



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

January 15, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Thursday, January 15, 2009 called to order by Commission Chair Joel Nark at 10:03 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Herb Johnson
Gary Keese, Law Department
Rachael Schade, Personnel Dept.

Commissioner Terry Carroll
Mary E. Effertz, Executive Director
Kim Chenault, Personnel Dept.

2. Approval of Minutes:

Minutes from the meeting held Dec. 16, 2008 were reviewed. Commissioner Johnson moved to approve the minutes as written, seconded by Commissioner Carroll, all in favor and the minutes were approved and signed.

3. Welcome and Introduction of New Commissioner Terry Carroll:

Chair Nark welcomed the new Commissioner appointed by Council and asked him to say a few words. Commissioner Carroll stated that he appreciates the opportunity to serve on the Commission and briefed the Commission on his background and pointed to the various groups relating to public safety, disciplinary matters, judicial review, and resolution of conflicts that were pertinent to the work of the Commission. Commissioner Johnson indicated it was a pleasure to be able to serve with him and Chair Nark agreed.

4. Meeting Time and Dates for Meetings in 2009:

The Commission decided to continue to start the regular monthly meetings at 10 a.m. and to change the meeting date from the third Thursday to the third Friday of the

month. The exception will be the February meeting, which will be held Feb. 13 (the 2nd Friday of the month) as one of the Commissioners has a conflict with the third Friday.

5. Police Exams and Personnel:

The promotional order from SPD was provided to the Commissioners showing new hires, transfers and promotions. Director Effertz showed how these promotions are added to the Commission website below the registers for both Fire and Police.

Rachael Schade, Exams Analyst for Police, provided an update to the Commission regarding the entry level exams. She said that the number of applications were up and that administration of the new exam shows a higher pass rate. End of year snapshot reports on ethnicity of applicants were provided to the Commission, a spreadsheet summary showing gender and ethnicity. She also reported that there will be more vigorous screening by background detectives since the elimination of oral boards in the SPD process at entry level.

There was discussion about this process among the Commissioners and if the decision to halt the oral board portion of the screening process was under the purview of the Commission. Ms. Schade explained that the Commission indeed is responsible to oversee the written examination process, while the screening and backgrounding process was under the purview of the Police Department. Mr. Keese said the Commission is responsible as overseer up until the point of the issuance of the registry. He did say that the Commission could offer advice and recommendations regarding SPD's screening process as an ordinance for City Council to act on as part of the Seattle Municipal Code.

Chair Nark stated he is concerned about the new exam's higher pass rate. The Commission questioned the job relevancy of the questions and suggested having the consultant come to the Commission and provide more information regarding the new test. Ms. Schade offered to bring the test to the Commission at the conclusion of the meeting for them to see for themselves.

Commission Carroll offered a motion for the Commission to undertake a review of the exam procedures and have a discussion as to why these protocols have changed and invite the Chief or his designee to a future meeting for discussion. Seconded by Commissioner Johnson, all were in favor and the motion passed.

6. Case Status Report:

Director Effertz updated the Commissioners on pending appeals:

◆ Mahoney v. SP: A new appeal has been filed and the Pre-Hearing Conference was set for Feb. 20. Ms. Effertz indicated that the date will have to be changed.

◆ James Arata v. SPD: The Pre-Hearing Conference set for March 20 will be rescheduled to the April meeting at the parties' request.

7. Budget:

Director Effertz provided the monthly summit report as of January 13, 2009 showing total expenditures of 93% for the year. The IF Unemployment money had been satisfied so the Commission will have a surplus to turn over to the general fund.

The budget loading for 2009 was reviewed per line items for a total of \$141,243.

8. Old Business/New Business:

Rachael Schade provided copies of the exam for the Commission to review before adjournment. She indicated that she would provide an analysis by the consultant regarding the exam results nationally at the next meeting.

6. Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 11:02 a.m. The next meeting will be Friday, February 13, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

2-13-09

(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

February 13, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, February 13, 2009 called to order by Commission Chair Joel Nark at 10:03 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Herb Johnson
Rachael Schade, Personnel Dept.
Kim Chenault, Personnel Dept.
B.T. Robert Mahoney, Appellant
Renni Bispham, SPD Legal Advisor

Commissioner Terry Carroll
Mary E. Effertz, Executive Director
Colleen Lafferty, Personnel Dept.
Eric Sano, SPMA President
Alex Higgins, Attorney for Appellant
Paul Olsen, Law Department

2. Approval of Minutes:

Minutes from the meeting held January 15, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

3. Pre-Hearing Conference:

- Mahoney v. SPD: Appellant B.T. Robert Mahoney is represented by Attorney Alex Higgins and Attorney Paul Olsen represents Seattle Police Department. It was determined the hearing would take approximately three days and was set for May 1, 4, and 5, 2009. The parties will agree upon the discovery schedule and get back with the Executive Director who will issue an Order for Schedule.

4. Postponement of the 2009 Fireboat Engineer Exam:

Colleen Lafferty, Exams Analyst, Personnel Dept., presented a letter signed by both the Fire Chief and the Local 27 Union President agreeing to a Personnel Department

proposal to postpone the 2009 promotional exam for Fireboat Engineer due to the establishment of a reinstatement register resulting from recent budget decisions reducing the number of Engineer positions from eight to four. Of the four positions that were cut, one incumbent retired and three incumbents were reduced in rank in lieu of layoff. A reinstatement register has been established with the three names on it. Per PSCSC Rule 10.07 (a), this register will "last for the length of the affected employee's career in that department."

In addition to the reinstatement register, there is the current Fireboat Engineer register, which also has three names on it and is due to expire on September 1, 2009. Commissioner Johnson moved to propose an ordinance that would allow the register to remain in effect for two more years. Seconded by Commissioner Carroll, all in favor and the motion passed. Staff was directed to draft the legislation and Chair Nark stated that if Mr. Keese could not present it to Council, that he would.

5. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- James Arata v. SPD: The Pre-Hearing Conference set for March 20 has been rescheduled to Friday, April 17, 2009.
- Mahoney v. SPD: A Notice of Appearance from Paul Olsen and Katrina Kelley representing Respondent was received.
- Another request for reinstatement to the eligible register was received by Michael Toth. A memo will be sent to SPD for approval or disapproval.

6. Budget:

Director Effertz provided the monthly summit report as of February 12, 2009 showing total expenditures of 7% for the year. Commissioner Carroll would like to see past year-end reports for comparison.

7. Old Business/New Business:

Rachael Schade reported that oral board interviews were brought back to the process for entry level police officer at the direction of the Mayor. There was further discussion about the high pass rate of the new exam. Ms. Schade reported the pass rate for the same exam, (with seven additional questions Seattle's test does not include) is 82.9%. Average score at the most recent test given in Seattle was 88% -- out of 119 candidates. Chair Nark wants the pass/fail average for the past tests (for 2008) and asked her to bring to the next meeting.

Lieutenant Eric Sano attended the meeting to introduce himself as the newly-elected president of Seattle Police Management Association (SPMA).

8. Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 10:44 a.m. The next meeting will be Friday, March 20, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

3-19-09

(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

March 19, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Thursday, March 19, 2009 called to order by Commission Chair Joel Nark at 9:35 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark	Commissioner Terry Carroll
Commissioner Herb Johnson (via teleconference)	
Mary E. Effertz, Executive Director	Gary Keese, Law Dept.
Rachael Schade, Personnel Dept.	Colleen Lafferty, Personnel Dept.
Donnie Lowe, SPD	Tod Kiel, SFD
Jon Goins, Local 27	

2. Approval of Minutes:

Minutes from the meeting held February 13, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

3. Calculation of Service Credit:

Tod Kiel, 14-year veteran of SFD, alleged that an error was made in the calculation of service credit on the Fireboat Pilot Register. Colleen Lafferty, Exams Analyst, Personnel Dept. explained that she calculated according to the PSCSC Rules while applying past practices. Mr. Kiel argued that PSCSC Rule 9.27 was not applied correctly. Commissioner Carroll raised the issue that it appears to be a question of interpretation of Rule 9.27 and offered a motion to affirm Ms. Lafferty's application of the rule and that the Commission look at the rule for future applications. The motion was seconded by Commissioner Johnson, all in favor and the motion passed. Ms. Lafferty was directed to propose a clear rule that could be applied in the future.

