

Regular Meeting

January 28, 2008  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, January 28, 2008, at 12:47 p.m. with Grady Pettigrew, Eileen Paley, and Jeffrey Porter in attendance.

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*RE: Review and approval of the minutes from the December 17, 2007, regular meeting.*

A motion to approve the minutes was made, seconded, and passed unanimously.

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*RE: Review of the results of the pre-hearing conference reviews on the following appeals:*

- a) Robin Hein v. Columbus City Schools, Bus Mechanic I, Discharge. Trial board hearing scheduled for May 28, 2008. Appeal Number 07-BA-0024.*
- b) Nicole Johnson v. Columbus City Schools, Food Service Helper, Discharge. Trial board hearing scheduled for June 9, 2008. Appeal Number 07-BA-0026.*

PRESENT: Theresa Carter, Deputy Executive Director

Robin Hein – Mr. Hein, Bus Mechanic I, was discharged due to neglect of duty. Columbus City Schools intends to call five witnesses and Mr. Hein will testify on his own behalf. The parties have agreed the hearing should last no longer than three hours.

Nicole Johnson – Ms. Johnson was discharged from her position of Food Service Helper due to neglect of duty. Columbus City Schools intends to call five witnesses and Ms. Johnson will also call five witnesses. The large number of witnesses being called is due to the fact that Ms. Johnson had a last chance agreement in effect prior to this incident. Both parties agree the entire hearing should be completed in one afternoon.

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*RE: Request of the Civil Service Commission staff to amend Rule IX to permit candidates who have been removed from an eligible list due to four considerations to be restored to an eligible list upon request of the appointing authority.*

This item was deferred.

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*RE: Reconsideration of the Background Removal of Applicant Aaron Williams – BAR 07-BR-086.*

A motion to reinstate Mr. Williams' name to the Police Officer eligible list was made, seconded, and passed unanimously.

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*RE: Review of the Findings and Recommendation of the Trial Board hearing held on November 5, 2007, Amy Klopfer v. City of Columbus/Human Resources. Appeal Number 07-CA-0003.*

A motion to adopt the trial board's recommendation to disaffirm the action of the appointing authority terminating Ms. Klopfer from her position of Labor Relations Specialist was made, seconded, and passed unanimously.

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*RE: Review of the Findings and Recommendation of the Trial Board hearing held on December 5, 2007, Robert Johnson v. Columbus City Schools. Appeal Number 07-BA-0008.*

A motion to adopt the trial board's recommendation affirming the action of the Columbus City Schools discharging Mr. Johnson from his position of Custodian II was made, seconded, and passed unanimously.

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*RE: Request of the Columbus City Schools to approve the revisions to the specification for the classification of Secretary II (Class Code 9047).*

PRESENT: Jacquelyn Chapman, Columbus City Schools

Ms. Chapman presented this request from Columbus City Schools to revise the classification of Secretary II (Class Code 9047) based on a detailed job analysis. The proposed revisions reflect the need for and the changes in the requirements necessary to perform the duties with associated with this classification.

A motion to approve the request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Street Maintenance Operations Manager with no revisions (Class Code 3981).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request as part of the Civil Service Commission's efforts to review all classifications every five years. Street Maintenance Operations Manager was last reviewed in December of 2004. There are currently no employees serving in this classification.

As part of this review, a department representative was solicited to provide feedback about potential changes. Based on this feedback, it was decided that no changes needed to be made at this time. It was, therefore, recommended that the review of the specification for the classification Street Maintenance Operations Manager be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Traffic Line Supervisor II (Class Code 4029).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request from the Public Service Department to address their concerns regarding the minimum qualifications of this specification. Traffic Line Supervisor II was last reviewed in October of 2006 and there is one employee serving in the classification in Transportation Division.

Traffic Line Supervisor II is the second level of supervision in the traffic line series and rarely gets involved in day-to-day installation or maintenance activities. However, incumbents are required to drive to various work sites to oversee the work of the crews and the traffic line activities. Because these responsibilities are more administrative, the

need to possess a commercial driver's license is no longer necessary. The Department therefore requested that the minimum qualifications be revised by removing the Class B, commercial motor vehicle operator's license requirement and replacing it with possession of a valid motor vehicle operator's license. No other revisions were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Traffic Maintenance Supervisor II (Class Code 4019).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request from the Public Service Department to address their concerns regarding the minimum qualifications. Traffic Maintenance Supervisor II was last reviewed in October of 2006 and there are two employees serving in the class in the Transportation Division.

This classification is the second level of supervision in the traffic maintenance series and rarely gets involved in the day-to-day maintenance activities. However, incumbents are still required to drive to various work sites to oversee the work of the crews and maintenance activities. Because these duties are more administrative, it is no longer necessary to require possession of a commercial driver's license. The Department therefore recommended that the minimum qualifications be revised by removing the Class B, commercial motor vehicle operator's license requirement and instead, replacing it with possession of a valid motor vehicle operator's license.

