

**TUMWATER CIVIL SERVICE COMMISSION  
MINUTES OF VIRTUAL MEETING  
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**CONVENE:** 5:32 p.m.

**PRESENT:** Chair Blake Chard and Commissioners Wendy Moudy and Pat Schneider.

Staff: Secretary/Chief Examiner Michelle Sutherland, Fire Chief Brian Hurley, Acting Police Chief Jay Mason, Deputy Fire Chief Shawn Crimmins, Police Lieutenant Carlos Quiles Jr., Police Detective Brandt Baker, Police Officer Jim Moran, and Police Officer Tim Rios.

Others: Evan Shinn, Summit Law Group, Seattle, Washington.

**CHANGES TO AGENDA:** The Commission welcomed newly appointed Commissioner Wendy Moudy.

The Commission approved amending the agenda to add public comment following consideration of the meeting minutes.

**APPROVAL OF CIVIL  
SERVICE  
COMMISSION  
MINUTES, FEBRUARY  
13, 2025:**

**MOTION:** Commissioner Schneider moved, seconded by Chair Chard, to approve the minutes of February 13, 2025 as presented. A voice vote approved the motion.

**PUBLIC COMMENT:** Jim Rios reported he has served as a Tumwater Police Officer for the last seven years and is speaking on behalf of the Police Officer Guild and as an applicant for the Tumwater Police Department Sergeant's Exam. He took the promotional exam and was one of four applicants who did not pass the exam. His comments are not intended to be accusatory or questioning the integrity of the process. Chief Examiner Sutherland is requesting the Commission approve the Police Sergeant Eligibility List, which would validate the testing process and the testing scores. He is concerned with the proposal because it is related to the scoring sheets for the exam that were destroyed following the exam. He believes the testing materials are available but not the scoring sheets completed by the raters. This concern surrounds the lack of his ability to validate the accuracy of his scores that are reflective in the overall exam and that there have been several errors throughout the promotional exam process. The errors are related to the written exam, promotional testing dates, and the final scores. As an applicant, he must qualify to participate in the written test and the Oral Assessment Center. The written test was not the correct test. All seven applicants received the incorrect test. Following completion of the tests by the

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applicants, a decision called for discarding the test and retaking the test using the correct version proposed by Acting Police Chief Mason who delivered the correct test to the Human Resources (HR) Department. The HR Department provided the initial incorrect test, which raises a concern along with other concerns surrounding documentation of the final scores. The Tumwater Police Guild filed a grievance with the City, which has moved to step 2 of the grievance process.

**Brandt Baker** cited a packet of information he compiled beginning in October 2024 following an announcement by Police Commander Mason of a Police Sergeant assessment exam in 2024. Police Commander Mason said the recruitment period would be from December 13 through December 17, 2024 with a written test on January 9, 2025 and consideration by the Commission for approval on February 13, 2025. The testing process was described as a written test for 20% and four assessments of 20% totaling 100% of the test score. HR announced the testing process, referred candidates to [www.gov.jobs](http://www.gov.jobs), and advised applicants to apply by Monday, December 15, 2024. However, December 15, 2024 was on a Sunday. The posting reflected a date of January 9, 2024 for the written test rather than the correct date of January 9, 2025. The date for the assessment test was also inaccurate. There were numerous errors on the paperwork between October and January 23, 2025 through emails, posting dates, and the closing date listed as December 15, 2024. One of the applicants was unable to meet the date with HR reopening the application process for unknown reasons other than there had been several dates for the closing. The individual was able to reapply and eventually passed the testing. Following participation in the assessment test, he spoke to Lieutenant Quiles to review why he failed the Assessment Center testing. Lieutenant Quiles advised that he was unable to provide any feedback because he was unaware of how the tests were rated and he could not offer any advice for potential improvements because he did not have access to test grades or any rater comments. He was told that he could not be part of the process. In Rule 18, Chief Examiner Sutherland advises that applicants shall be allowed a period of five business days following the date of notification of examination results to inspect answers. He was not given access to his answers or rating standards. Under Rule A20, all copies of the written examination should be retained, which he learned the City has retained and entered the results in a rating system. All questions submitted by the examiner for the oral examination and subsequent answers were not provided to the applicants. Based on those two rules and the constant grammatical and input errors, the proposed list should be invalidated.

