

TUMWATER CIVIL SERVICE COMMISSION
MINUTES OF VIRTUAL MEETING
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CONVENE: 5:30 p.m.

PRESENT: Chair Eric Trimble and Commissioner Simon Tee.

Staff: Secretary/Chief Examiner James Trujillo, Police Chief Jon Weiks, and Fire Chief Brian Hurley.

CHANGES TO AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES, JUNE 9, 2022:

MOTION: Commissioner Tee moved, seconded by Chair Trimble, to approve the minutes of June 9, 2022 as published. Motion carried.

JULY STATUS OF ELIGIBILITY LISTS: Chief Examiner Trujillo reported changes that have occurred since June have been highlighted on the list. The Fire Lieutenant promotional position has created an active list, as well as the Paramedic Lieutenant position. Other lists are continuously active.

JUNE ELIGIBILITY LIST: POLICE SERVICES SPECIALIST I CLARIFICATION: Chief Examiner Trujillo referred to a request by the Commission for information on the number of individuals applying and invited to participate in the examination process and the number of individuals who actually participated in the testing process. The results of the recruitment identified 61 individuals applying for the position with only 23 of the applicants passing Phase 1 of the testing process. Of the 61 applicants, only 19 applicants participated in the test of the 32 applicants invited to participate. Twenty-three applicants were scheduled to take the test but only 19 participated. The information provided to the Commission in June reflected 23 applicants. However that number is reflective of the number of individuals the City scheduled to take the test. Updated information can be provided as part of the record.

Commissioner Tee recommended that since Commission meetings are recorded, the clarification is contained within the record and should be sufficient. Chair Trimble supporting the suggestion.

RESULTS AND ELIGIBILITY LIST: FIRE FIGHTER LIEUTENANT: Chief Examiner Trujillo reported the City conducted both the Firefighter Lieutenant and the Paramedic Fire Lieutenant testing with both tests occurring concurrently with the Paramedic Lieutenant candidates advancing to the oral boards following the assessment center testing. All five applicants were male and four applicants completed Phase 1 and 2 and advanced for placement on the eligibility list. None of the applicants contested the results other than a request for information about the assessment center. Staff has been transparent throughout the process in terms of the information that can be shared. All

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coaching notes are shared with Fire Chief Hurley and Assistant Fire Chief Crimmins to provide coaching information to the applicants on areas needing improvement and areas where the applicants performed well.

Commissioner Tee inquired as to the process for selecting a candidate from the list. Chief Examiner Trujillo explained that the scores reflect a cumulative and weighted score. The final score is based on each component of the testing. The exam scores for the three individuals is a combined score from the first two phases of the overall exam. For the Paramedic Lieutenant list, the third phase is unique for that particular position. All individuals proposed for placement on the Firefighter Lieutenant list are all eligible for promotion to the position should a position become open. At this time, the Tumwater Fire Department does not have a position open for Firefighter Lieutenant but has an opening for Firefighter Paramedic Lieutenant.

Chief Examiner Trujillo requested approval of the proposed eligibility list for Firefighter Lieutenant.

MOTION: **Commissioner Tee moved, seconded by Chair Trimble, to approve Eligibility List for Firefighter Lieutenant as presented. A voice vote approved the motion.**

RESULTS AND ELIGIBILITY LIST: PARAMEDIC FIREFIGHTER LIEUTENANT: Chief Examiner Trujillo reported two applicants are eligible for inclusion on the list. Both individuals passed all testing phases. Both candidates are eligible to participate in the final interview.

MOTION: **Chair Trimble moved, seconded by Commissioner Tee, approve the Eligibility List for Paramedic Firefighter Lieutenant as presented. A voice vote approved the motion.**

RESULTS AND ELIGIBILITY LIST: PARAMEDIC FIREFIGHTER: Chief Examiner Trujillo reported the list is an active continuous list. Of the 11 candidates included on Thurston County Medic One's Paramedic hiring list, four submitted their respective written scores from the Thurston County exam for consideration for the Tumwater Paramedic Firefighter eligibility list. One candidate's name is proposed for removal with nine candidates included on the proposed Eligibility List for Paramedic Firefighter. The individual removed from the list was hired by the Tumwater Fire Department. The Fire Department has one vacant Paramedic Firefighter position.

Fire Chief Hurley said the position would become vacant following the selection of the Paramedic Firefighter Lieutenant candidate.

