Design.

Ms. George-Hatcher also informed the Commission that as class specifications are revised, staff is also updating the physical requirements section of the specifications to be in compliance with the Americans with Disabilities Act.

Ms. Beckett called for a motion and Ms. Gabel made the motion to adopt the classifications and SPN numbers as reported. It was seconded by Mr. Hult and adopted unanimously.

Agenda Item V.

Police/Fire Testing

Ms. Beckett introduced the topic of Police and Fire Continuous Testing and requested the Chief Examiner to provide information. Ms. George-Hatcher distributed copies of the Briefing Paper on the subject and discussed the background, efforts undertaken and cost information with respect to Police and Fire Testing. The original research was begun due to concerns expressed regarding the low number of females and persons of color in the Spokane Fire Department and a request from the Public Safety Committee to review the current physical agility test for Firefighters. She explained that a committee was formed with discussions and research which had been ongoing for more than a year and included the participation of the previous Chief Examiner, Mr. Glenn Kibbey, as well as Civil Service staff, and representatives from Human Resources and the Spokane Fire Department. The research included a number of similar sized Fire departments initially and later expanded to researching comparable jurisdictions for both Police and Fire departments in the State of Washington. She reported more than 200 Washington agencies currently utilize outside vendors to conduct public safety testing for the

primary reason that the tests, both written and physical agility, are defensible due to validation and commitment by the Equal Employment Opportunity Commission to not bring legal challenges to the Certified Physical Agility Test (CPAT). Additionally, the CPAT has the sponsorship of both the International Association of Firefighters (IAFF) and the International Association of Fire Chiefs (IAFC).

Ms. George-Hatcher provided details of the proposal as provided in the Briefing Paper and the cost which would be less than half of what is currently budgeted in the Civil Service budget for Professional Services. The cost of the free written test for Spokane in consideration of in-kind co-operation would be \$15 per applicant that would be paid for by the City. The proposal would allow for one free written testing to be provided by the City every two years as is done currently but would require candidates to pay for, take and pass the CPAT offered by PST at the time of certification of their names for interview. The vendor would provide all the equipment for conducting the CPAT in consideration of the City providing facilities for testing at a negotiated cost. Additionally, the vendor would provide publicity and recruitment and the required transportability studies. Ms. George-Hatcher stated the recommendation was to move forward with this on a trial basis for three years with Public Safety Testing as the vendor with a required evaluation at the end of that period to determine renewal. Civil Service would continue to be responsible for the certification of names.

Ms. Beckett asked for a motion to get the item on the table for discussion. Ms. Gabel moved to authorize continuous testing for Police and Fire and to enter into a contract with Public Safety Testing to conduct the testing. Mr. Hult seconded the motion.

Mr. Don Waller, President of Local 29, addressed the Commission and said he had questions for the Commission regarding this proposal but that they don't have an official position on the issue. He said a number of their members have been through the CPAT and have brought forward concerns. Mr. Waller expressed concerns about candidates possibly having to test every six months, the cost to applicants and said having a third party do the testing is a revenue source for a for-profit corporation. He said his feeling is that this would not be in keeping with the spirit and intent of the City Charter and that there would be less local and more out-of-the-area applicants. He was also concerned that if the test is free only for Spokane and applicants want to apply for other agencies, it would create pressure on local applicants to travel all over to take tests for other agencies. He said he had heard the written test was \$100 and the CPAT \$125. Mr. Waller expressed concerns about not having control over what is on the test, for example the personality questions on the recent Police Officer test. He said his understanding was that we would be requiring candidates to take four written and two physicals every two years rather than one physical and one written test every two years. Mr. Waller said the main problem with not getting diverse candidates was the department not being provided with enough names to

choose from. He said it would be important to have people currently testing to talk to the Commission and the Chief Examiner, and that he has not received positive feedback. Mr. Waller said the testing by outside vendors was expensive and difficult, and that he wanted the Commission to make sure the proposal meets the “free and open” criteria of the Charter. He also said the vendor would not recruit for the City of Spokane; rather, they recruit for people to take their test.

Mr. Jon Walters from Public Safety Testing, Inc., addressed the Commission and answered the Commission’s questions regarding the physical agility test for Police. He confirmed that the test given by the Academy is the same test given by PST as the physical agility test given in Washington State is governed by standards established by the Washington State Criminal Justice Training Commission. Mr. Walters said that any rule PST has for any department has been the result of meetings and agreement with the department. An applicant may only test once every 6 months if retaking a test. He said most candidates do not test every 6 months and there are multiple forms of the written test. Mr. Walters also explained the cost of taking CPAT is \$119 per candidate and the average around the country is \$150 to \$175. The written test costs \$45 for candidates to apply for two agencies and every additional agency costs \$15. The City’s cost for the free test to candidates who apply for Spokane only will be \$15 with the in-kind contributions by the City. Mr. Walters explained that a candidate only has to test once per year for the CPAT and as long as the test occurs within 6 months of a test, a report is triggered and sent to the department. He also said that PST has a process in place for verifiable hardship and that in 15 years, they have never turned a candidate away from testing due to verifiable hardship. They have also not charged a city or county for the cost of the test in the last 15 years. Mr. Walters explained that the feedback they have been receiving from both candidates and departments has been positive. The candidates like the fact they can take one test and have it apply to multiple agencies rather than as was the case 35 years ago where individuals had to go from City to City to apply. The Departments like the fact their lists are continually refreshed and that the quality, numbers and diversity have increased. Mr. Walters said in 2014, their agency conducted 93 tests. He said due to unemployment dropping and vacancies increasing, it is important for agencies to be nimble and flexible. With continuous testing, the best candidates are always at the top.

