



CITY OF BAINBRIDGE ISLAND

CIVIL SERVICE COMMISSION

REGULAR MEETING

AUGUST 12, 2014

4 PM

COUNCIL CONFERENCE ROOM, CITY HALL

AGENDA

1. Call to order
2. Disclosure of conflicts of interest and important between-meeting communications – 5 minutes
3. Approve July 16 minutes – 5 minutes
4. Public comment – 5 minutes
5. Introduction of Deputy Chief Horn – 5 minutes
6. Introduction of Commissioner Daniel Reisfeld – 5 minutes
7. Elect Chair/Vice Chair – 5 minutes
8. Consider approval of proposed rule changes – 15 minutes
9. Executive Session – discuss qualifications of an applicant – 30 minutes
10. Consider setting future oral board interview schedule – 15 minutes
11. Report by Secretary/Chief Examiner – 10 minutes
12. Adjournment

Should you require special accommodations to attend this meeting, please contact:

AMBER RICHARDS

arichards@bainbridgewa.gov

(206) 842-2545



CITY OF BAINBRIDGE ISLAND

CIVIL SERVICE COMMISSION

SPECIAL MEETING

JULY 16, 2014

MINUTES

Call to order

The Civil Service Commission Special Meeting was called to order in the Council Conference Room at City Hall at 9:07 am by Vice-Chair Trennon Bird. A quorum was present consisting of Commissioners Trennon Bird, Kathy Dunn, and Rob Killian. Commissioner Daniels joined at 9:40.

Disclosure of conflicts of interest and between-meeting communications

Each Commissioner reported that no new conflicts of interest had arisen since the last meeting; some commissioners shared important inter-meeting communications.

Public comment

There was no public comment.

Approve June 10 Minutes

Commissioner Killian motioned to approve the June 10 minutes.

Commissioner Dunn seconded the motion.

The motion passed unanimously.

Approve June 26 Minutes

Commissioner Killian motioned to approve the June 26 minutes.

Commissioner Dunn seconded the motion.

The motion passed unanimously.

Consider approval of proposed rule changes

Commissioner Daniels discussed ensuring that an appellant had access to relevant information in the case of an appeal.

Commissioner Daniels and Commissioner Killian requested that S/CE Richards confirm with counsel that an appellant is not restricted from accessing information for an appeal hearing, that they have a discovery process and that they are able to request their background files without a subpoena.

This item will be added to a future agenda for consideration.

Introduction to the Guild

Officer Pepper provided an introduction to the Guild and discussed various functions it performs. He also answered questions from the Commissioners.

Officer Pepper discussed his opinion regarding the composition of oral board panels for lateral officers.

Consider approval of Resolution 2014-01

Commissioner Killian motioned to approve Resolution 2014-01.

Commissioner Dunn seconded the motion.

The motion passed unanimously.

Report by Secretary/Chief Examiner

S/CE Richards provided an update on new hires in the Police Department.

S/CE Richards provided an update on the current vacancy in the Commission.

S/CE Richards discussed the upcoming Civil Service Conference.

The meeting was adjourned at 10:25 am.

Richard Daniels, Chair

Amber Richards, Secretary/Chief Examiner

MEMORANDUM

DATE: June 23, 2014

TO: Amber Richards, Secretary/Chief Examiner
Bainbridge Island Civil Service Commission

FROM: W. Scott Snyder, Office of the Interim City Attorney

RE: Outline of Procedures and Potential Rule Changes
Regarding Application of Employment Disqualifiers
and Potential Removal of Names from Eligibility List

As I have discussed both with you and the Commission, the restrictive roles of the Appointing Authority (City Police Department) and the Commission create a bright line between preparation of the eligibility list and the selection of a candidate. The Commission tests and certifies eligibility lists and hears appeals from departmental actions. The Chief conducts appropriate background investigations and other pre- and post-offer testing, and then his right under the Rule of Three to select from the eligibility list. As we have discussed, the traditional roles of the Commission and Department have become somewhat blurred in your current rules. The purpose of this memo is to outline procedures and potential rule changes to provide clarity regarding the hiring process.

I have been provided a document entitled "Bainbridge Island Police Department Employment Disqualifiers" dated June 8, 2012. It is my understanding that these disqualifiers have been reviewed and approved by the Commission at some point in the past.

The following outline of potential processes and attached rules or rule changes is based on applying these disqualifiers in the hiring process.

1. **AUTOMATIC DISQUALIFIER REVEALED AFTER THE ESTABLISHMENT OF THE ELIGIBILITY LIST.** In this scenario, the Commission has received test results either through your testing service or through a lateral process and established an eligibility list, listing each candidate by number rather than name.

1.1 Information is uncovered by the Chief/Appointing Authority in the course of conducting a background investigation, polygraph or other process conducted after the

establishment of the eligibility list. Exhibit A, Revised Rule 10.1.2 [Previous recommendation to revise the Rule to recognize that after the establishment of the eligibility list, the tools the Chief uses to evaluate candidates is at his discretion.]

