



Formal Protest Report: March 13 , 2025

Discussion Item:

Tumwater Police Department employees Sawyer Smith, Tim Rios, James Moran, and Brandt Baker protested they were not able to review their materials (scoring sheets) and learn the specific areas where they could improve after seeing the points they missed in the assessment, per Civil Service Rule 8.13 Inspection of Rating Standards. In addition, they believe their inability to review the rating documents leaves them unable to verify accuracy of test scores which would allow them to protest any errors they would have believed to have occurred. Their specific request is to appeal to the Commission to contest this Sergeant Assessment Center process and have a new Assessment Center conducted per Rule 8.16.

Background:

On February 12, 2025, at 8:30 am a Sergeant Assessment Center oral examination was conducted by the City of Tumwater at United Methodist Church in Tumwater, WA. This process provides a structured, fair, and competency-based approach to police promotions. Seven internal Tumwater Police Department candidates elected to participate in the assessment center. All candidates had previously passed the written portion of the Exam Plan which was held in January 2025. At approximately 7:30 am, Commander Jay Mason, Secretary Examiner Michelle Sutherland, Lt. Jennifer Kolb, Lt. Carlos Quiles, Lt. Ken Driver, and Administrative Manager Laura Wohl began room set-up for the exercises.

The Assessment Center structured evaluation process is utilized to assess candidates for promotion to the rank of sergeant within the Police Department. The process utilized four assessment exercises designed to evaluate key competencies required for effective leadership, decision-making, and supervision in law enforcement. Exercise 1 – Oral Resume, Exercise 2 – Employee Relations, Exercise 3 – Community Presentation, and Exercise 4 – Practical Table Top. Each exercise required a minimum of a 70% score to pass the Sergeant Assessment Center.

Tumwater PD administrative and command staff acted as facilitators in the exercises. Each exercise is designed to assess specific competencies and is observed and scored by external raters. To ensure neutrality and objectivity, the external raters utilized in each assessment center were experienced law enforcement professionals from outside agencies. Two raters were present in each of the four assessment centers. Candidates received a numerical score between 0-100 from each rater based on their performance in each individual exercise. Exercise scoring was completed by averaging the score of each rater and assigning that average to each of the candidates four exercises.

At 8:30 am, four candidates began rotating through the four oral Assessment Center exercises; Navarro, Baker, Moran, and Dawson. The afternoon session began at 12:30 pm with the remaining three candidates; Rios, Smith, and Johnson.

At approximately 4:00 pm, after all candidates had completed the required Assessment Center exercises, all external raters, Tumwater PD facilitators, Commander Mason, and Secretary Examiner Sutherland met together in the break room. Commander Mason thanked the law enforcement professionals that assisted with the Assessment Center process. Administrative Manager Wohl collected the score sheets and notes for each exercise directly from each rater, organizing each of the four exercises into four separate packets.

The exercise scoring sheets were handed directly to Secretary Examiner Sutherland by Administrative Manager Wohl by individual exercise. The Secretary Examiner entered the candidate scores given by each rater directly into an excel spreadsheet labeled "Sergeant Test Scores 2.12.25" with TPD command and administrative staff present in the room. The Assessment Center spreadsheet computed the average score for each candidate in each of the four exercises. After completing data entry of the scores, Secretary Examiner Sutherland then handed the scoring sheets back to Administrative Manager Wohl. Administrative Manager Wohl collected all original paperwork, including the assessor's packets/notes, and scoring sheets. There is no reason to believe and no evidence provided that would indicate that scores were transcribed into electronic format erroneously or to the detriment of any candidate.

Upon entry of all rater scores into the spreadsheet, it was determined that three of the seven candidates had a passing score in the Sergeant Assessment Center. Three candidates passing all oral exercises of the Sergeant Assessment Center included officers Danielle Dawson, Rachael Johnson, and Peter Navarro. Candidates that did not pass all exercises included candidates Sawyer Smith, Tim Rios, Brandt Baker, and James Moran. This information was shared verbally with TPD command and administrative staff, and the completed scoring spreadsheet was immediately emailed to Commander Mason.

On Tuesday morning, February 18, 2024, Secretary Examiner Sutherland met with Officers Rios, Moran, and Smith to review the scores they received in the oral Sergeant Assessment Center. Sutherland reviewed the Assessment Center scores with each candidate in the excel spreadsheet. Each candidate then asked to review the rating sheets for feedback purposes.

Sutherland directed each candidate to Commander Mason or Administrative Manager Wohl to review the rating sheets as they were given to Administrative Manager Wohl at the conclusion of the Assessment Center. Commander Mason then discovered the scoring sheets were accidentally included with other paperwork that was disposed of the day following the Assessment Center.

The Tumwater Police Guild and the candidates that did not pass the oral Assessment Center then emailed Secretary Examiner Sutherland, which was timely, noting that without being able to view individual rating sheets they would be unable to verify that their scores were calculated correctly. Their specific request is to appeal to the Commission to contest this Sergeant Assessment Center process and have a new Assessment Center conducted per Rule 8.16.

Chief Examiner Findings and Conclusion:

City of Tumwater Civil Service Rule 8.13 Inspection of Rating Standards states “applicants shall be allowed a period of five business days, following the mailing date of notification of the examination results, in which each may inspect their answers and the rating standards by which they have been rated during any part of the examination”. Rating Standards are not scoring sheets.

The City of Tumwater has acted within its procedural framework regarding competitive examinations. While rating materials may have been destroyed, the employee’s rights under the Civil Service Rules were not violated, as they had the opportunity to review the rating standards, their results, file timely protests, and receive due process under established guidelines. The City of Tumwater has established fair and impartial examination procedures under Rule 8, ensuring that all candidates are evaluated based on merit.

Rule 8.20 states that certain examination records must be preserved for a period of five years. It specifically states: (a) All copies of the written examination; (b) All questions submitted by the examiner for the oral examination and the answers thereto; (c) The explanatory statement concerning the standards and relative weights assigned to each examination; (d) The individual answers given by each applicant in those parts of the examination when answers on record thereto can be maintained; (e) A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scores required, if any, and the names of the examiners. As this Assessment Center included four oral exercises, raters score sheets/notes are not considered a permanent record of examination, the raters final scores are, which were provided digitally to each candidate.

The City's oral assessment process, including rating and scoring, follows a standardized system that applies to all candidates equally. The lack of access to specific rating forms does

not imply bias or unfair treatment if all candidates were subject to the same procedural conditions, which they were. Under Rule 8.12, applicants receive notification of their examination results, including their total score and standing. Even if rating materials are no longer available, the candidate has already been given their final scores and feedback from command staff within the required timeframe. As the final scores and rankings were lawfully determined under the City's procedures, the absence of rating forms does not constitute a denial of their rights under the Civil Service Rules.

After reviewing the totality of the circumstances, Secretary Examiner Sutherland requests approval of the Sergeant Eligibility List as presented on the Civil Service Commission agenda dated March 13, 2025.