MOTION: **Chair Trimble moved, seconded by Commissioner Tee, approve the Eligibility List for Paramedic Firefighter as presented. A voice vote approved the motion.**

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RESULTS AND ELIGIBILITY LIST: LATERAL POLICE OFFICER:

Chief Examiner Trujillo presented the proposed list for Lateral Police Officer. The City received one application and proposes the removal of two names from the existing list. The current list includes three names. Two candidates were removed as their time on the list expired.

MOTION:

Chair Trimble moved, seconded by Commissioner Tee, to approve the Eligibility List for Lateral Police Officer as presented. A voice vote approved the motion.

RESULTS AND ELIGIBILITY LIST: ENTRY POLICE:

Chief Examiner Trujillo reported oral boards were conducted on June 21, 2022 with four of the six candidates interviewed with a passing score of 70% or higher for Entry Level Police Officer. The proposed list includes those candidates with five names proposed for removal. The proposed list includes five candidates. The list notes the four names proposed for addition as of July 2022. Individuals removed were either hired or disqualified through the process.

Commissioner Tee questioned the basis for disqualifying a candidate. Chief Examiner Trujillo explained that there are different reasons for disqualification of an individual through the hiring process.

Police Chief Weiks added that two of the candidates were hired by other law enforcement agencies and voluntarily withdrew their names, one applicant did not successfully pass the Chief's interview, and one applicant failed the background investigation.

Commissioner Tee said his concern surrounds the terminology of "disqualification" because it appears there were additional tests the candidate did not pass. Police Chief explained that two of the applicants voluntarily withdrew their names because they were hired by other agencies. If an applicant is employed by another agency, staff contacts the applicant and requests the applicant withdraw their name from the City's list. Both applicants voluntarily removed their names. One applicant passed the Chief's interview but failed the background investigation and was disqualified for conduct. The last applicant failed the Chief's interview. Commissioner Tee recommended not applying "disqualification" to the two applicants who withdrew their names because it conveys a negative implication.

Chief Examiner Trujillo offered to revise information moving forward by annotating those circumstances when an applicant voluntarily withdraws their name for clarity.

Chair Trimble asked whether the past practice of requesting the applicant submit a written withdrawal is still practiced by the City. Police Chief Weiks said the communication is typically through email with the applicant responding and requesting removal from the list.

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MOTION:

Chair Trimble moved, seconded by Commissioner Tee, to approve the Eligibility List for Entry Level Police Officer as presented. A voice vote approved the motion.

Chair Trimble inquired about the status of recruiting entry-level police officers. Chief Examiner Trujillo said the City is experiencing a lack of candidates for both police officers or for other positions in the City. The recruitment market has been difficult overall.

Police Chief Weeks affirmed that the candidate pool continues to shrink. During the last round of testing, only six candidates were eligible to participate in the oral board with only four passing. The issue is being experienced statewide and is not specific to Tumwater.

**CIVIL SERVICE
RULES CHANGE
PROPOSAL –
ELIGIBILITY
LIST:**

Chief Examiner Trujillo referred to information on a proposed change to Civil Service Rule 9.09 stating: *Approval Of Eligibility Lists. In normal circumstances, the Commission certifies eligibility lists. In addition, the Commission authorizes the Secretary/Chief Examiner to certify eligibility lists in the following circumstances: (a) when business needs require timely action for recruitment; (b) or in the event that the Commission is unable to meet to certify eligibility; (c) or for continuous recruitment eligibility lists. A report of eligibility list certifications made by the Secretary/Chief Examiner shall be provided to the Commission in the next regular Commission meeting.*

The purpose of the proposal is to address some challenges with recruitment that would authorize the Secretary/Chief Examiner to certify eligibility lists in certain circumstances when business need requires timely action for recruitment or in the event the Commission is unable to meet to certify an eligibility list. Staff continues to seek a candidate for the open Commission position. However, with only two members, it may not be possible to schedule a special meeting because of illness or other factors. In today's tight recruitment market, timeliness is important and the City is seeking some flexibility to certify eligibility lists to move forward or alternatively another option could limit the authorization to only continuous recruitment eligibility lists. Other jurisdictions have enacted similar authorizations for the chief examiner to certify eligibility lists to move forward quickly to fill positions. The Chief Examiner would be required to provide a report to the Commission of any approvals transacted by the City.

