



## Tacoma Civil Service Board Meeting Minutes

**Date and Time:** June 1, 2023, at 5:00 PM  
**Location:** Council Chambers, TMB  
**Chair:** Eric Hansen  
**Coordinator:** Wendy Hobson

### **Call to Order:**

Chair Hansen called the meeting to order at 5:00PM. Board Members Klein and Wick were present. Deputy City Attorney Martha Lantz was also present.

**Approval of May 4, 2023 minutes:** Board Member Klein motioned to approve as written. The motion was seconded by Board Member Wick.

VOICE VOTE: 3 AYES, 0 NAYS, 0 ABS. THE MAY 4, 2023, MINUTES WERE APPROVED AS WRITTEN.

Coordinator Hobson informed the Board that a whistleblower complaint regarding the hiring practices of the Tacoma Police Department was received. It was addressed to several people and groups including the Civil Service Board. The complaint will be emailed to the Board. The city has hired an outside investigator to look into the matter.

### **Actions on Matters Still Pending / New Business:**

The board is going to hold a special meeting on July 13<sup>th</sup> to consider a motion on the matter of residency.

### **Considerations of Matters Set for Public Hearing:**

We have a jurisdiction hearing in the matter of Eric Pizzolo and the appeal hearing in the matter of Eric Pizzolo pending a decision on jurisdiction.

**Chair Hansen:** Mr. Pizzollo's appeal dated March 30, 2023, states that he was terminated from his position as a Meter Reader Customer and Field Services without the benefit of due process. His appeal seeks a remedy of reinstatement, to be made whole, and to be provided with due process for intended discipline.

There are two issues before the Board. First, is whether the Board has jurisdiction to hear the appeal. Second, if jurisdiction is found, the Board will then consider the merits of the appeal. These issues will be considered separately.

Erik Furer, Deputy City Attorney for the City and Bryon Allen from IBEW Local 483 introduced themselves for the record.

**Erik Furer:** Stated he should not be before the Board as it does not have jurisdiction in this matter. He stated that he would be focusing on the later position he held in 2020 that ended in March of 2023. He further explained that Joanna Hambrick, a Human Resources Analyst, would be testifying to help explain Mr. Pizzollo's position.

Mr. Pizzollo's last position was as a special project meter reader in customer service. Under the Tacoma Municipal code and coming from the City Charter, a special project employee is under the unclassified service. Mr. Furer acknowledged that a permanent meter reader is a classified position. The issue before the Board was not the broad understanding of the general meter reader classification but rather the specific position Mr. Pizzollo occupied up until his separation in 2023. He was under the appointment code of project which is a position of limited duration. The position was created by resolution by the Tacoma Public Utility Board. That is what gave the authority for the positional seat that Mr. Pizzollo was able to sit in and serve the City. The evidentiary hearing will be focusing on his position and how that came to be and not on his duties, his assignments or compensation. Also, part of the jurisdictional argument is that he never reached permanent employee status. He was unclassified as a special project employee, and he never held permanent status in his position. As an unclassified employee Mr. Pizzollo does not have the ability to appeal and the Board does not have the jurisdiction to hear an appeal. The Tacoma Municipal Code states that the rights to appeal and procedures of due process that are afforded to employees are for permanent classified employees. Mr. Pizzollo's position was not permanent or classified.

**Byron Allen:** Mr. Pizzollo was denied his due process rights when he was terminated, and we wish to establish those rights through the jurisdictional hearing. The city will argue that Mr. Pizzollo was a project employee and as such does not fall under the jurisdiction of the Tacoma Civil Service Board. In accordance with the Tacoma Municipal Code 1.24.187, project employees are unique in that they pertain only to the afore mentioned project. Mr. Pizzollo was hired as a meter reader which is a classified position that has existed for decades. The work that Mr. Pizzollo performed was not unique to a special project. The position of meter reader is slowly being phased out as new automated meters are replacing the older legacy meters. The city would like the Board to believe that Mr. Pizzollo's offer letter and their lists which state that he and other meter readers are classified employees are merely typos. Furthermore, if this is true, then the 2023 list is also filled with typos. There are seven types of unclassified employees and after each definition Mr. Allen proclaimed that Mr. Pizzollo does not fit that definition. Finally, he reads that it goes on to say that the classified service shall comprise of all other positions not mentioned in the unclassified positions and that does fit the position of Mr. Pizzollo. In conclusion, every indication is that Mr. Pizollo was a classified employee and therefore fall under the jurisdiction of the Civil Service Board.

