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APPROVED

DATE 3/10/09 BY CSC / [signature]

**PIERCE COUNTY CIVIL SERVICE COMMISSION
MINUTES OF SPECIAL MEETING
Tuesday, February 24, 2009**

AGENDA ITEM I: Call to Order

A special meeting of the Pierce County Civil Service Commission (PCCSC) for Sheriff's Employees was called to order at 5:02 p.m. on Tuesday, February 24, 2009. The meeting was held in the Hess Building, Organizational Development and Training entrance, Conference Room D, 901 Tacoma Avenue South, Tacoma, Washington.

COMMISSIONERS PRESENT: Commissioner Richard Sokolowski, Chair; Commissioner Gail Merritt-Smith; Commissioner Michael Branchini

STAFF PRESENT: Sandy Pietz, Chief Examiner; Phil Prettyman, Deputy Prosecuting Attorney

AGENDA ITEM II: Approval of Minutes – Regular Meeting - December 9, 2008

It was moved by Commissioner Merritt-Smith and seconded by Commissioner Branchini to approve the minutes of the regular meeting of December 9, 2008. The motion carried.

AGENDA ITEM III: Request for Reinstatement – Daniel Hibbon

Chair Sokolowski added to this agenda item a request for reinstatement, submitted by former Correctional Officer Leonard Collins. Undersheriff Eileen Bisson advised the Commission that the Department approves both reinstatement requests.

It was moved by Commissioner Merritt-Smith and seconded by Commissioner Branchini to approve the reinstatement of Daniel Hibbon to the position of Deputy Sheriff, and Leonard Collins to the position of Correctional Officer, contingent upon successful completion of the Department's background process. The motion carried.

AGENDA ITEM IV: Approval of Leave Without Pay – Multiple Employees

Chair Sokolowski clarified that only one individual is before the Commission at this meeting for approval of leave without pay due to unpaid leave of absence over 30 days as a result of on-the-job injury.

Leann Paluck, representing the Guild, advised the Commission that the Guild issued a demand to bargain this matter to the County, since Mr. Jensen is still in a paid status receiving catastrophic leave, and that the Guild is requesting no action be taken by the Commission. In response to a question from Ms. Paluck, Chief Examiner Pietz noted that Mr. Jensen was notified by letter that this item would be on the agenda for this meeting.

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AGENDA ITEM IV: Approval of Leave Without Pay – Multiple Employees (continued)

Debbie Young, Asst. Labor Relations Manager, stated the County does not support postponing action on this item at this time. Ms. Young advised the Commission that time loss payments are clearly defined as non-pay status in the County's Administrative Guidelines and that although the demand to bargain has been received, the County does not see that the Commission's action will impact Mr. Jensen's leave without pay status because the impact of the action will still need to be bargained with the Guild. She stated that Mr. Jensen is receiving catastrophic leave payments, however, the payment is not enough to put him in a pay status of 70% or more.

Ms. Paluck stated the Guild's position is that past practice has been when people are in a paid status they have never been put on leave without pay status by the Commission and that this action is a change in the way that their seniority has been impacted.

Ms. Young stated that County code applies to all employees and it clearly states that time loss due to on the job injury is a non-pay status.

Chief Examiner Pietz noted that for civil service seniority, any paid time gets counted. If the employee is in a paid leave status, vacation, sick, catastrophic or shared sick leave, the leave time counts toward seniority because the rules state "paid" time. The only time that is not counted is the time they are on time-loss or not in a paid status. She clarified that the employee must be placed on leave without pay status according to the union contract and because the County considers OJI time loss as unpaid status.

Through discussion, it was noted that the contract states that leave without pay over 30 days must be approved by the Sheriff, the HR Director and the Civil Service Commission, and that Article 12.1 of the contract, Seniority, says that unpaid leave of absence shall not count toward the computation of continuous service when an employee is in an unpaid status for more than 30% of the time. Mr. Jensen is currently in an unpaid status more than 30% of the time.

Commissioner Merritt-Smith asked what the impact is of the Commission not taking action at this meeting. Ms. Young stated the employee has been on leave since April 2008 and that the County would like this action taken. She further stated the action by the Commission would not affect seniority because the County will discuss the issue with the Guild.

Chief Examiner Pietz explained that Mr. Jensen has been on OJI time loss since April 2008 and any action by the Commission should be retroactive to the date the leave started. She stated there is an outstanding issue of leave without pay related to OJI time loss and that issue needs to be resolved by the County and the Guild. She stated that it had been agreed previously that the language in the Rules is not intended to provide an additional year of leave without pay.

Chair Sokolowski stated that the Commission is obligated per the Rules to take action on this item and that if the issue is not resolved by the March meeting the Commission will have to take action. The representatives of the Guild and the County said they would meet to discuss the matter and try to have it resolved by the March 2009 meeting.

It was moved by Commissioner Branchini and seconded by Commissioner Merritt-Smith to defer the issue of leave without pay approval for Tony Jensen to the March 2009 meeting. The motion carried.

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AGENDA ITEM V. Interpretation of Civil Service Rules Definitions – Seniority; Continuous Service

Chair Sokolowski stated there has been questions and issues raised regarding the application of seniority and continuous service as a result of a shift bidding process and re-numbering of unit numbers by the Sheriff's Department, and Union contract provisions regarding shift bidding.