4. Captain's Test:

Police Lieutenant Donnie Lowe appeared before the Commission asking to be allowed to take the Captain's test. Rachael Schade, Exams Analyst, explained that

there is a two-week filing period and that the deadline for applicants was February 17. Chair Nark entertained a motion to allow Lt. Lowe to prove that there was a technical glitch and provide the information to Ms. Schade. The motion was seconded by Commissioner Johnson, all in favor and the motion passed. Ms. Schade was directed to determine if the reason the deadline was missed was because of a technical glitch, that Lt. Lowe be allowed to take the Captain's test.

5. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- Michael Toth: The Department denied reinstatement request and a letter informing Mr. Toth was sent Feb. 20, 2009.

6. Budget:

Director Effertz provided the monthly summit report as of March 16, 2009 showing total expenditures of 16% for the year. Commissioner Carroll was provided with copies of year end reports for 2005, 2006 and 2007 as requested.

7. Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 11:14 a.m. The next meeting will be Friday, April 17, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

4-17-09

(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

April 17, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, April 17, 2009 called to order by Commission Chair Joel Nark at 10:10 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark	Commissioner Herb Johnson
Commissioner Terry Carroll (via teleconference)	
Mary E. Effertz, Executive Director	Gary Keese, Law Dept.
Rachael Schade, Personnel Dept.	Colleen Lafferty, Personnel Dept.
Sue Sampson, Attorney at Law	Zahraa Wilkinson, Law Dept.
Tom Mahaffey, SPD	Marisa Broggel, Law Dept.

2. Approval of Minutes:

Minutes from the meeting held March 19, 2009 were reviewed. Commissioner Johnson moved to approve the minutes as written, seconded by Commissioner Carroll, all in favor and the minutes were approved and signed.

3. Pre-Hearing Conference:

• James Arata v. SPD: Chair Nark announced that in order to avoid the appearance of a conflict of interest that he would recuse himself from hearing this matter. The remaining two Commissioners will appoint a temporary replacement at its next meeting. Sue Sampson, Attorney for Appellant and Zahraa Wilkinson, Attorney for Respondent agreed to work with each other and the Executive Director regarding a discovery schedule and hearing dates. They agreed the hearing should take approximately four days and that it should be held September 21-24, 2009.

4. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

• A new appeal was filed by Scott Moss v. SPD regarding a suspension. The appeal was determined to be untimely filed and officer Moss will be notified.

- Tod Kiel filed an appeal to the Commission's decision at the March 19 meeting regarding calculation of service credit for the register. A letter explaining his options was sent.

- Lt. Donnie Lowe did not provide materials to the Exams Analyst regarding the Captain's test, so he will not be on the list of candidates.

5. Budget:

Director Effertz provided the monthly summit report as of April 16, 2009 showing total expenditures of 23% for the year. She also indicated that she needed to order a better scanner and got two quotes from City's Department of Information Technology and chose the less expensive one quoted around \$800.

6. Old Business/New Business:

Colleen Lafferty provided recommended changes to two PSCSC rules, as requested from the March meeting. The proposed language changes to Rules 9.27 regarding Service Credit in Promotional Exams and to Rule 10.09 regarding the Duration of Eligible Registers were approved by the Commission and directed staff to include them in the proposed changes already pending before them.

7. Police Lieutenant Exam Appeals:

The Commission heard five appeals from lieutenant candidates and the City's responses to questions number 40, 108, 133, 139 and 175.

8. Closed Session:

Chair Nark announced the Commission would go into closed session for approximately 15 minutes to consider the appeals before them.

9. Return to the Record and Adjournment:

Chair Nark announced that all five appeals to the police lieutenant exam were denied. All other business before the Commission having been considered, the meeting was adjourned at 11:27 a.m. The next meeting will be Friday, May 1, 2009 in the appeal of Robert Mahoney v. SPD.

Respectfully Submitted,


Mary E. Effertz
Executive Director

05/15/2009
(date signed)


Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

May 15, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, May 15, 2009 called to order by acting Commission Chair Herb Johnson at 10:00 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark (absent)
Commissioner Terry Carroll
Rachael Schade, Personnel Dept.
Pam Inch, Personnel Dept.
Shaun Schenkelberg, SFD
Chief Rick Verlinda

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Colleen Lafferty, Personnel Dept.
Kim Chenault, Personnel Dept.
Gregg Caylor, SPD

2. Approval of Minutes:

Minutes from the meeting held April 17, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

3. Fire Lieutenant Written Exam Appeals:

Four questions, #100, #101, #103 and #181 were appealed. Shaun Shenkleberg further elaborated on the questions that he appealed. Colleen Lafferty, Exams Analyst, and Chief Rick Verlinda, SFD explained the Committee's position regarding each challenge. Acting Chair Johnson announced that they would meet in closed session and announce its decision when reconvened.

4. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- James Arata v. SPD: The Order for Schedule was issued on 5/12/09 setting hearing for Sept. 21-24, 2009 along with a briefing schedule for a Motion to Dismiss. Since Commissioner Nark recused himself, this appeal will need a *Commissioner Pro Tem* by July 10 to address the briefing schedule. As per past practices, Director Effertz stated that she has come up with a list of potential *pro tems* they can choose from and offered

to start calling them to find out if they are available and willing to serve on the Commission. Both Commissioners agreed that they should be called.

- Robert Mahoney v. SPD: Hearing was completed on May 5 and post-hearing briefs are due May 26, 2009, at which time the record will be closed.

- There were two requests for reinstatement to the register. SPD denied the request of Todd Moore and SFD has not yet determined the request sent by Moses Britt.

5. Budget:

Director Effertz provided the monthly summit report as of May 12, 2009 showing total expenditures of 30% for the year.

6. Old Business/New Business:

Rachael Schade, Exams Analyst for Police, had provided materials that included a memo regarding the establishment of entry-level and lateral registers. She also included an MOA with the Guild regarding the lateral program and a copy of the hiring categories as detailed on the application itself.

Lieutenant Gregg Caylor, SPD Human Resources, was available to explain the department's position on the qualifications of a lateral candidate. There was some disagreement regarding the date that qualified the candidate's standing as a lateral candidate. Ms. Schade then asked for direction from the Commission.

The Commission tabled the request.

7. Closed Session:

Acting Chair Johnson announced the Commission would go into closed session for approximately 15 minutes to consider the exam appeals before them.

8. Return to the Record and Adjournment:

Acting Chair Johnson announced that both A and C were acceptable in question #100 and that the remaining three were denied. All other business before the Commission having been considered, the meeting was adjourned at 11:13 a.m. The next meeting will be Friday, June 19, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

06/19/2009

(date signed)



Herb Johnson
Acting Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

June 19, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, June 19, 2009 called to order by Commission Chair Joel Nark at 9:07 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Terry Carroll
Gary Keese, Law Department

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Krystal Nam, Law Department Intern

2. Approval of Minutes:

Minutes from the meeting held May 15, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, both in favor and the minutes were approved and signed by Acting Chair Johnson.

3. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- James Arata v. SPD: An Amended Order for Schedule was issued 6/16/09 at the request of the parties to continue the briefing schedule for the Motion to Dismiss. *Commissioner Pro Tem* is not needed until July 28 when the briefing schedule is complete. Sue Sampson has retired and has been replaced by Jean Jorgensen.

- Robert Mahoney v. SPD: The record closed 5/29/09 and Findings are due August 27, 2009.

- There was one outstanding request for reinstatement to the register sent by Moses Britt. The Fire Department approved the request and he was returned to the register.

4. Budget:

Director Effertz provided the monthly summit report as of June 18, 2009 showing total expenditures of 37% for the year.

5. Old Business/New Business:

None.


7. Closed Session:

Chair Nark announced the Commission would go into closed session for approximately one hour to deliberate in the matter of Mahoney v. SPD.

8. Return to the Record and Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 11:37 a.m. The next meeting will be Friday, July 10, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

7-10-09

(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

July 10, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, July 10, 2009 called to order by Commission Chair Joel Nark at 10:00 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Terry Carroll
Shaun Schenkelberg, SFD
Rick Verlinda, SFD
Rachael Schade, Personnel Dept.
Debra Sutey, SFD

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Kim Chenault, Personnel Dept.
Pam Inch, Personnel Dept.
Colleen Lafferty, Personnel Dept.

2. Approval of Minutes:

Minutes from the meeting held June 19, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed by Chair Nark.

3. Police Lieutenant Oral Board Appeal

One appeal regarding Board C was before the Commission. The candidate filing the appeal was not present. The Commission took the appeal under advisement until later in the meeting.

4. Fire Lieutenant Oral Board Appeals

Three appeals were heard before the Commission, with one candidate providing further input to the discussion. The Commission took the appeals under advisement until later in the meeting.

5. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- James Arata v. SPD: Appellant's attorney, Sue Sampson, has been replaced by Jean Jorgenson. Commissioner Nark had recused himself from hearing this appeal and

Commissioners Johnson and Carroll appointed Chris Matthews as Commissioner Pro Tem. Staff was directed to find out if he was available and willing to hear this appeal.

• Eric Werner v. SPD: A new appeal was received 7/1/09 regarding termination. A pre-hearing conference will be scheduled for the August meeting.

6. Budget:

Director Effertz provided the monthly summit report as of July 8, 2009 showing total expenditures of 44% for the year.

7. Old Business

- Chair Nark wanted to bring up some rules revisions approved by the Commission in June of 2007 regarding SFD promotion procedures. The changes were approved by the Commission in 2007 and staff was directed to include them with the other rules revisions being considered by the Commission. There has been no further action on the rules in their entirety and this rule change needs clarification. Commissioner Johnson offered a motion to add the approved revisions to preserve the integrity of the PSCSC Rules effective when approved, in June of 2007. The motion was seconded by Commissioner Carroll, all were in favor and staff was directed to change the website to reflect the approved changes.

8. New Business:

- Rachael Schade, Personnel Department, requested that the Commission change its March, 2010 meeting from the 3rd Friday to the 4th Friday. The Commissioners agreed to change its meeting date to Friday, March 26, 2010.

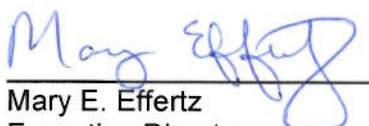
9. Closed Session:

Chair Nark announced the Commission would go into executive session for approximately 15 minutes to discuss the oral board appeals.

10. Return to the Record and Adjournment:

Chair Nark announced that all three appeals in the Fire Lieutenant Oral Board were denied and that the one appeal in the Police Lieutenant Oral Board was denied. All other business before the Commission having been considered, the meeting was adjourned at 11:15 a.m. The next meeting will be Friday, August 21, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

8-21-09

(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

GARY KEESE

Public Safety Civil Service Commission Meeting Minutes

August 21, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, August 21, 2009 called to order by Commission Chair Joel Nark at 10:03 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Terry Carroll
Rachael Schade, Personnel Dept.
Gary Keese, Assistant City Attorney
Chris Matthews, Commissioner *Pro Tem*
Renni Bispham, SPD legal counsel

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Eric Werner, SPD
Alex J. Higgins, Attorney
Amy Lowen, Assistant City Attorney

2. Approval of Minutes:

Minutes from the meeting held July 10, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

3. Civil Service Conference: Sept. 17-18

All three Commissioners said they would like to attend the annual conference this year. As the conference date falls on the regularly scheduled September meeting (18th) it was rescheduled to Tuesday, September 15, 2009.

4. Pre-Hearing Conference:

- Eric Werner v. Seattle Police Department

Present were Appellant, Eric Werner, and his attorney, Alexander Higgins. Representing the City is Amy Lowen, Assistant City Attorney, and Renni Bispham, SPD's legal counsel. The parties agreed it would take two full days and possibly a third day. The hearing dates were tentatively set for Oct. 6-8, 2009 depending on Commissioner Carroll's schedule once he consults his calendar. The parties agreed to work on a briefing and discovery schedule and get back to the Executive Director.

Commissioner Carroll wanted to see if these Pre-Hearing Conferences can be conducted by the Executive Director and Assistant City Attorney Gary Keese in the

future. Prior to the pre-hearing, he wants to see as much information as provided to help determine the number of days the hearing would take. Commissioners Johnson and Nark agreed. They also directed staff to request the Disciplinary Action Report (DAR) from the Appellant upon filing an appeal.

5. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

There are three new appeals filed against SPD: Deanna Clouse; Adam Julius; and another appeal was filed by James Arata.

- James Arata v. SPD: Motion to Dismiss briefing schedule is complete and deliberations will occur at today's meeting with Commissioner Pro Tem Chris Matthews (replacing Commissioner Nark).

- B.T. Mahoney v. SPD: A Motion for Reconsideration was received on 8/14/09. Deliberations are to take place at today's meeting.

Gary Keese's Court of Appeals brief has been completed in the Roberson case. Commissioner Nark wants to be notified when there is oral argument and asked Gary to let him know when he finds out the dates.

