

**CITY OF SPOKANE
CIVIL SERVICE COMMISSION MEETING
MINUTES
October 20, 2015**

Cheryl Beckett, Chair, called the regular meeting to order at 9:30 a.m. Present were Cheryl Beckett, Craig Hult, Phyllis Gabel and Mark Lindsey. Kathy Sewell had an excused absence.

Agenda Item I.

Approval of Minutes:

Ms. Cheryl Beckett introduced the minutes from the regular meeting of September 15, 2015. Hearing no changes, the minutes were approved as written.

Agenda Item II.

Staff Activities:

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

| | |
|----------------------------|----------------------------------|
| Announcements issued: 6 | Classifications revised: 14 |
| Examinations: 77 | Classifications new/deleted: 4/0 |
| Requisitions received: 29 | Requisitions certified: 19 |
| Class Surveys completed: 7 | Class Surveys in progress: 6 |
| Requisitions pending: 52 | Requisitions canceled: 3 |

Average days from department initiation of request to receipt in Civil Service: 12

Average days from requisition receipt to certification: <1

Percentage certified within 24 hours: 100%

Average days from department initiation to completion of hire: 45

The Chief Examiner also reported the following: Out of 31 names certified by rank for Firefighter, two were minorities and one was female. The department hired one female and one minority. She stated that this was a small step but a step in the right direction. Ms. George-Hatcher reported that between the years of 1989 and 1996, while Affirmative Action was being utilized, 16 minority Firefighters were hired but since then, only 6 have been hired with the last minority being hired in 2012. She reported that during the same time frame, there were 7 female Firefighters hired and only two since then. The last female was hired in 2011 but failed the Academy. Prior to that, the last female still on the force was hired in 1998.

Ms. George-Hatcher reported that she had been working with the Mayor and Heather Lowe regarding a 2016 Recruitment Initiative Kickoff with a Citywide Job Fair to take place on April 14, 2016.

Ms. George-Hatcher provided a copy of a promotional applications process chart developed by Barbara Ackermann which was sent to all City employees and placed on the website. She also provided a final copy of the recruitment brochure.

Ms. George-Hatcher provided a copy of the training she provided to City supervisors on Civil Service' role in City employment and processes. This is the first time that Civil Service has requested and been invited to provide this class to supervisors.

Ms. George- Hatcher also reported on the following activities:

- Attended an open house at the Spokane Veterans' Center.
- Attended a meeting of the Gender and Pay Equity Committee organized by City Council members.
- Scheduled a meeting with Communications to produce a recruitment video.
- Scheduled an Interim Rule Review Committee on December 14, 2015.

Agenda Item III.

Classification Resolution:

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

- SPN 001 – Worker's Compensation Assistant
- SPN 053 – Office Administrator
- SPN 131 – Senior Project Manager
- SPN 133 - Senior Information Security Analyst
- SPN 045 - Title Change from Examination and Classifications Analyst I to Personnel Analyst I

Labor and management are also in concurrence to delete the classification title of:

- SPN 073 – HMIS Coordinator. The new job title of Program Manager – HMIS with the same SPN number was adopted by the Commission on July 21, 2015.

Ms. Phyllis Gabel made a motion to adopt and delete the classifications as presented. The motion was seconded by Mr. Mark Lindsay and passed unanimously.

Agenda Item IV.

Exhaustion of List:

Ms. George-Hatcher reported that there was labor and management concurrence to allow the new list to be created for Police Sergeant to expire early on November 20, 2017 in order to return to a more amenable testing period.

Mr. Lindsay moved to allow the list to expire as requested. The motion was seconded by Ms. Gabel and passed unanimously.

Agenda Item V.

Appeal of Passover:

Ms. Beckett introduced the item and explained that Mr. Steffon Sobosky is appealing the administrative decision to allow his passover by the Wastewater Management Department for a Laborer I position. Ms. George Hatcher stated that although there were two requisitions for Laborer I at the Wastewater Management Department, Mr. Sobosky was passed over only on one requisition as an individual from the voluntary demotion/transfer lists was hired for the other opening.

Ms. Beckett invited Mr. Sobosky to come up to the podium. The Chief Examiner swore Mr. Sobosky in and he spoke on his behalf. He stated that he does not believe he should be passed over because he should be allowed to drive. He said that all he needs is permission from Solid Waste to drive. He stated that he has a Class A CDL even though they stated that he doesn't have one.

Ms. Beckett asked if he had any additional material that he wished to provide on his behalf regarding the appeal. Mr. Sobosky did not provide any.

