

City of Tacoma Civil Service Board MEETING MINUTES

Date and Time: August 4, 2016 at 5:00 p.m.
Location: Tacoma Municipal North, RM 16
Chair: Beckie Summers
Coordinator: Wendy Hobson

Call to Order:

The Civil Service Board meeting was called to order in Room 16 of the Tacoma Municipal Building North at 5:00PM by Chair Summers. Board Members Sexton, Hansen and Heller were present.

Approval of Minutes:

Board Member Sexton motioned to approve the minutes of July 19, 2016. Chair Summers asked if there were any amendments to the minutes. Board Member Hansen indicated he had three amendments. On page two of the July 19th minutes, he would like the record to reflect that he was concerned that there would not be a record if there was an appeal if the Board met in Executive Session as suggested by Counsel for the Appellants. He further stated that he thought that a hearing was required to determine if Ms. St. Germain had reason for convening a 2nd review board assuming she had the authority to do so. Board Member Hansen also wished to correct the motion in the minutes to state hearsay should be admitted but the fact that it is hearsay would go to the weight of the evidence that would be considered by the Board.

A VOICE VOTE WAS TAKEN TO APPROVE THE JULY 19, 2016 MINUTES: 3 AYES, 0 NAYS, 0 ABS. THE MINUTES WERE APPROVED AS WRITTEN.

Communication for Information:

Coordinator, Wendy Hobson shared with the Board that she had received an email on August 7, 2016 from Lt. Edward Gregory of the Tacoma Fire Department which was too late to be included in the agenda for this meeting. Chair Summers asked that it be included in the agenda packets for the September meeting.

Action on Matters Still Pending / New Business:

Findings of Fact and Conclusions of Law in the Matter of Aaron Setunsky and Sean O'Brien. Board Member Hansen indicated that page 5, item 5 the word "generally" should be removed. He also added that item 6, the last phrase "because the Code does not specifically address the issue" should be removed.

Chair Summers asked for a motion to approve the Findings of Fact and Conclusions of Law with the suggested amendments. Board Member Hansen indicated that there was a gentleman in the audience that would like to speak.

Batallion Chief Brian Hardy addressed the Board from the audience stating that "Mr. X" is here and that he was never notified of the prior hearing and wished to provide his statement. Chair Summers advised that she was aware that he might be here this evening and that the time for him to provide his comments is under item 8 on the agenda, comments by the public.

Counsel to the Board, Jennifer Taylor advised that she would make the changes as recommended and provide amended version of the findings to the Board at the September meeting. Chair Summers asked for motion to accept the Findings of Fact and Conclusions of Law with the amended language.

BOARD MEMBER SEXTON MOVED TO APPROVE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH THE AMENDED LANGUAGE. THE MOTION WAS SECONDED BY BOARD MEMBER HELLER.

A VOICE VOTE WAS TAKEN: 3 AYES, 0 NAYS, 0 ABS. THE MOTION TO APPROVE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH AMENDED LANGUAGE PASSED.

Chair Summers advised the motion had been moved and seconded and that the Board would act on this at the next meeting and will sign the document. Ms. Taylor also advised that in accordance with the rules she would provide the final document to the Counsel for the Appellants three days prior to the next meeting.

Human Resources Director's Report and Requests:

Human Resources Director Joy St. Germain shared list extensions for Lead Water Meter Repair Worker and Water Control Station Operator which she had approved. In addition to the list extensions, she also advised the Board that she had approved two requests to abolish lists for Senior Center Van Driver and IT Analyst Senior Technical (Computer Systems Programmer).

Director St. Germain then introduced Human Resources Analyst Audrey Hornbuckle to present two Waivers of Competitive Exam for IT Analysts Robert Kinzel and Michael Sparkman.

BOARD MEMBER SEXTON MOTIONED TO APPROVE THE WAIVERS FOR IT ANALYSTS ROBERT KINZEL AND MICHAEL SPARKMAN. THE MOTION WAS SECONDED BY BOARD MEMBER HANSEN.

Board Member Hansen invited Ms. Hornbuckle to share her report even though the motion was approved without it. Ms. Hornbuckle provided information supporting the appointment of these two individuals. Mr. Kinzel and Mr. Sparkman were present and provided brief statements.

A VOICE VOTE WAS TAKEN: 3 AYES, 0 NAYS, 0 ABS. THE MOTION PASSED TO PERMANENTLY APPOINT MR. KINZEL AND MR. SPARKMAN INTO THE CLASSIFICATION OF IT ANALYST.

Comments by the Public:

Lt. Edward Gregory came forward to provide his comments in the Matter of Aaron Setunsky and Sean O'Brien stating that he is "Mr. X" as identified in the audio of the July 19, 2016 hearing. He also stated that he was the first complaint in this matter and the reason the HR Director made the decision to convene a second review board. He further stated that he followed the policy submitting his complaint through the chain of command and that he has not been provided a fair and equitable opportunity to

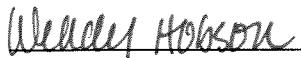
gather representation to present his testimony and requested that the decision in this matter be reconsidered until the Board can hear all the testimony and facts in this complex case.

Board Member Heller added that she wanted to make sure that it is understood that the three processes to elevate a complaint are very different and that the Board was not keeping Mr. Gregory at arms-length and that their process was completed in a separate fashion as it is designed to be.

Lt. Gregory responded with his rebuttal. Chair Summers asked if he had seen their findings. Ms. Taylor added that the findings will be amended and need to be provided to the Counsel to the Appellants prior to dissemination. Board Member Heller added that the decision is not yet final as they haven't signed it.

**BOARD MEMBER HANSEN MOTIONED TO ADJOURN.
MEETING WAS ADJOURNED.**

ATTEST:



Wendy Hobson
Civil Service Coordinator



Beckie Summers
Chair