Chair Trimble inquired as to whether legal counsel across the state has determined the practice is allowable under civil service law. Chief Examiner Trujillo replied that he was not aware of any rule that would disallow the practice. However, he offered to follow up prior to action by the Commission. He said he is also not aware of any laws governing civil service that prevents the practice. The City has one eligibility list for consideration that was not included in the packet. He plans to request scheduling a special meeting to

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consider the list.

Chair Trimble said his concerns surround potential liability to the City should someone contest the action. He cited an example of an employee failing probation and trying to challenge the City's process for establishing the list.

Police Chief Weiks noted the proposal includes a requirement for the Chief Examiner to report the action to the Commission. The timelines associated with the process, such as the list approved last month includes a viable candidate the City likely will lose because of the timing associated with approval of lists. A two- to three-week window is proving to be detrimental for hiring qualified candidates in today's tight labor market.

Chair Trimble said he has no issue with respect to increasing hiring efficiency but does have a concern of creating a situation that could be undone later in the process if it was deemed not legal.

Commissioner Tee conveyed similar concerns. He asked whether the process for the Commission approving a list that has been previously approved by the Chief Examiner would be prior to any hiring action. Police Chief Weiks and Chief Examiner Trujillo explained that hiring would be unlikely because of the timing associated with the hiring process.

Chief Examiner Trujillo offered an option of affording authority to the Chief Examiner to conditionally approve a list pending the next regular Commission meeting when the Commission would formally approve the list enabling the City in the interim to move forward with a recruitment process.

Chair Trimble and Commissioner Tee supported the alternative as outlined and pointed out the importance of ensuring candidates are aware the City is operating under a conditional approval. Commissioner Tee emphasized the importance of protecting the integrity of the process and to avoid creating any loopholes that could be challenged by an applicant. Another minor concern is implementing the practice in lieu of scheduling special and emergency meetings, which is how the City has traditionally addressed timing issues.

Chief Examiner Trujillo advised that he would add conditional language and review the proposal with an attorney familiar with Civil Service Rules for a follow-up discussion at the next regular meeting.

UPDATES:

Chief Examiner Trujillo requested scheduling a special meeting for recruitment action for the Police Services Specialist II position. The eligibility list was prepared for consideration but lacked sufficient time to meet public noticing requirements. The Commission discussed possible meeting dates and agreed to schedule a special meeting on Tuesday, July 19, 2022 at 5:30 p.m. Later in the meeting Chief Examiner Trujillo advised public noticing requirements for special meetings require a 24-hour notice.

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Chief Examiner Trujillo reported the City continues to seek candidates to fill the third position on the Commission.

Fire Chief Hurley updated members on the status of the planning for the Regional Fire Authority (RFA). The steering committee meets twice a month to complete the plan for presentation to the City of Olympia and City of Tumwater for establishing a RFA. The current plan calls for an April 2023 election to form the RFA, which must be voter approved. If approved by voters, the RFA would be established effective August 1, 2023 to enable the collection of taxes effective January 1, 2024. Both Councils must approve the plan for placement on the ballot.

Fire Chief Hurley thanked the Commission for action on the eligibility lists.

Chief Trimble asked whether any fire districts are included in the RFA proposal. Fire Chief Hurley said the RFA proposal is confined to the two cities. Initially, other fire districts were invited to join but declined to participate in the planning process.

Police Chief Weiks reported on the one vacant police officer position. The department plans to move quickly to schedule interviews. A newly hired officer is completing the last phase of the Field Training Program and is performing well with one month of training to complete. The department is operating at a capacity loss of 10 officers because of sickness, injuries, and vacations, etc. The department's front-end position is nearing completion of the background investigation with positive results. The department plans to begin interviews for the Service Transport Officer. Of the four candidates, two candidates withdrew from the process because of job offers from other agencies. One candidate did not pass the oral board leaving only one candidate to interview.

**NEXT MEETING
DATE:**

The next regular meeting was scheduled on Wednesday, August 10, 2022 at 5:30 p.m. to accommodate Commissioner Tee's schedule.

ADJOURNMENT:

Commissioner Tee moved, seconded by Chair Trimble, to adjourn the meeting at 6:15 p.m. Motion carried.

Eric Trimble, Chair

James Trujillo, Secretary Chief Examiner