Mr. Gary Kaesemeyer from the Wastewater Management Department was also present and Ms. George-Hatcher swore him in. Ms. Beckett stated that according to procedure the City should have gone first so she will provide Mr. Sobosky another chance to come back and address the Commission.

Mr. Kaesemeyer stressed the importance of safe driving and that all Laborer I's are required to progressively promote to Laborer II. Mr. Kaesemeyer reviewed the items he had provided in support of the passover. Ms. George-Hatcher clarified that the items he had submitted were the following:

- A letter of suspension from 2013 when Mr. Sobosky had hit a parked school bus;

- An MOU from 2013 which barred Mr. Sobosky from driving any City vehicle in the Solid Waste Department for two years without the permission of Scott Windsor; and
- A Performance Appraisal Review from 2014.

Mr. Kaesemeyer confirmed the items.

Ms. Beckett again invited Mr. Sobosky to speak. He again said that he should not be passed over and that at the end of October the MOU would not be valid.

Ms. Beckett asked for discussion. Hearing none, she called for a vote. Mr. Craig Hult moved to deny Mr. Sobosky's appeal on the basis of information presented. Ms. Gabel seconded the motion and passed unanimously. The appeal is denied.

Agenda Item VI.

Other Business:

Fire Chief Bobby Williams addressed the Commission regarding a letter he had submitted to the Commission to request a rule change to allow more names of Firefighters certified to the department for hire. At the present time, the rules allow the certification of ten names for the first vacancy and an additional name for each additional vacancy. He said out of the names submitted, he was not able to hire the number needed to fill the Academy which was 22. He said he was only able to hire 17 (there were 14 names that were passed over) and therefore would need to conduct another Academy in the Spring, which would be costly for the department. Civil Service had sent 31 names.

The Chief requested the Commission to immediately modify the rules so that additional names could be sent.

Chief Williams provided the Commission with a description of the 13 week process from recruitment to hire and asked the Commission to change the rules to provide 3 names for each additional vacancy after 10 names are provided for the first vacancy. He indicated that the Valley Fire Department had just changed their rule to allow for 7 names per vacancy. Mr. Piccolo stated that the rules require that in order for rules to be changed, they have to go to the Rule Review Committee. Ms. George-Hatcher stated that there is a Rule Review Committee scheduled for December 14 which the Chief stated would not be timely for them. Ms. Beckett also affirmed that it would be necessary to bring rule change requests to the Rule Review Committee.

Ms. George-Hatcher suggested an interim solution prior to the Rule Review Committee meeting. She said that once names have been passed over by the Fire Chief for the recruit academy, additional names can be provided. If the Department could begin the process earlier and schedule two sets of interviews in advance so that the additional names provided may be interviewed during the second series of scheduled interviews that might help for the time being. The rationale for this would be that since an Academy needs to be filled, and there are multiple vacancies, a name that is passed over by the Chief would be deemed as being passed over for the Recruit Academy, taken off the list and additional names provided. The Chief is requesting more names down the list on the basis that there may be candidates at the lower ranked levels who may have had a bad test day, do well on the interview, or may have more experience. Additionally he indicated this would not be practical and he was bringing this forward outside of the normal rule review process because of the need to hire a set number of Firefighters and conduct another Academy in April in order to do that. Civil Service is already advertising the openings to refresh the list. He said that the City Council has approved hire-aheads due to anticipated retirements, etc.

In response to Mr. Hult's question, Ms. George-Hatcher responded that the next Rule Review Committee meeting had been scheduled for December 14. In response to Mr. Hult's question as to whether the Commission should take action now, Mr. Piccolo responded that a rule review process was necessary before the Commission could take action. The Chief said explained that due to retirements and other factors, that this was worst overtime year the department has had. He requested that the rule review committee review this rule for now so they can move forward without delay.

The Chief stated that Local 29 was in support of the Chief's request and asked whether they had submitted a letter. Ms. George-Hatcher responded that they had not.

There was a discussion of the Police Department receiving the entire list in order to do background checks and determine if there were individuals who should be taken off the list, however, they still have to interview in order and hire as would the Fire Department.

The Chief said that unlike the Police Department, the Fire Department does not conduct the type of extensive background checks. He said that this would still not change the number of names that would be certified for hire and the department would need more names.

The Chief also said that he wanted to acknowledge that Civil Service has bent over backwards to help the department and that he was very appreciative of all that they have done to assist while working within the rules.

