

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

**Date and Time:** June 4, 2020 at 5:00 PM  
**Location:** By Telephone Conference Call  
**Chair:** Beckie Summers  
**Coordinator:** Wendy Hobson

**Call to Order:**

Meeting called to order by Chair Summers via telephone conference call at 5:00PM.

Board Coordinator Wendy Hobson completed a roll call to confirm attendance. Board Members Sexton, Heller, and Andrews confirmed attendance. Board Member Hansen also confirmed with comment.

**Board Member Hansen:** I've been using these Zooms for quite a while and I'm having trouble with this one, I don't know what's going on.

**Martha Lantz:** I am here as well.

**Approval of Minutes:**

**Chair Summers:** May I have a motion to approve the minutes of March 5<sup>th</sup>

**Board Member Sexton:** So moved

**Chair Summers:** Do I hear a second

**Board Member Andrews:** Second

**Chair Summers:** it's been moved and seconded, Board Member Heller

**Board Member Heller:** I have some concerns about the March 5<sup>th</sup> minutes. I believe that they were summarized and simplified to the point of not being as clear as they could be and would request especially in looking at paragraph two and paragraph three of the Human Resources; actually the first three paragraphs under the Human Resources Director report and request it looks like we're combining multiple topics into one issue. I would request that either these be taken back and reworked for our next meeting or we get verbatim minutes for this meeting.

**Chair Summers:** Board Member Heller has requested; was there somebody else wishing to speak. Board Member Heller has asked that these minutes be reworked or that they be presented to us verbatim Coordinator Hobson, is there any way of getting that done

**Coordinator Wendy Hobson:** At this time, I don't know when. I can send you the link to the recording, which is also available on our website and available to the public.

**Board Member Heller:** Yeah, that's not gonna cut it for me. I think they either need to be reworked or they need to be converted into verbatim minutes. The way they are is misleading and should not continue to be a public record.

**Board Member Hansen:** Chair Summers, I don't know if we have money in the budget but we could hire a court reporter to transcribe those; the minutes of the meeting, the recorded, I'm sorry, the recording of the meeting.

**Coordinator Hobson:** Board Member Hansen, we are in the process of laying city employees off because of budget shortfalls within the next two years; we do not have money in the budget.

**Board Member Hansen:** Okay, that's fine

**Chair Summers:** Thank you for the suggestion. At this point there is a motion before the board to accept the minutes, is there any further discussion on the minutes

**Board Member Heller:** This is Board Member Heller, I would request board members vote down this motion and send it back to our coordinator to be worked on again.

**Chair Summers:** Thank you Board Member Heller. Hearing; is there any other discussion. Hearing no discussion, can I have a roll call for approval of the minutes

**Coordinator Hobson:** Board Member Hansen

**Board Member Hansen:** No

**Coordinator Hobson:** Board Member Sexton

**Board Member Sexton:** No

**Coordinator Hobson:** Board Member Heller

**Board Member Heller:** No

**Coordinator Hobson:** Board Member Andrews

**Board Member Andrews:** Abstain

**Coordinator Hobson:** Chair Summers

**Chair Summers:** No. So at this point, what we are asking is that paragraph two and three be reworked. Part of the problem is Board Member Heller asked for help; was not following this request is rather an editorial statement and at least that should be removed. Again, there were two different ideas being presented in these minutes; one was for the residency preference and

one was for residency waiver and the minutes do not reflect that there were two different issues presented. Clarification I think is needed, thank you for that Board Member Heller.  
Chair Summers: Moving on, April 2<sup>nd</sup> 2020 minutes, do I hear a motion to approve

**Board Member Sexton:** So moved

**Chair Summers:** Do I hear a second

**Board Member Hansen:** Second

**Chair Summers:** It's been moved and seconded, is there any discussion on these minutes. Hearing none, all those in favor.....take the roll call please

**Coordinator Hobson:** Board Member Hansen  
**Board Member Hansen:** Yes

**Coordinator Hobson:** Board Member Sexton  
**Board Member Sexton:** Yes

**Coordinator Hobson:** Board Member Heller  
**Board Member Heller:** Yes

**Coordinator Hobson:** Board Member Andrews  
**Board Member Andrews:** Yes

**Coordinator Hobson:** Chair Summers  
**Chair Summers:** Yes. Thank you, moving on to the next item communication for information, Ms. Hobson

**Coordinator Hobson:** None this evening

**Chair Summers:** Actions on matters still pending, new business

**Coordinator Hobson:** We have received a request for an appeal in the Matter of Dennis Murphy from Environmental Services and Mr. Murphy is on the line

**Chair Summers:** Are the City Attorneys prepared to speak at this meeting as well

**Martha Lantz:** Chair Summers, this is Martha Lantz the board's Advisor, can you all hear me

**Board Member Hansen:** Yes

**Board Member Andrews:** Yes

**Martha Lantz:** ok, I just got a note that I was muted but I guess not. Is Ms. Comer on the line? I don't hear from Ms. Comer but it is my understanding that their position is that there is an issue on jurisdiction with this particular appeal

**Deputy City Attorney Cheryl Comer:** That's correct Martha, can you hear me now

**Martha Lantz:** Yes, is this Cheryl

**Ms. Comer:** Yes, this is Deputy City Attorney Cheryl Comer. I am sorry for the technical difficulty but I would like to notify Chair Summers and the board that the city is disputing jurisdiction of this appeal filed by Mr. Murphy.

