



Tacoma Civil Service Board
Hearing Minutes

Date and Time: July 15, 2021 at 5:00 PM
Location: By Zoom teleconference
Chair: Beckie Summers
Coordinator: Wendy Hobson

Call to Order:

Chair Summers called the meeting to order at 5:00PM. All board members were present. Also present was Deputy City Attorney Martha Lantz.

Chair Summers: This is a complaint hearing of matters set for public hearing by complaint matter of Jared Williams. And it will be Mr. Williams who will be beginning first and Ms. Fritz, who is speaking on behalf of the Human Resources Department?

Assistant Director Fritz: Chair Summers, that will be Cheryl Comer, Deputy City Attorney.

Chair Summers: Okay, thank you. Is she here at this time?

Deputy City Attorney Comer: I am here.

Chair Summers: Oh, there you are. Thank you. Good evening. Again this is a complaint, so our procedures are slightly different than if it was an appeal. And in this matter, Mr. Williams, you will be beginning with whatever you would like to present to the Board. So, if you would please:

Jared Williams: First of all, thank you for hearing me on this matter. I appreciate the opportunity to do so. I'm not really familiar with this process, I've never been through it. I don't know any body that's been through it so, I am not completely sure what I am supposed to present here. So, I assume that everyone on the Board has had a chance to review the binder and review my brief. Is that accurate?

Chair Summers: Yes, I have. I'm assuming... are there any board members that have not reviewed the information that was provided to us? (no answer) You should be assured that we have.

Jared Williams: Okay, good, I appreciate that. I won't go over it word for word, or anything, but I'll kind of hit some of the main bullet points as to my complaint and to how I understand the civil service rules. I began applying for the position of Detective back in 2015, I've been with the department since 2005. I began when I was eligible - the minimum requirements were met well before that point, but that is when I decided to start testing. I took the test in 2015. After the list was established, on that list I was

ranked #5 out of, I believe, it was 12 or 13 people that took that test and passed all the requirements as well. So that was the list that established and certified for the years 2016-2017. Over the course of that list, when it came time... assuming that people were promoted in order, I was passed over for everybody that was under me on that list, except for one person at the very end of the list. So, all but two of us were promoted off that list to fill the vacancies. I continued to test, as I was encouraged to do so. So, again, in 2017 in the Fall and Winter there, I took the test for the next eligibility list. Again, met all of the requirements to do so. I took the test and improved my scores and was ranked #2, again out of about it was 13 people on that list, or so. So, I came out ranked #2. And, again when it came time to promote, assuming people... everybody else getting promoted in order, I was skipped over to exhaust that list. I was the only one left on the list after all of the vacancies had been filled at the expiration of that list. This most recent list that is currently active, I tested and this list is valid for the years 2020-2021. That list was a rather large list, a lot of people took that test. On the certified list, there were 23 people certified on that list. I came out ranked #1, so again, improved my score and showed "hey, I am still interested in this position." As of yet, 20 people, well not 20... somewhere around 17, I'd have to look at the exact numbers, on this list alone have been promoted and I've been continually skipped over for promotion off of this list and the previous two. As of right now, the total tally of the number of people that I've ranked higher on all three of the lists is 35 people that have been promoted over me. So, I understand, again, that the way the rule of three works, the Chief when making a promotion or selecting an individual for a promotion is able to look at the top three candidates on the certified list that he can pick any one of those three candidates. You know, it's not any secret as to how that process works. However, I believe that the department, whether it was Chief Ramsdell on the previous lists, or currently Interim Chief Ake on the current lists have used the rule of three, using the .. (inaudible) around the rule of three to continually pass me over for a promotion when I feel that I've earned it and deserved it. As you look through my brief, you'd see that, not just from my brief but from the exhibits I have submitted as well, including my evaluations, numerous emails from peers, detectives, supervisors, other administrators, that say, over the years has shown that I have a very strong work ethic, I'm very good at what I do, I've been a little ... in a way kind of a pioneer in doing investigations at the patrol level. Early in my career, I was always told just send it up to the detectives, let them look at it. Then the detectives would come and tell us "we don't have time to look at all this, we're too busy." So, I made it a point where I felt victims weren't getting the service that their tax dollars were paying for. Victims were not having crimes investigated in a timely manner, so I took it upon myself to start doing follow-up investigations, things a detective would normally do. This includes search warrants, photo lineups, post arrest, interviews – more in depth interview/interrogation techniques than is commonly done at the patrol level. Again, I'd point to all those emails and letters of commendation that I'd received over the years that show "hey, this guy's thinking outside the box, he's doing things that normal patrol officers are not doing." And, as you'll see from all those records, I .. especially the evaluations, the yearly evaluations, that I often met and exceeded standards. I had... in addition to that, I was, over the course of four or five years, I was nominated – not just nominated, but awarded Employee of the Month four times. I don't know anybody else that's been awarded that many times in my career since I've been here. Three of the those were because of that type of work that I was doing, that, you know, that excellence on patrol, so you say. The fourth one I got, was

actually when I was on light duty. I had injured my shoulder while on patrol and while I was assigned to the administrative services bureau, I was assisting the training division on catching up on training records and other files that they had just backlogged... we are talking about years of files that needed to be data entry, and that kind of thing. During that time, I also developed training curriculum for new officers based on my experience from the streets, my knowledge and expertise in these matters. So, I was awarded that Employee of the Month that 4th time in 2017 by the administrative services bureau. So, it shows, by all accounts, that on the surface the department thinks I am a good officer, that I do a great job. But, then, you look at the situation that I'm in that where absolutely no one else on these lists, these three lists that I've been established on, has been promoted out of order. Every single person has been promoted in order. I have not been given a reason as to why I've been passed over. Nobody, you know, one of—I guess, during some of these conversation—because I have had conversations with administrators. Not very many, but a few. In particular, ones that stand out were the first time that I was passed I talked to then Assistant Chief Kathy McAlpine and asked her what happened. That was the first time, I didn't really know what to expect. And she said that the administration was just concerned about some recent discipline that I had. Now as you'll also see that I wasn't shy about showing you guys that I did have some disciplinary record in my file. I'm not trying to hide that, and I owned up to it. Took it, you know, the way I was supposed to. But at that point, that first time, it had been over a year and a half at that point. Ok, I'll accept that.

So, things continued to go on all throughout these next couple of lists. Even more that I had follow-up conversations with Assistant Chief Gustafson and he said "hey you're doing good police work, we just need a little more time." – referring to those disciplinary records. I continually tried to have those conversations and I continually got those same answers – particularly from Assistant Chief Gustafson. Even over three years after these disciplinary files were put into my record, he's telling me "hey we just need a little more time." So, over the course of four, five, six years now almost, I've been continually told "Oh, we just need a little more time." That's not an appropriate answer, especially if you are continuing to use that over and over and over again. You can't tell me we just need a little more time and not be more specific than that if you are going to continue to use that answer. So, to me, that's not a legitimate answer—and I have asked for feedback. What can I do to make myself a better candidate, what can I do to improve my ability to be promoted? And, again, I am stuck with those same answers. Just keep doing what you're doing. You're doing good police work. We just need a little more time. So, I really have no actual legitimate guidance as to how I can potentially improve my standing here other than testing higher every time, you know, being passed over 35 times.

So, I look at it and see, okay, so they were holding this discipline over my head. That discipline is no longer in my file, so why am I still continuing to be passed over when, by all records, I'm a model employee. There should be absolutely no reason that this should continue. Even if, let's say they were holding some of these disciplinary records over my head and using them as a reason not to promote me, they haven't told me that. Well, I'm sorry... they have told me that, but they haven't told me that recently. I haven't got any reasons in the last two years as to why I haven't been promoted. Absolutely zero feedback. So, while that's frustrating, I also understand that they don't have to