**FORMAL PROTEST  
REPORT - SGT.**

Chief Examiner Sutherland reported that on receipt of a protest, a report is required. Tumwater Police Department employees Sawyer

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**ASSESSMENT:**

Smith, Tim Rios, James Moran, and Brandt Baker filed protests after they were unable to review their respective scoring sheets to learn about specific areas they could improve. The report includes the background of the oral assessment on February 12, 2025. The testing included four assessment centers. The first assessment was the oral resume, the second assessment was on employee relations, the third exercise was a community presentation, and exercise four was a practical tabletop. The approved exam plan requires that each exercise achieve a minimum 70% score to pass the Sergeant Assessment Center. Tumwater Police Department administrative and command staff served as facilitators in the exercise. Each assessment center is designed to assess specific competencies for the Sergeant position. Two raters were present for each assessment center in addition to Tumwater Police Department employees serving as facilitators. All raters have law enforcement experience. Raters gave each candidate a numerical score of zero to 100 based on their respective performance in each assessment center exercise.

Four candidates rotated through the four oral assessment centers beginning at 8:30 a.m. Three other candidates started at 12:30 p.m. Following completion by all candidates of the required assessment center exercises, the raters, facilitators, Commander Mason, and Chief Examiner Sutherland met in the breakroom at the Methodist Church. At that time, Police Administrative Supervisor Laura Wohl collected score sheets from each of the assessment centers. Supervisor Wohl delivered the score sheets to Chief Examiner Sutherland. Chief Examiner Sutherland reported that she and other staff entered the scores from the rating sheets to an Excel spreadsheet. The procedure was followed for each assessment center.

Following entry of all scores, the group determined that three of the seven candidates received a passing score of at least 70% or more and four candidates did not pass the Assessment Center test with a least a 70% score.

On Tuesday, February 18, 2025, the candidates who failed to pass the Assessment Center requested to meet and review their respective scores and obtain information from the rating sheets. Chief Examiner Sutherland said she reviewed the scores with each candidate from the Excel spreadsheet and referred them to the Police Department to review their respective rating sheets. Shortly after, Commander Mason discovered that the rating sheets had inadvertently been destroyed with other materials. As the rating sheets were unavailable, it was not possible to share information with each candidate about their performance to receive feedback from command staff at the department.

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The findings and conclusion are based on Rule 8.13, which 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.” The rating standards are not considered scoring sheets.

Following a review of the rules, the City determined that the scores on the Eligibility List as proposed for the three candidates should be approved by the Commission.

Commissioner Schneider asked whether staff considered developing a corrective action plan to ensure a similar incident does not occur in the future. Chief Examiner Sutherland affirmed staff is working on improving the chain of custody between the Human Resources Department and the Police Department to ensure rating sheets are maintained and that accidental disposal does not occur.

Commissioner Schneider asked whether there are prohibitions preventing the candidates from retaking the exam. Chief Examiner Sutherland said she is not aware of any prohibitions for retaking the exam.

Commissioner Moudy asked whether the exam was intended to fill a vacant position or just to establish an eligibility list. Acting Police Chief Mason said the list is required for future positions. With the retirement of Police Chief Weiks, the department has a vacant temporary Acting Police Commander position until the department has determined next steps for filling the two command positions. Two pathways are in progress with one Acting Commander position open, as well as regular positions vacant in the near term.

Chair Chard asked about the roles and responsibilities for the Commission in terms of potential actions.

Attorney Shinn advised that Commissioners are responsible to ensure a fair and transparent process for the public to ensure no bias occurs in the selection process for important Civil Service positions and that political considerations do not enter into an appointments for selection or promotions of positions in Fire or Police Services. The Commission has some checks and balances that are allowed including an appeal process the Commission is able to utilize if there is an appeal of the list that has been certified. He cited Rules 8.14, 8.15, 8.16 for reference. Additionally, field processes are identified in Rule 5. Attorney Shinn displayed the Civil Service Rules previously cited. Under Rule 8.14, other protests have been filed on the development of the eligibility list. Rule 8.15 speaks to the Chief Examiner examining the protests and

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errors and submitting a report for examination by the Commission. Later in the meeting, Chief Examiner Sutherland will provide the applicant ranking according to relative scores. Should the Commission adopt the eligibility list, another process outlined in 8.16 applies that outlines the process for an appeal to the Commission. Additionally, he advised that there are no bars against retesting other than the potential delay and the potential appeal filed by candidates who successfully passed the oral portion of the examination.