**Chair Summers:** Do you have anything further to add to that Ms. Comer

**Ms. Comer:** Yes, I am happy to argue the point. I wasn't sure what the board's preference is; often we do set a separate hearing for discussion on the jurisdictional issue. In summary, this request for appeal is because of a decision not to pass Mr. Murphy on his probation. He was serving a probationary period and did not pass. During that point and time, the Civil Service Board doesn't have jurisdiction because the employee is not a permanent employee...

**Dennis Murphy:** (interrupted Ms. Comer) I am a permanent employee

**Ms. Comer:** Until they pass their probation

**Martha Lantz:** This is Martha Lantz, Chair Summers could I ask your permission to clarify the procedural posture so everybody is clear as to what is actually before the board at this moment. I believe you were setting it up just to clarify whether the City Attorney was on the line and whether the Board's Advisor was on the line. Then, it was noted that the City believes that the board doesn't have jurisdiction over this appeal. From a procedural standpoint, I would add that my understanding is that the usual approach to these matters is the board in the first request for appeal the board determines if jurisdiction is contested; if jurisdiction is contested, then it would be appropriate to allow that to be briefed and presented to the board for consideration at the next meeting

**Chair Summers:** Thank you for that. Mr. Murphy, are you here as well

**Mr. Murphy:** I don't know how to talk

**Chair Summers:** Just saying that you're here is totally appropriate. Thank you for attending. Is there any comments from Board Members regarding the request for the appeal from Dennis Murphy, Environmental Services?

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** Yes, Madam Chair. Gosh, there was a lot to this appeal request it was very...pretty interesting reading. One had to do with COVID 19. I would certainly like to hear more about that if we don't hear the appeal because of jurisdiction. If we can't hear it, I certainly would hope that Mr. Murphy would pursue this as a complaint

**Chair Summers:** Thank you Board Member Sexton

**Board Member Hansen:** Chair Summers

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** Yeah, I would like the City to address Mr. Murphy's allegation when we do have a hearing on this issue regarding a violation of personnel rule 1. 24.830 and I believe Mr. Murphy is alleging that a false statement was made in connection with a rating

**Chair Summers:** Board Member Hansen, this is simply about jurisdiction at this point so we haven't even gotten to the point where we're looking at what the appeal is actually about; we need to schedule...

**Board Member Hansen:** Could I finish

**Chair Summers:** Go ahead Board Member Hansen

**Board Member Hansen:** Well, so under the personnel rules we can hear an appeal if it involves a violation of the personnel rules and so that's jurisdictional issue whether or not he's alleged a matter that is covered under the appeal provision of the personnel rules so that's why I would like the City to address that issue with regard to whether or not we have jurisdiction to hear a violation of personnel rule 1.24.830. I'm not asking the City to address the merits of that issue, I am asking the City whether or not on the basis of his allegation if that rule was violated. Does the board have jurisdiction to hear that appeal because appeals can include as well as discipline or demotion or reduction in rank or pay. Appeals can include allegations of violation of the personnel rules. Does that make what I'm trying to say more clear?

**Chair Summers:** I think it may. Ms. Comer, do you have anything that you could add to this

**Ms. Comer:** Yes, again, the same thing applies; the definition of appeal in the code is a communication from a permanent classified employee. Even though there is the broader authority to look at other controversies, this particular issue is involving probation and during that period of time, the employee is not a permanent classified employee.

**Mr. Murphy:** How am I not a permanent employee?

**Board Member Heller:** Chair Summers

**Chair Summers:** Board Member Heller

**Board Member Heller:** I think we as a board want to hear a jurisdictional hearing, we should do that first I'm looking at the basis of the appeal, which was checked as a reduction in pay or rank. Under the civil service rules at 1.06.440 subsection E, it does state to hear an appeal it has to be a suspension for more than 30 days, a reduction in rank or pay or discharge of any employee in classified service and plus, if this is a probationary issue, I don't see how it meets the criteria of being a reduction in pay or rank. So while I would move to dismiss, I would move to dismiss the appeal as not having jurisdiction. I am also willing to have a jurisdictional meeting to discuss it.

