



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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EXECUTIVE COMMITTEE

SUMMARY MEETING MINUTES

LOCATION: DES Building, Room 2331
1500 Jefferson Street
Olympia, WA 98501

MEETING DATE: March 24, 2017

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 10:30 a.m. by Steve Simpson. <u>Members in Attendance:</u> Steve Simpson, Dave DeWitte, Jim Tinner, Leanne Guier, Eric Vander Mey <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Joanne McCaughan, Krista Braaksma <u>Visitors Present:</u> Al Audette, Jan Rohila, Mollie Clinton, Farrell Presnell, Roni Field
2. Review & Approve Agenda	The agenda was approved as written.
3. Minutes	Steve noted that minutes were not posted at this time; Leanne moved/Jim seconded to review at a future meeting. Motion carried.
4. Developing MOU for Hiring Process	Tim Nogler noted the meeting was scheduled to develop the MOU between the Council and DES on the hiring process. The draft that was sent out resulted in some concerns about the approach. Farrell shared the agency's perspective, there should be a collaborative process needs to be put in place. Take a step back from this and look at what the concepts that should be included. Everyone needs to be very clear about how they go through the process, and address those specifically in the document. All want the best candidate in this position; what does that look like? Then the position description can be developed. At the end of the day this should guide us through the process. Farrell noted that the SBCC should have something that outlines the process for the consideration of the Council. Steve opened the floor for discussion. Dave DeWitte asked Farrell if a job description is the goal for the document. Farrell does not think it would include a job description; it would include the high level big concept, e.g., we agree we want the best candidate, so what are the attributes of the best candidate? That would be fleshed out in the position description that they would use for the recruiting process, e.g., technical, administrative skills. Dave asked about the difference, does it include the relationship between DES and SBCC? Why does Farrell prefer that approach? Farrell feels it would be a collaborative process for the hiring, but what if they do not agree with who the top candidate is? The agency wants to have this guide the agency through the entire hiring process. Dave wants clarification to address the decision making - who decides on the final candidate. Farrell noted it is unclear who the appointing authority is; they are not really concerned about that, they just want to get the best person in the position. Dave asked about the meaning of the

‘appointing authority’, is that the final decision maker, it is a ‘term of art.’ Farrell agrees, and noted they can make hiring decisions, disciplinary decisions, termination decisions; The Council seems to be focused now on the hiring process, the management of personnel and other matters would be addressed later.

Jim Tinner asked for a current job description for Tim's position, can the Council see it. Tim noted he can distribute the current position description form (PDF) for his position to the Council; he has shared it with Steve. It is a form and it goes through all of the duties, assigns a percentage effort for each of the duties. Farrell noted that is a good idea, it would be helpful to have the Council review it, and the PDF should be reviewed with DES as well. Tim noted it is part of the recruitment process, it can be changed prior to posting the announcement. Farrell offered to send out the position description and later make changes, they can put a ‘placeholder’ in place for the time being and give everyone a chance to have input; Jim and Steve also agree that the description is very detailed.

Farrell noted the opportunity for collaboration through the hiring process needs to be defined. They need to develop a recruitment job announcement, aligned with what is required in the position. They will get an unknown number of applicants; when applications arrive then the agency would screen, then an interview process should be developed, they need to determine how many rounds of interviews should be held, then the final candidates would be presented to the Council. The development of a recommendation from the Council would be included.

Mollie Clinton described their collaborative hiring process with small agencies. When DES does the first round of screening, their goal is to ensure the candidates are qualified, viable options. That is based on the PDF qualifications; what are the minimum qualifications that a candidate needs to be able to do the job; then they will not be seeing the candidates who don't meet the minimums. FP noted it would include things like the number of years of experience required, etc. It is very technical, and there may be other options.

Mollie noted the agency would recommend that they do the minimum first round of screening; they are still trying to determine who the appointing authority is, and she needs to determine the rights of the agency in the hiring process; per WAC they must be certain that the candidates must meet the minimum qualifications and be able to show that. At times they will ask the hiring committee and the hiring manager to help determine if the candidate meets the technical needs of the position. Some hiring managers do want to see every application, which can be tedious when there is a large response; having the expertise, minimum qualifications, etc. is an administrative function.

