



## **INFORMATIONAL MEMORANDUM**

TO: **Community Services and Safety Committee**

FROM: **Chief of Police Eric Drever**

CC: **Mayor Ekberg**

DATE: **January 16<sup>th</sup>, 2023**

SUBJECT: **Amendment to Tukwila Municipal Code (TMC) Chapter 2.42 Civil Service Commission**

### **ISSUE**

To meet the police department's recruitment needs, the police department is proposing that the TMC language be amended to create a "rule of five," vs the current rule of three. This would codify the process that has been presented to and support by the Civil Service Commission.

### **BACKGROUND**

Chapter 2.42.030 of the TMC refers to a Civil Service eligibility list. (This list is generated through an objective testing process and an oral board panel.) The appointing authority, (the Chief of Police) must make an appointment from the top-ranked three applicants on the eligibility list for each position to be filled. With only being able to select from the top three candidates, this "rule of three" reduces the ability to find the most qualified candidates, increases the time it takes to schedule and conduct interviews, and allows other agencies to hire the quality applicants before we get a chance to interview them.

Almost every applicant that the police department interviewed in 2022 was in the hiring process with multiple law enforcement agencies at the same time. The greatest threat to current recruitment efforts is in having a hiring process that is not efficient or flexible, giving competing agencies the edge.

### **DISCUSSION**

In order to meet the police department's recruitment needs, the police department is proposing that the TMC language be amended to create a "rule of five."

#### TMC 2.42.030 Commission Organization – Duties

##### B. Duties of the Commission.

10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the ~~three~~ **five** persons highest on the eligible list for the class. The Commission shall make provision in its rules for provisional or temporary appointments to be utilized when there is no such eligible list applicable to the vacant position, or which may be utilized at the discretion of the appointing authority when there are less than ~~three~~ **five** names on the eligibility list applicable to the vacant position. Such temporary or provisional appointment shall not exceed a period of six months in duration but may be extended for up to an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the

discretion of the Commission warrants an additional extension of such a provisional or temporary appointment.

A “rule of five” will allow the Chief of Police to see a deeper pool of applicants per position opening. A deeper pool creates a greater opportunity to identify the most qualified applicants, reduces rescheduling of interview delays resulting from exhausting a shorter interview list of applicants, and increases our ability to compete with other agencies vying for the same people.

Amending TMC 2.42.030 to read “top-ranked five applicants” will expedite our hiring process and allow for greater potential to find quality applicants to serve the Tukwila Community.

**FINANCIAL IMPACT**

No financial impact.

**RECOMMENDATION**

The Council is being asked to approve the amendment to TMC 2.42.030 and consider this item at the January 23<sup>rd</sup>, 2023, Committee of the Whole meeting and subsequent Special Meeting on the same date.

**ATTACHMENTS**

Ordinance updating TMC Section 2.42.030

# DRAFT

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2691 §5, AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 2.42.030, TO UPDATE ORGANIZATIONAL PROCEDURES RELATING TO THE CIVIL SERVICE COMMISSION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, recruiting qualified law enforcement officers is a priority for the community; and

**WHEREAS**, the City's Civil Service Commission is the established regulatory body over the police hiring process pursuant to Chapter 41.12 RCW; and

**WHEREAS**, Tukwila Municipal Code (TMC) Section 2.42.030, "Commission Organization – Duties," currently requires that vacant positions in the Tukwila Police Department must be filled based upon the names of the three persons highest on the Civil Service eligibility list; and

**WHEREAS**, the City of Tukwila desires to create a more efficient hiring process that allows greater opportunity to hire diverse applicants and is competitive with other law enforcement agencies by increasing the Civil Service eligibility list from three to five persons;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 2691 §5, as codified at TMC Section 2.42.030, "Commission Organization – Duties," subparagraph B.10, is hereby amended to read as follows:

10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the ~~three~~-five persons highest on the eligible list for the class. The Commission shall make provision in its rules for provisional or temporary appointments to be utilized when there is no such eligible list applicable to the vacant

position, or which may be utilized at the discretion of the appointing authority when there are less than ~~three~~-five names on the eligibility list applicable to the vacant position. Such temporary or provisional appointment shall not exceed a period of six months in duration but may be extended for up to an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the Commission warrants an additional extension of such a provisional or temporary appointment.

**Section 2. Corrections by City Clerk or Code Reviser Authorized.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 3. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 4. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Christy O'Flaherty, MMC, City Clerk

\_\_\_\_\_  
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_  
Passed by the City Council: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Ordinance Number: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney