

**City of Tacoma Civil Service Board  
MEETING MINUTES**

**Date and Time:** February 1, 2018 at 5:00 PM  
**Location:** Tacoma Municipal Building, Council Chambers  
**Chair:** Beckie Summers  
**Coordinator:** Wendy Hobson

**Call to Order:**

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

**Approval of Minutes:**

Board Member Sexton motioned to approve the January 4, 2018 minutes. The motion was seconded by Board Member Andrews.

A VOICE VOTE WAS TAKEN: 3 AYES, 0 NAYS, 1 ABS (HELLER). THE MINUTES FOR JANUARY 4, 2018 WERE APPROVED AS WRITTEN.

Board Member Heller motioned to take the agenda out of order and move the requests up to this point for the convenience of all of those in attendance this evening. The motion was seconded by Board Member Sexton.

A VOICE VOTE WAS TAKEN: 4 AYES, 0 NAYS, 0 ABS. THE MOTION TO TAKE THE AGENDA OUT OF ORDER PASSED.

**Human Resources Director Report:**

Human Resources Manager Shelby Fritz introduced Human Resources Analyst Rodney Croston who presented a request for Waiver of Competitive Examination for Journey Line Electricians Collin Ohman, Zack Rosendahl, Ryan Streeter, Landon Taylor and for Journey Wire Electricians Ken DeHut, Chris Patterson, Patrick Sablan and Travis Wright. Mr. Croston also included in this request a Waiver of Competitive Examination for Systems Power Dispatcher, Sam Guthro who will be graduating in the very near future. Mr. Croston advised that the department will report back upon Mr. Guthro's completion.

Board Member Sexton motioned to approved the requests for Waiver of Competitive Examination for Journey Line Electricians Collin Ohman, Zack Rosendahl, Ryan Streeter, Landon Taylor; Journey Wire Electricians Ken DeHut, Chris Patterson, Patrick Sablan and Travis Wright; Systems Power Dispatcher Sam Guthro. The motion was seconded by Board Member Heller.

A VOICE VOTE WAS TAKEN: 4 AYES, 0 NAYS, 0 ABS. THE MOTION TO APPROVE THE WAIVER OF COMPETITIVE EXAMINATIONS PASSED.

Chair Summers invited members of the class that were present to step up to the microphone and speak.

Chair Summers then announced the Appeal Hearing in the Matter of Gabriel Hernandez and asked if both parties were present.

Paul Goulding Deputy City Attorney representing the City and Byron Allen, IBEW Local 483 Assistant Business Manager representing Mr. Hernandez were present.

Chair Summers reviewed the Rules of Procedure.

Mr. Goulding provided an opening statement stating that this case was about trust. He further described the events that led up to the termination of Mr. Hernandez and asked that the Board uphold the termination.

Mr. Allen provided an opening statement stating Mr. Hernandez made every effort to renew his driver's license as exhibited in documents submitted.

Mr. Goulding called the following witnesses who were sworn in by Chair Summers and provided testimony.

Geff Yotter, Water Services Supervisor  
Mike Riley, Management Analyst II  
Corey Bediant, Water Division Manager  
Darrell Gatchell, Safety Officer  
Shelby Fritz, Assistant Human Resources Director  
Gabriel Hernandez, Water Service Worker  
Scott Dewhirst, Water Superintendent

Mr. Allen cross-examined Mr. Yotter. Board Member Sexton asked Mr. Yotter if he was familiar with PMP 715. Mr. Yotter responded that he was not familiar with PMP 715 but was familiar with driving policies of the City. Chair Summers asked Board Member Sexton to hold on further questioning until the City has a chance to redirect the witness. Board Member Sexton then questioned the date of the conversation regarding the expired license.

Mr. Goulding then called Mike Riley. Mr. Riley was directed to Exhibit R4 and asked to describe the document. Mr. Riley advised it was an email to him from Darrell Gatchell. Mr. Goulding asked him to read the handwritten notes he had made on the document. Mr. Goulding asked Mr. Riley if Mr. Hernandez seemed unconcerned about his license being expired. Mr. Allen objected stating the witness is not capable of determining if the defendant was concerned. Chair Summers advised that objections are not accepted. Mr. Allen cross-examined Mr. Riley.