Dave asked if it is feasible to have the agency provide summary information to provide information on how the recruitment was handled, for all candidates, including those screened out. Mollie agrees that can be provided in a simple excel spreadsheet; it would info on why some did not make the cut.

Steve asked for further input from Council members, and then from the public.

Leanne Guier asked Mollie who would be involved in the technical determination of the applicants, in addition to the hiring manager, who else would be included. Farrell noted that would tie in well to the next step in the process; you may have a large number who meet the minimums, so the initial process may yield a higher number than the number that can be qualified for interview. At that point Molly would go to the hiring manager/others for input. That selection is then forwarded for interview.

Leanne asked where the position is advertised. Mollie noted that is at careers.wa.gov, and in other arenas where there might be qualified candidates. They will want the Council and their colleagues to be providing input for where else that might be logical; Farrell noted professional organizations would also be included. Mollie noted when there is a large number of qualified candidates, they will want the hiring committee to do further screening based on the experience, etc. of the candidates.

Leanne asked if they would use a scoring card. Mollie noted that is a safe/defendable way to do it,

to show how you came to a decision. If the decision is not grounded in fact, then it may be problematic; their screeners have methods that are workable. Farrell commented on the hiring committee; he noted they don't use a scoring matrix for the WMS positions. Tim noted a question on the minimum qualifications shown on the current PDF, and the hiring committee and the agency would collaborate on this; it now states 3 to 5 years of experience in the application of the state building codes, certification as a building or fire official or equivalent, and training and CEUs covering the codes comprising the WA State Building Code. That is the preferred or desired. The qualifications should be reviewed; it may need to be modified to include additional experience/duties. Steve noted that they would determine if they accept those as the qualifications; Tim noted that would be reviewed with the agency, because that would need to go out in the announcement. Dave asked about the timeframe, and whether the document they reviewed is relevant to the process they are about to engage in. He wants to know long will all of this take - when will they actually see candidates, i.e., when they will be recruiting.

Mollie noted if there is an agreement with decision points then it will work smoothly. She recommends they do this work on the front end, depending on how the Council works, may be able to have this ready within a short timeframe, it would make the process smoother. Could be open for as little as two weeks, then adjust course if needed. Applicants would be screened and ready quickly, perhaps within 3 weeks. She does not have experience with this group, so will need to work with them to see how this will work. She believes they could have this position open for as little as two weeks, but can adjust if needed to get additional candidates. They could get candidates to the committee the week following the date the application period closes.

Dave noted the least understood part of this process is who writes this up and brings it back to the Council. Farrell noted that they need the basic steps covered; SBCC and DES would come to agreement on what that would look like. He would like to review the different steps in the process, and then develop the MOU; they want to think about how to align this with scheduled Council meetings. If necessary then the Council might need to arrange other meetings.

Farrell asked Steve about review of the applications, whether more discussion is needed. Steve noted it would be important to see if the Council has additional questions, and to provide the public an opportunity to comment;

Jan Rohila noted they are interested in following the process, it sounds like a good process; they will follow this through the process. She has nothing to add at this time, they are simply observers of the process. Al Audette asked for the minimum qualifications to be reviewed. Tim read them into the record, noting it what they currently have, but there is an expectation that these would change based on the current needs of the position. Mollie commented that it is important to note that the agency forms can be hard to follow. These were 'preferred' qualifications, but not as the minimum required qualifications. She has heard that this might be adequate for required, that can be determined.

Steve asked for the minimum qualifications, for when Tim was hired; Mollie suggested they look at the more tangible ones: it is a full page. Tim read the information on education, experience and competencies, extensive experience, and a list of items for professional knowledge. Tim will send this out to the Council. Steve noted without that document they will have a hard time deciding how to proceed. Jim asked for the timeframe for the comments to be sent back; perhaps by March 31. Steve noted they could recommend changes, wording, etc. will be sent back to Tim. The committee agreed to work with that as the date for comments to be received.

Dave commented that this should be taken it to the full Council; he asked at what point will the endorsement of the full Council be needed. They may need to schedule an additional Executive Committee meeting, and then prior to the May 12 Council meeting, perhaps an emergency Council meeting. The Council may wish to make modifications to the Executive Committee recommendations.

Jim suggested they not go to the Council incrementally; he prefers that they Executive Committee take the lead and then bring the final product back to the Council for final approval. Leanne agrees, that is the expectation of the Council. Steve understands that the Executive Committee was to have the interagency agreement ready and then bring that approved by the Council.

