

**CITY OF BELLEVUE  
CIVIL SERVICE COMMISSION  
Special Meeting Minutes**

Wednesday  
May 18, 2016  
4:00 p.m.

Conference Room 1E-110  
Bellevue City Hall  
Bellevue, Washington

**MEMBERS PRESENT:** Tim Tow<sup>1</sup>, Chair  
Ernesto Simas, Vice-Chair  
Thomas Koger  
Patricia Sheffels

**MEMBER ABSENT:** Jeff Slayton

**OTHERS PRESENT:** Evon Hartmann, Human Resources  
Diane Kendall, Human Resources  
Jerome Roaché, City Attorney's Office

**MINUTES TAKER:** Michelle Cash

**I. CALL TO ORDER**

The meeting was called to order at 4:02 p.m. by Commissioner Simas.

**II. ROLL CALL**

A quorum was present.

**III. PRESENTATION: CIVIL SERVICE APPEAL PROCEDURES**

Mr. Roaché explained that an appeal of a demotion from the rank of Police Deputy Chief to the rank of Captain has been received. This is an appeal to the Civil Service Commission. Therefore, Mr. Roaché summarized the process for such appeal, which is as follows:

On April 22, 2016, an appeal was filed. Within thirty days of the filing of an appeal, the Commission shall consider an appropriate date for a hearing at a regular or special meeting held for that purpose. Mr. Roaché added that at least twenty days notice of the meeting shall be given to the parties to the appeal and their attorneys, if any.

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<sup>1</sup> Via conference call.

On May 23, 2016, the parties and their attorneys, if any, shall have the opportunity to be heard by the Commission at the meeting regarding an appropriate hearing date. The Commission shall set a hearing date at the meeting unless it determines that good cause exists for postponing a decision. The Commission shall hold a hearing on any such appeal upon reasonable notice to the employee affected and the appointing authority on the date set. Mr. Roaché noted that the parties and their attorneys shall be notified of the hearing date in writing at least 30 days prior to the hearing. In addition, the affected employee and the appointing authority shall each have the opportunity to appear and be heard in person and through counsel or other representatives.

Mr. Roaché noted that the Commission is confined to the determination of the question of whether a suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause. There are many factors to consider, which Mr. Roaché reviewed. He added that the Commission has the power to administer oaths, issue subpoenas and require the attendance of witnesses. The Commission also has the power to require witnesses to produce books, papers, documents and other materials the Commission deems necessary to the just determination of the appeal. Mr. Roaché clarified that the Commission “may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in Superior Court.” The oaths administered shall have the same force and effect as the oaths administered by a Superior Court Judge in a judicial capacity.

Mr. Roaché explained that the Rules of Evidence do not apply. Any oral or documentary evidence and other data deemed relevant by the Commission may be received into evidence. In addition, the proceedings shall be recorded by tape recording or court reporter.

If both parties agree, Mr. Roaché noted that a pre-hearing conference may be held. He discussed some of the reasons why this option might be considered.

After the hearing has been completed, Mr. Roaché noted that the Commission will retire to deliberate and make its decision. Following such deliberation, the Commission may take one of the following actions:

- If it determines the suspension, demotion or discharge was made in good faith, for cause and not for political or religious reasons, it affirms the decision.
- If it determines that suspension, demotion or discharge was not in good faith, for cause or was for political or religious reasons, it may overrule the decision. Using its discretion, the Commission may order that its decision to overrule be retroactive.
  - In lieu of affirming or overturning the suspension, demotion or discharge, the Commission may modify such decision on such terms as it deems appropriate.
  - Such modification may include suspension without pay for designated period or demotion in classification, grade or pay.

In rendering a decision, Mr. Roaché explained that the Commission shall make and enter findings of fact in support of its decision. In addition, the decision of the Commission, and the findings of fact entered, shall be served upon the employee affected and the appointing authority.

Mr. Roaché stressed the importance of the Commission remaining objective throughout the process. They are not to read or view anything pertaining to this case. Commissioner Sheffels disclosed that she had read an article pertaining to this case in the *Seattle Times*. Mr. Roaché explained that if the newspaper article makes Commissioner Sheffels feel that she is bias then she will need to recuse herself from the case.

Commission Sheffels inquired if the deliberation is a closed process. Mr. Roaché explained that the decision does not need to be unanimous but does need to be a majority. He will research whether or not there are guidelines for the deliberations (i.e., open versus closed).

Overall, Commissioners favored a pre-hearing conference. In addition, they requested staff to inform them if hearing sessions could be held on Saturdays. Lastly, the Commissioners determined that a recording of the hearing is sufficient—a Court Reporter is not necessary.

#### **IV. ANNOUNCEMENT OF NEXT MEETING**

Commissioner Simas announced that the next Civil Service Commission meeting will be a hearing, which will be held on May 23, 2016.

#### **V. ADJOURNMENT**

**Motion by Commissioner Koger and second by Commissioner Sheffels to adjourn the meeting at 4:50 p.m. Motion carried unanimously (4-0).**