6. Budget:

Director Effertz provided the monthly summit report as of August 20, 2009 showing total expenditures of 55% for the year. She asked the Commission to authorize payment for staff to attend the annual Civil Service Conference, including Gary Keese, the Commissioners attorney, Rachael Schade and Colleen Lafferty, Exams Analysts, and their assistant Kim Chenault. Commissioner Carroll moved to approve the payment to attend the Conference in Wenatchee on Sept. 17-18, 2009. The motion was seconded by Commissioner Johnson, all in favor and the motion passed.

7. Old Business/New Business:

Director Effertz announced that Commissioner Carroll has been appointed the Distinguished Jurist in Residence at Seattle University as of Sept. 1. The position will include both mentoring and teaching.

Ms. Rachael Schade, provided information about the Veterans Preference law as it affects promotional exams and the newly passed state legislation (HB1050). She recommended that the Commission revise the PSCSC Rules to be consistent with state law. Commissioner Johnson moved that the recommended language changing Section 18.02 be adopted by the Commission. The motion was seconded by Commissioner Carroll. The language for the revision is:

"a. Any person entitled to receive veteran's preference in an entry-level or promotional exam (as outlined by state law) will be given such preference in accordance with the criteria established in RCW 41.04.010."

After discussion, the motion was amended to add the phrase at the end "*or other applicable law.*" All were in favor and the motion passed.

8. Discussion of deliberations.

Commissioner Carroll wanted to discuss the limitations as a quasi-judicial body when deliberating and wanted clarification for the Commission's attorney. Mr. Keese noted the distinctions between the Open Public Records Act and the Open Public Meetings Act that are clearly different. Telephone conversations between the Commissioners with each other fall under the Open Meetings act, as two members of a

three-member Commission constitute a quorum. The Records law is more problematic for deliberations because the email, which is a record, is discloseable. Discussion of the case via email with counsel is exempt, but must be clearly labeled "Attorney Client Privilege."

Commissioner Johnson suggested that Steve Dijulio address this at the upcoming Civil Service conference. Chair Nark suggested that Mr. Dijulio be contacted regarding this issue, as well as the Veterans Preference issue. Mr. Keese agreed to contact him with the heads up.

9. Closed Session:

Chair Nark announced the Commission would go into closed session for approximately 15 minutes to deliberate on the Motion for Reconsideration. The Chair exited the Closed session when the Mahoney deliberations were concluded and Commissioner Pro Tem Chris Matthews remained as his replacement in the James Arata matter.

10. Return to the Record and Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 12:02 p.m. The next meeting will be Tuesday, September 15, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

9-15-09
(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

September 15, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Tuesday, Sept. 15, 2009 called to order by Commission Chair Joel Nark at 10:03 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Terry Carroll
Gary Keese, Assistant City Attorney
Ron Rasmussen, SPD
James Dermody, SPD
Michael Nolan, SPD
Pam Inch, Personnel Dept.

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Rachael Schade, Personnel Dept.
Amy Lowen, Assistant City Attorney
Eric Sano, SPD
Joseph Kessler, SPD
Kim Chenault, Personnel Dept.

2. Approval of Minutes:

Minutes from the meeting held August 21, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

3. Police Captain Exam Protest:

Lieutenant Ron Rasmussen attended to protest the scoring of a portion of the recent Captain's exam. Rachael Schade, Exams Analyst, appeared on behalf of the Personnel Dept., and spoke to the administration of the exams. The protest was directed at the rating he received when he wrote six pages in a writing exercise, which exceeds the limit of three pages that was required.

Lt. Rasmussen had requested "discovery" documents prior to today's meeting, a request that was denied by the Executive Director. The request for discovery was denied on the basis that according to the PSCSC Rules, discovery is provided for hearings in disciplinary matters and not for exam protests, and was outside the scope of an exam protest. Chair Nark clarified the distinction between Rules 9.29 (Keyed Copy

Inspection and Examination Protest) and Rule 6 (Hearings) that clearly separates an exam protest and an appeal, wherein discovery only applies in appeals before the Commission.

Lt. Rasmussen argued that the rules does allow for discovery in his protest. After further discussion, the Chair announced that pursuant to Rule 9.29, the request for discovery was denied. Chair Nark directed Lt. Rasmussen to proceed to focus on his protest pursuant to Rule 9.29 in its proper context of an exam protest. After presenting his protest and after hearing the City's response, Chair Nark announced that the Commission denied the protest.

