

**CITY OF SPOKANE
CIVIL SERVICE COMMISSION MEETING
MINUTES
July 18, 2017**

Craig Hult, Chair, called the regular meeting to order at 9:30 a.m. Present were Craig Hult, Pam DeCounter and Judith Gilmore and Mark Lindsey.

Agenda Item I.

Approval of Minutes:

Mr. Craig Hult introduced the minutes from the regular meeting of June 20, 2017. The minutes will stand as written.

Agenda Item II.

Staff Activities:

June:

Announcements issued:	9	Classifications revised:	3
Examinations:	15	Classifications new/deleted:	2/0
Requisitions received:	50	Requisitions certified:	46
Class Surveys completed:	0	Class Surveys in progress:	5
Requisitions pending:	6	Requisitions canceled:	2

Average days from department initiation of request to receipt in Civil Service:	3.2
Average days from requisition receipt to certification:	0.0
Percentage certified within 24 hours:	100%
Average days from department initiation to completion of hire	.6

Ms. George-Hatcher, Chief Examiner, informed the Commission of the monthly statistics including social media statistics with regards to recruitment. She informed the Commission that the Civil Service recruitment video has been updated and will be posted on our jobs page and YouTube. Recruitment Information Sessions are being organized in cooperation with the Spokane Police Department. Ms. George-Hatcher reported that there will be several information sessions scheduled around the City to increase police officer hires. She thanked the Communications staff and Ms. Crystal Rodgers for working together to ensure publicity.

Ms. George-Hatcher reported that so far in 2017, 35 examinations have been conducted with 65 outstanding requisitions out of which 5 did not have lists. She reported that staff will be working with hiring managers regarding submission of requisitions as soon as vacancies are anticipated so

that the requisitions may be placed in the high priority queue. Ms. George-Hatcher said staff has also been working with hiring managers on ensuring flexibility within existing classifications so that fewer single incumbent classifications are created.

The Chief Examiner reported that the second in the Lunch and Learn series program was held in June, the topic being Transfers and Voluntary Demotions, and that there was very good attendance. This series of open programs, held in the testing room on a quarterly basis are meant to be a way for employees, supervisors and managers to learn about the Civil Service processes, ask questions and gain a better understanding of the rules that govern City of Spokane hiring and employment.

Ms. George-Hatcher reported that the rule review study session was scheduled for July 20th in the Testing Room.

Mr. Bryan Sullivan and Ms. George-Hatcher attended the last meeting of the Gender and Pay equity committee at which the main topic presented was collective bargaining.

Ms. George-Hatcher reported that Payroll Certification through June 2017 has been completed.

Agenda Item III.

Appointment of 5th Commission Member

There has been a vacancy on the Commission since last December. Ms. George-Hatcher reported that there were five candidates who submitted applications and who were present at the meeting to provide a three minute presentation as to why they would like to serve on the Civil Service Commission. The candidates were:

Mr. Christopher Savage, Ms. Karen Boone, Mr. Randy Withrow, Mr. Thomas Jarrard, and Mr. Scott Stephens.

Mr. Hult addressed the candidates and let them know that the Commission would go into Executive Session later to discuss the qualifications of each candidate. Mr. Hult said that a decision could either be made that day in open session or at the next meeting. Candidates were informed that they could stay for the entirety of the meeting if they wished. Ms. George-Hatcher thanked each candidate for their interest in the Civil Service Commission.

Agenda Item IV.

Classification Resolution

Adopt:

SPN 602 Industrial Electrician

SPN 957 Supervisory Probation Officer

Title Change and Revisions to the Specifications:

SPN 078 Park Programming Manager

SPN 696 Park Safety and Facilities Manager

A motion to adopt these changes was put forth by Ms. Judith Gilmore and seconded by Ms. Pam DeCounter. The motion carried unanimously.

Agenda Item V.

Appeal of Termination of William Brown

Mr. William Brown was employed with the City since September 9, 1996 as Wastewater Treatment Plant Mechanic. He was terminated from his position effective March 29, 2017 pursuant to a pre-disciplinary hearing. This appeal was originally scheduled to come before the Commission on May 16, 2017. However, both parties agreed to a continuance. Mr. Brown is represented by Mr. Robert Cossey and the City of Spokane is represented by Mr. Nathan Odle. Both parties have witnesses for the Commission.