provide me feedback. That's part of the rules of civil service. They don't have to give me that reason. Um, I would point out – and I did point out in my briefing, and as evidence in exhibits, under, I believe that's A5 – Disciplinary Records – not just my disciplinary records, but disciplinary records of multiple employees that have these disciplinary records in their files at the times they were promoted. And in my brief on page... starting at the very bottom of page 3 and going into page 4 and 5, is a synopsis of about 6 or 7 of employees who had disciplinary records in their files – some very serious disciplinary records in their files, and these people were promoted to Captain, to Lieutenant, now Assistant Chief, Sergeants, Detectives.. so all levels of promotions occurring with these disciplinary records in their file that the Department didn't care about theirs, but they seem to care about mine. So, I feel that I'm being treated differently and unfairly. Unfortunately, I've had to speculate as to why, as to why I am being treated this way. As stated in my brief, I was party to a civil lawsuit that generated from a call in 2014, where I had to use force against an assaultive teenager at the mall who was assaulting me and I ended up using a taser against her to subdue her. Later, her and her family sued the city and me and went to trial in a federal court and the jury found for the family, for Miss. Tillman.. Monique Tillman, and awarded.. between her award and lawyer's fees and everything was a million dollars. So, that's a large amount of money, you know, as far as, you know.. just as a conversation that I cost the City, I don't feel I cost the City that because if you look, I don't have any disciplinary records related to that incident. I was backed by the department, including the field level supervisor all the way up to the training -- I was backed by the department. Everything was found to be within policy. My use of force was reasonable and justified, as found by the department. The Department backed me all the way through the trial to include the legal council and all of that. So, I can only speculate that the reason that I'm being skipped over continually even though, again, if you look at my record I'm a model employee according to all this paperwork I've got and that I've submitted to you. That the City, the administrators, Chief Ramsdell, Interim Chief Ake, whoever else within the administration using that... using this method as a way around to punish me off the books. Obviously, I can't prove that. I have no way to prove that. It would be impossible to prove, you know, short of them admitting it.. and they will never do that. So, my issue is, again, I have to speculate that this is the reason, because there has been nothing else in my career that has been as big of a black eye as that was on the department. I think I touched on it in my briefing that it wasn't just the money too that I cost the City, but also that it was a very large media presence. You know, there's been.. over the last 4 or 5 years, there's been quite a bit of media presence around police brutality, excess use of force, that kind of thing. So, this was done through their fam—through Miss. Tillman and her attorney. They did a big media blitz with this and unfortunately, it made National and even International news, google searches and that kind of thing.

So, looking at all that, again, that's what I am speculating is that that's the reason. That it's an off-the-books type punishment. That I can't prove that. However, I can prove, and show, and I have shown that I am essentially ineligible to be promoted to Detective. As I've explained in my brief and explained here, I've been passed over 35 times without any real feedback as to why. And the feedback that I have been given hasn't been consistent across the board. So, again, I just ... if they are going to continually pass me over they should tell me "Hey, you're not eligible for this position. We're never going to promote you." But, they can't do that because it would violate the personnel rules. So,

I'm defacto ineligible, essentially. Which I believe is a violation of the Civil Service Rules. This whole process, this rule of three is supposed to be objectively fair, but it's not. I don't feel that it's been. I've been targeted. Again, nobody else, there's no other example like this, at least within the Tacoma Police Department. I don't know about other departments or other Civil service jurisdictions. But, they've allowed me to apply, to test, to be placed on this eligibility list, but I'm not promotable and I proved that here, through this brief, through all these documents to show the inconsistencies and unfairness. I think at this point, that's probably the crux to my argument here. I'm not sure, again, what the processes are. I know you guys all have the binders in front of you with all of the evidence to review that, again, shows the unfairness and the way that this is not objective... objectively fair. There will be, I'm sure, a point where I know there are witnesses that the City has called, that I will have a few questions for them at that time. But, I guess at this time I will open it up to questions from the Board for anything that I've stated thus far if that's how this works. I'm not sure.

Chair Summers: You know, the procedure is a little bit more relaxed with complaints. Are there any Board Members that currently have questions? I would like to at this time... Oh, Board Member Hansen?

Board Member Hansen: Yes Madame Chair, I do have one question. Can I go ahead with that?

Chair Summers: Yes.

Board Member Hansen: Okay, you mentioned that your previous discipline has been expunged from your personnel file? Is that true?

Jared Williams: Correct. Yes, I had two department level reprimands which remained in my file for five years. Both of those were issued, one was January of 2015 and the other April of 2015. So, those were expunged from my record in 2020. I did have...

Board Member Hansen: Okay. Was that pursuant to your Collective Bargaining Agreement?

Jared Williams: Uh, yeah, I believe so. And it actually says it right on it if you look at the last two pages 2 pages front and back or last 4 pages of A5 show that my disciplines. So the first one being in January of 2015 and the second being April of 2015. They say on there, um somewhere in there, that they, that this remains in my file for five years. The other two that are in there are very minor dings. One that was a verbal.. I'm sorry... a written counseling in May of 2019 that only remained in my file for one year. And then a verbal warning that occurred in August of 2020 that remains in my file for a year.

Board Member Hansen: Okay, Thank you.

Jared Williams: Yup, and I apologize, there was just one thing I needed to clarify, or that I wanted to clarify right at the beginning. Some clarification and corrections. On the timeline of events which is Exhibit A1, down dated somewhere around January 26th,

2018 – when I was putting this together I had several drafts of things going including part of the Collective Bargaining Agreement. I was told to look at 36-month clause, It's section 30.14 in the agreement. It basically says, um, materials concerning discipline shall not be relied, sorry, relied upon by the employer for any subsequent disciplinary actions past 36-months. Again, when I was putting things together, I was perusing stuff and for some reason I had it in my head that they couldn't use my disciplinary records past 36-months for promotional processes. That is not what it says, that is not correct. I did not want to mislead the Board as to that. So the dates on my timeline, again this is Exhibit A1, of January 26, 2018, April 28, 2018, and the note at December 19, 2018...those you can cross off. Again, that was my mistake. I thought I had submitted the corrected draft when I was submitting all my paperwork, but, again, I apparently grabbed the wrong draft. Um, and then, I don't know if this is something I should do, but I should point out numerous errors, or... or, problems in the HR investigations summaries which is Exhibit R1. Um.. and I don't know if it is just the way it reads or if, you know, errors or that kind of thing. Um... so again, I am on Exhibit R1. This is the Human Resources Department, Shelby Fritz is the one that did this investigation. On the very first page, the very bottom paragraph, there is... it states resulting in a lawsuit that cost the City a million dollars, he said he was not formally disciplined for the incident, but TPD revoked his ability to do off-duty (mumbles) work for a year and put him back on patrol. I want to clarify, the reason my off-duty permits were revoked, and I was put back on patrol was for the first of those department level reprimand. That was not for this incident in May of 2014. And, the way it reads it makes it sound like I am being disciplined for that incident when, in fact, I was not. So, I want to make sure that is very clear that that incident that occurred in May of 2014 that resulted in a lawsuit, I received no discipline for and, in fact, had the backing of the Police Department throughout the entire process.

Chair Summers: Thank you. Okay, I would like to move it on to the City's Attorney Ms. Comer, if you'd like to present for the City.

Deputy City Attorney, Cheryl Comer: Thank you Chair Summers. I have a brief opening statement and then I would like to call the City's two witnesses.

Chair Summers: Thank you.

Deputy City Attorney, Cheryl Comer: As you can see from the material in response to the complaint, Assistant Human Resources Director Shelby Fritz assessed whether the Civil Service rules had been violated and she determined that the promotional processes had been followed as to all of the promotional opportunities at issue and complained of. And again, that is in the City's Exhibit 1. And just for your information, the City's Exhibit 2 provides all of the potentially relevant code provisions relating to promotional examinations and lists. You may not need to refer to all of them, but they are there for your references, if you need them. The key code provision is 1.24.650 and that addresses how a vacancy is filled. And, again, I'll present testimony from Human Resources regarding the process, but for a promotional list Human Resources Director certifies the highest three names on the list. The appointing authority, which in this case would be the Police Chief, has the discretion to fill the vacant position from those top three names. And that occurred in each of the vacancies here, although it's true the

complainant was not selected, but he admits the process was not violated. It's just that he was not selected among the top three. There's no requirement that the top three be selected in any order. Any of those top three candidates can be selected to fill the vacancy. Um, from the materials submitted by the complainant, in which he went over. It appears that many times he was given reasons and explanations why he wasn't selected and why somebody else was selected. But, the fact is, in many cases, most times employers often don't provide feedback to employees when they aren't selected and in most cases even if they do provide feedback, candidates have stated that they usually don't find that feedback helpful. So, while in this case the complainant feels that feedback, more feedback would have been helpful, the fact is it's just not required. It's often not helpful and it doesn't resolve the kinds of issues that Mr. Williams is complaining of. In any case, it's clear that the Civil Service rules for the City of Tacoma were met in every instance here. The individuals that were promoted were properly promoted. Human Resources did everything it was supposed to do properly, the Police Department did everything it was supposed to do properly and there's simply nothing to correct here. And if I can proceed, unless you'd like to take break, I can call our first witness.

Chair Summers: Please proceed.

Deputy City Attorney, Cheryl Comer: The City would like to call Lynn Stehr please. Good evening Lynn.

Lynn Stehr: Good evening.

Deputy City Attorney, Cheryl Comer: Could you please state your name and job title for the record.

Lynn Stehr: Sure. Lynn Stehr, Human Resources Analyst.

Chair Summers: Um, and you being a witness will you also, um, swear to affirm the testimony you are about to give is the truth under penalties of laws of the State of Washington related to perjury.

Lynn Stehr: I affirm.

Chair Summers: Thank you.

Deputy City Attorney, Cheryl Comer: Thank you. How long have you been employed as a Human Resources Analyst with the City of Tacoma?

