



APPROVED

DATE 4/13/10 BY CSA / NLP

**PIERCE COUNTY CIVIL SERVICE COMMISSION
MINUTES OF REGULAR MEETING
Tuesday, March 9, 2010**

AGENDA ITEM I: Call to Order

The regular meeting of the Pierce County Civil Service Commission (PCCSC) for Sheriffs Employees was called to order at 5:02 p.m. on Tuesday, March 9, 2010. The meeting will be held in Conference Room D, 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

AGENDA ITEM II: Approval of Minutes Special Meeting, January 12, 2010

It was moved by Commissioner Branchini and seconded by Commissioner Merritt-Smith to approve the minutes from the January 12, 2010, Special Meeting. The motion carried.

AGENDA ITEM III: Classification Title Change

- **Corrections Officer to Corrections Deputy**
- **Deputy Sheriff to Law Enforcement Deputy**

Undersheriff Eileen Bisson advised the Commission that the Department is requesting a position title change for the position of Corrections Officer, to Corrections Deputy. She stated now that the Sheriff's position is elected the Department is looking to become a more unified department. Historically there have been issues between the Corrections and the Deputy side of house in terms of not feeling like everybody is on the same team, and striving for the same mission. A year ago the Department met and started a Strategic Initiative Planning group; it was comprised of both Corrections and Law Enforcement representatives. One of the suggestions was making the name change from Corrections Officer to Corrections Deputy. She stated that technically, the folks that work in the jail are the Sheriff's Deputy's; they are commissioned to do that work while they are working in the jail. She stated that they are asking to make the name change; it has been used in other departments most recently up in Snohomish County. They consolidated back into one Department, and they have found that it certainly has helped cohesiveness. The Department does not believe that by simply making a name change that it is going to make huge strides in terms of moral, the Department has work to do in that area but this is a first step in that regard. Undersheriff Bisson continued by saying that there is no change in job duties between a Correctional Deputy and a Deputy Sheriff, and there is no change in the requirements of a Correctional Deputy. Corrections Deputies still have to complete the Criminal Justice Training Commission (CJTC) requirements, they are still Commissioned for a full commission during the hours that they are working; and they do not have the 24 hour commission that a

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regular Deputy Sheriff has; so nothing is changing in terms of what they can and can't do. Undersheriff Bisson stated just to clarify that the Department was not requesting a title change for the Deputy Sheriff position. She stated that any references to the Law Enforcement Deputy position title was intended only as a way to clearly distinguish between the Correctional Deputy position and Deputy Sheriff.

Chair Sokolowski asked if the Department had spoken with Labor Relations as part of this change and what their input was. Undersheriff Bisson indicated that the Department had met with Joe Carrillo from Labor Relations as well as the Sheriff's legal advisor. She stated that one of Labor Relations concerns was that the Corrections Guild could come back and say that if we are Corrections Deputies then we should be paid the same as a Law Enforcement Deputy. Again that is one of the reasons we were stating clearly and distinctly that there is no change in job description and job duties, the requirements to get hired or to maintain their certifications; they are still two separate entities. Chair Sokolowski opened the floor up for discussion and comments from Deputies and Corrections Officers who were in attendance at the meeting.

John Jimenez, Detective from the Pierce County Sheriff's Department stated that he has worked for the Department for 26 years and March 3 was the first that the commissioned side of the house had heard of any of this, it was when an e-mail came out stating the topics for today's Civil Service meeting. He stated that there are some distinct differences in the two titles. He stated that there are certain things that go hand in hand with each side and the specific job and many of those things are earned; they are not issued. He stated if this is granted there is money involved with changing out the badges, the commission cards, etc. there are better things that the taxpayers should be spending their money on in a time when the economy is so down than that. There are radio and equipment issues in both corrections and the commissioned side of the house and there is no money to fix that. He thinks somebody's life is more important than changing a title currently; the money can be spent elsewhere better. Detective Jimenez stated that the first time that they heard of this was a week ago; it has never been brought up at a union meeting. Chair Sokolowski asked Detective Jimenez if he had discussed this with the union representative. He responded that he had discussed this with some of his co-workers and they were of the same opinion.