**Board Member Hansen:** Can I just add something else

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** So the...I just looked at this again and it's interesting because in the items; well in subsection 2; I guess it's not a core regulation but in the second item there it says appeals can include; so the first item says Civil Service Board conduct adjudicatory quasijudicial hearings in response to appeals presented by permanent classified employees or in any non-disciplinary controversy matter arising out of or in connection with personnel rules and so under that second item it doesn't seem to be limited to a permanent classified employee so If Ms. Comer could address that; I don't know if we've decided to decide this jurisdictional issue right now or hold a hearing later but it appears in this second item it is not limited to a matter that is brought up by a permanent classified employee.

**Chair Summers:** I don't believe that we have decided whether or not to hold the hearing. I did hear a motion from Ms. Heller to deny the appeal at this time based on jurisdiction; I did not hear a second. Is there a second to that motion? Hearing none...

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** I will second that. It seems like there is nothing else we can do really.

**Mr. Murphy:** I am screwed every which way I go

**Board Member Sexton:** I think Mr. Murphy is wanting to speak

**Board Member Hansen:** Yes, Chair Summers I would ask that Mr. Murphy be allowed to speak to address.... (Inaudible)

**Chair Summers:** I appreciate the comments and I also heard the frustration and I will allow Mr. Murphy to speak but at this time I need to clarify that I heard a second from Dan and we will hear Mr. Murphy during our discussion of the matter. Mr. Murphy, if you would like to speak.

**Mr. Murphy:** I don't understand. I am a permanent full-time employee. I have been for 9 ½ years. I am not quite understanding, I was promoted from a position into a higher position. I don't understand how that makes me not permanent. I'm a permanent employee; I may not have been permanent in that classification but I am a permanent employee.

**Chair Summers:** You are correct in that you are a permanent employee not in that position and in that position you were still on probation, am I correct

**Mr. Murphy:** Yes, I was still on probation

**Chair Summers:** Okay, and that's where we have problems; and that's where our issue comes from on the Civil Service Board; we don't have jurisdiction over probationary employees and because you were moved from one position to another and put into a probationary position, there are rules regarding a probationary periods and the appointing authority may remove or demote an employee whose performance is not satisfactory and does not say how it is not satisfactory; just says not satisfactory, very broad terms. I am sorry about that. That is why there a question before this board.

**Mr. Murphy:** So as a probationary employee, as someone who was promoted, who do I have to support me if I am not being treated fairly

**Unidentified:** No one

**Board Member Hansen:** Madam Chair

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** I'd like to ask Mr. Murphy a question. Mr. Murphy, are you currently an employee of the; you are currently an employee of the City of Tacoma, correct

**Mr. Murphy:** Yes sir

**Board Member Hansen:** Ok, and what is your position now?

**Mr. Murphy:** I am a Sewer Worker; permanent Sewer Worker not on probation

**Board Member Hansen:** Ok, and what was the position you were promoted to

**Mr. Murphy:** Senior Sewer Worker, a lead position

**Board Member Hansen:** Ok, and you were to serve a probationary period in that position?

**Mr. Murphy:** For 6 months, yes sir

**Board Member Hansen:** Ok, alright thank you

**Chair Summers:** Are there other questions; is there anything else you'd like to add, pardon me

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** Yeah, I'm just a; seems strange to me that lead people are on probation, is that standard operating procedure

**Chair Summers:** Personnel rule 1.24; believe it's going to be 7

**Unidentified:** 30 703

**Chair Summers:** 730 that explains about the probationary period and probationary employees. It's actually 1.24.780 in the one that I'm looking at and again the rules are different when you are in a probationary period than when you are not even if you are a permanent employee in another position when you received a promotion, the rules change and I would like all of the board members to understand that is what we are dealing with as an issue.

**Unidentified:** Yeah, no shit

**Unidentified:** Chair Summers read the fuckin rules

**Chair Summers:** I am not sure who is speaking to me

**Coordinator Hobson:** Chair Summers may I remind people to mute their mics; if I need to transcribe these minutes verbatim when I can't hear it is difficult

**Board Member Heller:** Board Member Summers

**Board Member Heller:** I would also ask that when people speak they identify themselves so that the female speaker that was using profanity; that's not acceptable in a public meeting; we need to have a forum, respect, and courtesy for one another so if you're going to make comments in the peanut gallery, please mute your mic. If you are wanting to make comments on the record, please identify yourself and be respectful.

**Chair Summers:** Thank you Board Member Heller, again I have before me a motion and thank you Mr. Murphy for your comments. I have a motion before me to deny the request for an appeal

from Dennis Murphy, Environmental Services that was seconded by Dan Sexton. I need a roll call, is there any further discussion. I need a roll call.