Lynn Stehr: As a Human Resources Analyst since 2014, but with Human Resources since 2005.

Deputy City Attorney, Cheryl Comer: Okay, and what are your current responsibilities?

Lynn Stehr: Currently, I am responsible for the recruitment and selection process with the Tacoma Police Department.

Deputy City Attorney, Cheryl Comer: Okay, and how does that work then? Are you assigned to work at the Police Department?

Lynn Stehr: Yes, I am a Human Resources Employee and up until very recently actually was actually... I don't want to say stationed... at TPD with an office at TPD. I am assigned as their recruitment and selection Analyst with a team member who is a Specialist to do all of their hiring and promotional processes.

Deputy City Attorney, Cheryl Comer: Okay, so you are a Human Resources employee but you were physically located at Police Headquarters.

Lynn Stehr: Yes. Thank you.

Deputy City Attorney, Cheryl Comer: Okay. How many years have you been involved in doing recruitments for Police?

Lynn Stehr: I started as a Human Resources Assistant but in support of recruitment of Police. And have worked through being a Specialist and now an Analyst. So various stages in my career, but I have almost always been in some support of the Police Department.

Deputy City Attorney, Cheryl Comer: Okay, can you remind us again how long that's been?

Lynn Stehr: Since 2005.

Deputy City Attorney, Cheryl Comer: Since 2005. Okay.

Lynn Stehr: Long time.

Deputy City Attorney, Cheryl Comer: Okay. Is it safe to say that you are familiar with the promotional processes as set forth in the Tacoma Municipal Code?

Lynn Stehr: Yes.

Deputy City Attorney, Cheryl Comer: Alright, and for those of us who aren't familiar with the promotional processes, can you explain how a promotional vacancy is filled at the Police Department? You don't have to go too far into the weeds, but briefly starting with um, if there is a vacancy how does it get filled starting with say an announcement and then how...

Lynn Stehr: Yeah, so Police actually does their promotions on a two-year cycle. So, we are doing promotional processes every two years. Their lists are good for two years. So we did a promotional process for Detective the last one we started the promotional process in 2019 with the list establishment in 2020 and we are going to be doing that

process again at the end of the year. So we will be recruiting for Detective again at the end of the year. We don't wait to make promotional lists until there is a vacancy because that would be running behind schedule. So those lists are created pretty timely. Um, when a list is about to expire we.. the department starts with an IDM, which is an Inter-Departmental Memo that outlines some of the schedule we think that the recruitment is going to look like. So the IDM will list when we think the job announcement is going to open, when we think the testing will be for Detective. The testing process includes both a written portion and an oral exam. It also gives tentative dates for when we think the list will be established and generally gives an outline for what kind of study materials they'll use.

That usually goes out about 5/6 months before we actually do a test. So we'll put out the internal memo outlining the recruitment and then we'll post the job announcement. We keep that job announcement for 10 days per our code, then do a screening for Min Quals and then invite people to test. So, for... like I said for Detective it is a written test that.. you have to pass the written portion first. And then any candidate that passes the written exam gets invited to the Oral Board. We combine those scores to create a final score which is what we use to place candidates on an eligibility list.

Deputy City Attorney, Cheryl Comer: And for the Detective list creation in particular, that's a promotional process.

Lynn Stehr: Correct.

Deputy City Attorney, Cheryl Comer: That means you're looking for internal candidates.

Lynn Stehr: Yes.

Deputy City Attorney, Cheryl Comer: Okay.

Lynn Stehr: The minimum qualifications of that position identified as a promotional (mumble) they must be City of Tacoma Police Department employees – I think Detective is 4 years – before they can be considered for the position. So, that deems it a promotional exam.

Deputy City Attorney, Cheryl Comer: Okay. So you mentioned the eligibility list. So is the list then um.. is that something that HR creates then once all of the tests and the review process is completed?

Lynn Stehr: Yes. Once all the testing and review processes are done, we use the candidate's final score, plus their service credits which is something that is afforded to them in our rules (a quarter point for each year up to ten years of service). To make the final score, which is what we use to rank them. So, when Mr. Williams talks about being ranked #1 on the eligible list, we are using that total score plus his service credits. And we use that score to rank the candidates on the eligible list.

Deputy City Attorney, Cheryl Comer: So how does this rule of three come about? When would that be required? Or when would the top three be certified?

Lynn Stehr: So, when a department has a vacancy and they are ready to consider candidates, they will ask for a certified list. That is.. certification is the process of Human Resources identifying the candidates that they can consider for that vacancy. So.. in promotional processes, we operate under the rule of three. So, it's Human Resources saying these are the top three candidates 1, 2, and 3 that you can consider for this one vacancy. So those are the candidates that they interview and can hire from.

Deputy City Attorney, Cheryl Comer: Okay, and is that the certification of the top three candidates.. is that the provision located in 1.24.650 of the Municipal Code?

Lynn Stehr: Yes.

Deputy City Attorney, Cheryl Comer: And, did you have an opportunity to look at the Collective Bargaining Agreement that applies to the police officers and is that also.. excuse me, does that reference the Tacoma Municipal Code in terms of promotional opportunities?

Lynn Stehr: Yes, it does follow the code for this process.

Deputy City Attorney, Cheryl Comer: Does the process you've just gone through, I know it's a little bit more detailed than what you've gone over for us, but does that process then follow the Civil Service process set forth by the Municipal Code?

Lynn Stehr: Yes.

Deputy City Attorney, Cheryl Comer: Alright, um, so is it safe to say that you were involved in the promotional processes that Mr. Williams is complaining of this evening?

Lynn Stehr: Yes.

Deputy City Attorney, Cheryl Comer: And are you aware of any irregularities in regards to the process of those opportunities?

Lynn Stehr: Not in regards to the process, no.

Deputy City Attorney, Cheryl Comer: Okay, that's all the questions that I have. Thank you, Lynn.

Chair Summers: I have a quick question. How many Detectives are there in the Tacoma Police Department?

Lynn Stehr: Good question. Let me look for you. Pull up my handy excel spreadsheet. I want to say that Jared might know it too. I think it's 54.

Jared Williams: There are 58 budgeted.

Lynn Stehr: That's right, there's 58 budgeted positions.

Chair Summers: Thank you. Thank you, okay, so Ms. Comer? Unless there are other questions from Board Members?

Jared Williams: Do I have an opportunity to ask questions of Ms. Stehr?

Chair Summers: Yes, you do. Generally we have our one party finish and then.... This is just so irregular having this on a Zoom and it is very hard and very difficult for everybody, well for me, to keep track of everything. If you have a question of her, I'd like you to ask it now. So I don't lose track of that.

Jared Williams: Okay good, I just have a couple of questions. Hi Lyn, let me see here. You just mentioned... or answered the question, were you aware of any irregularities in the process and you answered "No, not in the process." That implies there some irregularities somewhere at some point maybe outside of the process and I, I guess, would venture to ask have you seen any other Tacoma.. or Tacoma Police Department or even City of Tacoma employee that's been passed for promotion under these Civil Service guidelines as many times as I have.

Lynn Stehr: Well, not as many times as you have, I will say that. But I have, I don't, if I implied there were irregularities somewhere else, I didn't mean to. Because there are none to my knowledge. Certainly, with the rule of three, the purpose of the rule of three is to allow for discretionary selection by the department which is a right awarded to them. The hiring authority has the right to review candidates, interview who they want, as long as we have said this is the set number of candidates that you can consider, not past this number, they have to stay within those boundaries. Um, but no candidate is owed an interview, nor are they owed an appointment. Right, and that's the language, it's strictly discretionary. So, have I seen people throughout the City hire the rank #3 instead of rank #1 or #2, yes. That is not typically the process though at -- it does appear, right, looking at all of these lists that, um, that the Chiefs have selected right down the list. However, that's his discretion as well. It's his discretion to choose from amongst the candidates that are certified.

Jared Williams: Yeah, no I understand that's what the process is, that's what the process says it is on paper. But, again, I feel like I've been subjected to some irregularities in this process. And whether or not it's officially on paper then there's certainly, as you've mentioned, no one else to my level that has been passed over while everyone else has gone in order in those instances.

Lynn Stehr: I'd like to add that there's a lot more vacancies in Detectives than there are usually in other promotional areas though.

Jared Williams: Sure, sure.

Chair Summers: And, Mr. Williams will you please ask questions and not comment on...

Jared Williams: I apologize.

Chair Williams: That's ok. But I am trying to keep as much order as I possibly can, which is very little at this point.

Jared Williams: I understand. I apologize. Um, Lyn, I think I really only have one other question for you. No, I don't think I am going to ask that. I think that I am done. That's all I have for Ms. Stehr.

Chair Summers: Ok, thank you. Ms. An—Board Member Andrews, did you have a question at this time? ----- we cannot hear you.