Ms. Barbara Ackermann, Civil Service Office Coordinator provided responses to the Commission's questions regarding certification of names. She reported that there are currently over 200 names on the list but not all of them have met the requirements needed to be certified. The Chief Examiner also stated that the list is refreshed on a quarterly basis but can be refreshed whenever the Fire Department wants to have it refreshed. So it can be refreshed continuously.

Ms. Ackermann also responded said that once a name had been passed over that a new name could be sent over right away. She also clarified that the Fire Department conducts interviews and that is not a Civil Service process. Civil Service certifies the names for interview. Ms. George-Hatcher stated that the department interviews and scores the candidates based on their interview but that is a separate process governed by Human Resources Department processes for interview and selection. Civil Service does not conduct the selection interviews.

There was discussion about the alternatives that could be considered and whether a one-time non precedent setting action could be taken by the Commission. Mr. Piccolo said the Rule Review Committee could meet next month to make a specific change to be presented to the Commission and then after the first of the year the Rule Review Committee could review the rule for the long term. He stressed that it would still have to go to the Rule Review Committee and then to the Commission for adoption. Mr. Piccolo referred to Rule I, Section 7 for this requirement.

Mr. Piccolo clarified that if 14 names were passed over for the Academy, 14 additional names could be provided rather quickly. Chief Williams indicated that this is a separate issue but would not be practical as the candidates would be coming in for interviews from all over the country.

Chief Williams said he did not realize that a rule change had to go to a Rules Review Committee and that his understanding had been that the Commission could make a decision on the rules. Mr. Piccolo read aloud and clarified Rule I, Section 7 specifically regarding the rules review committee.

The Chief Examiner suggested and asked if convening an earlier rule review meeting in the next couple of weeks to review this specific rule (Rule V, Section 3) would be appropriate and Mr. Piccolo responded that it would be. However, the Commission would have to approve the change at the next meeting in November. Ms. Beckett asked whether getting the 14 names would help at this point and the Chief said it would not and that he would need the names up front when the interviews are scheduled. He said that having two interviews would double the process – from one interview process to two interview processes. He stated that the better approach would be to change the rules that are not working for their department.

Ms. Beckett stated that she very much appreciated the Chief's request and the substance of the request but Rule I, Section 7 requires and outlines the process of rule review before Commission adoption and agreed with Mr. Piccolo's interpretation of the rule as well. Ms. Beckett stated that she understood the concerns brought up by the Chief and was supportive of the Chief's request but that this needed to go through the rule review process.

The Chief clarified that the Academy started in September and that he is trying to put together the next Academy in the Spring. In response to the Chief's request, there was discussion about whether the Commission would be able to automatically approve the Rule Review committee's determination but under the rules that would not be possible. The Commission would not be able to take action ahead of the Rule Review Committee's decision and the Commission would have to adopt at the Commission meeting – an open public meeting. Mr. Piccolo said that the Commission can forward suggested language to the Rule Review Committee but that it has to go through the rule review process and the Commission has to adopt the change.

The Chief Examiner made an additional suggestion that for this time only, an option might be for Civil Service to contact the next several names on the list and let them know they may be called for interview if there are names passed over and could then provide additional names to the Chief. However, the Chief stated that this was logistically not practical.

The Chief stated that he would be providing a request to change the rules to allow the Commission to change rules without a rule review committee as he feels that at certain times, this ties the hands of the Commission as well as the operations of the Department.

Chief Williams made a request that a more immediate Rule Review Committee be convened as soon as possible rather than waiting until December. Ms. Beckett clarified that this would be for the review of this one rule being discussed regarding the provision of additional names and Chief Williams said that he might propose other rules but that this specific one was the more immediate need.

Ms. Beckett stated that the records will reflect that the Commission is behind the substance of the rule change not having seen any language and would have to adopt the changed rule for it to become effective. She stated that the Commission is sympathetic to the need to change the rule.

EXECUTIVE SESSION: The Commission went into Executive Session at 10:29 a.m. to discuss the performance of a public employee and returned at 10:40 a.m.

Ms. Beckett asked if there was any other information to be presented to the Commission. The Chief Examiner stated the staff had expressed opinions regarding the Chief's presentation under Other Business and encouraged the Commission to speak to staff if they would like to hear from staff. The Commission agreed to hear their thoughts. A couple of staff members came up and made a couple of remarks regarding protecting the merit system and other departments also wanting the same type of change.

There being no additional business, the meeting was adjourned at 10:50 a.m.

Gita S. George-Hatcher
Chief Examiner