Mr. Mike Piccolo presented information for the Commission. He asked if any Commission members had any conflicts of interest in the matter. Ms. Judith Gilmore presented information that her husband used to work with one of the individuals involved in Mr. Brown's termination. She stated that she had heard information regarding Mr. Brown from her husband. Ms. Gilmore was asked if Mr. Greg Lorenzi was the individual her husband knew and worked with. She said yes. Mr. Cossey asked her several questions regarding her and her husband's relationship with Mr. Lorenzi. There was no objection from either side with regards to Ms. Gilmore participating with the rest of the Commission in hearing and making a determination on the appeal.

Ms. Pam DeCounter stated that her family knew the Lorenzi family socially back in the late 1970's and early 1980's as she dated his brother. Mr. Cossey asked Ms. DeCounter several questions regarding that relationship. There was no objection from either side with regards to Ms. DeCounter participating with the rest of the Commission in hearing and making a determination on the appeal.

Mr. Mark Lindsey stated that he and Mr. Cossey had several of the same open cases. There were no objections expressed with respect to Mr. Lindsey's participation either.

Mr. Nathan Odle presented the City's case for termination. He discussed the altercation, the injuries and the Police description of what occurred. There were no witnesses to the event other

than Mr. Brown and Mr. Lorenzi. Human Resources became involved and Human Resources Analyst Ms. Lisa Richards was assigned to the case. Ms. Richards reviewed the matter and interviewed the parties. The following day, Mr. Brown filed a harassment complaint against Mr. Lorenzi. This allowed Ms. Richards to investigate the matter more in depth. She met with supervisors and other employees. Through these interviews, it was clear there was a long history of mutual dislike between Mr. Brown and Mr. Lorenzi.

Ms. Lisa Richards was sworn in and interviewed by both parties. Ms. Richards recapped interviews with both Mr. Brown and Mr. Lorenzi and went over the timeline of events from the day of the altercation. It was determined that both individuals violated City policy and pre-disciplinary hearings were scheduled for both individuals. Mr. Brown's hearing included Ms. Richards, Mr. Brown and his attorney, Mr. Cossey, Mr. Mike Coster, Plant Manager and Mr. Justin Anderson. Also in attendance were several union members and Ms. Natalie Hildebrand, Staff representative for Local 270. During the hearing, Mr. Brown denied touching or swinging at Mr. Lorenzi. This was a change in recollection from his original story. At this point, Ms. Richards questioned him as to why his recollection of events changed. Mr. Brown stated he never said anything about touching or swinging at Mr. Lorenzi. Because of the credibility issue that arose from the pre-disciplinary hearing, Human Resources asked the Mayor to move towards termination. Another pre-disciplinary hearing with Mr. Lorenzi was held later the same day. He was asked to articulate the facts and his involvement. Mr. Lorenzi had the exact same story as his initial interview after the altercation. He too was in violation of City policy and was going to be terminated as well. Mr. Lorenzi later contacted his bargaining unit and asked to resign in lieu of termination. The City agreed to this. Mr. Brown later requested information regarding bullying and how to file a complaint with regards to Mr. Lorenzi. Ms. Richards gave Mr. Brown all the information he needed and did indeed file a bullying/harassment complaint against Mr. Lorenzi. This led Ms. Richards to begin an investigation. She interviewed several co-workers. From these interviews, it was clear that Mr. Brown and Mr. Lorenzi had a long history of not getting along and this relationship caused issues for the entire department.

Several Commissioners asked questions of Ms. Richards regarding the termination and consequent investigation.

Mr. Cossey cross-questioned Ms. Richards. He asked about statements from Mr. Brown and Mr. Lorenzi and about the interviews with their co-workers. He asked about the credibility issue that arose from Mr. Brown's pre-discipline hearing and the police reports. He also asked about the physical proximity of the two individuals while they were in the breakroom during the altercation.

Mr. Hult asked Ms. Richards about a letter of reprimand from 2011 that was in his employment file. Ms. DeCounter asked if there were any letters of reprimand in Mr. Lorenzi's employment file and Ms. Richards responded that there were not.

Ms. Christine Cavanaugh the City's Human Resources Director was sworn in by the Chief Examiner. She discussed the procedures and protocol for the Human Resources Department. Ms. Cavanaugh stated that it was her belief that protocol was followed correctly based on information provided and that the appropriate and reasonable conclusion was reached.