Board Member Andrews: I do have a question. My question is Lynn, if you have 4 vacancies at the same time and you have one eligible list, how many names are certified? Are the same 3 names certified four times?

Lynn Stehr: That is a great question and the answer is yes, actually. Because of the way the code is written it says that we shall certify the top three names when the vacancy becomes available. So, if there were four vacancies for Detective they would get the same three names four times until they had made an appointment which would then remove someone and Human Resources would provide them a supplement or another name so they would still have the three highest names. We don't – what we don't do is say "oh, you have a vacancy, so that would be the top three and then you have a vacancy, so that would be the top four." In promotional, it is the same three until an appointment is made and then a supplement is given.

Board Member Andrews: And the Chief is the one who makes the final decision.

Lynn Stehr: He is the hiring authority, so yeah.

Board Member Andrews: So conceivably he could get those same three names, 4 times. And he'd have to appoint to get another name, and that name would be added to all four.

Lynn Stehr: Correct. It is quite the process.

Board Member Andrews: Thank you.

Lynn Stehr: You're welcome.

Chair Summers: Do any other Board Members have any questions at this time? Hearing none, Ms. Comer? Thank you. Pardon me, Board Member Heller?

Board Member Heller: So, I just wanted to clarify. Have both sides done their presentation because I was going to hold my question, if I still had it, until they were done.

Chair Summers: No, we have one more witness from the City and then both will have concluded. Are you willing to hold your question? (Board Member Heller nods) Thank you. Ms. Comer.

Deputy City Attorney, Cheryl Comer: Yes, so the City.. I am finished with Ms. Stehr and the City calls Shelby Fritz.

Chair Summers: Ms. Fritz if you would please. Do you swear or affirm the testimony you are about to give is the truth under penalties of laws under the State of Washington related to perjury.

Assistant Director Fritz: I affirm.

Deputy City Attorney, Cheryl Comer: Thank you Ms. Fritz. Can you please state your name and your title.

Assistant Director Fritz: My name is Shelby Fritz and I am the Assistant Human Resources Director for General Government Departments.

Deputy City Attorney, Cheryl Comer: How long have you been with the City of Tacoma?

Assistant Director Fritz: Four years.

Deputy City Attorney, Cheryl Comer: Alright, and did you receive a complaint and an appeal from Jared Williams?

Assistant Director Fritz: I did not directly, but former Human Resources Director, Gary Buchanan, did.

Deputy City Attorney, Cheryl Comer: And did you inquire of Mr. Williams whether he wanted to proceed with his complaints as a complaint or an appeal before the Civil Service Board?

Assistant Director Fritz: I did. Knowing that you can't really do both processes at the same time, I asked him what his preference was for either following the complaint process or the appeal process.

Deputy City Attorney, Cheryl Comer: How did he respond?

Assistant Director Fritz: He selected the complaint process.

Deputy City Attorney, Cheryl Comer: Okay. What did you do in response then?

Assistant Director Fritz: So, Human Resources Director, Gary Buchanan, assigned me to look into the matter. I spoke to Mr. Williams about what that process looked like following the code. Usually you start at the lowest level of the organization to try to resolve the issue. Mr. Williams told me, and I concurred with him, that he'd already

pretty much been through those levels. So, we agreed that I would, as an outside neutral person, look at his complaint as the first step.

Deputy City Attorney, Cheryl Comer: Okay, and did you interview Mr. Williams?

Assistant Director Fritz: I did.

Deputy City Attorney, Cheryl Comer: Okay, and did you interview anybody else?

Assistant Director Fritz: I also interviewed, um, Human Resources Analyst Lyn Stehr, Interim Chief Michael Ake, Assistant Police Chief Ed Wade, and Local 6 business representative Henry Betts.

Deputy City Attorney, Cheryl Comer: Okay, and did you summarize your investigation in your report dated April 16, 2021?

Assistant Director Fritz: I did.

Deputy City Attorney, Cheryl Comer: Okay. And, for the Board that is set forth in your packet as the City's Exhibit #1. Um, Ms. Fritz did you also Tacoma Municipal Code personnel rules as part of your investigation?

Assistant Director Fritz: I did.

Deputy City Attorney, Cheryl Comer: In particular, did you review the relevant provisions relating to promotional processes?

Assistant Director Fritz: I did.

Deputy City Attorney, Cheryl Comer: And, did you determine the provision in 1.24.650 relating to what we refer to as the Rule of 3 applied to the Police promotional processes at issue in Mr. Williams' complaint?

Assistant Director Fritz: Yes.

Deputy City Attorney, Cheryl Comer: Okay, and, I think we have already established how that provision applies, but in terms of your investigation, how was that Rule of 3 relevant?

Assistant Director Fritz: So, part of my investigation included looking at the various recruitments so to speak or requisitions, that each of the promotional processes applied to, so in each case where a position was vacant, I looked at the three candidates that were certified as eligible and went through each of those in the case Mr. Williams was a candidate.

Deputy City Attorney, Cheryl Comer: And did you, did you find any violations of that section of the code in particular?

Assistant Director Fritz: No. No, the chief has the authority to choose from the three certified eligible candidates. And although it was clear that Mr. Williams was not selected in many of.. in all of those processes, I could not find that the rules were violated in any way.

Deputy City Attorney, Cheryl Comer: Okay, you may have already answered my next question. But, based on your interview of Ms. Stehr and your review of the other code provisions, did you find any violation of the Municipal Code personnel rules with regard to promotional opportunities?

Assistant Director Fritz: No, I did not.

Deputy City Attorney, Cheryl Comer: And, in part of your report you did have, a brief recommendation.

Assistant Director Fritz: Yes, I did.

Deputy City Attorney, Cheryl Comer: Can you explain what your recommendation was in regard to providing feedback for promotion?

Assistant Director Fritz: I don't know that I've ever seen in my career someone denied for promotion as many times as Mr. Williams has been. I do believe there was some feedback provided to him along the way, but felt it was entirely possible more would be helpful in order for him to be successful in his pursuit to become a Detective.

Deputy City Attorney, Cheryl Comer: During the course of the interviews that you undertook as part of your investigation, did you hear of anything that you thought were of interest, or important to you, as a Human Resources professional that might have a bearing on whether or not someone would be promoted. Not that it would have had any bearing in Mr. Williams' case, but were there any examples that you thought were something that stood out to you.

Assistant Director Fritz: Sure, again, I can't speak to anybody's opinion other than mine. But, there were some examples of some situations that Mr. Williams had been involved in that were concerning to me being a Human Resources professional, even more so as a manager of people. One such example, and I don't have all of the facts this is just coming from my memory, was regarding an incident where Mr. Williams responded to a call of an elderly man who was naked and walking down the street. A citizen, from what I recall, picked him up. He ended up defecating in her car, the police were called to help. Mr. Williams was one of the officers that responded and, the example that I was given indicated that Mr. Williams thought it was funny and was prepared to take a photo of the gentleman in the back seat of the car. Hearing those things would cause.. examples like that cause concern on my end.

Deputy City Attorney, Cheryl Comer: And, ok, so that is an example of something that might cause you concern, but you didn't hear that as an example of why Mr. Williams was passed over.

Assistant Director Fritz: No, to me my job was to look into whether the process was violated, you know, Civil Service rules and such. But, my curiosity and my thought running in the background was “why is this guy continually not being promoted?” So, you know, I heard a couple examples like that and I’m speculating, but it’s things like that that would kind of raise concern in my eyes.

Deputy City Attorney, Cheryl Comer: But the goal of your investigation was to ensure that the Civil Service Board rules had been followed, not to second guess or find out why the Police Chief made the decision that he made in those instances Mr. Williams is complaining of.

Assistant Director Fritz: Correct.

Deputy City Attorney, Cheryl Comer: Okay, alright, and again, all in all after all of the interviews and reviews that you did, um, also... you did include a specific .. you did include a spreadsheet of the specific promotional lists. So you didn’t find any irregularities at all in everything that you reviewed?

Assistant Director Fritz: That’s correct.

Deputy City Attorney, Cheryl Comer: Okay. Thank you. That’s all I have for Ms. Fritz.

Assistant Director Fritz: Thank you.

Chair Summers: Thank you. Do you have any more wit—pardon me. Mr. Williams, do you have any questions?