**Erik Furer:** Calls Joanna Hambrick as his first witness

**Chair Hansen :** Swears in Joanna Hambrick.

**Erik Furer:** Reviewed Ms. Hambrick's credentials and job duties. She is a Human Resources Analyst with the City and is involved with recruitment and employee

relations. He establishes that she was the one who handled Mr. Pizzollo's case. Ms. Hambrick stated when she looked up Mr. Pizzollo in SAP she could see that he was a project employee with an end date. She later did further research on his position and confirmed again that he was a project employee. He asked her to walk through how she researched his position. It was through his employee file, NEO GOV for looking into his past requisitions, and in SAP looking at the different seats he held. In 2020 Mr. Pizzollo had a break in his service. It was from March to April in 2020. His initial hire was in 2018, he held a temporary meter reader position. He then went on to Environmental Services and failed in the probationary period which is what caused the break in service. Mr. Furer asked Ms. Hambrick go over Exhibit R17 for the board to show how Mr. Pizzollo came back to work for the city after his break in service. Exhibit R17 is a requisition for a temporary meter reader. The requisitions are initiated by the department, and it goes to the analyst and specialist. On the first page under class spec, it is for the position of meter reader, under job type it states it is a classified position. However, on the second page, under appointment code, that indicates it is a temporary chair. Ms. Hambrick sees positions as chairs. Mr. Furer directs Ms. Hambrick to the first page to the requisition to the position number which ends in 25A8 and asks if that is specific to the position to be filled. It was and Ms. Hambrick explains that the position number was already created in SAP because of the resolution that was approved. Due to the resolution, that position was created as a temporary position. Next, she was directed to page two and asked about the reason and justification aspect of the requisition and who types that in and what it signifies. She answered that the HR liaison types that in and that there is an opening because the incumbent moved to a project position. Further down the document there is a comment section. In that section it is notated E. Pizzollo and his employee number. Therefore, at the time the requisition was put in, the department already had a person in mind of who they wanted, and that person was Mr. Pizzollo. Next, Exhibit R4, the offer letter is examined by Ms. Hambrick. She reads over the letter dated March 20, 2020. The first paragraph reads "...Pleased to offer you a position of temporary meter reader...." The next paragraph again states it is a temporary position with an end date. She claims that the offer letter stating that the appointment is classified is a typo and states that the rest of the letter is correct. Temporary positions cannot be established for longer than six months initially. The code does allow for a six-month extension but does not allow for it go past one year. The signed offer letter is signed by Mr. Pizzollo with an end date of September 30, 2020. Mr. Furer gives Ms. Hambrick R16 to examine. Ms. Hambrick identifies R16 as screen shots of SAP with Mr. Pizzollo's information displayed. The screenshots, as explained by Ms. Hambrick show that Mr. Pizzollo's dates were entered as a start date of April 13, 2020, and end date of August 30, 2020. This matches the offer letter. It also has a subgroup listed as temporary. Ms. Hambrick was then asked how it came to be that Mr. Pizzollo occupied a project position. She answers that anytime a position changes, a new requisition is created. Mr. Furer asked if his job would have ended in six months if he were to stay as a temporary employee. Ms. Hambrick answered in the affirmative. Mr. Furer asks that everyone look at Exhibit R18 and he asked that Ms. Hambrick walk everyone through it. Exhibit R18 is the requisition for the change in position that changed Mr. Pizzollo from a temporary employee to a project employee. She goes through the first page which is similar to R17 but when she goes to the second page, the appointment code shows project. Under the requested changes to the position, in the lower right, it reads temporary to project. Project appointments unlike temporary