Chair Chard inquired as to whether there would be sufficient time for the Commission to undertake deliberations or whether there is an expectation the Commission would take action immediately. Attorney Shinn advised that the Commission has the authority to take more time to review the matter during or at another meeting. He added that an executive session option would not be available based on the circumstances as the issue under discussion is not related to employee performance but rather the examination process and whether the process was implemented correctly.

Commissioner Moudy asked whether the errors in the dates directly affected the testing process. Chief Examiner Sutherland said she does not believe the dates affected the Oral Assessment Center process.

Police Detective Baker noted that the clerical errors from HR on dates and times were numerous and created a pattern reflective on no reviews of the information. He understands that the rating sheets were delivered directly to Chief Examiner Sutherland who entered the scores on an Excel spreadsheet. No one else reviewed the scores or verified the scores against the scores entered on the spreadsheet. The sheets were then inadvertently destroyed. The situation speaks to no purposeful action but that the dates were published incorrectly which speaks to the lack of a review process of the materials to ensure the postings were correct. That is the major concern by the officers who filed a protest.

Chair Chard requested clarification as to whether the clerical errors created an inability for applicants to participate in the exam process or whether other candidates believed there was limited time, or there was an understanding that the exam had been administered in 2024. Police Detective Baker explained that when the original posting was published in October 2024 by Police Commander Mason, the timeframe was December 13, 2024 through December 27, 2024 to apply. However, when HR released the notice, the timeline indicated applications would be accepted until December 15, 2024, which was listed as a Monday but was actually a Sunday. One applicant did not apply due to the three different listings for the exam. The applicant visited the City and explained the issue with Chief Examiner

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Sutherland and Police Commander Mason agreeing to reopen the exam. HR resent the information to the Police Department without a link for candidates to reapply.

Chair Chard said it appears the argument speaks to prior public comments because the date issue was discussed and does not prevent anyone from participating in the exam.

Police Officer Rios agreed but pointed out that it was impossible to verify that no other clerical errors occurred.

Chair Chard advised that there is no evidence the clerical errors caused anyone not to submit an application or prevent participation in the exam or the oral boards. He suggested focusing the discussion on the points addressed in the protest letter.

Commissioner Schneider commented that it appears the major issue is the lack of an opportunity for the candidates to review their respective scores. Chief Examiner Sutherland affirmed that is the basis for the protest.

Chair Chard noted that Chief Examiner Sutherland was the only person who viewed the scores. He asked if there was any indication from interviews with the raters that the scores were incorrect. Chief Examiner Sutherland responded that she transcribed the scores directly from the score sheets completed by the raters. Acting Police Chief Mason added that the raters were not interviewed for verification of the scores.

Commissioner Schneider said it appears there is no direct evidence that an error occurred, which speaks to the difficulty of rendering a decision, as no evidence is available to support either position.

Commissioner Moudy asked whether the process was outside of standard testing practices and whether the process was similar to a previous testing process for a sergeant exam. Chief Examiner Sutherland advised that she was not with the City when a prior sergeant exam was administered. The error occurred because of a chain of custody issue regarding the rating sheets. The rating sheets handed to her by Administrative Supervisor Wohl enabled her to enter the scores in the spreadsheet with the rating sheets returned to Supervisor Wohl and inadvertently shredded the next day with other materials instead of retained.

Commissioner Schneider questioned the degree of change in the scores, such as clustered in a small range or markedly different. Chief Examiner Sutherland said the range of scores for the seven candidates

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averaged 50% to 90%.

Commissioner Schneider asked whether any qualitative feedback was provided to the candidates in addition to their respective score. Acting Police Chief Mason said the candidates were invited to meet with assessment center facilitators for the four exercises, as well as receiving an email of their respective scores.