Jared Williams: Yes, I do. I would like to first clarify that story that Ms. Fritz just provided is false, absolutely false. Um, I don’t know where she heard that. If you look at my disciplinary records, that was the one that was issued in, I believe that was the 2019 one. The written counseling. That is what that is referring to. I absolutely did not think it would be funny to take a picture of that gentleman in the back seat of that car. What that discipline is in reference to was the squad mate that I was there with at that time, we had a very jovial squad. We were playing jokes on each other throughout the day and we just got along very well. A good group of friends. On that particular call, that officer.. he doesn’t do well with smells and he started gagging and throwing up, not throwing up, but he was potentially going to. We were well away from the scene of that car. The Fire Department was tending to that individual and we walked probably 50 feet away, over near the fire truck as my partner was gagging and dry heaving, and I did take out my phone to take a picture of my partner, uh, well away from the scene. The scene of that individual was not in the background. I agree that was probably an unprofessional thing to do, but it did in no way degraded the individual in that vehicle and I had absolutely zero intention, nor would I want to take a picture of someone in that situation. So, again, I don’t know where Ms. Fritz is hearing her stories, but the way she presented it is an outright lie.

That was the first thing. I do have a couple other questions for Ms. Fritz if I may.

Chair Summers: Yes.

Jared Williams: Okay, you said you've been with the City of Tacoma for four years, is that correct?

Assistant Director Fritz: That's correct.

Jared Williams: Okay. How long have you been doing HR work in general, whether with Tacoma or other locations or businesses?

Assistant Director Fritz: Probably 20 years.

Jared Williams: Um, and you mentioned... I believe you mentioned that you hadn't in your career, or at least time with Tacoma, had not seen anyone else passed over for promotion as many times as I have. Is that accurate?

Assistant Director Fritz: That is accurate.

Jared Williams: Okay, and I know that, you know, you've offered your opinion a little bit. Do you... You offered a little bit of your opinion as to why, can you offer .. do you feel that this process over the course of the past six years to me has been objectively fair?

Assistant Director Fritz: The process itself, absolutely. I can't speak to people's decision making because I don't.. I'm not privy to that, I don't have that information. But, from what I could see with regard to following the process: that definitely happened.

Jared Williams: So, I don't know... you probably didn't get the binder that had all the commendations and yearly evaluations.

Assistant Director Fritz: I did.

Jared Williams: Oh, you did. Did you have a chance to review all of that?

Assistant Director Fritz: I did.

Jared Williams: And review that throughout my career I've, again, been a model employee, I've exceeded standards, I've met standards, I've never once had a "does not meet standards" or "needs correction" in any of those reviews. The dozens of emails, the employees of the month. So you mentioned, you have in the back of your mind concern as to why I am not getting promoted as part of your analysis and findings. Does one or two minor little things which was inaccurate the way you described it, so I don't know if that was a story that went into your analysis. I have to believe that it was. Do you feel that those disciplinary actions negate the years of hard work, and exceeding standards, and commendations that I've received throughout my career?

Deputy City Attorney, Cheryl Comer: Objection. Chair Summers. I object to the question. I think Ms. Fritz's gave her opinion about the rules not being violated has set forth the reasoning in her report. And what Mr. Williams is asking is far exceeding the

point of the investigation. And the complaint was... again, the intent of the investigation was to review the Municipal Code to see if there was a violation of the promotional process and she's clearly testified that that wasn't done. And she's not the appointing authority, she is not the one that makes the ultimate decision on the promotional process. She's not the one that would be weighing the personnel record against the personnel records of the other candidates that were in the top 3, so I think it's an unfair question to ask Ms. Fritz. She wasn't in the same... she and the appointing authority didn't have the same information. So, her response wouldn't be something that would be relevant to the Board and it's unfair to ask her to make that kind of decision without having the same information that was in front of the appointing authority at the time.

Chair Summers: Thank you for that. I will not see it as an objection. Ms. Lantz. Guidance here?

Martha Lantz: Oh no no. I just wanted to say one thing after you'd made your ruling. Or what, um...

Chair Summers: In this matter, I will ask Mr. Williams to move on to another question. I do not see this as an objection that I have to take an action on. I will not be taking an action on this. Because, again, this is more informal process. We generally don't have objections. I appreciate the concern that Ms. Comer has stated. I hear it and I am going to ask Mr. Williams to move on. Do you have anything to add to that?

Martha Lantz: The only thing that I wanted to point out that there's a couple of instances where someone is using the chat function to make some comments that are going to the entirety of the participants. I don't know who that is, but it shouldn't be happening because that would be participating in this matter by somebody who's not officially part of the proceedings as far as I can tell. As well as it's not an appropriate way to, you know, capture the proceedings.

Board Member Heller: And they need to recognize who they are. We don't have anonymous comments either so. That's inappropriate to have listed just as a Tacoma Employee. They need to put their name or their identification on it.

Chair Summers: Hearing no objections I will ask that person to discontinue making comments. Again, this is a public meeting, but the public comments are held at the end of the meeting and if you are making comments about this hearing they need to be done not through the chat. Thank you.

Martha Lantz: And I would also just like to add, Chair Summers, that with this particular meeting.. the only matter on the agenda is this hearing and while it's open to members of the public, I don't think that public comment on the hearing is required or appropriate in the context of an adjudicative proceeding.

Chair Summers: Understood. Thank you. Mr. Williams did you have any further questions?

Jared Williams: Well, I do, but I don't see Ms. Fritz on my screen anymore.

Chair Summers: Well, she's still here.

Jared Williams: She's still here, ok. Let me just double check my notes here.

Assistant Director Fritz: And I'll just use my voice so that I reappear on your screen.

Jared Williams: Oh, ok. For some reason when Ms. Lantz showed up.. you disappeared. So, I just wanted to make sure. Um, so I guess... I guess this is more of a comment. I have some concerns about Ms. Fritz's analysis and findings given she's: one – referenced this story that she had completely inaccurate. I don't know what other "stories" she may have heard. If it's not a written document somewhere, or not an official document I don't think she should have relied on these sorts of stories, or... or watercooler talk, in the purposes of her investigation. I have no way of knowing if that was the case or not. I would like the Board to understand and consider that Ms. Fritz's analysis may not be fully accurate.

Chair Summers: Okay. Do you have any further questions?

Jared Williams: I do not.

Chair Summers: Thank you. I saw that Board Member Hansen had questions.

Board Member Hansen: I just want to make a comment about the chats. I am assuming that the chats are not part of the record of this hearing. I don't believe they are being recorded. They certainly cannot be part of the record of this proceeding and I've done some of these Zoom hearings with work and we didn't have the public attend the hearing so we.. obviously we didn't have this issue. So, it's never really come up.. so I am assuming Ms. Lantz that as far as the record is concerned that those chats are not part of the record.

Martha Lantz: That is correct.

Board Member Hansen: Okay. Thank you Ms. Lantz.

Chair Summers: Thank you. Are there more questions by Board Members?

Board Member Heller: Thank you. I have a couple questions. Officer Williams, per your contract – how do they define discipline? You listed four things. Are those all defined as levels of discipline in your contract?

Jared Williams: Yes, in the Collective Bargaining Agreement it outlines what various levels of discipline are. From anything from a verbal reprimand, verbal warning, written reprimand, bureau level written reprimand, department level written reprimand, all the way up to suspensions and termination. Those are all defined within the contract and the policies and procedures of the Tacoma Police Department.

Board Member Heller: So those four items you mentioned in your case were all formal discipline.

Jared Williams: Yes, they were all a formal discipline that I received.

Board Member Heller: Okay. Thank you.

Chair Summers: Board Member Andrews and then Board Member Sexton. Board Member Andrews? Okay, we can't hear you at all. I still cannot hear Board Member Andrews. Is there anything we can do from this end... ok, she's connecting. Ok, Board Member Andrews.

Board Member Andrews: Now?

Chair Summers: Yes.

Board Member Andrews: Sorry for the reverberations. Officer Williams, in your Exhibit A1, the last bullet. It indicates June 14, 2021 that you were informed that four promotions were made and you were not selected. Were you interviewed for those four vacancies?

Jared Williams: So, the way the process works is: for each list that is established, I am afforded one interview per Rule of 3 throughout the entire list. So, I was interviewed at the first time I was eligible for promotion. I was not subsequently interviewed each time they were preparing to make a promotion. So, that's been the history throughout my experience with one exception.. the... I believe it was the first list I was on, I was interviewed towards the beginning of when that list was established because they were preparing to promote I think 3 people. And, so they had to interview through the top 5. Um, and then later that year, I was interviewed again before they made more selections on that list. That's the only instance where I've been interviewed a second time on a list. But, the last two lists, including the current one, I only get the first interview and then no subsequent interviews because of, um, I don't know if.. I'm sure that's a written policy somewhere. I'm not 100% sure. That interview is valid for the duration of the list.

Board Member Andrews: So, in your timeline, from the beginning where you began to take exams to June of 2021, how many times have you been interviewed?

Jared Williams: I have received a Rule of 3 interview four times.

Board Member Andrews: Out of all of those years.

Jared Williams: Yes.

Board Member Andrews: Thank you.

Chair Summers: Board Member Sexton.