**Board Member Hansen:** Chair Summers

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** I think; for one thing, I think this issue is something that we should all take a look at in more detail. I don't have the personnel rule right before me but what I do have before me on the appeal form it states that a permanent classified employee can bring an issue; he stated that he is permanent; so I think there is enough confusion about this issue that we should allow for Mr. Murphy to give an argument before the board and also it would give us time to further consider this issue so we could take a closer look at the personnel rules and determine whether or not we in fact have jurisdiction. To sum up, I think it's just a little too complicated to make a decision right now.

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** I think I heard Board Member Hansen and think I agree and like what he's saying; do we need to vote this motion down to have a jurisdiction hearing or can we put this aside and have a jurisdiction hearing and rule on this later

**Chair Summers:** We absolutely could have jurisdictional hearing; we do have before us though a motion to deny the request for an appeal that needs to be voted down and then we can move to having the jurisdictional hearing and have it set for a later date. It needs to be voted down for that to happen so I do need a roll call vote on the motion before us which is to deny the request for the appeal

**Coordinator Hobson:** Board Member Hansen  
Board Member Hansen: No

**Coordinator Hobson:** Board Member Sexton  
Board Member Sexton: Yes

**Coordinator Hobson:** Board Member Heller  
Board Member Heller: Yes

**Coordinator Hobson:** Board Member Andrews  
Board Member Andrews: No

**Coordinator Hobson:** Chair Summers  
**Chair Summers:** No, so it does not pass, is that correct

**Coordinator Hobson:** Correct

**Chair Summers:** So we need to set the jurisdictional hearing for as soon as possible. Mr. Murphy that means that if you would like to represent yourself that would be perfectly appropriate but if you would like some help; if you're a member of a labor organization you might want to talk with them but we are going to be talking about jurisdiction and when you come you need to understand what being a probationary employee means and how that's different from your permanent classified status.

**Mr. Murphy:** All right then

**Chair Summers:** Ok, and so wait around until we get that date set; or wait for a few minutes. Is there a time when we can do this in the near future

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** I would like to change my vote

**Unidentified:** What

**Board Member Sexton:** From yes to no

**Unidentified:** It's literally upside down

**Unidentified:** They keep changing it

**Chair Summers:** That is appropriate. For those that are all currently on the mic, please mute. We need to decide when we want to hear the jurisdiction hearing. It is coming into the July...we do have the 4<sup>th</sup> of July and I also need to know what the City Attorney's schedule is so if you could check that and get back to Mr. Murphy and the board as to when a convenient time is, I would appreciate that. Can you do that for us coordinator?

**Coordinator Hobson:** Yes

**Chair Summers:** Since we do have the City Attorney still here; we do have the City Attorney still here, correct. Ms. Comer

**Ms. Comer:** Yes, this is Cheryl Comer

**Chair Summers:** Is there a time coming up shortly in July that might work for you or do you know

**Ms. Comer:** Generally 5:00 is available and I am available July 2 if that works for the board but that is the 4<sup>th</sup> of July weekend

**Chair Summers:** It is the 4<sup>th</sup> of July weekend and thank you for bringing that up right now because if that works for the board members, I think we should have the regular meeting and especially if we're going to have a hearing about jurisdiction as soon as possible. Are any or all board members available for the July 2<sup>nd</sup> meeting?

**Board Member Sexton:** Madam Chair would that be in a teleconference or in person

**Chair Summers:** Board Member Sexton I did not hear that

**Board Member Sexton:** Would that be a teleconference; would we be conferencing over the phone or would that be in person

**Chair Summers:** I cannot say for certain. I do not believe that staff could probably say for certain but either way we should; if our schedules are free we should meet on the 2<sup>nd</sup>. Dan can you meet on the 2<sup>nd</sup>

**Board Member Sexton:** Sure. I am not sure about in person but probably

**Chair Summers:** May I get a roll call of the members if you can meet on July 2<sup>nd</sup>

**Coordinator Hobson:** Board Member Hansen

**Board Member Hansen:** That works for me

**Coordinator Hobson:** Board Member Sexton

**Board Member Sexton:** Yes

**Coordinator Hobson:** Board Member Heller

**Board Member Heller:** Yes

**Coordinator Hobson:** Board Member Andrews

**Board Member Andrews:** No

**Coordinator Hobson:** Chair Summers

**Chair Summers:** Yes. So that would be a quorum and I hope Ms. Andrews is going to have a lovely time wherever she is without us, so let's go ahead and schedule this July 2<sup>nd</sup> meeting which is not typical for the Civil Service Board we usually don't schedule that closely to the 4<sup>th</sup>. Mr. Murphy, we will be meeting on July 2<sup>nd</sup> at 5:00 and we will let our coordinator figure out how that's going to happen; whether it's going to be in Council Chambers or other meeting room or teleconference because at this point we do not know

**Martha Lantz:** Chair Summers, this is Martha Lantz know that what we do know right now is that the current Governor's order on public meetings is set to expire on June 17<sup>th</sup> so if that order isn't extended, the prohibition for an in person meeting would be lifted and we would be able to meet in person but as everybody knows that is very uncertain and very fluid. We don't know whether that would be extended; it would just mean that a public meeting could be held but we may wish to still make arrangements for people to appear remotely by telephone.

