

Civil Service Commission Minutes
January 3, 2019

DM
(OC Register)

Chair Jacobs asked if this information was from the applicant's statement.

Chief Rodriguez noted that this information was discovered in his background investigation.

Chair Jacobs asked if the violations happened in Washington State.

Chief Rodriguez said the violations occurred in Georgia and South Carolina if he recalls correctly. Chief Rodriguez added that the applicant received a general officer letter of reprimand and two company level Article 15s.

Chair Jacobs pointed out those are not disqualifying.

Chief Rodriguez agreed they were not disqualifying but they are indicative of poor decision making.

Chair Jacobs asked what was the applicant's materially false statement.

Secretary Sterbick answered that the applicant admitted to the drug use but when he completed his application where he was asked if he ever experimented with a particular drug, he failed to check 'yes' or 'no' even though he had checked all the other boxes on the form so it appears he intentionally left that question blank.

Chair Jacobs notes that whether or not he intentionally skipped that question there are other reasons to disqualify him.

Secretary Sterbick explained that on DM's personal history questionnaire he admitted to illegal drug use. She continued that the applicant had recently been asked if he wanted to attend an oral board at which time, the applicant said he would but he had been using a drug for the last few months.

The Commissioners engaged in a discussion of drug use.

The Commissioners engaged in a discussion on DUIs, and the associated liability.

Secretary Sterbick said they obtain a driving abstract and use a point system to look at the driving record and rate the person in an acceptable range. She continued that the point value system rates a DUI as a 7 and in that range, a person would not be allowed to drive a Town vehicle.

Chair Jacobs asked to just skip to the next applicant.

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<p>PN (pre oral board)</p>	<p>Secretary Sterbick explained that this applicant (PN) used an illegal drug for a period of about six months. The applicant stated it was on about ten occasions.</p>
<p>Failure to Respond</p>	<p>Chair Jacobs asked how many notices are provided to an applicant before it is determined that they failed to respond.</p> <p>Secretary Sterbick replied that the detective usually does a phone call, email and then certified mail.</p> <p>Chair Jacobs asked that all of the applicants in this category were non-responsive after those three requests.</p> <p>Secretary Sterbick confirmed that is correct.</p>
<p><u>Adjourned</u></p>	<p>Meeting paused at 2:28pm so the secretary could obtain information.</p>
<p><u>Reconvened</u></p>	<p>Meeting resumed at 2:35pm.</p> <p>Commissioner Lynch went back to PN's statement.</p> <p>Chair Jacobs stated that he wanted to try to be consistent so the applicants would be disqualified because of the fact that they don't currently meet the standards which would be in accordance of what was done in the past. Then they would relook and reevaluate. If someone wanted to reapply after that time then they are free to do that under a revision of the rule. He continued that he is not prepared to set a different precedent without changing the rule.</p>
<p>DM Discussions Reconvened</p>	<p>Commissioner Lynch questioned whether anyone had contacted DM and asked him if he wanted to come to an oral board.</p> <p>Chief Rodriguez stated that is exactly what Detective Bailey had done: he contacted him to see if he wanted to come to an oral board and DM said he would be happy to but he had been a recent drug consumer.</p> <p>Chair Jacobs mentioned that it will be harder and harder to find people.</p> <p>Commissioner Lynch asked if an oral board is scheduled for February, how many people are ready to go before an oral board.</p> <p>Chief Rodriguez said he didn't know and explained that Secretary Sterbick would call Public Safety Testing and be provided with a list.</p>