Board Member Sexton: Yes, Officer Williams, I'm just thrown off by the Zoom here a little bit. I was looking for ya. It's a lot easier when we can just look up and see someone. This is a whole new experience for all of us. Officer Williams, I was going over your disciplinary actions. It looks like there's four of them, I heard you say. It's a little confusing about the vehicle pursuits. How many of those actually were there?

Jared Williams: So, the discipline that I received in January of 2015, that was related to a vehicle pursuit that was found to be sustained outside of Departmental Policy. And that was a department level reprimand, that's one that stayed in my file for 5 years. The second one was August 25, 2020, that is a verbal warning. And, I, in addition to two other officers, were also engaged in that pursuit which we believed to be within policy at the time of the pursuit were also issued formal discipline the same as mine, a verbal warning. Two other officers. There were multiple officers involved in that pursuit as we all believed that it was reasonable and fit within policy. And with the department, if you read that it's the very last page of A5 of that discipline, but it said we continued the pursuit on information that was not substantiated by any officer. That's not true. That information was substantiated by the officer that initiated the pursuit. Then it goes on to say the subject was not booked or charged with the related crime that justified the pursuit. Um, that was outside my control, I was ordered by a supervisor on what to book the individual for. Um, I don't know how familiar the Board is with the Tacoma Police Department pursuit policy, or as it was at that time. I think it's the same, I don't think it's changed. But, sometimes when there is a heat of the moment kind of thing you go on the information you have available to you and what the danger to the public was. So, again, I was not the only one who received that verbal war—I think that's why it was so -- this is the lowest level of formal discipline that one can receive, is a verbal warning. But it's funny, because it's written on a piece of paper and it goes in your file. And I do believe that because me and two other officers, who were not the only officers involved, but we were the only three that were written up for that... were dinged for that. So... so, take that as you may, um, for that. But that's the way the two of those are related.

Board Member Sexton: Ok, I want to ask you about... I know there are a couple of instances in here... there's Assistant Chief and someone else that I believe they say something to you like "If you just keep doing what you are doing, you're gonna get hired." – is that about right?

Jared Williams: That's.. yes.. so, the words that, again, Assistant Chief Gustafson was the one who said multiple times "Keep doing what you're doing, you're doing good police work, I like what you're doing. We just need a little more time." He even said at one point, I believe it's in my brief, and I'm summarizing the quote. He said, "If your end goal is to be promoted to Detective, you will be."

Board Member Sexton: So someone did say to you at some point in time that your problem was your disciplinary actions?

Jared Williams: Yes, the ones from 2015.

Board Member Sexton: Okay, and now... I gotta ask you about the, um, the civil suit... the incident with the 15 year old in the Tacoma Mall. Uh, you say the City, backed you

completely all the way and said you did a fine thing, you were absolutely right and you did everything correctly?

Jared Williams: Yeah, I don't know if a "fine thing" is something the City would say in that instance, but they did say that I acted appropriately and correctly within policy. And, again, they backed me, backed my use of force, my decision making all the way through the trial. All the way from the day it happened through the end of the trial.

Board Member Sexton: What was the finding of the court?

Jared Williams: I'm sorry, repeat that. You were broken up.

Board Member Sexton: What was the finding of the court? That court case? The civil suit, they awarded the City a million dollars... is that right?

Jared Williams: Oh, no no, I am sorry. They awarded Miss. Tillman one million dollars. The jury found... I'm sorry. They awarded Miss. Tillman \$500,000 and her brother who was with her at the time and just sat and watched the whole thing was awarded \$50,000 and then the attorney's fees were \$450,000, so the total amount paid by the City as a result of that jury verdict was one million dollars.

Board Member Sexton: What was the finding of the court? What was the...

Jared Williams: I still don't... they sued for excessive force and unlawful arrest. Um, I don't have the exact...

(Board Member Sexton and Jared Williams speaking over one another)

Jared Williams: But their finding was that I unlawfully detained Miss Tillman and as a result my force was deemed excessive.

Board Member Sexton: Did you ever grab her by the hair and slam her down to the ground?

Jared Williams: Yes, I did.

Board Member Sexton: That just sounds excessive to me.

Jared Williams: Okay.

Board Member Sexton: Is there a way that can be not excessive?

Jared Williams: Well, I'm not sure. There's a totality of the circumstances here. I'd already been struggling with her. She was assaultive towards me. So, our use of force policy allows me to use certain tactics and procedures including hair holds. And I wouldn't say I slammed her to the ground. A hair hold is used to, uh... they teach us in defensive tactics if you control the head, you control the body. So, sometimes utilizing a hair hold to take someone down to the ground who is assaultive and resistant is an

acceptable method that's within our policy. Whether or not you feel it's excessive, like I said the department... obviously the jury found for Miss Tillman but...

Board Member Sexton: If I may, and at no point in time did anyone from the City ever say to you that your behavior was not City policy?

Jared Williams: No one ever said anything. Like I said, the department from the day it happened until the end of the trial is supported my actions. And nobody, at least on an official level, nobody has said anything to me individually or unofficially that my actions were inexcusable or unprofessional or excessive or anything of that nature.

Board Member Sexton: And that's, before, during and after the whole incident?

Jared Williams: Yes.

Board Member Sexton: And if I may just, one other question I had was... I sometimes... when we get performance reviews, you know, some people tend to only want to show us the good ones. Did we receive all of your performance reviews?

Jared Williams: Yes. If you look at them, they're all dated. And that's what I received from Jeanette Blackwell who's the secretary for the Chief of Police.

Board Member Sexton: Do you know the begin date and the end date would be?

Jared Williams: Well, I was hired February 21, 2005. Um, so, it looks like my first probation report was April 13, 2005. And then going all the way up to the most recent one, December 8th of 2020. And that includes probation reports which I believe were a monthly, uh you get monthly probation reports up to whenever you get off probation that's a year from the date of your commission as a police officer. And then, the department, so we have... so let me see if I have... ok. So the first review is dated... well, it looks like I signed it on April of 2009. That is when the department implemented performance evaluations. So, between 2005 when I was hired up until this very first one I signed in 2009, there were no yearly performance evaluations conducted by the department. But since that time, they are all done on a yearly basis and they should all be in here. As far as I know, they are all in here. I'm not attempting to hide anything from the Board.

Board Member Sexton: I think that's all I have.

Chair Summers: Thank you. Board Member Heller.

Board Member Sexton: You're still on mute.

Board Member Heller: Thanks. I did have a couple other questions. So, I've gone through and read through your whole brief and skimmed through all the subsequent materials you submitted. I did not, um, look specifically at the discipline you submitted and compare it to the list. Are you... you seem to be implying, but I want to be clear, are

you contending that in all of these promotions where you were not selected, that others with discipline in their files were, um, promoted over you?

Jared Williams: No. And I am sorry if that was implied. I believe there was, I can think of at least one... let me pull up my... The example that I was trying to make was that people throughout the department at all levels of promotions, again whether it is detective, captain, lieutenant, sergeant, were various levels had discipline in their records when they were promoted. The specific example that really applies to me is on page 4 of my brief, down towards the bottom, Joshua McKenzie. You know, he was one of the first ones promoted over me. He had a couple things in his file for unbecoming conduct, rudeness complaints in his file at the time he was promoted. The person right below him, Steve Rosmaryn, who I was not... I was not on the list of 2015 when Rosmaryn was promoted, but you can see that he had a warning. He had a disciplinary, a formal discipline for courtesy in his file when he was promoted. When you look at the others that I listed, you can read them by name. They are mostly on that page there, that all had various levels of discipline, a couple of them pretty serious, in their files when they were promoted. Again, lieutenants, captains, sergeants, all of the available positions.

Board Member Heller: But only Mr. McKenzie was promoted over you with discipline in his file. Is that what you're saying?

Jared Williams: Yes, he's the only one that directly relates to being promoted over me in the detective setting.

Board Member Heller: And that was when he had a lower level of discipline in his file than you had in your file? Is that correct?

Jared Williams: Yeah, so he had a bureau level written reprimand in his file at that time.

Board Member Heller: And at that time you had?

Jared Williams: I had two department level written reprimands.

Board Member Heller: Which would have been higher?

Jared Williams: You could say that, sure. Obviously there were two of them as opposed to one. But, it is considered a higher level of discipline.

Board Member Heller: Okay. And you currently have one disciplinary still in your file until August of this year. Is that correct?

Jared Williams: That is correct.

Board Member Heller: So, if you were the hiring manager, would you hire someone that had recent discipline in their file over a candidate that didn't have any discipline in their file?

Jared Williams: Yes, I would. I would look at the totality of who this person is. And not let, necessarily, one disciplinary record file negate years of outstanding service. That's why I presented all of these emails and commendations and reviews that show the service that I've provided to the department throughout the years. And I don't dwell on these disciplinary actions. And if I were in a hiring position, again, I would look at the totality of the talents of the candidate. Is the candidate able to conduct thorough investigations.