4. Pre-Hearing Motions:

The pre-hearing briefing schedule regarding Appellant's Motion In Limine to Exclude Expert Testimony and Evidence of Irrelevant "Bad Acts" in Eric Werner v. SPD were received as well as Appellant's request for a continuance on a ruling. Chair Nark stated that the two issues would be reviewed in closed session later in the meeting.

5. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- Two recent appeals were withdrawn by Appellants Deanna Clouse and Adam Julius and Orders of Dismissals were entered on 9/1/09.

- James Arata v. SPD (#09-007): The parties were contacted to set up the pre-hearing conference, although no date has yet been determined.

- B.T. Mahoney v. SPD: Amended Findings were entered 8/26/09. Another Motion for Reconsideration was filed and the Commissioners have received the City's response to the Motion prior to today's meeting.

Chair Nark announced that the Motion for Reconsideration in B.T. Robert Mahoney v. SPD was denied as untimely. An Order will be issued and sent to the parties.

- James Arata v. SPD (08-007): The Motion to Dismiss was granted on 8/21/09. An Application for Writ of Review was received in King County Superior Court on 8/31/09. The hearing to determine the schedule was set for 9/16/09. Attorney Keese wanted to know how long it would take to certify the record, and Director Effertz estimated in 30-60 days.

- Steven K. Castello v. SFD: Appellant is represented by Gail M. Luhn, Esquire, and Respondent is represented by Fritz Wollett, Assistant City Attorney. The Appellant is appealing a demotion in the Fire Department.

Gary Keese, Counsel for the Commission, reported that briefs have been filed in the Roberson case pending before the Court of Appeals. The date for oral argument has not yet been set.

6. Budget:

Director Effertz provided the monthly summit report as of Sept. 9, 2009 showing total expenditures of 60% for the year. Registration for the conference appeared on the report and is set for Sept. 17-18, 2009.

7. Closed Session:

Chair Nark announced the Commission would go into closed session for approximately 20 minutes for deliberation on the two issues in the Werner appeal and discussion in the Roberson case.

8. Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 12:13 p.m. The next meeting will be Friday, October 16, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

11-20-09
(date signed)



Joel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

November 20, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, November 20, 2009 called to order by Commission Chair Joel Nark at 10:06 a.m., in the Seattle Municipal Tower, 700 Fifth Ave., Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Terry Carroll
Gary Keese, Assistant City Attorney
Pam Inch, Personnel Dept.
Curt Funk, Personnel Dept.
Greg Anderson, SFD
Tod Kiel, SFD
Renni Bispham, SPD
Randall Ichiyama

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Rachael Schade, Personnel Dept.
Colleen Lafferty, Personnel Dept.
Mitchell Riese, Attorney
Aaron Hedrick, SFD
Eric Lanier, SFD
Chris Gilbert, SFD
John Hill, SFD

2. Approval of Minutes:

Minutes from the meeting held September 15, 2009 were reviewed. Commissioner Carroll moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

3. Classification Study Request:

Mitchell Riese, attorney for Greg Anderson, spoke to his request for a classification study in SPD's Harbor Patrol boats, which he contends are fire boats. The request was made pursuant to PSCSC Rule 7.03 wherein he argued that Greg Anderson is an "affected employee" and qualified as a fire boat pilot, but not allowed to apply for any positions on the Harbor Patrol boat. Lieutenant Aaron Hedrick, SFD, also spoke in favor of the classification request. Mr. Riese contends that the SPD boats are fireboats and subject to WAC 296-305-01005. Commissioner Johnson questioned whether the WAC

cited was applicable for the police boats. There was further discussion on what is the definition of "fire boat" and "fire department" as well as the health and safety of firefighters. The matter was tabled.

4. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- James Arata v. SPD (#09-007): This appeal was withdrawn by Appellant and an Order of Dismissal was entered on 9/16/09.
- B.T. Mahoney v. SPD: Petition for Writ filed by Appellant in King County Superior Court. Record was certified by Executive Director on 10/26/09
- Steven K. Castello v. SFD: Pre-hearing conference held and hearing was set for December 8 and 11, 2009. The Commission discussed pre-hearing briefs in this matter and directed staff to notify the parties they would be due Dec. 1.