It was also recommended that the minimum qualifications be revised to delete "Two years of experience leading and participating in the activities of sign installation, sign fabrication and repair and/or application and maintenance of pavement markings." and instead read, "Two years of experience supervising employees engaged in sign installation, sign fabrication and repair and/or application and maintenance of pavement markings." No other revisions were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Motion to adjourn regular meeting to go into Executive Session to consider the remaining agenda items.*

The Commission adjourned its regular meeting to consider the remaining agenda items.

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*RE: Personnel Actions.*

*Request of the Civil Service Commission staff to change the employment status of one Golf Assistant Professional (Class Code 3187) from provisional to permanent.*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to change the employment status of Scott Kays from provisional to permanent. Mr. Kays was originally hired by the Recreation and Parks Department as Recreation Facility Attendant in May of 1985. In 1994 Mr. Kays was hired fulltime as a Golf Assistant Professional. At that time, the job was competitive. Mr. Kays met the minimum qualifications and was hired provisionally since no test was available.

In October of 2001, the Commission changed the minimum qualifications to include the successful completion of the PGA or LPGA playing ability test. The classification was also changed from competitive to noncompetitive at that time. When the qualifications were changed, Commission Rules provide for any incumbents to be grand-fathered so they can continue to work in the class. However, in this case, it also meant that Mr. Kays could no longer become permanent from taking a civil service test, as he would have originally faced. Instead he would now have to pass the PGA playing test.

In November of 2003 Mr. Kays was laid off as a Golf Assistant Professional but was soon thereafter returned to a position as a Recreation Facility Attendant. Then in April of 2004, Mr. Kays was recalled from the layoff and returned to his Golf Assistant Professional position. While the Commission recognizes his ability to work in the class based on his original qualifications, he remains a provisional employee in a noncompetitive class where the only requirement for permanency is to meet the minimum qualifications. There have since been other employees hired into this classification, on a permanent basis. As such, if there were to be another layoff, Mr. Kays would be the first to be laid off because of his provisional status despite his higher seniority.

Based upon the fact the minimum qualifications were changed after his appointment to the class, the Commission staff requested that Mr. Kays' appointment status be changed from provisional to permanent, retaining his class seniority.

A motion to approve the request was made, seconded, and passed unanimously.

*Request of the Civil Service Commission staff to reallocate one position currently allocated to Network Manager (Class Code 0264) to IT Technical Support Manager (Class Code 0559) and allow the affected incumbent to retain her current classification status and seniority.*

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request in order to reallocate a Department of Technology (DoT) employee to a classification that better identifies the duties she is currently performing.

In 2002, Sandra J. Elswick, was hired as a Network Manager, which was the most appropriate classification available at that time. According to the position description submitted, Ms. Elswick's assigned areas included help desk operations, Unix operating systems, and Windows NT operating systems. The later consolidation of citywide technology functions within the Department of Technology (DoT) resulted in a centralized technology structure and indicated a need for more specialized classifications to fit the work currently performed by DoT employees. As the Department of Technology expanded, new classes were created within the technical support section.

In 2006, Commission staff created the classification of Technical Support Manager to be responsible for technical sections within the Department of Technology. Ms. Elswick had been performing the duties and responsibilities assigned to the new classification since she was appointed to her current position. Ms. Elswick meets the minimum qualifications for the Technical Support Manager classification, has completed the probationary period for her current classification, and has permanent status in her current classification. It was therefore requested that Ms. Elswick's position be reallocated to the Technical Support Manager classification and that she retain her current classification status and seniority.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Residency Hearing Reviews.

No residency hearing reviews were submitted this month.

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RE: *Background Removals.*

Applicants Removed Post Exam		
Name of Applicant	Position Applied For	BAR #
Joseph Wilgus	Police Officer	07-BR-115
Rodney Harmon	Police Officer	07-BR-120
Tamika Underdown	Police Officer	07-BR-123
Kelli Clark	Police Communications Technician	07-BR-125
Daniel M. Fickel	Firefighter	07-BR-127
Bradley Lauve	Firefighter	07-BR-128
Deena Rogers	Police Communications Technician	08-BR-001
John Russell	Police Officer	08-BR-002
Adam Wright	Police Officer	08-BR-005
Anthony D. Baber	Firefighter	08-BR-006
Timothy Irvin	Firefighter	08-BR-007
Kassandra Norman	Police Communications Technician	08-BR-009
Raymond Conrad	Police Communications Technician	08-BR-010
Nanette Hairston	Police Communications Technician	08-BR-011

After reviewing Rodney Harmon's file, the Commissioners decided his name would be reinstated to the Police Officer eligible list.

After reviewing the files of Joseph Wilgus, Tamika Underdown, John Russell, and Adam Wright the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

After reviewing the files of Anthony D. Baber and Timothy Irvin the Commissioners decided their names would be reinstated to the Firefighter eligible list.