Board Member Heller: If all elements were pretty relevant and equal, except for that, would you hire someone with discipline? All else being even?

Jared Williams: I honestly don't know how to answer that because I've never been in a position where I've had to make a hiring decision. I'd like to think that, you know looking at the level of discipline depending on when that hiring is taking place. It could be a factor. But, I can't honestly answer that question. I've never been in a position to hire someone, or promote someone.

Board Member Heller: Ok, I'm done.

Chair Summers: Are there other Board Member questions?

Board Member Hansen: Madam Chair?

Chair Summers: Board Member Hansen.

Board Member Hansen: Yeah, I do have a question for Ms. Fritz. There's been some, there was a reference to Mr. Williams laughing and taking a picture of a naked man. Do you have any competent evidence to support that allegation? I understand that this is a procedural issue that we are involved with, but you kind of opened the door on going to the merits of this decision. So, I wanted to see what your evidence was in support of that accusation.

Assistant Director Fritz: And I don't, it was, so my role was to look into whether or not the process was followed. I heard other stories along the way, obviously as you always do. I don't have any evidence, nor did I look into it any further. The stories that weren't related to the process about Mr. Williams performance. I didn't try to verify them in any way.

Deputy City Attorney, Cheryl Comer: And, just to clarify, the City isn't submitting that as evidence or for the truth of that matter that that occurred. That was a question that I asked of Ms. Fritz just for her opinion of if there was information that (mumble) during the course of her investigation that caused her any concern in her role as an Human Resources Professional. Not to say that it was evidence that came to the attention of the police department, we're not putting it forward for those purposes. Again, so the evidence isn't that it happened and we're not putting it forward for those purposes. It was just for her opinion of anything that impacted her opinion that she may have heard.

That's all it was. Again, I wouldn't submit it. Otherwise it would be hearsay, so I wouldn't submit it for the truth that it happened, but was asking for her opinion over the course of her investigation. I hope that helps clarify why it was asked.

Chair Summers: Thank you. Are there any other Board comments?

Board Member Sexton: Yeah.

Chair Summers: Is that you Dan? Is that you Board Member Sexton?

Board Member Sexton: I am looking for me.

Chair Summers: You don't have to find you, you can just speak.

Board Member Sexton: Officer Williams, I just wanted to ask you about this... you know your... you believe you are being retaliated against by the City. I think that's a pretty serious charge/violation of your CBA and retaliation.. that's all pretty serious. And you think that's based on the lawsuit.

Jared Williams: That's my speculation.

Board Member Sexton: The lawsuit that the City backed you up completely and said you acted 100% appropriate, you think you are being retaliated again about that now. I don't know, I am having a little bit of trouble following this.

Jared Williams: Yeah, that's my speculation partly because I've been, again, given very little other reason. Particularly recently, in the last two years, I've received no feedback as to why I'm not being promoted. Including this most recent one, which was after the HR finding. Ms. Fritz strongly recommended that I receive feedback. I've still not received feedback from that. So, I have to speculate as to that. I understand that, again, that the incident was a "black eye" for the department. It made National and International news. We had people marching in the streets. We had people sending all kinds of hate messages on social media, and sort of blowing up the way these situations do. So, it absolutely made the department look bad and so because the department found me to be within policy on that incident, and backed me throughout, they had no way of formally disciplining me. That's why, again, I'm just speculating and feeling that that's the reason I'm being held back from this promotion over and over and over again.

Board Member Sexton: Well, let me just say, I think you're owed that feedback. I see.. I think the City should, you know, give you feedback on what you're doing right or what you're doing wrong. Maybe we can try to see that that happens. That's all I have.

Chair Summers: Thank you. Are there other Board Members that have further questions? At this time, I would like to make it clear to both the City and to the complainant that unlike an appeal matter, any decision by the Board is merely a recommendation and is neither final, nor binding on any party. The Board rules of the procedures have not... well, that's neither here nor there. The Board practice to send a

letter to the City with any recommendation it may have. So, at this point what we can do for you, and I'm with Board Member Sexton, and also... Human Resource Assistant Director Fritz who's saying you need to have feedback. You need to have feedback about why this has happened and why it may continue to happen. And this may not be a path and somebody needs to make that clear to you if that's true. So, the best we can ask, and we'd have to do this in a letter, and it is not binding, is for them to give you the feedback that you've requested. To answer your questions about... because the process has been appropriate and proper. Is there any other recommendation from other Board Members as to what we could do to end this matter.

Board Member Hansen: Madam Chair. Yes, just to back up here, I'm not sure, I know that Mr. Williams has addressed many arguments of the city, but I am wondering if Mr. Williams has any rebuttal testimony to offer, and I think we should give him that opportunity to do that.

Chair Summers: I appreciate that Mr. Hans—Board Member Hansen, at this point he has been questioned and if you would like for both of them to have a closing argument, I will do that. I am not going to have rebuttal going on after we've had the questioning that we've had. I believe it's been thorough, I believe it has gotten to the heart of the matter. So, if you would like them to each have a closing statement, I would grant that. But, rebuttal to the City, there's really nothing more to rebut.

Board Member Hansen: Okay, that's pretty standard practice in a hearing is to have rebuttal testimony ..

Chair Summers: I understand. This is a complaint hearing. It is much less strict than an appeals hearing is. It doesn't even have clear procedures written out for the Board which is something we may want to look at in the future. So, at this point both sides have been able to question, both sides have presented their cases, if you would like, I will do this Board Member Hansen. They each can have the opportunity to have a closing statement, but at this point it is really in our hands because for a complaint matter, again, this is not a binding decision that we're making. We can simply make a recommendation. So, Mr. Williams if you'd like to make a closing statement, please feel free.

Jared Williams: First of all, again, I'd like to thank you guys for your time. Taking time out of your day, I know we've been here over an hour and a half now. Taking time to listen to me, I appreciate the comments and the questions that have been asked here. You know, again, I feel like I earned this position and I understand that as per the letter of the paper that these policies are written on, that the department hasn't necessarily violated any rules. However, this is supposed to be an objectively fair process. I don't feel that it has been. I feel that I've been denied this position over and over and over again without cause. When you look at the history of how others on this list, on all three of these lists, having been treated being promoted in without question. Yet, I am sitting here still. And again, testing high every time. Showing I have the skill and aptitude for this position. So, again, I'd like the Board to understand that I am going to continue feeling that I've been treated unfairly. You know, I am trying to handle this at the lowest possible level that's why I started with the complaint through HR. That's why I am going

through this. I don't want to have to accelerate this, or move this to a potential civil suit, or something along those lines. And I understand that the Board may not have the power or ability to... because you're saying your... whatever your ruling is it's just a recommendation. Um, and I didn't know that coming in here. I honestly didn't know what you guys could do for me. So, again, thank you for taking the time to listen to my story and I guess that's it.

Chair Summers: And I would like to, uh, Mr. Williams, we have two different... we have an appeal and we have a complaint. And the appeal process is very different. It is much more formal, as Mr. ... Board Member Hansen has pointed out. There is rebuttal, there is questioning by each attorney of the other side. So, the appeals process is different. The complaint process, this is the remedy. The remedy is a recommendation. And, perhaps, I should have read that at the beginning, and I don't want you to feel like this is in any way because of your complaint. It's just the way the complaint process is handled.

Jared Williams: Yeah, no... I understand. And, again, I wasn't sure what to expect because I don't know anybody who's been through this process. So, nobody I talked to had any idea what this process entailed. So, I get that there are steps that have to be taken, again, before an official, legally binding ruling will take place.

Chair Summers: Thank you. Um, City Attorney Comer, do you have a final statement?

Deputy City Attorney, Cheryl Comer: Well, I do. And, thank Officer Williams for all of the information that he provided. I understand this is a difficult position to be in and you're looking for something. I just don't know that you're going to find what you're looking for. And I think the recommendation from the Board is reasonable, but I don't know... I think that you'd agree, Officer Williams, on your last statement, you know, we're not in the position to make the hiring decision. I think that's just something we all have to be left with, that is with the appointing authority. It's a heavy decision, it's a huge burden. And so many factors go into it that we're just not privy to. So, I think a lot of those factors weigh into why employers generally don't provide feedback to individual candidates about why they weren't selected. It can have to do with the other people that are selected, it doesn't necessarily have to do with the individual that is not selected. But, if you.. you know.. you can google why employers don't. There are legal reasons, sometimes. Sometimes it's just there isn't constructive feedback to be had. I looked at it and it looked that about 70% of candidates don't receive feedback when they don't receive a position. Of those that did receive feedback, about 78% thought it was not helpful. And so for people who are already in an organization to not get helpful feedback isn't helpful for them to continue on with their employment. So, I think that, you know, we have to trust the decision maker to know what the right amount of information is, whether that's not much or something.. I don't know. So, we're not in the appointing authority's shoes. And, you've mentioned some feedback you've received, um, I don't know if those are true or not. I'm not objecting to those because this is an informal hearing. I don't know if those statements happened or not. It did, from what you said it seems like you were told that discipline was an issue. And you know, Chair Heller asked you some good questions I thought were on point. I don't know if that was the reason or not, but I think that your answers to her questions were interesting and helpful. But, I

don't know, I don't know what the answers are. So, no matter what the recommendation is, I think the department will do what is best for all parties. And I hope that you'll understand that and I hope that this process has been helpful for you no matter how it turns out.