In response to questions from Ms. Gabel about the personality testing portion of the exams, Mr. Walters said that the majority of Fortune 500 companies use personality tests to select candidates. This is a scientific process and measures how well candidates interact and work with others. This is not a psychological evaluation but consists of permissible pre-offer questions to determine ability to work well, as well as ethics and integrity.

Ms. Gabel asked for additional clarifications regarding the CPAT and regarding legal guidance with respect to treating CPAT like the EMT. The proposal takes CPAT out of the City administering the physical agility testing which it has been doing so far. Mr. Walters explained that the CPAT has the sponsorship of the International Association of Firefighters (IAFF), the International Association of Fire Chief (IAFC, as well as a commitment by the Equal Employment Opportunity Commission (EEOC) that if there are 2 orientations within 8 weeks and 2 practice sessions w/in 30 days of the CPAT, they will not enjoin suit on adverse impact. This type of validation is not available at the local level.

In response to Ms. Beckett's question regarding validation at the local level, Mr. Walters provided clarifying information that the Transportability Study involves department surveys, and measuring what is actually done by Firefighters on the job in Spokane so that the test measures what is required. He said his experience is that there is consistency among departments and in his experience he has only seen one anomaly.

Assistant Chief Schaeffer addressed the Commission and commented that the professionals and Civil Service staff, led by Ms. Gita George-Hatcher, have done an outstanding job with the research on this topic. He said this proposal provides evidence based science to a process that was seriously lacking. He encouraged the City at this time to avail ourselves of empirical data that companies like this have. He responded to questions from Commissioners that the perception is that females and people of color are afraid of taking the City's physical agility test because they feel they will not pass. He said the department had not hired a female Firefighter since Affirmative Action ceased but corrected his statement that one female firefighter was, in fact, hired a couple of years ago but did not pass the academy.

In response to a request to clarify the requirement for Firefighter applicants to have EMT training, AC Schaeffer said that prior to his coming on board with the City, a dialogue similar to this one was held concerning the EMT requirement. The Fire Department used to teach the EMT course in the Academy which was expensive and time consuming for staff. The requirement was changed such that in order to be interviewed for the position, the candidate provides documentation of completion of EMT training which costs approximately \$500. AC Schaeffer said in spite of the cost, hundreds of people at a time have been taking the Firefighter tests. He also clarified that the Human Relations committee of the IAFF and IAFC determined that physical agility testing needed to be completely transparent. As a result of this, information concerning the CPAT is available to applicants, including the aspects of the actual test and how to train for it. The practice sessions also allow applicants to put on the gear and practice taking the test.

Mr. Joe Cavanaugh, President of Local 270, addressed the Commission and said his question was regarding the cost, and concern that this program would be a violation of the City Charter. He

said in the late 1980s there was an attempt to charge a fee for testing and it was determined to be a violation of the Charter. He said his concern is whether fees would be charged in the future for other continuous tests being currently provided by the City when applicants test more than once and questioned whether this was legally defensible.

Mr. Waller addressed the Commission again and responded to Ms. Beckett's question regarding the CPAT. He said the CPAT cannot be compared with the EMT. He said the EMT certification could be used by someone who possessed it to apply for other jobs but that the CPAT is only good for the purpose of becoming a Firefighter. Mr. Waller said cost is the main issue.

In response to Mr. Cavanaugh's question about whether someone testing for example for Engineering Technician when tested continuously, whether the second test would have to be paid for, Ms. George-Hatcher stated that Legal guidance was followed in putting the proposal together. She stated the Charter requires testing every two years (*sic* The Civil Service Rules have the two-year language). The Police and Fire tests are normally given every two years. This is a trial to see if this method provides us with an increase and a better pool of candidates. Mr. Cavanaugh said his only concern was whether this was a violation of the City Charter.

Mr. Mike Piccolo said as long as we maintain the past practice of testing every two years for the classification, that we would be defensible.

Ms. Gabel questioned whether if it was still the case as is currently, that a list could be voided after one year, if that test would be free. Ms. George-Hatcher said that on a continuous list, there would be no reason to void it. On several occasions in the past, management and labor have requested lists to be voided or exhausted. This would not be an issue with continuous testing.

