

**EDMONDS CIVIL SERVICE COMMISSION  
MINUTES  
CIVIL SERVICE COMMISSION MEETING**

**Specially Called Meeting**

January 14, 2015

Commissioners present:       H. Scott McEwen  
  Michael Shimer  
  Mike Fields

Others present:                Chief of Police Al Compaan  
  Assistant Chief of Police Don Anderson  
  Sergeant David Machado  
  Corporal Ken Crystal  
  Officer Don Kinney  
  Secretary & Chief Examiner Mary Ann Hardie

**CALL TO ORDER**

Commissioner H. Scott McEwen called the meeting to order at 7:02 pm. Commissioner McEwen welcomed new Commissioner Mike Fields [who was appointed by Mayor Dave O. Earling on 1/1/15 to a six year term to the Commission] to his first City of Edmonds' Civil Service Commission meeting. Additionally, Commissioner McEwen thanked former Chair David Bracilano [who was not present at the meeting], for serving two terms to the Commission and for his work on toward the Commission. Secretary and Chief Examiner Mary Ann Hardie disseminated updated contact and Commissioner term appointment lists.

**MINUTES**

**Commissioner Michael Shimer made a motion to approve the October 1, 2014 meeting minutes. Commissioner McEwen seconded the motion. The motion carried.**

**CORRESPONDENCE**

**E-mail from Corporal Ken Crystal requesting the Commission's consideration to allow a change to the posted Sergeant Promotional Exam (2/4/15) written examination date**

Commissioner McEwen stated that there was a request before the Commission from Corporal Ken Crystal to consider allowing a change to the upcoming, posted Sergeant Promotional Exam (on 2/4/15) written examination date for him due to a schedule conflict he has. Commissioner McEwen invited Corporal Crystal to speak before the Commission about his request.

Corporal Crystal explained that he had submitted an e-mail request to Ms. Hardie for the Commission's consideration as he was unable to make the written examination date posted in the Sergeant Promotional Exam notice. He further explained that, last summer, his family had scheduled a "once in a lifetime" family reunion and that he had purchased cruise tickets at that time. Before he did so, he stated that he had talked to his supervisor regarding the shifts [he would need to have off] and he booked his cruise (he will be gone from 1/17 – 1/28/14).

Corporal Crystal stated that recently, the Sergeant Promotional Exam date was posted with the times and dates for the process with one date [noted] for the written exam portion. For this reason, he spoke to Assistant Chief of Police (ACOP) Jim Lawless, who then e-mailed Mary Ann [Ms. Hardie] and was informed that the date could not be changed. After receiving this information, Corporal Crystal says he spoke to Chief Compaan about this schedule conflict and that he was encouraged to come before the Commission with his request.

Corporal Crystal further explained that when he had spoken to ACOP Lawless (about how the dates for the exam process were determined), ACOP Lawless told him that he had looked at the [commissioned officer] vacation calendar to see if anyone was scheduled for time off/vacation and that it was assumed that potential candidates for the test would be available to attend from the schedule [of those who were scheduled off]. Corporal Crystal stated that [he believed] ACOP

Lawless did not know that he [had plans for his vacation time] and that he was one of the potential candidates for the Sergeant Promotional Exam.

Corporal Crystal opined that this was an issue of fairness and integrity and that it was an issue for his ability to prepare for the testing process. If this wasn't [for] a family get together, he stated that he would not have an issue attending the written test date for the promotional exam. Corporal Crystal further pointed out that there is no guarantee that, if he [made a change to his vacation plans] and takes the written test [and completed the promotional exam process] that he will be selected for the upcoming Sergeant position. He has not cancelled his cruise plans.

Commissioner Fields asked for clarification as to whether this was a regularly scheduled day off for Corporal Crystal. Corporal Crystal stated that [it was his day off and] he had sent an e-mail [to the commissioned staff] regarding/requesting comments of support for or against his request to the Commission. Corporal Crystal stated that, while Corporal Rachel Ramseur was not present for the meeting, she supported his request and that [he believed] Detective Brian McIntyre thought he should go before the Commission with his request.

Commissioner McEwen asked if anyone in the department who was present at the meeting would also like to speak on Corporal Crystal's behalf. Commissioner Shimer asked Ms. Hardie if there would be an issue with rescheduling the Assessment Center. Ms. Hardie stated that she wasn't sure that it could not be rescheduled, but that rescheduling the date would likely be an issue.

Sergeant David Machado stated that Corporal Crystal works for him [on his crew]. He stated that [in his opinion] Corporal Crystal's request was about process and equity. Sergeant Machado further stated that he [himself] had taken 3 promotional tests in the past and each time, whether it was himself or others [that were selected from the process], he had learned from the process. Sergeant Machado stated that he understood that there was criteria used in the promotional exam process and that part of the process resulted in [eligibility] lists.