Police Officer Rios said he met with a facilitator and did not receive feedback because the facilitator was not aware of the scores or the subject areas that were scored.

Acting Police Chief Mason noted that the candidates were only afforded the opportunity to speak to the facilitators and not to the raters/evaluators.

Chair Chard asked whether the scores should have been retained in compliance with the Public Records Act. Attorney Shinn affirmed the paperwork should have been retained to meet the requirements of the Public Records Act.

Commissioner Moudy said her consideration is whether the process is the same as the previous process. Additionally, there was room for human error that could have occurred with the establishment of the last eligibility list. That process was not challenged. It appears that the approval of the eligibility list is not the final decision as the applicants can appeal the decision to approve the eligibility list. She would like to know that there will be a change moving to prevent a similar incident occurring, which appears to have been addressed.

Chair Chard said the scoring sheets should have been maintained and cannot be destroyed unless specific criteria are satisfied. His inclination is to accept the protest and authorize a retest. Attorney Shinn advised of the possibility of scheduling another testing process as long as the oral exam portion is weighted the same as the original exam.

**MOTION:**

**Commissioner Schneider moved to enable the police officers who are a party to the protest to retake the exam in an expedited timeframe. Chair Chard and Commissioner Schneider supported the motion.**

*Note: As the motion was not seconded, the motion was invalid.*

**FORMAL PROTEST  
REPORT –  
FIREFIGHTER:**

Chief Examiner Sutherland reported Entry Level Firefighter candidate Derek Shorey submitted a Formal Protest Letter challenging his score, citing the merits of his responses during his Speed Interview, which is

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an initial step in the recruitment process. Mr. Shorey is requesting a review of his evaluation and a reconsideration of his candidacy based on the merits of his responses.

Chief Examiner Sutherland said she upheld the panelists' ratings and does not advocate for any changes to the candidate's score.

Commissioner Schneider asked whether the feedback was provided to the candidate. Chief Examiner Sutherland affirmed the feedback was provided. Commissioner Schneider said the Fire Department provided detailed feedback. If there no action that would bar the candidate from applying again, she would recommend the candidate consider and assess the feedback and consider reapplying.

**MOTION:** **Commissioner Schneider moved, seconded by Commissioner Moudy, to support the Chief Examiner's decision as the candidate has the opportunity to reapply in the future. A voice vote approved the motion unanimously.**

**STATUS OF  
FEBRUARY  
ELIGIBILITY LIST  
UPDATE:** Chief Examiner Sutherland referred to the February Eligibility List, which includes all Civil Service positions in the Police and Fire Departments. The only change for March 2025 is the Fire Training Lieutenant Eligibility List for consideration for approval.

**APPROVAL OF FIRE  
TRAINING  
LIEUTENANT  
ELIGIBILITY LIST:** Chief Examiner Sutherland reported one candidate qualified for the Fire Training Lieutenant in the Fire Department. The candidate is proposed for addition to the list with an exam score of 80%. Staff is seeking approval of the proposed Eligibility List for Fire Training Lieutenant extending to March 2026.

**MOTION:** **Commissioner Schneider moved, seconded by Commissioner Moudy, to approve the Fire Training Lieutenant Eligibility List as presented. A voice vote approved the motion unanimously.**

**APPROVAL OF  
ENTRY LEVEL  
FIREFIGHTER  
ELIGIBILITY LIST:** Chief Examiner Sutherland requested approval of the Entry Level Firefighter Eligibility List. Twenty-nine candidates are proposed for addition to the list. The list would be effective until March 2026.

The Commission congratulated Fire Chief Hurley on the number of qualified candidates to be added to the list.

**MOTION:** **Commissioner Schneider moved, seconded by Commissioner Moudy, to approve the Entry Level Firefighter Eligibility List as presented. A voice vote approved the motion unanimously.**

**APPROVAL OF  
ENTRY LEVEL** Chief Examiner Sutherland requested approval of the proposed Entry Level Police Eligibility List. Twenty- five candidates are included on



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**POLICE ELIGIBILITY LIST:** the list reflecting the addition of six new candidates.