Deputy Chief Bob Hanna addressed the Commission and said the Fire Department has not ever voided an entry level Firefighter list but has requested voiding of the lateral list. He said as far as cost, there is no requirement for the candidate to take the CPAT immediately after the written. When called to the interview, they would have to provide documentation of having taken and passed the CPAT within one year of the interview date. DC Hanna addressed Mr. Waller's comment about having motivated applicants testing more than once and said motivated applicants are also testing for other agencies and not just for the City of Spokane. He said there is a structure in place to address hardship and the goal is to move forward with a validated test. DC Hanna stated that validating our current physical agility test would be a very lengthy process and the Fire Department is attempting to hire candidates mid year.

There being no additional questions or discussion, Ms. Beckett called for a vote. The proposal to conduct continuous testing with Public Safety Testing as the vendor passed four to one with Commissioner Lindsey voting no.

Ms. Gabel stressed that an evaluation of the three year trial with input from Civil Service, the department and the Union would be necessary, as well as input from the involved parties as to what defines success and asked that this be taken into consideration moving forward.

Ms. Beckett said that this may not be the end of the issue and it may need to be revisited before the three-year trial period. Mr. Hult said he would like to see the vendor develop written protocols and procedures regarding hardship determinations.

Mr. Lindsey said it would be imperative that hardship data be collected to determine if we are losing candidates due to inability to comply with the vendor's definition hardship. He said if we don't have data, we don't have a defense. Mr. Lindsey stated he is voting no because he would consider this proposal a violation of the Charter.

As there were no additional comments or discussion, Ms. Beckett introduced the next item on the agenda.

Agenda Item VI

Approval for Additional Hire

The Chief Examiner provided written statistics and an explanation of staff work load for the Analysts. Between classification reviews, job surveys, testing and recruitment, the Analysts currently have 99 projects out of which 29 are high priority. She stated that at any given time we have a backlog, some of which goes back a year. Changes have been made with respect to task assignments, aligning them with classifications and departments, as well as global assignments for tasks not currently being done such as job content and testing analyses, statistics, etc. Currently, Analysts give a great deal of their time to Civil Service including taking work home and doing an excellent job. The NEOGOV implementation will also create some additional work for a temporary period of time. The original intent was to hire a project employee but after training, the project employee would have to be separated and the department would be in the same situation. Therefore, the request is being made to the Commission to authorize the Chief Examiner to request City Council to approve an Emergency Budget Ordinance for \$ 49,891 to hire an Examination and Classification Analyst II beginning the third quarter of 2015.

Ms. Beckett requested information on what this would do to our budget which is currently at .51% and Ms. George-Hatcher said the current budget which is .51% of the 1% allowable is at \$858,000 so the additional amount would have minimal impact.

In response to Mr. Lindsey's question as to the reason for the increased workload, Ms. George-Hatcher said that within the last 6 months there has been a significant increase in the number of examinations. These have to do with new tests being requested for new classifications, performance tests being requested after job surveys on incumbents, retirements causing requests for tests that had not been given for many years and combinations of issues including new types of positions requested by the administration based on their focus and priorities. She said whenever a test is given the workload is on the Analysts. Whenever a recruitment is opened, it is a culmination of the work performed by the Analysts in surveying the positions, developing job description, working with subject matter experts to develop the tests, write the tests, create exam plans, etc., and that they have been continuing to do excellent work in spite of the workload. Ms. George-Hatcher indicated that staff was in attendance and invited the Commission to discuss the workload with staff if they would like to.

Mr. Joe Cavanaugh addressed the Commission and said his union represents about 1100 employees. He said Civil Service is an important aspect of the workplace. A lot more retirements have occurred and positions that had not been recruited for in many years now have to be filled. Last year, the Waste to Energy transition placed a burden on the staff and they responded very well. We had to transition approximately 40 employees and create between 12 and 15 new classifications. There has also been a push for specific job titles due to acknowledgement of the work changing or needing specialized classifications. Mr. Cavanaugh said staff has been doing very good work and meeting deadlines and that they do need the help, which would be of benefit to the whole City.

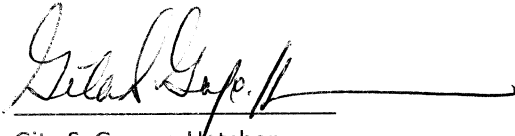
Ms. Beckett asked for a motion to authorize the Chief Examiner to seek an Emergency Budget Ordinance to hire an Examination and Classification Analyst beginning the third quarter of 2015. Mr. Lindsey made the motion which was seconded by Ms. Gabel. Ms. Beckett called for a vote and the motion passed unanimously.

Agenda Item VII.

Other Business

Ms. Beckett asked for an update on the investigation report concerning the temporary seasonal employee in Business and Developer Services that staff presented to Council in February. She said she wanted to have on the record, whether the temporary seasonal employee whose position was to cease at the end of February has in fact left employment with the City of Spokane. Ms. George-Hatcher responded that the employee is no longer employed by the City, effective the end of February.

The Commission and the Chief Examiner welcomed Ms. Kathy Sewell. There being no additional business to come before the Commission, the meeting was adjourned at 11:00 a.m.

A handwritten signature in black ink, appearing to read "Gita S. George-Hatcher", followed by a long horizontal flourish line.

Gita S. George-Hatcher
Chief Examiner