

KIRKLAND CIVIL SERVICE COMMISSION

Meeting Minutes

February 20, 2019

Present

Chairperson Nelson (via phone)	Chief Harris	Deputy Chief Van Valkenburg
Commissioner Coonan	Captain Ursino	Officers Slominski, Frankeberger, Dreher
Commissioner Ramerman	Captain St. Jean	Admin Support Associate Dreher
Secretary/Examiner Lank	Lieutenant Aksdal	

The meeting was called to order at 4:00 pm by Commissioner Coonan. The Commission welcomed Dianne Ramerman, attending her first meeting as a new Commissioner.

Chairperson Nelson moved to approve the minutes from the November 13, 2018 meeting. Commissioner Coonan seconded the motion, which passed.

The Commission then proceeded to the annual business of electing a Chairperson.

After brief discussion, Commissioner Coonan made a motion to elect Mark Nelson as Chairperson of the Kirkland Civil Service Commission. Chairperson Nelson stated his willingness and availability to continue serving in the Chair capacity. Commissioner Ramerman seconded the motion, which passed.

Next the Commission took up the matter noted on the agenda as "Commission review/determination of whether an employee personnel complaint to management constitutes a valid applicant appeal." Secretary Lank distributed pertinent documents to the Commissioners in attendance. Chairperson Nelson confirmed he had received the same documents by e-mail shortly before the meeting.

Secretary Lank provided background to the Commission on this issue as follows: Police Officer David Shepard was a candidate participating in the recent Police Corporal promotional exam. One component of the exam was a Work Rating Process (aka "Sergeant Roundtable) held on January 10, 2019. The following day, Shepard was notified that he did not pass the Sergeant Roundtable.

On January 17, 2019, Shepard delivered a memo to Police Lieutenant Saloum. The subject line of the memo stated; "Harassment in the Workplace and Retaliation Complaint." This memo was routed through the chain of command, ultimately arriving at the Chief's desk. Chief Harris conferred with Human Resources and it was jointly decided that an external investigator would conduct the investigation. In his memo, Shepard wrote that he did not feel the Corporal process was fair regarding his evaluation at the Sergeant's round table. He wrote that his supervisor, Sergeant Porter, harbored a bias and personal feelings toward him which tainted the process and that the Commission should not certify the promotional process.

Lank reported that on January 29th, Shepard came to his office in Human Resources; wanting his harassment/retaliation complaint to also be considered as an appeal on the Corporal exam.

Lank stated this was the first time Shepard had directly communicated to him that he wanted to file an appeal. Lank informed Shepard of the specific appeal language/timeframes in the Civil Service Rules & Regulations. Lank reviewed this language with Shepard. Lank informed the Commission that unlike past appeals which were clearly communicated within the time frame set forth in the CS Rules and Regulations, he felt uncomfortable solely deciding whether Shepard's complaint also encompassed a valid, timely civil service appeal. Given the situation, his preference was for the Commission to make that determination. Lank read aloud language from Article VIII, Section 8: Appeals from the rules and regulations.

The Commission discussed various aspects of the issue. Chairperson Nelson noted that he had done a word search of Shepard's memo and the word "appeal" did not appear in the document.

Commissioner Coonan stated that there was no formal filing of an appeal, that if he were asked he would say that there is no appeal.

Chief Harris stated that for the Work Performance Rating process, a candidate was required to submit a resume, prior performance evaluations, and letter of assessment from their supervisor. These materials were due on November 22nd. Shepard alleged that he was not given adequate time to address some areas of concern with Sergeant Porter. The Chief said Shepard made no mention of the time issue or conflict with Porter to anyone in Police Administration. The Chief said additional letters of assessment are allowed and that Shepard could have requested these supplemental letters from previous supervisors. The Chief stated that Shepard filed his harassment/retaliation complaint after he was notified that he had failed the Sergeant's Roundtable.

Commissioner Coonan said because the complainant did not follow the guidelines of an appeal he felt there was no actionable item before the Commission.

Commissioner Ramerman stated that hearing the Chief's context was helpful. She noted that in her area of law practice, documents are often afforded a more liberal interpretation. She also observed it appeared previous appeals were filed in accordance with the rules and had not been given more flexibility. Chairperson Nelson said that it appeared the Commission's secretary was not presented with an appeal that was timely.

Commissioner Coonan said it was unanimous, the determination was there was no formal appeal before the Commission.

Secretary Lank then distributed copies of the Police Corporal eligibility list. Chairperson Nelson confirmed the names on the list and made a motion to certify the Police Corporal eligibility list. Commissioner Coonan seconded the motion which passed.

There being no further business before the Commission, the meeting was adjourned at 4:43 pm

Rodney D. Lank
Secretary/Examiner
Kirkland Civil Service Commission