After reviewing the files of Daniel M. Fickel and Bradley Lauve the Commissioners decided their names would not be reinstated to the Firefighter eligible list.

After reviewing the files of Kelli Clark, Deena Rogers, Kassandra Norman, Raymond Conrad, and Nanette Hairston the Commissioners decided their names would be reinstated to the Police Communications Technician eligible list.

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RE: *Other Administrative/Jurisdictional Reviews.*

*Review of the appeal of Tyrone Taylor, regarding the removal of his name from the eligible list for Maintenance Carpenter, Columbus City Schools – Appeal No. 08-BA-0001.*

The Commissioners reviewed the appeal Mr. Taylor filed on January 10, 2008, concerning his name not being included on a Maintenance Carpenter eligible list.

The Maintenance Carpenter list was established on January 15, 2002, and in March of 2002 Mr. Taylor was interviewed and offered a position. After being offered the position, Mr. Taylor requested a temporary withdrawal from the list and Columbus City Schools removed his name from the eligible list. In May of 2002 he appealed the removal and the Civil Service Commission reinstated his name to the list. In October of 2002, another certification list was issued from the Maintenance Carpenter eligible list and although it should have been, Mr. Taylor's name was not included on the certification list.

Commission records indicate that on June 12, 2003, Mr. Taylor phoned the Commission offices because he heard that Columbus City Schools were conducting interviews for the Maintenance Carpenter classification and he had not been contacted, but he had not yet contacted the Classified Personnel Office to find out what had happened. That day, Commission staff brought this issue to the attention of Sue Messina of the Classified Personnel Office and thereafter, Commission staff contacted Mr. Taylor to confirm that Ms. Messina had contacted him.

The Maintenance Carpenter eligible list expired on January 15, 2004; it is unclear why Mr. Taylor failed to file an appeal between June of 2003 when he first learned that his name had been omitted, and January of 2004 when the list expired. Commission Rules provide an appeal must be filed within ten days of notification; there are no provisions within the Commission Rules to address resolving a matter that occurred nearly four years ago.

Based upon the foregoing circumstances, the Civil Service Commission decided to dismiss Mr. Taylor's appeal for lack of jurisdiction pursuant to Commission Rule XIII(G)(1)(b).

*Review of the appeal of Annette Milton, regarding her discharge from the position of Office Assistant I at Public Utilities, City of Columbus – Appeal No. 07-CA-0024.*

The Commissioners reviewed the appeal Ms. Milton filed on December 10, 2007, relative to her discharge from the position of Office Assistant I at the Department of Utilities.

Prior to her termination, Ms. Milton was a member of the America Federation of State Municipal and County Employees (AFSCME), Local 1632. Section 11.8(A) of the bargaining agreement between AFSCME and the City of Columbus states:

The right of any employee to file an appeal pursuant to Section 149-1 of the City Charter is specifically waived. If an employee or the Union elects to challenge disciplinary action under the grievance procedure, the grievance must be filed at Step 2.

This provision of the bargaining agreement means that AFSCME employees must use the grievance procedure to challenge disciplinary action. AFSCME employees do not have a right to appeal disciplinary actions to the Civil Service Commission.

Based upon the foregoing, the Civil Service Commission decided to dismiss Ms. Milton's appeal without a hearing due to lack of jurisdiction.

*Review of the appeal of Daniel Yount, III, regarding the denial of his Request for Review for the position of Water Maintenance Worker – Appeal No. 07-CA-0025.*

The Commissioners reviewed the appeal Mr. Yount filed on December 13, 2007, regarding the rejection of his application for the position of Water Maintenance Worker. Mr. Yount stated that the exam announcement did not reference the position of Laborer with the City of Columbus, and that his work experience exceeded the requirements for the Laborer position.

The examination announcement for this test was reviewed to ensure that the minimum qualifications were accurate. Under the second section, Minimum Qualifications, the announcement read "In order to qualify for this Promotional examination, you must be a current City employee and now have, or have had during your continuous service with the City, permanent status in the classification of Laborer." It goes on to specify the experience requirements which must also have been met to qualify. Mr. Yount's online announcement from our website was also reviewed and it contained the same wording.

Although Mr. Yount is a City employee and he may have related experience, he does not hold permanent status as a Laborer and does not meet the requirements to take this examination on a promotional basis.

Based upon the foregoing, the Civil Service Commission decided to deny Mr. Yount's appeal and to dismiss it without a hearing pursuant to Commission Rule XIII(G)(1)(b).

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*RE: Hearing on the merits of the appeal of Gina Willis vs. Columbus City Schools, from the action of the Columbus City Schools discharging her from the position of Secretary I. Appeal Number 06-BA-0022.*

A motion to accept Ms. Willis' request to withdraw her appeal was made, seconded, and passed unanimously.

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The Commission adjourned its regular meeting at 12:46 p.m.

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Grady L. Pettigrew, Jr., President

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Date