

Regular Meeting

February 23, 2009  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, February 23, 2009, at 12:36 p.m. with Grady Pettigrew, Jr. and Jeffrey Porter in attendance.

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*RE: Review and approval of the minutes from the January 26, 2009 Regular meeting.*

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

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*RE: Review of the results of the pre-hearing conference review on the following appeal:*

- a. Judy Evergin vs. City of Columbus, Public Safety; Columbus Fire Lieutenant. Full Commission Hearing scheduled for April 27, 2009; Appeal Number 08-CA-0026.*

Both parties requested to expand the time of the hearing to a full day. The City has 5 witnesses and the Appellant has 13 witnesses.

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*RE: Request of the Civil Service Commission staff to extend the eligible list for Police Communications Technician for one year (Job Code 3004).*

PRESENT: Linda Isaac, Personnel Analyst II

Linda Isaac presented this request to extend the eligible list for Police Communications Technician for one year. The current eligible list was initially established in March of 2007. Based on a second administration of the exam, names were added to the list in December of 2007. There are 150 individuals remaining on the current list; 36 of these would drop off in March of 2009. The candidates for this classification, used exclusively in the Division of Police, are subject to background checks and polygraphs in addition to the regular interview process. As a result, this list can be exhausted relatively quickly. Extending these individuals' eligibility for a year will give the Division of Police a larger candidate pool from which to choose.

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

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*RE: Review of the Findings and Recommendation of the Trial Board hearing held on November 17, 2008, Allen Carse vs. Columbus City Schools, Appeal Number 08-BA-0011 and Jody Sagstetter vs. Columbus City Schools, Appeal Number 08-BA-0012.*

A motion to adopt the trial board's recommendation affirming the action of the Columbus City Schools suspending Mr. Carse and Mr. Sagstetter for ten (10) days was made, seconded, and passed unanimously.

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*RE: Columbus City School classification actions.*

No classification actions from Columbus City Schools were submitted this month.

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*RE: City of Columbus classification requests.*

No classification requests from the City of Columbus were submitted this month.

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

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*RE: Personnel Actions.*

No personnel actions were submitted this month.

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*RE: Residency Hearing Reviews.*

No residency hearing reviews were submitted this month.

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*RE: Background Removals.*

No background removals were submitted this month.

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*RE: Other Administrative/Jurisdictional Reviews.*

*Review of the appeal of Lisa Williams, regarding her discharge from the position of Food Service Manager, Columbus City Schools – Appeal No. 08-BA-0018.*

The Commissioners reviewed the appeal of Lisa Williams regarding her discharge from the position of Food Service Manager with the Columbus City Schools. The Columbus City Schools filed a Motion to Dismiss on January 26, 2009 arguing that the appeal should be dismissed because the discharge was required by Ohio Revised Code Section 3319.391. The Columbus City Schools provided a copy of an affidavit which states that a State of Ohio record check produced a conviction in 1990 of attempted trafficking in marijuana, R.C. 2925.03. The Columbus City Schools further argued that this offense is not subject to rehabilitation under R.C. 3319.391.

In her appeal, Ms. Williams stated that she believed the rehabilitation criteria had been met. The Ohio Administrative Code Department of Education standards for employment of individuals with criminal convictions states in Section 3301-20-01(E) that a drug abuse offense is not an offense to which the rehabilitation criteria apply. In addition, O.A.C. 3301-20-01(A)(11) states "a conviction of attempt, complicity, or conspiracy to any of these offenses shall be deemed a drug abuse offense for purposes of this rule."

The Columbus City Schools also argued in the Motion to Dismiss that even though the conviction was sealed, O.A.C. 3301-20-01(G) states that the rule is applicable to records of convictions that have been sealed when the information contained in those sealed records bears a direct and substantial relationship to the position. In the Appellant's Memorandum on Opposition to Appellee's Motion to Dismiss filed February 2, 2009, the fact of the conviction is not disputed. It was merely argued that the hearing should proceed. However, if the fact of the conviction is not in dispute, there is no basis for the appeal. Ohio Revised Code is clear that the Columbus City Schools has no discretion, nor would the Civil Service Commission. Accordingly, the discharge must be upheld.

Based on this information, the Commission decided to grant the Motion to Dismiss.

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*Review of the appeal of Gina Wayne, regarding the denial of her Request for Review, City of Columbus – Appeal No. 09-CA-0001.*

The Commissioners reviewed the appeal of Gina Wayne regarding the denial of her Request for Review to be rescheduled for the Radio Dispatcher examination.

In Gina Wayne's original Request for Review, she stated that she did not attend the Radio Dispatcher examination due to illness and side effects of prescription medication. Commission policy allows alternate test dates in a very limited number of cases. Examinations are rescheduled for medical reasons only when sufficient documentation is submitted to the Commission. On her appeal, she stated that she would provide a doctor's statement, but none was received. Therefore, the examination cannot be rescheduled.

Based on this information, the Commission decided to deny Gina Wayne's appeal and dismiss it without a hearing.

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The Commissioners adjourned its regular meeting at 12:42 p.m.

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Grady L. Pettigrew, Jr., President

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Date