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Chair Sokolowski asked the Undersheriff if the union representing the Deputy Sheriffs had been informed of this name change proposal. Undersheriff Bisson stated that “yes, they have.” She stated that the Strategic Initiative group has been meeting for over a year, and it’s comprised of various aspects of the department, including Guild President for the Deputy Sheriffs, the Criminal CID Captain and several other Detectives. She stated the topic has been discussed a number of times within the group, and was also brought up at labor management meetings with the Guild. Undersheriff Bisson stated that she didn’t know if the topic came up at a Guild meeting she stated that nothing that was formalized through the whole Department. Detective Jimenez expressed his concerns that changing the Deputy Sheriff title to Law Enforcement Deputy could cause confusion, and that people may also be confused by the term Corrections Deputy.

Undersheriff Bisson responded to Detective Jimenez’s point concerning the cost associated with the proposed name change. She stated that the Department has looked into the cost issue. She stated that it’s not a big expense and that the change would take place over time so as to mitigate any issues with cost.

Martha Karr, Chief of Corrections, spoke and added that the Strategic Planning Committee met with both the officers and Sergeant Guild, as well as the Lieutenants’ union and they were very support of this. She also stated that Guild President Cindy Fajardo has been supportive of this, and she has never mentioned any resistance as they talked through the strategic planning.

Detective Debbie Heishman came forward to speak before the Commission. She stated as far as everyone talking and the Guild body itself learning about this, it hadn’t happened. She stated that her supervisor was on the strategic planning committee and a lot of the information that was in those meetings weren’t passed on to employees. She stated that at Guild meetings, which are once a month, 30 people max attend so the information just doesn’t get out. The people who are saying they support this is a very small group, because the rest of us just didn’t know. She stated that there isn’t parody in the jobs and they are two difference entities. She continued about the emotional toll on the Deputies and how Corrections Officers didn’t earn the name.

Chair Sokolowski asked Detective Heishman to clarify her comments; he asked if she was saying that this issue hadn’t been discussed in a Guild meeting? She responded that she didn’t know if it had been discussed at a Guild meeting but if so only with 20 or 30 people, not with the entire body.

Sergeant David Perry stated that at the last Guild meeting this issue (name change) was briefly discussed, there was some angst among the members and others it was no big deal. There was not any overwhelming ground swell from that body to send someone here to speak on it one way or the other. He stated that it had not been vetted.

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Correctional Sergeant Steve Jones Stated that he talked to a bunch of the corrections staff, and they stated that if we actually wanted to make a more unified department Corrections Officers we would be called Corrections Deputies instead of Corrections Officer. He stated that in a municipality you are an Officer, if you are deputized by the Sheriff you are deputies. He stated that when the Sheriff Commissions us we are deputized, so they would be considered Corrections Deputies not Corrections Officers. He stated they aren't looking for any additional powers.

Corrections Lieutenant Hal Steward stated that the names have changed over 30 years. He said the job has become much more of a professional position, the testing process is pretty much the same as the patrol side, and that the standards are the same. He stated the name change is doing nothing more than adding more professionalism to a job that has become viewed as a more professional job than it was 30 years ago

Corrections Officer Charlie Grimm stated we should not lose sight of the future and this is the start to unifying the Department. He stated we have a responsibility to the Department not our bureaus.

Chair Sokolowski commented that one of his concerns is that this topic has been properly discussed among the Guild representing the Deputy Sheriffs and to make sure that there has been adequate discussion between everybody or at least understand where the Guild, as your representative is coming from in terms of what their position is. He didn't hear where the Guild is coming from on this particular issue. He understood that they have been involved in some of the discussions, his question is whether it has been brought to their membership, and has it been thoroughly discussed with the membership before this meeting. Chair Sokolowski asked Undersheriff Bisson if the Guild had formally taken a position this issue. Undersheriff Bisson responded that during Labor Management meetings it has been discussed and there was no formal position. She stated that it is a title change within Corrections; it is not something within the Guild's realm.

Chair Sokolowski stated that he could see where the Guild might argue that it does have some impact. Undersheriff Bisson responded that one of things that someone touched on is the fact that within Corrections there are Sergeant ranks If you ask She stated that it is the same way at the Lieutenant level, it's the same on both sides of house, and it's the same at the Captain level, and at the Chief level, where we have Corrections Bureau Chiefs. There are also an Operations and Administration Bureau Chief same titles but definitely distinctive in what they do.

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Commissioner Branchini asked Undersheriff Bisson if members of the Strategic Planning Committee were to go out and share with their colleagues what was being discussed and, what was being looked at. Undersheriff Bisson replied that they encouraged members them to go out and seek input on things to discuss, and obviously to take back information. She stated what wasn't being shared was the actual strategic plan that we were drafting up, in terms of the time tables for certain specific items to be done. The Strategic Plan was put out on the Share Web for everybody to review a couple of months ago. Within that document there is information about the change for Corrections Officer, so it's not like everything was super secret because obviously you can't have any change if you don't have the entire group helping to make that change.