Mr. Brock Logan, representing Local 3752-CD, Corrections and Detention, addressed the Commission. He stated the question is regarding the Civil Service Rules definition of continuous service and seniority and when an employee leaves employment with the County and returns to employment, whether they receive credit for the time they were employed before or start over as a new employee. He advised that different interpretations had been received from Labor and Civil Service staff. He clarified that the bargaining agreement clearly says shift bidding and vacation bidding is by seniority, and the collective bargaining agreement states seniority is defined by the Civil Service Rules. He stated there will be a negative impact on some people regardless of how the Rules are defined.

Mr. Brent Long, Labor Analyst, stated that Labor Relations believes the definition in the Civil Service Rules is clear. He read the definition from the Civil Service Rules. He stated the definition does not state "current" continuous service but says "paid time".

There was further discussion. During discussion, it was noted that the practice of applying continuous service for purposes of shift bidding and vacation bidding has not been consistent over the years; that the impact of how the definition is applied affects other provisions of the Rules; that the Rules define continuous service as paid employment in the Sheriff's Department as a regular or probationary employee and then it specifically says what would constitute a break in service; that the final bullet says any non-paid time due to separation of employment is deducted from continuous service. Other issues raised affected by the definition of continuous service were service credit for promotional exams and appointments to higher classes. Ms. Young clarified that the Guild contract has a different definition of seniority.

Deborah McCall, Correctional Officer, stated she has been employed for 11 years and does not feel it is fair for someone to go somewhere else to work and come back and get all of their seniority back.

Rick Oeltjen, Correctional Officer, said he has been employed 7 ½ years and stated his belief that counting all the previous years of seniority is different from past practice and that hasn't been done before with respect to shift and vacation bidding. He referred to a 1998 Corrections Bureau memo that states three employees were given credit for their previous length of service for shift bids and vacation purposes only, but now this is giving everyone who left and went somewhere else all the time they had before, causing them to leap frog in seniority.

Mr. Long agreed with Mr. Oeltjen that it has been done both ways over a course of a number of years. In response to a question from Chair Sokolowski, Undersheriff Bisson explained that the unit number is used for a variety of things in patrol such as radio calls, seniority to respond to calls, LESA records, pager numbers and reports; in Corrections, unit numbers are not as critical and if last names could be used instead of unit numbers it would be quicker before the bidding process is started. She acknowledged that it is a big issue in Corrections because of the contract language.

Chair Sokolowski stated the definition of continuous service talks about paid employment in the Sheriff's Department as either a regular or probationary employee in the classified service and it does not go on to say unless there's a break in service. Then it states certain things that are going to be considered a break in service and certain things that even though there may be a break in service are still counted as time, and the

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following circumstances will be considered a break in service and will be deducted from continuous service. He stated he thought it implied that previous time has some sort of impact here.

In response to a question from Commissioner Merritt-Smith, Ms. Pietz stated the corrections union contract uses the definition of seniority in the Civil Service Rules for shift and vacation bidding, and other purposes of continuous service are for service credit in a promotional exam, years of service for promotion, and it might impact someone who voluntarily demotes and then wants to return to the higher classification. Commissioner Merritt-Smith clarified that the corrections group is concerned about continuous service impacting vacation and shift bidding. Commissioner Merritt-Smith asked if it is okay for the department to use their practices for shift bidding and vacation scheduling, as referred to in a memo from Sandy Pietz.

Ms. Pietz stated that the intent of the referenced memo was to say that Civil Service does not do the calculations for shift and vacation bidding and that only at the time of lay-off or time in grade for promotion would Civil Service do the calculations. The unit numbers have been assigned through a Sheriff's Department procedure not Civil Service procedures.

John Lyon, Correctional Officer, stated that he has nine years of employment and not left for another job, but that he would be punished if people coming back get their time counted.

Capt. Spencer stated there have been occasions where people have come back and been given credit for their previous time for pay purposes and vacation and shift bidding, and had to start probation over again, and there have been cases where people have come back and not given the time. He said that it depends on who you are talking to and what time frame as to what agreements were made at the time.

Commissioner Branchini stated he appreciated the insight and perspective on this issue which can be volatile and personal. He stated his understanding that the Commission is being asked for an overarching decision to get rid of the inconsistency that has been applied over the years. Commissioner Merritt-Smith she agreed this is a volatile issue that impacts employees, and stated she would like further discussion on this issue before a decision is made. The Commission directed staff to schedule a special meeting prior to the March 10, 2009 meeting to discuss this issue.

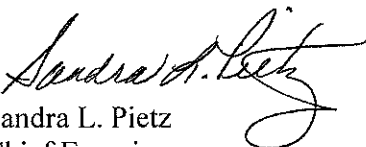
Commissioner Merritt-Smith moved to table this issue for further discussion and review, and to place it on the March 10th meeting agenda. Commissioner Branchini seconded the motion and the motion carried. Chair Sokolowski invited comments from employees for the Commission's consideration prior to making a decision.

AGENDA ITEM VI. Next Meeting – March 10, 2009

The next regular meeting of the Civil Service Commission is scheduled for March 10, 2009 beginning at 5:00 p.m.

ADJOURN: The meeting adjourned at 6:18 p.m.

Respectfully submitted:



Sandra L. Pietz
Chief Examiner