Sergeant Machado pointed out that he is not taking the test and that he has "no dog in this fight," but that, [in his opinion], process matters. There is a lot of turnover in these positions in other places [agencies], but not here. The candidates that do participate in the testing process have lots of experience and have [often worked in] specialty assignments as Corporal Crystal has. Sergeant Machado stated that Corporal Crystal has not only achieved the rank of Corporal, but that it is important that the testing process have good applicants. Sergeant Machado stated that he had supervised Corporal Crystal and that he knows he has family on the East Coast and that he has close ties to that he is envious of and that he [Corporal Crystal] had scheduled this trip long in advance. Sergeant Machado further stated that he believes that sometimes concessions and/or adjustments may be made for unique situations such as Corporal Crystal's and that it is highly probable that it will be challenging for Mary Ann [Ms. Hardie] to adjust the written examination date "slightly."

Sergeant Machado stated that he was aware that allowing this request may bring concerns in the future but that it would be unusual to duplicate the circumstances surrounding Corporal Crystal's. He further asked that, as the Commission consider Corporal Crystal's request, that they consider that his participation would [likely] increase the applicant pool [in his estimation] for this process by 15%.

Commissioner Shimer inquired as to how often these Sergeant Assessment Centers have occurred. Ms. Hardie stated that there have been 2 or 3 in the last 3-4 years (2012 and 2013). Ms. Hardie asked Chief Compaan to opine on how often he thought these Sergeant Assessment Centers would be scheduled in the future. Chief Compaan stated that there have been a few Sergeant Assessment Centers every few years as there is not a continuous eligibility list (although the list may be extended for up to a year by the approval of the Commission). Commissioner Shimer additionally inquired as to whether it was stated in the postings for Sergeant Assessment Centers in the past that there would be only one written examination date. Ms. Hardie affirmed this. Commissioner Shimer inquired as to what the other dates were in the posting for the testing process. Ms. Hardie explained that there was a deadline date for the applications, a candidate briefing date for the candidates, the written examination date and the assessment center date.

Commissioner Fields inquired as to if there had been 6 weeks' notice given when this posting went out, per the date on the posting. Ms. Hardie affirmed this. Commissioner Fields inquired as to whether or not six weeks' notice was normal. Ms. Hardie stated that it was not unusual.

Officer Don Kinney Stated that he was a Patrol Officer with the City and that this was a small agency [at Edmonds] and that there are other ways to "go around" this issue and that [he didn't believe] it was fair for the agency to pick one date [only]. He understands that changing the date may be a "big burden on Human Resources." Officer Kinney further stated

that with Corporal Crystal participating, there would be [in his estimation] eight candidates competing for Sergeant instead of just a few. Additionally, [in his opinion] every opportunity should be given to officers [to take promotional examinations]. Officer Kinney explained that the date [for the written exam] was chosen for certain reasons and that one simple added step could be included in the process [when picking the dates] to check with the officers.

Commissioner Fields inquired as to whether or not the process for promotional examinations was laid out in the [commissioned officers'] contract. Officer Kinney responded that the vacation bidding language was.

Corporal Crystal stated that he had a few things to add to his earlier statement and that he was not trying to put a burden on Ms. Hardie, but that, in his opinion, there was "lag time" [between the written exam and the assessment center] and that he doesn't see the urgency [in filling for the Sergeant vacancy] as Sergeant Marsh is not retiring until March 2015. Additionally, the City went "two years without an Assistant Chief of Police" as well. Corporal Crystal further stated that he was willing to take the [written] test "at a disadvantage," [by taking it on another day] but that whatever they [the Commission] chose to do was up to the Commission.

Commissioner Shimer inquired as to whether the decision to change the examination dates was under the purview of the Commission and Civil Service Rules. Ms. Hardie stated that it was. Chief Compaan stated that he encouraged the Commission to set a correct precedent regarding this request and that he agrees that the circumstances are unique. If the Commission should decide to allow for a change of the written exam date, it is preferred that it is determined sooner rather than later. Chief Compaan pointed out that it is more difficult to change a date in the promotional exam process and that he will support the Commission's decision and that the Commission is aware of his concern that the decision that is made establishes a good record going forward.

Commissioner Shimer inquired as to whether or not the Commission should go into executive session to further discuss this issue. Ms. Hardie stated that the Commission could, however, when the Commission goes back on the record, they would need to make clear the reasons for the decision for the decision so they could be noted in the record [of meeting minutes].