The Commission congratulated Acting Police Chief Mason for the number of qualified candidates on the list.

**MOTION:** **Commissioner Schneider moved, seconded by Commissioner Moudy, to approve the Entry Level Police Eligibility List as presented. A voice vote approved the motion unanimously.**

**POLICE SERGEANT ELIGIBILITY LIST:** Chief Examiner Sutherland advised of the three candidates proposed for inclusion on the list. She requested approval of the proposed list as presented.

Acting Police Chief Mason questioned the proposed action in light of the protests associated with the sergeant examination process. Chair Chard advised that the Commission can approve the list as presented. The individuals who submitted a protest can retake the test and if they pass, the individuals can be added to the list.

**MOTION:** **Commissioner Schneider moved, seconded by Chair Chard, to approve the Police Sergeant Eligibility List as presented. A voice vote approved the motion unanimously.**

**CLASS SPECIFICATION UPDATE – POLICE SERVICES SPECIALIST I:** Chief Examiner Sutherland reported the request is for approval of language within the Class Specification for Police Services Specialist I. For many years, administrative staff in the Tumwater Police Department held different classifications that reflected specialized job duties. Over time, that particular model was not effective and the request is an update to the Class Specification for the Police Services Specialist I position. Since 2019, the landscape of police administrative work has changed and currently reflects the duties that are clerical in nature and does not emphasize the legally required workloads that comprise the majority of the daily work for the position. The updated job description clearly describes the relevant tasks for managing public disclosure requests, warrants, and civil orders and law enforcement records dissemination and retention. The Police Services Specialist I no longer has duties related to evidence, which are now the purview of the position created in 2020 of the Police Evidence Technician. Staff is seeking approval of the updated Class Specification for Police Services Specialist 1 as proposed by Tumwater Police Department command staff.

Commissioner Schneider asked about the possibility of reviewing the old position versus the new position description to identify the differences between the two job descriptions. Acting Police Chief Mason advised that the old job description included outdated language that included duties and tasks associated with evidence management,

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which is no longer required of the position, as well as other critical descriptors that are no longer applicable or are applicable today. Delaying approval of the request would affect the department in moving forward with some technological projects and the body-worn camera program.

Chief Examiner Sutherland added that when Human Resources receive a revised class specification, staff compares the old with the new version especially within police and fire services because of the essential functions of the position. No salary increase is reflected in the classification other than it modifies the job description to align with the duties and responsibilities today versus in the past.

Commissioner Schneider thanked staff for the explanation.

**MOTION:** **Commissioner Moudy moved, seconded by Commissioner Schneider, to approve the update to the Class Specification for Police Services Specialist I as presented. A voice vote approved the motion unanimously.**

**UPDATES:** Fire Chief Hurley reported on the retirement celebration for Fire Training Lieutenant Jon Kalar at the end of February. The Commission approved the eligibility list to assist the Fire Department in moving forward to fill the position. Filling the position will likely open a Firefighter position. The list approved by the Commission for Firefighter will be used for Chief interviews.

The department hired several Paramedics to staff the new medic unit at the end of 2025. The group of ten included lateral hires. They are working at the Fire Department after completing the Advanced Life Support Academy. The remaining five employees are completing fire training at a fire academy. The department plans to activate the new medic unit by January 1, 2026.

Acting Police Chief Mason reported on the retirement of Police Chief Weiks. He assumed the role of Acting Chief with Lieutenant Quiles assuming the Acting Deputy Chief position, which will create an Acting Lieutenant position and Acting Sergeant position. The department is working closely with HR on several hiring initiatives moving forward. The department welcomed four new officers of which three will attend the law enforcement academy. The fourth officer is a lateral hire from another state. The department anticipates hiring another officer in the next month.

**NEXT MEETING  
DATE:**

The next meeting is scheduled on April 10, 2025.

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**ADJOURNMENT:**           **With no further business, Chair Chard adjourned the meeting at 6:39 p.m.**

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Blake Chard, Chair

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Michelle Sutherland, Secretary Chief Examiner

Prepared by Valerie L. Gow, Recording Secretary/President  
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