Commissioner Merritt-Smith asked if any sort of notification was sent out to the members of the perspective sections saying that this was information available on the Shared Web, and encouraging them to read it. Undersheriff Bisson responded that yes, several different memos went out from the Sheriff and herself explaining that the draft was available, where to find it, and encouraging review it.

Chair Sokolowski stated his concerns are more along the lines of has this been vetted out enough so that the Deputies and the Guild fully understand what we are doing, and why we are doing it. His inclination is to try and handle this more like a first reading and maybe have it on the agenda at the next meeting, that gives everybody a chance to make sure it's all vetted out there and maybe an opportunity for a Guild representative with a particular position on this to be here and to make sure they've properly communicated with their membership on what is occurring. He thinks that what is being proposed is a trend in Corrections and it's not unusual to see, but he thinks it is important that everybody understands what's happening and why it's happening, and how it's going to impact them.

Commissioner Merritt-Smith stated that one concern she has in hearing the different discussion points, is that it doesn't appear that it has been fully discussed and that the membership on both sides are fully aware of the proposals. While she understands what was presented here is the desire to bring unity and cohesiveness within the Department, her first sense is that this is creating a bit of dissension. She stated that the Guild or each labor representative should come together and make sure that both sides of each of the Departments membership are fully aware of the proposal and the reasoning behind that, and get some buy in, that it would be more doable.

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Commissioner Branchini commented that he agreed with the other Commissioners and that based on what we've heard that more time needs to be invested and more communication and more understanding as to why this is being proposed. Chair Sokolowski asked the Commission to entertain a motion to hold this agenda item over until the next regular scheduled meeting which would be April 13, 2010, and at that time we would resolve this issue one way or another. **The motion was made by Commissioner Merritt-Smith to table this topic until the next meeting on April 13, 2010; the motion was seconded by Commissioner Branchini and carried. To hold this issue over till our meeting on April 13, 2010, the motion was unanimously passed.**

Agenda Item IV: Request by Department to Reinstate Register

Chair Sokolowski stated that a request had been made by the Sheriff's Department to reinstate a register. Sergeant David Perry, supervisor from the Background Unit, addressed the Commission. He stated that he is responsible for making recommendations to the Sheriff on who we hire. He stated that two months ago the Commission entertained a request by the Department to extend several Civil Service registers for individuals who were screened and completed the Background portion of the hiring process, the Commission extended those registers. Sgt Perry stated that one register was missed. He stated that there is an individual who was given a Conditional Offer on April 1, 2009; he was subsequently disqualified and then reinstated. On June 2, 2009 another group of Corrections Officers were given Conditional Offers of Employment, and this candidate was reinstated on June 8th, so he was not given a Condition Offer of Employment.

Sgt Perry stated that the problem is that when they made the request to extend the registers they thought they had included everyone that had been eligible to be hired. He stated that they had just become aware last week that his list actually expired on December 4, 2009, about 5 weeks prior to when the Commission extended the registers. Sgt Perry stated that the Department is asking that the Commission reinstate the list, that he is the only one still eligible on that list and is a good candidate. He would potentially be eligible to hire within the six month period if we should be so fortunate as to make offers of employment within that timeframe. The Department is asking that the list be reinstated and extended six months from the retro-active date of December 4, 2009.

Chair Sokolowski asked for clarification concerning the other lists that were extended and when that was done. Chief Examiner, Sandy Pietz, responded that the lists were extended at the January 2010 meeting. Chair Sokolowski continued trying to get clarification that this list had already expired on December 4, 2009 before the request to extend the registers that were already in effect. Sgt Perry confirmed that this was correct, and commented that it was their bookkeeping mistake.

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He stated that had they known that he was on that list and still active, they would have come to the Commission earlier but this slipped through the cracks because of the disqualification and subsequent reinstatement. Chair Sokolowski asked, if they are in the process of creating a new list for Corrections Officer. Sgt Perry responded no, because we are not hiring. He stated that they have several lists that have not been touched. Chair Sokolowski, asked for clarification that this is an open competitive list, it's not a lateral entry list. Sgt Perry confirmed that this list was an open competitive list.