**Chair Summers:** Thank you for that clarification. Ms. Hobson did you have anything to add to that  
**Coordinator Hobson:** I just needed to confirm if Martha is available on the 2<sup>nd</sup>

**Martha Lantz:** Yes

**Chair Summers:** thank you for that, yes that is very important. Thank you.

**Coordinator Hobson:** I will need to check to see if Karen Short can fill in for me because I will be out of town.

**Chair Summers:** Okay, so if that doesn't work out, the week after that; let's just try to make that work, if anything changes, Mr. Murphy you will be the first to know.

**Mr. Murphy:** Thank you.

**Chair Summers:** Thank you and thank you for coming

**Board Member Heller:** Chair Summers

**Chair Summers:** Board Member Heller

**Board Member Heller:** I would just like to say that if indeed the prohibition is lifted, I would like to encourage us to meet in person and I think the dais is big enough; rather than sitting close together we could skip every other chair and maintain a better social distance. The Council Chambers is big enough that we can social distance; we don't usually have packed crowds so we can ensure that there is space if the prohibition is lifted.

**Chair Summers:** Yes. Ms. Comer are you still here

**Ms. Comer:** Yes

**Chair Summers:** I don't believe you need to stay any longer; part of me thought I hope she is not waiting for me to dismiss her but if you are, thank you for your input and we will see you on July 2<sup>nd</sup>.

**Ms. Comer:** That sounds good, thank you very much. You have a good night.

**Martha Lantz:** Chair Summers

**Chair Summers:** Ms. Lantz

**Martha Lantz:** I was just wondering if the board; forgive me if this is something in the Coordinator's contacts with the parties but do you set a briefing schedule or...is there a time where the written arguments need to be turned in to the board and if that's already established in a procedure that I am just not readily aware of.

Coordinator Hobson: I will send out a letter and in that letter it will outline the details for submitting information for both sides.

**Martha Lantz:** Okay, thank you.

**Chair Summers:** Okay, moving on. Considerations set for matters set for public hearing. None this evening. Civil Service Coordinator report. None this evening. Human Resources Director's Reports and Requests, is Ms. Fritz with us.

**Assistant HR Director Shelby Fritz:** I am. This is Shelby Fritz, Assistant Human Resources Director. Good evening Civil Service Board. I am not entirely sure what the proper protocol is with the Mayor's directive or emergency rule so I'm just going to plow forward and give you a little bit of an update with a note that if you would prefer something different from me, just let me know.

As you can see from your packets, we approved three list extensions; all were due to the COVID pandemic and making sure that we had the opportunity to appropriately recruit and post lists and tests for those positions. Given the situation we're in, we just decided to extend those lists so that we would be able to do it appropriately once the state of emergency pandemic situation is lifted. Two of those lists, both the Truck Driver and the Heavy Equipment Operator in Water were promotional lists used for vacancies and for temporary upgrades and the Water Utility Worker is an open list.

We also approve a Waiver of Competitive Exam for an individual in our IT Department. His position was reviewed and approved by our Classification and Compensation group and he was deemed to be working above the class he was in so his position was reclassified by us to the next level and we processed a Waiver of Competitive Exam for that. That is the extent of my report this evening.

**Chair Summers:** Thank you, now the request for Waiver of Competitive Exam; the Civil Service Board has no; we don't have to do that because you have done it.

**Ms. Fritz:** My understanding of Proclamation of Emergency Rule No. 3 is that during the state of emergency we do not have to bring Waivers of Competitive Exam or residency requests to the Civil Service Board for classified employees.

**Board Member Hansen:** Madam Chair

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** I would like to see that, not that I am contesting; just for my own information I'd like to see the copy of the emergency resolution so could you email that to me; Wendy's got my email

**Ms. Fritz:** Absolutley

**Board Member Hansen:** I guess the other board members too should get a copy of

**Chair Summers:** Yes, absolutely

**Ms. Fritz:** My apologies, I thought you already had it

**Chair Summers:** I am quite shocked that we don't have any information regarding this at all and again I did talk to the Mayor after our last meeting and she had talked about the fact that there seems to be some problems between the Civil Service Board and Human Resources indicating that you and I Ms. Fritz have a problem and I told her that I didn't feel like we did but we did ask questions; and I didn't realize that was a problem so I'd like to see all of the emergency proclamations that she has made. That is a real problem for me; there are some other areas that I would like to; since we're not going to be asked for anything a follow up for the police philosophy that we asked for back in January, it is now long past the time that we should have provided with what the current police philosophy is for the City of Tacoma.