1.2 The Chief makes a request to the Secretary/Chief Examiner to remove a name from a list based on the existence of an automatic disqualifier. The request should:

- (a) Identify the candidate by number.
- (b) Identify the automatic disqualifier applied.
- (c) Provide the Secretary/Chief Examiner with facts establishing the existence of an automatic disqualifier.

RULE: Suggested revision 3.3.11 (Exhibit B). Suggested revision to clarify the authority of the Secretary/Chief Examiner to make a threshold determination regarding the existence of an employment disqualifier.

1.3 Secretary/Chief Examiner reviews the requests and makes a threshold determination as to whether an automatic disqualifier exists. A notice would be provided of her written determination to the applicant pursuant to the provisions of Rule 7.5.6 and Proposed Rule 3.3.11. (See Exhibit B).

1.4 Notice of the Secretary/Chief Examiner's determination is provided to the applicant pursuant to Rule 3.4.2 and proposed Rule 9.6. (See Exhibit B).

1.5 The applicant has the ability to appeal the Secretary/Chief Examiner's determination to the Commission if a written appeal is filed within ten days. See Rule 18.6. Also, I recommend that Rule 18.1 be amended to list the authority referenced in later Section 18.6. Exhibit C.

2. AUTOMATIC DISQUALIFIER REVEALED IN APPLICATION OR OTHER MATERIAL PRIOR TO ESTABLISHMENT OF AN ELIGIBILITY LIST. An automatic disqualifier could appear on an application either to the City or to your subscription service. In that case, the Secretary/Chief Examiner may make a determination based on the adoption of the employment disqualifier policy. In that case, the process would be as follows:

2.1 Secretary/Chief Examiner determines that the application materials submitted to the City indicate the existence of an employment disqualifier. (See Revised Rule 3.3.11, Exhibit B).

2.2 The Secretary/Chief Examiner provides notice of disbarment from employment. Rule 7.5 and 7.6 and the Notice Provisions of Rule 3.4.2.

2.3 The applicant may appeal his disbarment to the Commission pursuant to Rule 3.4.2 by filing a written appeal within ten days.

2.4 A hearing will then be held before the Commission pursuant to Rule 18.6.

3. **POTENTIAL DISQUALIFIERS.** Potential disqualifiers are reasons for which an applicant may be disqualified from employment. I recommend that the initial determination be made by the Chief in his review of the eligibility list. The Chief may either decline to hire an individual or, at his discretion, request the removal of the applicant's name from an eligibility list.

3.1 The Chief obtains information indicating the existence of a potential disqualifier through a testing conducted after the establishment of the eligibility list. (See Revised Rule 10.1.2, Exhibit A).

3.2 The Chief may:

(a) Select another candidate under the Rule of Three from the eligibility list. In that case, there is no appeal or other process required.

(b) When in the Chief's discretion no other suitable candidates are available for hire, he may request removal of the name from the eligibility list by filing a request with the Secretary/Chief Examiner. As the Revised Rule 9.6, Exhibit D provides, the Chief would provide the number of the candidates from the eligibility list, a brief factual summary of the basis for the request and reference to the potential disqualifiers from the list approved by the Commission. Note that the approved list of potential disqualifiers is "not limited to" the listed circumstances.

3.3 The Secretary/Chief Examiner makes a determination based upon the information and provides a notice of her determination to the Chief and applicant. See Rule Revision 9.6, Exhibit D and the Notice Provision contained in Rule 3.4.2.

3.4 Either party (applicant and/or Chief) may appeal the Secretary/Chief Examiner's determination to the Commission. Rule 3.4.2.

3.5 The Commission would hold a hearing in the event of a timely appeal pursuant to Rule 18.6.

EXHIBITS

Exhibit A: Rule Revision 10.1.2

Exhibit B: Proposed Rule — Change Rule 3 Secretary/Chief Examiner...

3.3 SECRETARY — AUTHORITY

...

3.3.11 Upon application by the appointing authority make a threshold determination regarding whether an applicant has been disbarred from employment and should be removed from an eligibility list.

Exhibit C: Rule 18 HEARINGS.
18.1 HEARINGS — APPEALS

...

Add: 18.1.4: Any applicant or individual certified to an eligibility list who has been disbarred from employment or removed from an eligibility list on the order of the Secretary/Chief Examiner .

Exhibit D: Rule 9 Register an eligibility list.

9.6 REMOVAL FROM ELIGIBILITY LIST — On the request of the Appointing Authority, after a threshold, an individual may be disbarred from employment and removed from the eligibility list after ten (10) days written notice from the Secretary/Chief Examiner, sent by certified or registered mail, when the Secretary/Chief Examiner determines:

9.6.1 The applicant cannot be located by postal authorities at the address provided in the application; or

9.6.2 Fails to respond in the manner requested by a notice of the Commission; or

9.6.3 Requests to be removed from the eligibility list; or

9.6.4 Declines an appointment to the classified service; or

9.6.5 Is determined by the Secretary/Chief Examiner, for good cause shown the request of the appointing authority to be disbarred from employment due to the existence of an automatic or potential disqualifier previously approved by the Commission or for other good cause shown by the Appointing Authority.

Removal from the list is subject to appeal pursuant to the provisions of Rule 3.4.2

WSS/gjz