

Civil Service Commission
Spokane Valley Fire Department
2120 N. Wilbur
Spokane, WA 99206
SPECIAL CIVIL SERVICE MEETING MINUTES

February 19, 2019

5:30pm

Commissioner Bouge called the meeting to order at 5:30pm

Present

Commissioners John Sisser Dave Bouge and Diana Wilhite; Examiner Peggy Callahan; Attorney Mike Love; Deputy Chief Shawn Arold; Captain George Hedebeck and Fire Commission Bill Anderson.

Pledge of Allegiance – Commissioner Sisser lead the pledge.

Approval of the Agenda

Commissioner Sisser made a motion to approve the agenda as presented; seconded by Commissioner Wilhite. Motion carried.

Old Business

Provisional Appointments – Captain Hedebeck briefed the board on the issue of provisional appointments. Per RCW 42.30.110(1)(i) Commissioner Bouge took the board into executive session at 5:32pm for 30 minutes.

6:02pm regular meeting resumed.

See attached memo from Attorney Love regarding interpretation of rule 6.6.

Public Comment *Maximum of three minutes; please state your name and address for the record.*

Adjournment

There being no further business to come before the Commission the meeting was adjourned at 6:40pm.



Diana Wilhite, Chairman

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**CIVIL SERVICE
COMMISSION SPOKANE
VALLEY FIRE
DEPARTMENT**

Memorandum

To: Administration and Local Unions
From: Civil Service Commission
cc: File
Date: February 20, 2019
Re: Provisional Appointments Under Rule 6.6

On February 19, 2019, a special meeting of the Civil Service Commission was held at 5:30 pm.

The issue per the agenda for the special meeting was an interpretation and clarification of Provisional Appointments under Rule 6.6 of the Civil Service Commission Rules.

The key issues addressed at the special meeting was (1) when does a provisional appointment end; (2) what is the basis for awarding provisional appointments; and (3) does past practice apply or is it controlled by the current rule.

The purpose of these rules is evident by Rule 1.1 Purpose. "The purpose of these rules is to establish uniform methods of practice and procedure for the administration of Civil Service as provided by law. . . . Nothing herein shall conflict with either the collective bargaining agreement and/or applicable state or federal law. In the event of a conflict, the collective bargaining agreement and/or the applicable state or federal law shall control."

Because there does not appear to be any conflict with the collective bargaining agreement and/or any issue with state or federal law, the language of 6.6 controls and is mandatory due to the use of terms such as "will" and "shall" in the administration of the Rule.

A "Provisional Appointment" is defined under the rules as "An interim appointment to a position pending the certification of an eligibility list."

Under Rule 6.1 “[t]he appointing authority **shall** not select nor appoint any candidate for a position, employment or promotion except in accordance with these rules.” (Emphasis Added.)

Under Rule 6.6 the last sentence of the third paragraph addresses and answers the first issue: “When the eligibility list for the position is certified the provisional appointment **will** be terminated.” (Emphasis Added.)

Further, under Rule 6.6 the second issue is answered by the preceding second paragraph of the rule:

“Provisional appointments **shall** be awarded to the appointee who has the **most seniority in a position that provides the required occupational qualifications to take the test for the position to be filled**. If the employee elects not to accept said provisional appointment, the appointment shall be awarded to the appointee next highest in seniority eligible.” (Emphasis Added.)

The language of Rule 6.6 is clearly mandatory and cannot be deviated from.

Lastly, the issue of “past practice” was addressed. The Civil Service Commission does not deal with “past practice” since that is a term of art addressed by management and labor, and potentially an arbitrator, to address and interpret provisions in a collective bargaining agreement that are not specifically written into the contract and resolve any disputes relating to the contract.

The purpose of the Civil Service Commission, in part, is to see that the written rules are enforced as written. Rule 6.6 is unambiguous as to how long a provisional appointment lasts and how those same appointments are to be awarded.