Board Member Sexton asked Mr. Riley if he was unfamiliar with the data base of licenses and if he was with Risk Management. Board Member Heller asked who the Designated Employee Representative (DER) is for the City of Tacoma. Board Member Heller asked if he had viewed the videos and whether or not he had made note if those vehicles required a CDL. Board Member Andrews questioned who makes the vehicle assignments and if these assignments were made on a daily basis.

Mr. Goulding called Darrell Gatchell, City Safety Officer in Risk Management. Mr. Gatchell described his job duties regarding CDL drivers and the process followed to verify licenses are current. Mr. Allen cross-examined the witness. Board Member Hansen questioned the witness asking about the spreadsheet maintained and how often employee CDL status is checked. Board Member Sexton asked Mr. Gatchell what he does with the information on the spreadsheet and referred back to PMP 715 where it states Risk Management coordinates with Human Resources.

Mr. Goulding called Corey Bediant, Water Division Manager. Mr. Allen cross-examined this witness. Board Member Sexton asked Mr. Bediant about dates of the personal reviews, Exhibits 5 and 7. Board Member Sexton also asked about PMP 715 as it refers to the Supervisor's responsibility to make sure employees have the required license. Board Member Andrews asked who determines what vehicle the employees drive and if there was a checklist of any kind when the vehicle is checked to that driver or anything relative. Board Member Heller asked about Exhibit R5 and at what level the Reviewer of the document was, if this person would have been at his level. Board Member Heller also asked if the four people that signed this document would typically receive a copy of it and whether or not the document is located in the personnel file kept in HR or in a supervisory file. Board Member Heller revisited the example of an interview being a character tell you felt it was inappropriate that he wanted to be paid for his interview time and questioned the process time reporting.

Mr. Goulding called Shelby Fritz, Assistant Human Resources Director. Ms. Fritz provided testimony on the discipline process. Mr. Allen cross-examined this witness. Board Member Sexton asked Ms. Fritz to explain her role in HR as it relates to PMP 715. Board Member Heller asked Ms. Fritz if she was the HR Representative that advised on this particular disciplinary action and if there was a standard number of days of suspension for this particular issue. Ms. Fritz advised there was not a standard number of days as there are other factors involved and that she was not the advisor in this case. Board Member Hansen asked if the HR Department did its own review of comparable cases and if it was able to find a case comparable to the Hernandez case.

Mr. Goulding then called Mr. Hernandez to testify. Board Member Andrews questioned Mr. Hernandez about whether or not he was required to drive a vehicle that required a CDL. Board Member Sexton asked Mr. Hernandez to confirm how long he has been with the City and if it was true that the City could only find two instances where he had problems over the last twelve years. Board Member Sexton also asked Mr. Hernandez to confirm when he was first asked about his license and if it was August 15<sup>th</sup>. Mr. Hernandez confirmed this date as correct.

Mr. Goulding called Scott Dewhirst, Water Superintendent. Mr. Allen cross-examined this witness. Board Member Sexton asked Mr. Dewhirst what his responsibility was under PMP 715. Mr. Dewhirst responded is our responsibility is to ensure employees have proper licenses and added the employee has the same responsibility. Board Member Heller asked Mr. Dewhirst was the deciding authority on this case and if he had consulted with HR prior to the decision. Mr. Dewhirst indicated he had spoken with HR Analyst Rodney Croston.

Closing statements were heard from both sides. Chair Summers announced that the Board will be in Executive Session until 8:20PM. At 8:20PM, Chair Summers announced that the Board will continue in Executive Session until 8:40PM.

Chair Summers reconvened the meeting at 8:40PM and asked for a motion. Board Member Hansen motioned to grant the appeal with the following conditions: The Board finds that the City has met its burden but that the level of discipline under these circumstances is not warranted and hereby converts the termination to a suspension without pay from October 17, 2017 to February 1, 2018. The Board declines to restore benefits and seniority prior to February 1, 2018.

A VOICE VOTE WAS TAKEN: 4 AYES, 0 NAYS, 0 ABS. THE APPEAL WAS GRANTED WITH CONDITIONS NOTED.

Meeting adjourned at 8:43PM

ATTEST:



Wendy Hobson  
Civil Service Coordinator



Beckie Summers  
Chair