There was some discussion that followed by the Commission on this issue. Commissioner Shimer stated that it appeared that the City Attorney's correspondence regarding this matter reflected that the Commission should set a date [for the exam process] and stick to it. Commissioner Fields stated that he was not sure that the City Attorney had all of the information with regard to this request and that this appeared to be a unique set of circumstances [in that] Corporal Crystal had bid for vacation last fall and that the test date was scheduled for a day that he was scheduled to be off duty. Commissioner Fields further stated that it comes down to logistics and the turnaround time of the written portion of the exam. Commissioner Fields inquired as to whether or not there was anyone else [who may be a candidate] impacted by the changing of the date.

Corporal Crystal responded that he had sent out an e-mail to the department, asking if this was an issue and if so, to please articulate this [although] no one has responded. Corporal Crystal further stated that he was requesting a decision by the Commission on this issue and that he had explained in his e-mail to the department why this situation was unique and that he had requested his vacation well in advance.

Commissioner McEwen stated that he shared the Corporal's concerns and that he had served in the military and had requested time off for a family reunion and this was a very personal issue for him. He has also taken many issues up with the Commission [over his years of service] and that he served on the City of Seattle's Civil Service Commission and saw things regarding exclusions and changes that were never granted as this imposed hardships on others and that there were even legal decisions regarding this. Commissioner McEwen stated that he had also observed instances in which it was requested that the entire testing process be thrown out. Precedent is key and establishing a decision now [to change an exam testing date] for a family reunion- the next time it [the request] may be for a family medial issue.

Commissioner McEwen explained that he was very reluctant to grant a change request as there was appropriate notice given with the posting of the promotional exam process and that this creates a lot of issues with the process. Commissioner McEwen stated that he had also heard proposals in the past for examination dates to be taken at earlier times and this also created challenges. Commissioner McEwen stated that he likes to be very cautious and that if he were to vote to grant this request, it might not be in the best interest of the City or the department and that he would be surprised if other officers may not have come forward or voice their concerns of this.

Commissioner Fields stated that, in his opinion, given the circumstances, that Corporal Crystal had distinguished the time off in this situation (including the date on the test) and agreed that it could create challenges, but that he would support [allowing] the request.

**Commissioner Shimer made a motion to not approve (disapprove) Corporal Crystal's request to allow an exception for him to take the written exam for the Sergeant Promotional Exam on a different date than posted in the notice based on the reasons that had been discussed by the Commission. Commissioner McEwen seconded the motion. The motion carried with the votes as follows: two in favor (Commissioner Shimer and Commissioner McEwen) of the motion and one against (Commissioner Fields).**

Chief Compaan thanked the Commission for making a determination on Corporal Crystal's request. He stated that he likes to keep himself at arms' length from these types of Commission decisions so as to be fair and consistent with these processes.

**POLICE BUSINESS**

**Recertification of 2014 Eligibility Lists**

Commissioner(s) McEwen and Commissioner Shimer initialed the 2014 Police Eligibility Lists as previously certified with former Chair Bracilano present in order to maintain a consistent certification process (as advised by the City Attorney's Office).

**Discussion of the upcoming (2/4/15) Sergeant Promotional Exam process**

The Commission opted to not go into executive discussion for this item of business as no scores and/or specific details of the test criteria were being discussed. Assistant Chief of Police (ACOP) Don Anderson explained that both he and ACOP Lawless were working on the exercises (there will be a total of 5-6 written exercises in addition to the written exam). This testing process would be done through Public Safety Testing (PST) coordinated by Jon Gray as the last several Assessment Centers have been. It is also important to note that none of these previous testing results (from PST Assessment Centers) have ever been successfully challenged. There will be a total of 5-6 written exercises (in addition to the written exam).

Commissioner McEwen inquired as to whether there would be outside assessors used during the Assessment Center. ACOP Anderson confirmed that there would be; often commander level and above.

**Resignation of former Officer Tyler Buckingham**

Chief Compaan stated that Officer Tyler Buckingham resigned from his position as Police Officer effective 12/31/14. Chief Compaan further stated that former Officer Buckingham felt that this wasn't a good fit for him and that he had pondered his decision to resign at length. Additionally, there were some performance issues as well.

**NEW BUSINESS**

**The Commission decided to nominate a new Chair to the Commission [effective immediately]. Commissioner Shimer nominated Commissioner McEwen to serve as Chair to the Commission. Commissioner Fields seconded the motion. The motion carried.**

**OTHER**

Chair McEwen requested that HR draft a recognition letter for former Chair David Bracilano thanking him for his service to the Commission for the Commission to sign at the next meeting.

The meeting adjourned at 8:00 pm

  
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H. Scott McEwen, Chair

2-11-2015  
\_\_\_\_\_  
Date

  
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Mary Ann Hardie, Secretary and Chief Examiner

2-11-15  
\_\_\_\_\_  
Date