Also, I was concerned about the layoffs and the furloughs that are going on; are these employees being laid off or are they on furloughs because it makes a difference in how they are brought back so I am just shocked that the City Council feels like it can waive the rights of the Civil Service Board and I am very concerned about the direction; I know we're in a pandemic and I'm looking ahead to the layoffs and the furloughs and I wonder if any other board members have comments.

**Board Member Heller:** Chair Summers

**Chair Summers:** Board Member Heller

**Board Member Heller:** I would request that our counsel provide us with a legal brief. I would like to better understand how one duly elected city official can waive or turn over other duly elected city officials ruling decisions or authority under our charter or Civil Service rules.

**Board Member Hansen:** Madam Chair

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** I would like to second that request and actually I was thinking about this issue myself and I was thinking about under what legal authority the City Council has to usurp our authority under the City Charter to start making decisions for us. I am interested to know whether or not they are justifying that action because of the pandemic and COVID and whether or not they have some other legal authority for doing that; but that to me is probably not a good practice to begin by local government. I would certainly be interested if the City Council; if they are going to usurp our authority that they at least tell us why they think they can do that; if they have some other legal authority for doing that and if not, why they made the decision to do that do that; why they did not inform us, and why they made the decision, and why did they not have the courtesy to tell us what was going on. I know Chair Summers had a conversation with Mayor Woodards on this issue. It would have been nice if all the board members had been informed on why they were making these decisions

**Chair Summers:** Board Member Hansen for clarification I did not have a discussion about the emergency proclamations. I had a discussion about their overturning our decision on a Residency Waiver where they hired a person without a CDL over a citizen of Tacoma who had the CDL. That was our discussion; it was not over the emergency proclamation. I want to make that clear.

**Board Member Hansen:** Oh, okay I misunderstood then. I would like to why they decided to overturn our multiple decisions without informing us, under what authority they were doing so and also, I echo; I believe I heard Chair Summers correctly, I echo her concern that this was done without even having the courtesy of coming to us and explaining to us what they were doing, why they were doing it, providing us with copies of their emergency proclamation and letting us know what was going on.

**Board Member Andrews:** Madam Chair

**Chair Summers:** Board Member Andrews

**Board Member Andrews:** My question is about the recommendation and the approach and what I'm interested in is in the code, what is the language relative after there has been a review of a position where there was a desk audit and it was determined that the individual had been doing the work for it looks like a couple of years. Why then do they need to compete for their position if they had been doing the work for an extended period of time? I am interested in knowing what is the reference; the code relative to changes in levels, promotions based on reallocation of the individuals own job. Why would that be necessary for the individual to compete?

**Chair Summers:** Ms. Fritz, would you mind answering that question

**Ms. Fritz:** Certainly. If you take a look at your packet, the memo that outlines the Request of Waiver of Competitive Examination

**Board Member Andrews:** Right, I am looking at it

**Ms. Fritz:** Any reclassification that we do, the way the code has been interpreted by our classification and compensation folks as long as I can remember is that when it's a classified position there still has to be a process. Most of the time in those cases, like one that we've discussed before for Chiqueta Elder; feels like yesterday but it was probably months ago, we often will request a Waiver of Competitive Exam because the way we are interpreting the code we can't just slide her or this gentleman into the position.

**Board Member Andrews:** what you are saying is the board could deny this request even though the person had been doing the work for over two years

**Ms. Fritz:** That is correct

**Board Member Andrews:** For me, that would be an issue more so to look at that process, if in fact it is demonstrated that they had been doing the work. Another way to allow them to get the higher classification without always having to be put in the position of having to compete and then have whomever say the waiver won't be granted.

**Ms. Fritz:** Board Member Andrews, I agree with you 100%. This is yet another area of the code that I think needs a look and needs consideration by both the Civil Service Board and Human Resources. I hate to say this is always the way it's been done but this is a kind of standard practice That we have right now; not saying its right or perfect but that's how it's being done.

Chair Summers, this is Shelby Fritz again. Would you like me to give an overview of our current situation with temporary layoffs?