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<p><u>Disqualifications</u></p> <p>Yes: All</p>	<p>Secretary Sterbick stated that she has a list with about fifty people on it. She added that Detective Bailey performs an applicant pre-oral board check, then invites them to participate and they accept or decline.</p> <p>Commissioner Lynch asked if the information about drug use for DM was only a result of the phone call from Detective Bailey.</p> <p>Secretary Sterbick replied that there was usage twice in high school when he was under age as well as recently.</p> <p>Chair Jacobs said he thinks they should all be disqualified on the basis of the rule that they have which is to not use an illegal substance and as a minor it was an illegal substance.</p> <p>Commissioner Lynch asked Chief Rodriguez if he had any comments and Chief Rodriguez replied that in his personal opinion that would be the most prudent thing to do.</p> <p>Commissioner Lynch said that he could go along with that.</p> <p>Commissioner Lynch made a motion and Chair Jacobs seconded to disqualify all the applicants brought before the Commission to be disqualified based on eight with a failure to respond and four for rule violations.</p>
<p><u>Employee Drug Use</u></p>	<p>Chair Jacobs told Secretary Sterbick they will need to schedule next month's meeting to go over this issue. He asked what is the current status of current officers and the use of legal marijuana.</p> <p>Chief Rodriguez responded that no one uses marijuana.</p> <p>Commissioner Lynch said that unlike Chair Jacobs who compares marijuana to alcohol, he knows places that don't allow marijuana in a drug-free workplace and they do urinalysis testing and if someone is found with it in their system they are gone. He continued that maybe they need to do some research about how that is being applied in other departments.</p> <p>Secretary Sterbick said the Town does have a drug and alcohol use policy that governs the CDL holders as well as the other employees. She continued that the Town has reasonable suspicion testing for being under the influence of alcohol or drugs.</p> <p>Commissioner Lynch pointed out that's a reasonable suspicion thing so if someone is driving their Town vehicle and they are woozy and off the road that is the opportunity to do that test. He wanted to point out that what</p>

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they are talking about is if a person is a member of the department, he would presume that they regularly have some kind of drug testing.

Chief Rodriguez said they do not regularly test.

Chair Jacobs asked what do they do if they see someone with dilated pupils.

Chief Rodriguez replied that it would be reasonable suspicion. He continued that thankfully he has not encountered it in his department but if they had a suspicion they could do a preliminary breath sample or take the person to the hospital to submit a sample of blood or urinalysis.

Commissioner Lynch noted that the other part of it is when the officers are off duty and go home could they smoke marijuana.

Chief Rodriguez said he would have no idea.

Commissioner Lynch asked if Chief Rodriguez would have a way to check what the policies are in the WSP and other departments who have had to deal with this.

Chief Rodriguez said he could check into it. He said for next month he would do the research being requested and he will bring in sample policies from the departments. He continued that one of his classmates is Brian Maxey who is Carmen Best's chief of staff. Chief Rodriguez will call Brian to see how marijuana use is treated pre-employment and how the wording looks in their civil service rules as well as Pierce County and Kent.

Chair Jacobs asked if there is anything contractual in the labor agreement.

Secretary Sterbick replied no.

Commissioner Lynch said they can also go to ICP online and see policies there because he is sure they will need to address this.

Chair Jacobs said he would also like to know if any of the departments being contacted treat under-age use differently.

Chief Rodriguez said in his time as a background investigator for the Town that a number of places will delineate between experimentation and heavy use.

Chair Jacobs said they should get some guidelines from them as well as how they treat medical use of marijuana by current officers. Also, if they make a distinction in marijuana and marijuana products like THC or topical use of CBD oil.

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	<p>Commissioner Lynch said the problem is a paradigm shift from when they grew up in delineating what is legal and not legal.</p> <p>Chair Jacobs mentioned that thankfully the department won't have to hire anyone his age because when he was in high school marijuana was legal in New York state.</p>
<p>Oral Board Panel Chief to select the Oral Board Panel</p> <p>Yes: All</p> <p>Reports</p>	<p>Secretary Sterbick asked the commissioners to approve Chief Rodriguez to select the oral board panel and to conduct the oral board to increase the open competitive register.</p> <p>Chair Jacobs asked how many people are on the panel.</p> <p>Chief Rodriguez responded that it fluctuates between three and five but he likes having five.</p> <p>Secretary Sterbick says the fifth person is usually the detective.</p> <p>Commissioner Lynch made a motion and Chair Jacobs seconded to approve the appointment of Chief Rodriguez to select the oral board panel not to commence earlier than February 1st.</p> <p>Next Meeting February 7, 2019</p>
<p>Adjournment:</p>	<p>Chair Jacobs adjourned the January 3, 2019 meeting of the Civil Service Commission at 3:17 p.m.</p>