Commissioner Merritt-Smith asked Ms. Pietz, Chief Examiner, for clarification on what the Commission had done earlier in January 2010 when it extended the other registers. Ms. Pietz explained that the lists that were extended started expiring on January 30 and ending June 30, 2010, so there was a list every month and a expiration date for each. She explained that on the first three registers January, February and April, those are lists that they had already run through background and they were ready to make conditional offers for hire. The next three registers were ones that hadn't completed Background. Sgt Perry corrected Ms. Pietz, by stating that all of the lists that the Department requested for extension had only candidates that had completed Background and were all eligible for hire. Ms. Pietz, commented that that was a very important distinction and thanked Sgt Perry for the clarification. She stated that all of these people had already been worked through background which takes months, and lots of people hours so the Department wanted to extend those registers so that we didn't have these expiration dates coming up and we'd lose all these people that we'd put all this work into. Those registers when they came to the Commission had not yet expired. Sgt Perry mentioned that for the record he has been told that this is Corrections Officer register #4138.

Chair Sokolowski stated that his concern is that this list expired three months ago, and he is concerned about opening up Pandora's Box about taking expired lists and starting to resurrect them when it's convenient to do that. Despite the chain of events, he is a little concerned that this will then open up the possibility for people to then say, let's extend promotional lists that have expired. He continued that once the Commission starts doing that, it seems to me that it raises the whole question about what are we doing to the merit system overall and how are we impacting the whole idea of having lists that are good for so long, and that then you go out and recruit again for people and give people an opportunity again to apply, whether it's a promotional or open competitive.

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Chair Sokolowski also stated he doesn't really see any authority in the Civil Service Rules that says the Commission can even do this. When he reads the Duration of Registers rule, it says that registers are good for this long to this long and once they are expired they are expired. He said it's one thing to talk about extending registers that haven't expired, but it's another thing to go back to a register that has been expired for three or four months and say we going to resurrect that register for one or more people. Chair Sokolowski said that he has been dealing with Civil Service boards both elected and appointed for 40 years, and he's never ever seen a list that has expired be resurrected and have people appointed off of it. He thinks this would be cutting some very interesting new ground. He is very concerned about doing this.

Commissioner Branchini commented that he agreed with Chair Sokolowski about the possibility of the Commission creating a dangerous precedence by doing this and based on the rules and the language about the duration registers, he is leery about this as well.

Commissioner Merritt-Smith commented that she was of a like mind, simply because the list has expired, she stated that she understood that it was an oversight and to no fault of the individual that they just got caught in an odd circumstance but she thinks we'd have to have a good long look at this before we do something that could open a serious Pandora's Box.

Chair Sokolowski asked Sgt Perry if he had any further comments. Sgt Perry replied that this is very unique and has never happened before. He stated that the reason for having the list as they are is not to make an exception in this case, it doesn't address that, and that at the very least I guess I would ask that you maybe consult with Counsel as to the appropriateness or how inappropriate it might be to do that. Chair Sokolowski asked for any further discussion, there being none he asked for a motion. **Commissioner Branchini made a motion that the Commission table the request by the Department to reinstate register until the next scheduled meeting on April 13, 2010. The motioned was seconded by Commissioner Merritt-Smith, and approved with no opposition.**

Chair Sokolowski stated that the Commission would give Sgt Perry's comments some thought between the meetings, and in the meantime no action would be taken and everything would stay status quo. Ms. Pietz, asked the Chair if he had any guidance for staff, or if the Commission wanted staff to do anything in the meantime.

Commissioner Merritt-Smith mentioned possibly contacting the Guild concerning this issue. Ms. Pietz, mentioned that because this was an open-competitive register that it was not a Guild issue, and secondly the Commission already has been through this about promotional registers when the Guild thought we were extending people. Ms. Pietz stated that she understands the value of a candidate to the Department and all the work that they've done. An when that happens we go through the accommodation process, etc. which is what happened in this case; so while it's unique right now I don't expect that it will be the only case ever. So that's just food for thought,

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and there is no authority in the Rules for you to do that.

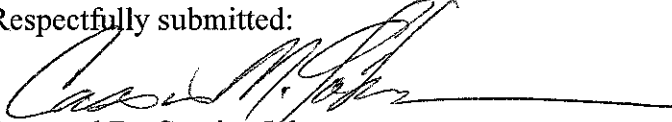
Ms. Pietz asked if the Commission wanted her to check with legal counsel and Commissioner Branchini indicated that she should, so the Commissioners agreed that Staff would consult the Commissions legal counsel on this issue prior to the next meeting.

NEXT MEETING:

The next regular meeting of the Civil Service Commission is scheduled for April 13, 2010.

There being no further business the meeting was adjourned at 6:15 p.m.

Respectfully submitted:



Prepared By Cassius Johnson