**Chair Summers:** Yes please

**Ms. Fritz:** This doesn't just apply to classified employees. What the City did was to take a look at the positions that we have that due to the pandemic have either stopped doing work or stopped doing work all together like our Parking Enforcement Officers is a perfect example. Work has significantly slowed or work could be delayed and because of the stimulus money provided to unemployment, we found that a lot of our people could be put on temporary layoff or standby in Employment Security terms and essentially be kept whole because of the extra funding that was provided. We have about 264 employees who are on temporary layoff or standby right now that the majority of them will be returning on July 27<sup>th</sup> after the current stimulus package is done but we have not done permanent layoffs at this point. Due to the massive budget deficits that we have, this was one cost saving mechanism that we put into effect while we had the opportunity with the unemployment funds. Does that help?

**Chair Summers:** Thank you, that was my question and my concern. Thank you very much. Are there any other questions from board members?

**Board Member Hansen:** Yes, I have one Madam Chair

**Chair Summers:** Board Member Hansen

**Board Member Hansen:** Ms. Fritz, I think that you mentioned that you and other members in the HR Department would like to make some changes in the personnel rules on various issues and I think that would be worth actually taking a look at; so, Ms. Andrews has a very good point on this particular issue; and so if you have ideas for changes in the personnel rules with regard to the competitive issue, competitive examination in this particular issue that we were just discussing or if you have ideas for other changes to the personnel rules; if you want to compile all those ideas and at some meeting we could start discussing that would be in everybody's best interest. Are there other rules that you want to take a look at or are you thinking of enacting some of the rules to make things more efficient

**Ms. Fritz:** Thank you Board Member Hansen. Absolutely. I mentioned in a couple of previous meetings that we are currently engaged in a workforce equity study as well and that study is also looking at our rules from an equity perspective and also a legal perspective and what I am hoping is that once we have that information; their final report, that is something that we can use and consider your list, consider my list and consider that information all in one meeting and together decide what things we need to tackle first and maybe set a priority list.

**Board Member Hansen:** Okay, great.

**Chair Summers:** I would suggest that be longer than a simple meeting and even though I am not a big fan of study sessions I would like to look at that. Do you have an approximate idea of when that equity study will be completed?

**Ms. Fritz:** This is Shelby again. I am hoping by the end of this year. We have had to put a temporary pause on the study only because 99% of my time has been wrapped up in all things related to COVID but once I am able to re-engage with our consultant I will give you an update on the timeline

**Chair Summers:** Thank you, are there other comments by the board

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** Ms. Fritz, you are talking about all things COVID I have been trying to find the City's policy on COVID 19. Do you have something you can share with us?

**Ms. Fritz:** Certainly, is there any particular area of the policy you are interested in

**Board Member Sexton:** As it pertains to employees, civil service

**Chair Summers:** There was one thing in the paperwork that we were given in the appeal; Dan and I had talked about this before the meeting that COVID was put; that there was some sort of guideline set forth by the City Manager and TPU that put COVID on the same level as religion and politics in the workplace. Can you clarify that for myself and I think that was what Dan was asking about as well

**Board Member Sexton:** I'll follow up myself; Shelby, I would probably like to follow up if I could

**Chair Summers:** Ms. Fritz, if you can kind of address; I hope we're being clear.

**Ms. Fritz:** I think I understand what you're saying and I have no idea what you are talking about. That does not ring a particular bell, so if there is something where it says something like that or you heard about it, let me know because maybe that will help jog my memory.

**Chair Summers:** This was a last paragraph and I will read it to you because it wasn't clear to me and maybe that's is why I am asking the question. It says; and this was a comment by one of the HR employees: During my talk with both of them (she's talking about the difficulties that are going on) there are people on both ends of the spectrum when it pertains to COVID 19. Some are very frightened and is causing them anxiety; others think it's a glorified flu, hoax or some kind of conspiracy. I told them regardless of how they felt, they need to treat everybody with respect and follow the guidelines set forth by the City Manager and the TPU Director. I wanted them to understand that this was not an option while at work while representing the City in any way. COVID 19 should be treated just like religion or politics in the workplace keeping opinions and comments to yourself. In this stressful time, fake coughing is not appropriate nor is using foul language. This should be used as a lesson to treat everybody with respect; keep opinions and comments to yourselves if they are not related to work you are performing.

**Martha Lantz:** Chair Summers, this is Martha Lantz. Shelby, that was a statement that was taken from some of the supporting materials to the appeal request that was considered earlier so I don't know that this is a statement that can be contributed to HR but I think that it's fair that that is what Board Member Sexton and Chair Summers were referencing; is there any kind of official guidance or direction that says something like that. I just would caution board members that this was brought forward in the context of materials submitted by Mr. Murphy in support of his appeal which you don't even know if you're actually going to hear yet so I would just be cautious about taking those statements that were found in that paperwork as attributable to a policy or something that actually exists. That said, I think this might give Ms. Fritz some context to look for something and if there is a statement to that effect.