Chair Summers: Thank you. That concludes this part of the hearing. The next portion is to receive recommendations from Board Members so that we can draft a written letter to send to the department. Um, are there any recommendations from the Board Members?

Board Member Hansen: Madam Chair?

Chair Summers: Board Member Hansen.

Board Member Hansen: So I assume that we are not going into Executive Session?

Chair Summers: I see no way of doing that.

Board Member Hansen: Ok...

Deputy City Attorney Martha Lantz: Actually...

Chair Summers: Yes, Martha?

Deputy City Attorney Martha Lantz: I think you have... if the Board wishes, if a majority of the Board would like to go into a closed session, I do believe you have the legal authority to do that. It is not required, but I think you can if that is the will of the group.

Chair Summers: How would we do that?

Deputy City Attorney Martha Lantz: Oh, so you mean how would we logistically do it? That, I don't know, I guess we'd just have to ask everyone to leave or we could make a breakout room. I don't know if Shelby is administering...

Assistant Director Fritz: Yeah, what I can do is move everyone who isn't part of the Executive Session to the lobby so they wouldn't be in the main session here.

Chair Summers: Ok. And that would include everybody but the Board Members and Ms. Lantz. Are the only ones that will remain.

Assistant Director Fritz: Ok. Let me give that a try. Hold for a moment.

Board Member Sexton: Can we say for 15 minutes or something?

Chair Summers: We will take a 5 minute... 10 minute break. A 10 minute break, Dan. So, we can see if this will work out. Thank you, Ms. Lantz for your suggestion and Ms. Fritz if you can make it happen, that'll be great.

Assistant Director Fritz: Do you want Wendy to stay or be in the lobby?

Chair Summers: She needs to be in the lobby. The Executive Session has just the City Attorney that's appointed to us and the Board Members.

Assistant Director Fritz: Okay. Working on it now.

Chair Summers: Ok. Thank you. I'm going to go and take care of something.

Board Member Sexton: I'm going to go feed my cat.

Assistant Director Fritz: I think it's working Martha. I'm wondering if that 023 number is actually Ellen.

Deputy City Attorney Martha Lantz: That I don't know.

Assistant Director Fritz: So, we got Beckie. Ellen are you still there?

Chair Summers: Did you need me?

Assistant Director Fritz: Nope. I think we're good. I'm just trying to figure out where... who this phone number belongs to.

Deputy City Attorney Martha Lantz: It is Ellen.

Assistant Director Fritz: Ok. I am just going to see...

Deputy City Attorney Martha Lantz: What is the number?

Assistant Director Fritz: The last three are 023.

Deputy City Attorney Martha Lantz: Yes.

Assistant Director Fritz: Ok. And should I stop recording as well?

Deputy City Attorney Martha Lantz: Yes.

Assistant Director Fritz: Start recording?

Chair Summers: Thank you. Here we are. At this point we have a question before we move to the comments and recommendations. Ms. Andrews, do you want to?

Board Member Andrews: Yes, Officer Williams?

Officer Williams: Yes?

Board Member Andrews: On your exhibit A-1, for the promotions that were made beginning in February of 2021 through June of 2021, who was the Police Chief?

Jared Williams: Uh, Interim Chief Ake.

Board Member Andrews: Were you interviewed my Interim Chief Ake for any of those vacancies?

Jared Williams: He was present for the Rule of 3 interview on this list that occurred on December 22, 2020. So, he was present for that interview.

Board Member Andrews: So, he was present. Was the Police Chief present?

Jared Williams: Yes. So, retired Chief Ramsdell, Interim Chief Ake, then Assistant Chief Fred Scruggs and Assistant Chief Ed Wade were all, the four of them were present. So, the Chief and three Assistant Chiefs.

Board Member Andrews: I, then, have a follow-up question for Ms. Fritz. Are you there?

Assistant Director Fritz: Yes. I'm here.

Board Member Andrews: Given those that were present during that interview in December of 2020, who was the official appointing authority?

Assistant Director Fritz: Uh, so which interview are you speaking of? I'm sorry I think I'm...

Board Member Andrews: Was it December 30th or December 22?

Jared Williams: I'm sorry, the Rule of 3, I had my first Rule of 3 for the current eligible.. eligibility list on December 22nd, 2020. Where Chief Ramsdell and all three Assistant Chiefs were present.

Board Member Andrews: Okay.

Assistant Director Fritz: So, Chief Ramsdell would have been the appointing authority at that time. If I recall correctly, Chief Ake was appointed Interim on January 1st. I'd have to double-check that, but that's my recollection. So, kind of overlapping both there.

Board Member Andrews: Okay. Thank you. I'm finished.

Chair Summers: Are there comments by the Board Members? Um, Board Member Hansen?

Board Member Hansen: Uh, yes. This is a comment that applies to other proceedings as well. I've noticed the City offer evidence and make accusations about employees without having competent evidence to support those accusations and in this case, Mr.

Williams was accused of taking a picture of a naked man and thinking that was funny. Ms. Fritz admitted that she did not have evidence to support that accusation. I really think that if you engage in that.. in those kind of accusations that the hearings become more of a name calling proceeding rather than a proceeding that is fair and just to the employee and I believe that employees of the City of Tacoma should be subject to fair and equitable work rules and should be subject to fair and equitable hearings. And when you have a hearing and accusations are made that are not supported, then that does not happen. And that to me is disturbing and, to me, misrepresentation should not be made to a quasi-judicial body such as ourselves without evidence to support those representations. So, that's all I have, but I hope that we don't see that in the future with hearings that the City is presenting to us.

Chair Summers: Thank you and the Board all agreed and thank you for that statement. Board Member Heller?

Board Member Heller: So, I would simply say, Officer Williams, as someone who has been a hiring manager, and maybe you too will be a hiring manager someday in the future, but hiring managers have an obligation not just to hire someone who's qualified, but to make the best decision among the applicants available to them. And, any time you have similarly situated applicants, and you have someone that has discipline in their file, and you have someone that has not have discipline in their file – that's not similarly situated. The person without discipline is a much higher standing ranked, you know, as you would consider hiring them. So, you know, maybe someone hasn't given – although you did say in your materials that that had been mentioned to you before. But even as an outside person reviewing this, it's clear to me exactly why you weren't hired – in my personal opinion. So, not speaking on behalf of the City, just as an HR Professional reviewing this case. You have discipline in your file. So, let me clearly tell you that. And also say, you say what can you do? You can: when your discipline comes out of your file in August... not do anything else that gets you disciplined. Do your good job, do your work well and continue to apply and you may very likely get hired. But, frankly, I mean, that's very clear to me.

Chair Summers: Thank you. Are there other Board comments? Hearing none, it is recommendation of this Board, and we will be doing um... These are seldom brought to us. Complaints are seldom brought to the Civil Service Board, and it's been a very long time. But, our general practice has been to make the recommendation and to follow that up with a letter to the hiring authority. Um, actually it was called the hiring manager in the Executive Session. So, what we will be doing is recommending that they contact you with feedback about what you need to do to get this promotion. And it was suggested by Ms. Fritz, and I appreciate her investigation because she came to the same conclusion. Somebody needs to talk with you about what's happening here. This is un—as Ms. Fritz said, she's never seen anyone else passed over so many times. So, you need more information that you clearly don't have right now. And, we will follow that up with a letter to the hiring manager. I'm sorry, that is the best we can do for you. That's what the complaint allows us to do, but I appreciate you bringing this our attention.

Jared Williams: I understand and, again, I appreciate you guys taking almost three hours out of your day to discuss this matter with me. And, again, I understand you are limited by the rules that are set forth. So, I don't know where it goes from here, certainly not planning on getting in any more trouble, but then again, I never planned to get in trouble. But, I will do my best to stay out of it for certain. And, you know, the list is still valid through sometime toward the end of January and there's only three of us left on the list. So, I'm still hopeful that, if anything, I am promoted by default. But, you know, yeah, I get it. Your guys' hands are tied at this time.


Chair Summers: Thank you. Well, thank you for coming and, again, we appreciate the information. We're gonna do the best we can with the information that we have. Um, and if there are no other comments or questions.. this is the only matter before us and with no objection, we are adjourned. Thank you all for coming.

ATTEST:

DocuSigned by:

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Dan Sexton, Vice Chair

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Wendy Hobson, Coordinator