Jim noted there are two separate issues; the Council needs to approve the MOU, but the work to find Tim's replacement does not need to stop until that happens. Dave noted other Council members may want to participate in the process, or is Jim's intent that the Executive Committee would become the search committee? Jim believes that the Exec Committee should move that forward. Leanne believes the process should be set with the Exec Committee and the agency, and then bring that process forward to the Council for approval.

Steve noted that was exactly what he understood; we also want to streamline the process as Jim is suggesting, we may need some other ideas. He likes the idea of looking at this for the week, and then if the committee is in agreement, that should go to the full Council for their approval. Tim suggested that feedback over this week is specific to the minimum qualifications and position description; we also need a draft agreement covering the steps and the concepts discussed. If they have agreement on the concepts then they could bring it back to the full Council at a special meeting if needed. Leanne noted it would also be a good time to decide who is going to actually serve on the hiring committee. Dave agrees.

Steve asked for consensus of the Exec Committee; have Farrell, Mollie and Tim work on the agreement document; he will help as needed. The job description and qualifications would be available as well; Tim believes it should all go to the special meeting of the Council; there would be a draft agreement; a fully developed PDF; a decision would be made about who would serve on the hiring committee. Then they would be able to make a final decision about what goes into the agreement.

Motion

Jim moved that the committee review/suggest changes to the job description, review/suggest changes to the MOU and move those forward to the full Council asap; Leanne seconded.

Dave asked if that means that we would continue in today's meeting to work with Farrell and Mollie on the MOU? Steve noted we would agree that we would finish today's discussion with the agency, then the MOU would be developed, then the Executive Committee would suggest any additional changes needed to the job description. Steve asked if that answered the concerns; Dave noted we need to have someone get the information to Farrell to get the interagency agreement.

Dave called the question. Approved unanimously.

Steve asked for Farrell to continue to review the MOU. Farrell reviewed the agreement: 1) Mollie and HR review applications; 2) second cut to screen for interviews, he suggests 3 people review the applications: Tim, Steve, one DES manager; Dave asked if this is the interviewing group? Steve clarified that the fewer the number of people on that group, the better. Farrell noted it is not intended to comprise the interview panel; some of them may or may not be on the panel; Dave asked to clarify if this is the interview group or not; they do the second cut, selecting those recommended for interview. He noted the Council would decide who/how many would be on the interview panel. Farrell noted the Exec Committee would put a suggestion forward to the Council. Jim asked Steve if they need to have a motion for the agenda items for the special meeting; would his prior motion be included. Tim noted that yes that would be included. Steve summarized the process agreed on.

Farrell discussed the interview process. There may be a lot of interest in the position, then narrow down to 3 candidates; may then want to present to the SBCC. Dave and Steve agree with the outlined process. Steve asked if Jim and Eric Vander Mey approve. Yes, both agree with that. Farrell noted they need an interview panel for the interview process; he proposes that there be a rep from DES/Tim/and someone appointed from the SBCC. Jim recommends that the Exec Committee members attend the interviews; Steve agreed that all five would attend if possible. Eric asked if that

is realistic if there are conflicts in scheduling for Executive Committee members; all interviews should have the same panel, is it realistic for the whole Exec Committee be present. Steve suggests they only have the full Exec Committee for the final cut? Jim wants to have the full Exec Committee for all interviews; Dave felt that the Exec Committee would meet the candidates, then a reduced number of candidates would be presented to the entire Council. Farrell explained there would be a reduced number that would go to the Council; then a second round to decide who is going to be offered the position, perhaps the Exec Committee would do that as well. Dave summarized the process to be followed: all applicants screened for minimum qualifications; a list from Mollie/HR to a panel of three; the panel decides which candidates to interview; the Exec Committee interviews that group; then that group is reduced, and the remaining candidates are presented to the full Council. Farrell agreed, and noted that next there would be a second round to decide who would be offered the position.

Leanne suggested that the Council meeting would have the candidates presented, and then go into Executive Session with agency representation; if there is a consensus, send that back to the Council to vote on that appointment. Dave noted that the final decision is made by the full Council, Farrell noted it is in collaboration with DES. There must be a quorum present; this is open, public, and transparent.