**Ms. Fritz:** I appreciate that. My sense is that is one person's interpretation of trying to explain the importance of safe practices during COVID but I will take a closer look at it and let you know if there is that statement in policy anywhere. I just don't believe it and still think it is someone interpreting; or trying to convey the level of seriousness of this pandemic.

**Board Member Sexton:** Madam Chair

**Chair Summers:** Board Member Sexton

**Board Member Sexton:** Ms. Fritz, that is good to hear, I guess. I didn't really think it was City policy. It is pretty upsetting to me that anyone would say that we can't talk about COVID 19. I think that people should be talking about COVID 19. I have not seen or found the guidelines; I have seen a lot of stuff from TPU online, I've been looking at that stuff. I would like to know what are the employees told about COVID 19 and how are we supposed to deal with it. Is that clear enough

**Ms. Fritz:** It is and thank you. I can almost assure you that that was never communicated to employees by HR or other leadership in the City. Let me gather some information for you so you can get an idea of some of the communications we have had with employees and hopefully that will help.

**Board Member Heller:** Chair Summers

**Chair Summers:** Board Member Heller

**Board Member Heller;** So while I agree and usually look and take it with a grain of salt when things are submitted, to show support for an appeal or complaint before they're verified however, I think it would be remiss of us to completely dismiss this information since it came to us through an attachment to an appeal because this appears to be on a City of Tacoma Environmental Services form although it is not signed, there is a spot for supervisor signature and it looks to be written by a supervisor or a manager. I believe there is concern for how leadership is instructing employees at TPU regarding COVID and I think that we would be remiss not to point this out and ask that you further follow up on it.

**Ms. Fritz:** Thank you Board Member Heller, I will certainly do so.

**Martha Lantz:** Ms. Fritz, this is Martha Lantz again. If you have the whole packet, just to let you know that those statements were part of the materials appended to the appeal request. They are in the packet and it's on a form titled City of Tacoma Environmental Services Record of Conversation.

**Ms. Fritz:** Thank you Martha

**Chair Summers:** Are there other comments from board members. We have no public here so if there are no comments from board members; Coordinator Hobson is there anything else that we need to know

**Coordinator Hobson:** No

**Board Member Hansen:** Do you think it would be beneficial to try to have a Zoom meeting as opposed to a conference call

**Ms. Fritz:** That can certainly be arranged and actually, this conference call is in Zoom. It is just the phone version and not the video version.

**Board Member Hansen:** I would be interested in having a Zoom meeting and would be interested to know what the other board members think.

**Chair Summers:** You would be very thankful not to see me on Zoom tonight

**Board Member Heller:** I'm good either way

**Board Member Andrews:** I'm good

**Martha Lantz:** Audio plus video is to the board's preference; the audio alone does satisfy the Open Public Meetings Act but I would agree and I'm happy to work with Wendy or with Karen especially if we're going to have something that is closer to an adjudication where the parties are going to present their arguments and have some formality around it; I think there's a few things we can do to maybe have some scripts and some ground rules that we better document who is speaking. There might be some tools even without an audio, there might be some tools with Zoom or some of the other meeting software that allow things like hand raising, you know screen acknowledgement of who's speaking. The difficulty of that is of course it's an open public meeting and members of the public can't be asked to identify themselves if they don't want to so we're trying to go with a protocol that allows participation without being identified. I'm going to be looking into that; let me see what Wendy and I can come up with.

**Board Member Heller:** Ms. Lantz, while historically; well, this is a new forum for us, historically the board has always required members of the public when addressing the board to identify themselves. Every single meeting in 20+ years that I have been to the first thing someone does when they come to the podium to speak; they are required to identify themselves.

**Martha Lantz:** Right, that can be the case if they are actually participating in the meeting but in an open public meeting people can come and not address the board and simply sit in the room and they can technically; well we do have sign in sheets and things like that, technically the law does not allow a condition of attendance.

**Board Member Heller:** I get that but my point is if they want to speak, I think they should be required to identify themselves because they are speaking on the record.

**Martha Lantz:** Oh, yes of course I'm sorry if that wasn't clear. I was just saying when we met with the initial call in; we were trying to make sure you didn't have to enter your name as a condition to joining the call.

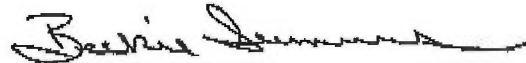
**Board Member Heller:** Okay, I get it.

**Martha Lantz:** Sorry, I wasn't clear.

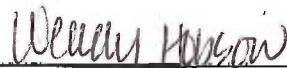
**Chair Summers:** Are there any further comments. Going once...going twice....we are adjourned.  
Thank you all for your comments.

Meeting adjourned at approximately 7:25PM

**ATTEST:**



Beckie Summers, Chair



Wendy Hobson  
Civil Service Board Coordinator