positions can be extended for longer than one year. She also points out where the position shows changes from temporary to project. Mr. Furer directs Ms. Hambrick to R7 which is Resolution No. U-11055. Resolution No. U -11055 corresponds with R18 page two. Mr. Furer has Ms. Hambrick read section three of Resolution No U-11055 out loud. Section three basically states that limited duration employees are considered unclassified special project employees. Ms. Hambrick is asked to go over Exhibit R5 which is an offer letter signed by Mr. Pizzollo. The offer letter is dated August 18, 2020. She reads the offer letter aloud and it does have a subject line of Offer Project Employment, first paragraph states that it is a project position. Again, she claims that it states it is a classified position is a typo. In the second paragraph it lists the end date of December 31, 2022. They then go over that the work of a meter reader is a classified job. However, the chair that Mr. Pizzollo occupied was not a permanent chair and therefore not a classified chair. He went from a temporary position to a project position and never had permanent status. After December 31, 2022, the end date of the project employment had come and gone, Mr. Pizzollo was still employed with by the city. Mr. Furer asked Ms. Hambrick to go over R19 and explained how his service was extended after that date. Exhibit R19 is a requisition by the department stating it had a need for a position. The position number is the same, ending in 2588, the job spec is the same meter reader, and the appointment code is still project but under resolution there is a new resolution number. The reason and justification aspect of the requisition allows for the continuation of the meter reader project. Exhibit R8, (Resolution U-11341) is looked at next and Mr. Furer asked Ms. Hambrick if the language in the sections pursuant to whether an employee is classified or unclassified is echoed in the second resolution. She answered yes that section three is the same as U-11055. Exhibit R6 is the last offer letter sent to Mr. Pizzollo dated November 30, 2022. It referenced an end date and Resolution U-11341. R16 is referenced and Joanna Hambrick goes over the document and points out that the chair was special project meter reader. It was the chair he was in at the time of his separation. Mr. Furer directed Ms. Hambrick to Exhibit R1 which is a manually created document showing Mr. Pizzollo's work history with the city pulled from SAP. Ms. Hambrick is directed to look at exhibit A8. Ms. Hambrick identified the document as a list of project employees as of January 1, 2023. It has employee names, job titles, and columns with classified and non-classified at the top. Ms. Hambrick stated that the job titles that say classified are the ones which duties are considered classified. The classified column does not refer to what type of appointment the individual is occupying.

**Mr. Allen:** Asked Ms. Hambrick to clarify the definition of a project employee and whether they were an at will employee. He said she was very emphatic when she said this and wanted to clarify. She stated that project and appointment types are at will. He referred to exhibit A8 and picked an employee, a specialist, from the list and asked her if that employee is an at-will employee. She answered yes. He then goes to R7 and asks Ms. Hambrick about the ten positions being transferred to the project and the hiring of sixteen employees. He asks if a position is transferred into a project, does it automatically make that position an unclassified or non-classified position and does it automatically make that employee an at-will employee. She answered that classified and non-classified does not refer to the appointment type. Mr. Allen asked if someone who did not have the HR background that she did, would understand a classified position would be at-will if they were a project employee. Ms. Hambrick said she would

hesitate to say what someone would assume. Mr. Allen then asked if by chair she was referring to how the position is funded. Ms. Hambrick repeated "funded?" She said that she wasn't sure. Mr. Allen asked, "that is the reason for the resolution, right?" Ms. Hambrick still seemed unsure and said "okay". Mr. Allen then explains to Ms. Hambrick that the reason for the resolution is to fund a project. Ms. Hambrick responded, "I see." After he explained how resolutions work, Ms. Hambrick conceded that she could see the correlation. Moving on, Mr. Allen asked if they go back and look at the offer letter in November and other offer letters that reference the word temporary. He said that Ms. Hambrick was emphatic in her earlier testimony that there is a legal Tacoma Municipal Code definition of temporary, and temporary employees cannot exceed six months of service. She agreed that the initial appointment is for six months. She elaborated that six months is for the initial appointment and that a temporary cannot work more than one year. He then goes back to the offer letter dated in November and asked if it was for six months. She said that project appointments can be longer than six months but that they do have an end date. He then asked if the word temporary which she had emphatically stated was for an appointment that could be held for no more than a year was contraindicatory since a temporary project employee could work longer than six months to a year. She said no. He asked her if that was clear from reading the offer letter. She said that she would read it as a temporary position. Mr. Allen established that Ms. Hambrick has twelve years of experience in Human Resources. Mr. Allen asked if it was fair to call her an HR professional. She answered yes. Mr. Allen asked if he was just a guy off the streets, would he know from reading the offer letter, how would he interpret the letter. She said that she agreed that it can be complicated but that she wouldn't be concerned that the offer letter wouldn't be understandable because it clearly stated the end date. He went over the offer letters again having Ms. Hambrick agree that they all said temporary with no probation period and that they were all classified. He went over what classified means in terms of protection and how the letters had contradictory language to a layman. Turning his attention to Exhibit A9, a list of non-classified employees with the City of Tacoma and asked Ms. Hambrick to look for Mr. Pizzello's name or any other meter reader on the list. There were not any meter readers on the list. Mr. Allen then asked if the list is descriptive of position and not of the individual. She said the list is correct to not have meter readers on it. That the job title is either classified or non-classified and that the appointment type is temporary, project or permanent. He asked again if the difference is how the job is funded. Ms. Hambrick then said she didn't know about the funding or what that referenced.

**Mr. Furer:** Asked if the jobs that were transferred to the project were temporary or permanent. Ms. Hambrick answered that they were temporary.

**Board Member Klein:** When Mr. Pizzollo was appointed in 2018, and then rehired in April of 2020, was his hire from an eligibility list? Ms. Hambrick answered yes that a temporary meter reader list was created, and he had applied in 2018. He also asked whether that position was considered represented under the IBEW contract? She stated that she had prepared for the 2020 hire and talked again about it being a temporary position. He tried to ask the question again a different way. Finally, Board Member Klein let her that know that if she didn't know it was fine. He then asked her if union dues were processed out of Mr. Pizzollo's pay during his time of service. Ms. Hambrick did not know. He asked Ms. Hambrick at the time of Mr. Pizzollo's employment if there were

any permanent classified meter reader employees. She answered that there probably were. He asked if Mr. Pizzollo was doing the same job as classified meter readers. The answer was yes. He goes on to say that the challenge for him would be the distinction between special project and a project of limited duration. He went over the history of projects the city has had in the past and if the city was using the special project appointment type to build something and was for a project of a limited time. Ms. Hambrick stated that she wasn't with the city at that time, and she didn't have the resolution memorized and to refer back to the Resolution to find the intent and goal.

**Vice Chair Wick:** Asked Mr. Allen when he placed the public records request for the classified and unclassified employees, how did he word the request. He answered that he asked for a list of non-classified employees. She then asked Ms. Hambrick about the offer letters. She asked if someone proofreads the offer letters before they are sent out. Ms. Hambrick stated that the HR Analyst and the HR Specialist work together to create the letters and proofread them before they are sent to the department. She then asked if offer letters were repeatedly sent out stating the position is classified and signed off by the city and accepted by the employee. Ms. Hambrick answered "potentially."

**Chair Hansen:** Asked if the City hired temporary employees for special projects, programs of limited duration, to fill in for a permanent employee and pending the creation of an eligibility list. Ms. Hambrick answered yes to all. He asked if there was any other circumstance where the city would hire a temporary employee. She said she didn't have that depth of knowledge. He asked if Mr. Pizzollo was in a six-month temporary position in 2018 and if that was related to a special project. Ms. Hambrick answered that she didn't pull the information from that time. They went back and forth about the date of the first resolution and Mr. Pizzollo's first temporary position. Chair Hansen asks "So, you just don't know?" and Ms. Hambrick said yes, that she doesn't know because she was focused on his last hire. He went over with her how temporary employees hold a six-month position and can be extended for another six months. They also went over how a job type and duties can be classified but an appointment type can be temporary, project or permanent. He asked about the offer letter and why it referenced being a classified position. She explained that the duties were of a classified position, but the appointment type was not.

**Board Member Wick:** Asked if an offer letter is reviewed and explained in detail when it is presented to an employee. She also asked whether Mr. Pizzollo would have had the term classification explained to him; that it was a job type and not the position he was accepting prior to his signing. Ms. Hambrick answers by saying that Mr. Pizzollo applied for a temporary position. Board Member Wick asks again if anyone would know that the job wasn't classified and what that meant. Ms. Hambrick answered that the applicant would have to go through an interview process and that she believes the parameters of the job would be reviewed but she is not part of that conversation so she couldn't be sure. Board Member Wick said that there was no way to be sure that it was explained, and it isn't delineated or written anywhere. Ms. Hambrick stated that the letter had an end date. Board Member Wick again tried to get Ms. Hambrick to address the classified term on the letter and if anyone explains that the position, even though it is written on the letter as classified is non-classified. Ms. Hambrick stated that from her perspective it is clear. Board Member Wick reminded her that her perspective is from an HR



professional. Ms. Hambrick continued to refer to the end date and temporary part of the letter, then she calls the part of the letter where it states classified as a typo.