5. Budget:

Director Effertz provided the monthly summit report as of November 18, 2009 showing total expenditures of 79% for the year.

2010 budget: the amount of the 10-day furlough the Executive Director will take is \$4,702. There is also a decrease in the COLA for the Executive Director from 3.6% to 2% and amounts to \$2,013. Both amounts were deducted from the overall budget for 2010.

6. Closed Session:

Chair Nark announced the Commission would go into closed session for deliberation in the appeal of Eric Werner v. SPD.

7. Return to the Record and Adjournment:

All other business before the Commission having been considered, the meeting was adjourned at 12:11 p.m. The next meeting will be Friday, December 18, 2009.

Respectfully Submitted,



Mary E. Effertz
Executive Director

12-18-09

(date signed)



Jqel Nark
Commission Chair



City of Seattle

Public Safety Civil Service Commission

Commissioner Joel A. Nark
Commissioner Herbert V. Johnson
Commissioner Terry Carroll
Executive Director Mary E. Effertz

Public Safety Civil Service Commission Meeting Minutes

December 18, 2009

1. Introductions:

The Public Safety Civil Service Commission opened its monthly meeting on Friday, December 18, 2009 called to order by Commission Chair Joel Nark at 10:09 a.m., in the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

In Attendance:

Commission Chair Joel Nark
Commissioner Terry Carroll
Jeff Slayton, Assistant City Attorney
Kim Chenault, Personnel Dept.
Ryan Bailey, SPD
Greg Anderson, SFD
Linda Czeisler, SFD
Marc Olson, SPD
Kevin Haistings, SPD

Commissioner Herb Johnson
Mary E. Effertz, Executive Director
Rachael Schade, Personnel Dept.
Colleen Lafferty, Personnel Dept.
Mitchell Riese, Attorney
Aaron Hedrick, SFD
Bill Hepburn, SFD
Ron Wilson, SPD

2. Approval of Minutes:

Minutes from the meeting held November 20, 2009 were reviewed. Commissioner Johnson moved to approve the minutes as written, seconded by Commissioner Carroll, all in favor and the minutes were approved and signed.

3. Classification Study Request (tabled from 11-20-09):

Chair Nark stated that testimonies were taken at the 11-20-09 meeting and asked if there was anyone else wishing to speak to the request before them. Lt. Marc Olson, current commander of SPD's Harbor Patrol Unit boat, stated that there is no need for review and that there has been no significant change over the years.

Assistant Chief of Operations Bill Hepburn stated that SFD does not support the request for reclassification, and that it is without merit and ultimately counter-productive. Greg Anderson, who requested the study, asked the Commission again to order the study to get an answer to all the questions surrounding this issue.

Chair Nark thanked everyone for weighing in on the matter and called for a motion. Commissioner Johnson moved that the request for a classification study be denied. The motion was seconded by Commissioner Carroll. After further discussion, all in favor and the motion passed.

4. Case Status Report:

Director Effertz updated the Commissioners on pending matters before the Commission:

- Werner v. SPD: Findings of Fact are due on Feb. 11, 2010.
- Steven K. Castello v. SFD: The Hearing was held Dec.8 and 11 and the Record closed on 12-17-09 when Proposed Findings were due.

5. Budget:

Director Effertz provided the monthly summit report as of November 18, 2009 showing total expenditures of 86% for the year.

6. Old Business/New Business:

Evaluation forms for the Executive Director were sent in advance to the Commissioners for her annual performance evaluation. Chair Nark said they would not be conducting the evaluation until after they speak to counsel. Commissioner Carroll moved to defer the evaluation to the January meeting.

7. Election of Chair.

Chair Nark called for the election of a Chair for 2010 and nominated Commissioner Carroll. Calling for a vote, all were in favor, and Commissioner Carroll was congratulated.

8. Closed Session:

Chair Nark announced the Commission would go into closed session for deliberation in the appeal of Castello v. SFD and possibly Werner v. SPD.

9. Return to the Record and Adjournment:

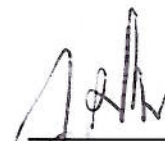
All other business before the Commission having been considered, the meeting was adjourned at 12:11 p.m. The next meeting will be Friday, January 15, 2010.

Respectfully Submitted,



Mary E. Effertz
Executive Director

1-15-10
(date signed)



Joel Nark
Commission Chair