Ms. Gilmore asked a question regarding concern about the altercation and whether Mr. Brown felt that he was defending himself. Ms. Cavanaugh responded that Mr. Brown threw the first punch and the fight occurred after that. Ms. Gilmore then asked about the toxic relationship between the two individuals, what was done prior to address the situation and also asked and what the City normally does in these types of situations.

Mr. Mike Coster, Plant Manager was sworn in by the Chief Examiner. Mr. Coster supervised both Mr. Brown and Mr. Lorenzi. Ms. DeCounter asked Mr. Coster about the type of mediation training resources were available and asked how this type of co-worker relationship is addressed. Mr. Coster stated that there had been bickering before but nothing that had ever arisen to the level of violence that occurred on the day of the altercation. Mr. Coster was asked if anyone could put in a transfer to remove themselves from toxic situations or if they could come to a supervisor or manager. To Mr. Coster's knowledge, neither individual was on a transfer list nor had anyone complained to management regarding Mr. Lorenzi.

Mr. Odle asked Mr. Coster to explain Mr. Brown's previous disciplinary letter which he did. Ms. DeCounter asked about follow-up's regarding the previous discipline. Mr. Coster said he heard nothing about it after that.

Mr. Hult followed up with a question regarding department morale. Mr. Cossey then asked Mr. Coster about how people got along with both Mr. Brown and Mr. Lorenzi.

Mr. William Brown was sworn in by the Chief Examiner. Mr. Cossey asked Mr. Brown for a narrative of what occurred. Mr. Brown stated that he came in early to meet someone about personal matters. He started his breakfast and Mr. Lorenzi entered and started making coffee and intentionally got physically close and spilled coffee grounds in his food. Mr. Brown said that Mr. Lorenzi backed him into an area where he couldn't escape and that it became physical. Mr. Brown states he never struck Mr. Lorenzi nor did he swing at him. He stated that he avoided Mr. Lorenzi at work and that they had previous issues with one another such as parking aggression and theft. Mr. Odle then questioned Mr. Brown. He asked Mr. Brown about the coffee cans in the exhibit

photos. He asked him about the letter of reprimand and what was going on between him and Mr. Wood and a letter from his employment file from 2004 regarding a suspension.

The Commission took a short break from testimony.

Mr. Hult asked if either party had any other witnesses. He asked Mr. Cossey if there was a specific Civil Service rule that the Commission should consider. Mr. Cossey stated there was not one specifically that he could show to the Commission. Ms. Gilmore wanted to clarify that Mr. Brown has stated that he did not hit or swing at Mr. Lorenzi. Ms. DeCounter asked about the decision to terminate Mr. Brown with regards to the past documentation. Ms. Cavanaugh stated that the decision to terminate Mr. Brown was not based on any previous disciplinary issues.

Mr. Hult called for a motion, either a motion to deny the appeal or a motion to uphold the appeal. A motion to deny the appeal and uphold termination was put forth by Mr. Lindsey, hearing no second, a motion to uphold the appeal was put forth by Ms. DeCounter. Mr. Hult then asked a procedural question of Mr. Piccolo. Ms. Gilmore then seconded the motion to uphold the appeal. Ms. Gilmore stated her concerns regarding the childish behavior of the two employees and the fact that it continued for so long. She expressed concerns that Mr. Lorenzi might have been a bully. Ms. DeCounter stated that she made the motion to uphold due to the fact there is no prior documentation regarding the toxic relationship between Mr. Brown and Mr. Lorenzi. She does not feel there is not enough proof of what actually occurred on the day of the altercation. Mr. Hult stated that the Commission's job is to look at the rules as a guide for decisions. Mr. Lindsey stated that the Civil Service and Human Resources processes were followed correctly and that they could not as Commissioners re-litigate what actually happened in the altercation. He explained that the Commission's job is to ensure that the department followed the proper process, not to be fact finders of what did or did not happen.

A motion to uphold the appeal and reinstate Mr. Brown was voted on and four Commissioners opposed it. The motion failed.

The motion to deny the appeal made by Mr. Lindsey and uphold the termination received a second from Mr. Hult and passed unanimously.

Agenda Item VI.