**Chair Hansen:** Asked Ms. Hambrick if she knew how Mr. Pizzollo's special project temporary position furthers the purpose of the special project. She answered she believed that would be outlined in the resolutions.

**Mr. Furer:** Asked if she researched the Tacoma Municipal Code that corresponds to special projects with limited duration that had been discussed in the resolution and discussed earlier. Ms. Hambrick said she did not.

**Mr. Allen:** Asked if she was employed with the city at the time Mr. Pizzollo received his last offer letter. She was. He asked if she had any firsthand knowledge of what was explained to him. She did not.

**Chair Hansen:** Asked for closing arguments.

**Mr. Furer:** Mr. Furer walks through the case. He said the two major components were 1. If Mr. Pizzollo was classified, and 2. If he was permanent. The answers to both questions are no. The timing of the project came when automated meters were phasing out meter readers. Under the resolution, temporary project meter readers were hired until all the legacy meters were phased out and the permanent meter readers would be reclassified. He walks through how the temporary and special project meter readers will at some point run out of work. Mr. Furer acknowledges the confusion and misrepresentation in the letters, especially the most recent one. He opines that what is not confusing from the requisitions, the employee file and the offer letter is that Mr. Pizzollo is not and was never a permanent employee. He states that even if you grant that Mr. Pizzollo was classified, he would still need to be in permanent status to bring an appeal before the board.

**Mr. Allen:** Acknowledged that the Union and the City entered into a letter of agreement and that he was a part of that. The reason for this was not only to protect the existing meter readers and field investigators but to provide some level of security to new hires. Although the term of temporary or project was used, there was never any indication or intent that they would have any fewer rights than anyone else. What they wanted to make clear was that there was no difference in pay. Mr. Allen was a part of the process and there was never any intent that the new hire meter readers wouldn't have rights. He states that it would take an HR professional to go through all the terms but what an employee would see and what Mr. Pizzollo saw was an offer of a classified position with no probation period. It was unclear what that means. Because the position could be one without a probationary time then it would be reasonable to think it was permanent. He said that the city is trying to have it both ways. He sees it as an opportunity for this board to clean up the language. He feels it is not only necessary for Mr. Pizzollo and his right to due process but for all employees in the same situation. He refers back to the list of non-classified employees which seems like a small list, but it is not.

**Mr. Furer Rebuttal:** Reads part of the offer letter and highlights the end date and that it states it could end sooner.

The board moved to executive session at 7:10 PM and returned at 7:41 PM.

**Chair Hansen:** Asks for a motion on jurisdiction.

**Board Member Klein:** Moved to dismiss based on lack of jurisdiction.

**Board Wick:** Second the motion.

**Call for Vote:**

Chair Hansen: Approved

Vice Chair Wick: Approved


Board Member Klein: Approved

The motion to dismiss carried. Chair Hansen concluded by saying that it was the Board's final determination on the matter, and it will be contained in a finding of fact, a decision document which will be adopted at a future board meeting. He added that the use of the term classified employee needs to be rectified as it is nothing but a complete mess. To use that term to describe the duties as well as the actual terms of employment or appointment interchangeably on numerous documents creates a lot of confusion and waste of time. A study session will be scheduled within six months. He said he wants to hear what the city will do to rectify the problem. He asked if the other board members had something to say. Board Member Klein said that he seconds what the Chair stated and that this is an important issue, and he looks forward to seeing what the City is going to do in response to this and what they will do to fix the problem. Vice Chair Wick said she concurred. She stated that the people who suffer because of this is the employee who holds no power and that makes it flat out unfair.

Meeting adjourned: 7:45 PM

ATTEST:

  
Eric Hansen, Chair

  
Wendy Hobson, Coordinator