Dave asked if it is a requirement for the Council to decide in public. Steve does not know that; his preference would be to have a discussion, reach general consensus in the Exec Committee with DES present. Dave asked for clarification on who would make the decision; Steve proposed that the Exec Committee would make that determination on which of them would be offered the position. Then a second round would be held for the full Council to make the final recommendation; then go to see if there is consensus at the Exec Committee for the recommendation. Then a vote of the Council for the final decision. Steve noted that might be awkward for the candidates to have the full Council vote in public; he believes that the Exec Committee would make the final decision.

Dave asked Tim how the process was followed when he was offered the position; Tim noted the offer came from the Chair of the Council; Dave asked how the final decision was made? Tim noted he was not the first candidate who was offered the position; the decision was made in private. It was a consensus decision to allow the Chair to offer him the position. Tim is unaware of whether it was a vote or a consensus decision to select him. Dave noted he believes it should be a vote of the Council, but need not be unanimous; Leanne agrees, it needs to be open and transparent, they are going to represent the State of Washington; if this is made behind closed doors, it is problematic. At the city level when there are multiple qualified candidates, it is a vote in an open public forum.

Steve noted if just the Council members were present, along with Farrell/agency rep; their discussion would occur; once they come to consensus, they go back into public session and have a motion for the recommendation. Jim does not want the whole Council to have that discussion in public; the Executive Committee would discuss, and then have a candidate ready to be selected by the Council. Dave noted that would just be a formality.

Dave noted if they would not emerge from Executive Session and ask for a public vote, unless they have a candidate they believe would prevail; the public vote should just be a formality.

Dave asked for public comment; Steve agreed.

Public Comment

Jan Rohila asked if DES is involved in the screening, the panel, the interviewing, are they involved in the decision; who makes the final decision, i.e., would DES be involved in the final decision and provide feedback and personnel; Farrell noted that is what is expected. Dave said he would be hard pressed to vote for a candidate that DES opposed. Steve noted that the position works with both, DES and SBCC, so they would expect to have agreement on the candidate. The answer is yes, someone from DES would be in the Executive Session. Jan asked about the final position description, will the public be privy to that and be able to see it prior to the meeting in April. Steve clarified, it is the job descriptions she is referring to; he agrees that the public would have that

information available. Jim noted that would be posted with all the other meeting documents on the website.

Eric reviewed the interview process, do the Exec Committee members need to be physically present, if they are seeing applicants, can they participate through WebEx/remotely. Farrell noted DES does sometimes use technology for the interview with the candidates. Steve noted they could use those technical aids; Mollie agrees, there is no requirement for the applicants to be physically present. Eric asked if there is an issue for this to be considered an open public meeting. Farrell noted staff will check with our AAG; double check with Dawn Cortez, AAG. Leanne agrees. Steve noted a quorum of the Exec Committee is only 3 members. Eric asked to review this with the AAG. Steve noted we can use the members of the interview committee; Tim will check with the AAG on these issues, and review the draft agreement.

Steve reviewed the process to ensure all parties are in agreement. Farrell noted the only other big concept is the possibility of disagreement between the Council and the agency. Roni Field of DES Employee Services noted this is very rare; there is a dispute resolution process, or if it cannot be worked out it would go to the Governor's office. Farrell is not sure if the Governor's Office would want to be involved. Mollie noted that it is likely that they would be in agreement on one candidate, however if there is still a tie they will need a method to resolve it, would not want to put it on the Governor's plate. Jim suggested a coin toss; Farrell explained coin toss concept in local elections. Steve noted having a dispute resolution process would be protective for both parties. Steve noted there should be a pathway in case the parties disagree, however he knows that the Council will be interested in agreeing on a candidate that will work with both the agency and the Council. He is not sure how to address that possibility; Farrell noted they could agree to start over if they can't agree on one candidate, which would work as an incentive. Mollie proposed that HR staff/certified mediator could be appointed.

Tim noted this process went through the Governor's office when he was hired. We are trying to avoid that outcome from happening again. Steve asked Farrell if there are any other issues that need to be addressed; he has nothing to add. None of the Executive Committee members have additional comments.

5. Staff Report	Tim will be out of the office April 12 to 19; staff will set up a special Council meeting with the proposed date of April 21.
6. Other Business	No other business
7. Adjourn	Meeting was adjourned at 12:20 p.m.