Request for Investigation of Probation Failure

A request for an investigation in the probation failure of Mr. Bruce Babnick, Water Service Specialist at the Water Department was requested by Local 270. Mr. Babnick was promoted to Water Service Specialist subject to a six month probationary period. He did not pass probation

and was demoted to his previous classification. Ms. George-Hatcher provided the background regarding the issue. A letter from Natalie Hildebrand, Staff representative for Local 270 was received asking to appeal the probation failure of Mr. Babnick, stating that Civil Service had sent Mr. Babnick a letter stating he had failed probation and was being returned to his former classification. The letter stated that an individual on probation should be given adequate notice before they are removed from probation. The Chief Examiner responded to Ms. Hildebrand's letter explaining the rules and Civil Service requirements and that the matter was not appealable as there had been no violation of Civil Service rules. Ms. George-Hatcher stated that she received another letter from Ms. Hildebrand asking to complain about the administrative decision and request the commission to conduct an investigation into the probation failure of Mr. Babnick. Ms. George-Hatcher informed Ms. Hildebrand that she would place both the administrative complaint and the request for investigation before the Commission. Further, MS. George-Hatcher stated that she initiated both a phone conversation with Ms. Hildebrand and a meeting with Ms. Hildebrand, Mr. Joe Cavanaugh and Mr. Babnick to discuss the issue. Local 270 insisted on moving forward. At Mr. Cavanaugh's request the administrative complaint was postponed until August and the Request for Appeal was placed on the Commission's agenda for July.

Ms. George-Hatcher provided a detailed explanation of the applicable rules regarding probation and probation failure, the rules presented by Local 270 regarding appeals and the authorization provided to Civil Service under the rules.

Ms. Natalie Hildebrand was sworn in and gave Mr. Babnick's side of the story. She stated that she believes that the whole purpose of probation is to provide employees an opportunity. She stated that Mr. Babnick did not feel he was given any notice and it was a surprise to him that he was failing probation. Ms. Hildebrand said Mr. Babnick was not given the opportunity to correct any of his actions or his work. Ms. Hildebrand concern is with the process and the fairness of the process. She said that the checks and balances of decisions made by management needed to be looked at.

Mr. Hult asked a clarification question as to whether this was Human Resources issue or a Civil Service issue. Ms. Gilmore asked who protects the employees while they are on probation. Ms. Hildebrand stated that this was the point she was trying to bring up as to who has the employees back and whether it was HR or Civil Service. Ms. Hildebrand said she is asking for what is fair and right and that she does not want this to happen with another employee. She started with Civil Service and also asked Human Resources to investigate this. She is asking Civil Service to verify the process that it was adequately followed and that management did what it needed to do for a probationary employee. She is asking both sides to ensure that the process is being followed correctly.

Ms. DeCounter asked Human Resources, Civil Service and Mr. Babnick's manager if there were policies and procedures in place to follow a probationary employee through the probationary time. Mr. Loren Searl, Water Superintendent, was asked if Mr. Babnick was given feedback before the probation failure. Mr. Searl stated that there were several verbal counseling's with Mr. Babnick and his quality of work. There was a record of counseling while he was working out of grade in the position and another written letter of counseling in the beginning of April, about a month before he was failed on probation. Mr. Searl believes that Mr. Babnick was given the opportunity to improve but failed to do so.

Reference was made to the Human Resources policy regarding Probation. Mr. Hult stated that this situation was a Human Resources issue and not a Civil Service issue.

A motion to deny the investigation was put forth by Ms. DeCounter and was seconded by Ms. Gilmore. The motion passed unanimously.

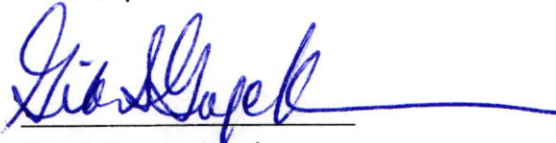
Executive Session: The Commission went into Executive Session at 12:45 p.m. to discuss the qualifications of the Commission member candidates and to discuss the performance evaluation of a public employee.

The Commission returned from Executive Session at 1:03 p.m. Mr. Lindsey made a motion to appoint Mr. Scott Stephens as the fifth Commission member. The motion was seconded by Ms. Gilmore and Mr. Stephens was unanimously appointed.

Agenda Item VII.

Other Business

There being no additional business to come before the Commission, the meeting was adjourned at 1:15 p.m.



Gita S. George-Hatcher
Chief Examiner