

Regular Meeting

July 30, 2007
9:00 a.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, July 30, 2007, at 9:14 a.m. with Grady Pettigrew, Eileen Paley, and Jeffrey Porter in attendance.

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RE: Review and approval of the minutes from the June 25, 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) Robert Johnson v. Columbus Public Schools, Custodian II, Discharge. Trial board hearing scheduled for December 5, 2007 - Appeal Number 07-BA-0008.*
- b) William White, Jr. v. Columbus Public Schools, Custodian II, Discharge. Trial board hearing scheduled for December 10, 2007 - Appeal Number 07-BA-0009.*

This item was deferred.

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RE: Rule Revisions.

No rule revisions were submitted this month.

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RE: Request of the Civil Service Commission staff to revise the Background Removal Standards for Police Officers, Police Communications Technicians, and Firefighters.

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Brenda Sobieck presented this request. Revisions were recommended to the honesty/falsification, criminal activity, and substance abuse sections of the background removal standards for Police Officer and Police Communications Technicians. Revisions were also recommended to the honesty/falsification, criminal activity, and substance abuse sections of the background removal standards for Firefighters.

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

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RE: Trial Board Recommendations.

No trial board recommendations were submitted this month.

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RE: Request of the Columbus Public Schools to approve the revisions to the specification for the classification of Warehouse Supervisor – Class Code 9186.

This item was deferred.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Tree Trimmer with no revisions (Class Code 3760).

Request of the Civil Service Commission staff to approve the specification review for the classification Tree Trimmer Supervisor with no revisions (Class Code 3761).

Request of the Civil Service Commission staff to approve the specification review for the classification Water Distribution Operator I with no revisions (Class Code 3864).

Request of the Civil Service Commission staff to approve the specification review for the classification Water Distribution Operator II with no revisions (Class Code 3865).

Request of the Civil Service Commission staff to approve the specification review for the classification Maintenance Carpenter Supervisor with no revisions (Class Code 3516).

Request of the Civil Service Commission staff to approve the specification review for the classification Polygraphist with no revisions (Class Code 3016).

Request of the Civil Service Commission staff to approve the specification review for the classification Parks Planning Coordinator with no revisions (Class Code 1204).

Request of the Civil Service Commission staff to approve the specification review for the classification Parks Planning and Design Manager with no revisions (Class Code 1203).

Request of the Civil Service Commission staff to approve the specification review for the classification Parks Management Coordinator with no revisions (Class Code 3780).

Request of the Civil Service Commission staff to approve the specification review for the classification Surveyor with no revisions (Class Code 1016).

Request of the Civil Service Commission staff to approve the specification review for the classification Surveyor Manager with no revisions (Class Code 1040).

Request of the Civil Service Commission staff to approve the specification review for the classification Architect with no revisions (Class Code 1215).

Request of the Civil Service Commission staff to approve the specification review for the classification Accountant IV (Auditor) with no revisions (Class Code 0227).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented a request to approve the specification review for thirteen specifications with no revisions as part of the Commission's efforts to review all classifications every five years. The specifications were reviewed by Commission staff and discussed with departmental representatives and it was determined that no revisions were required at this time.

A motion to approve this 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 Trades Helper (Electrical), change the probationary period to 270 days, and amend Rule XI accordingly (Class Code 3549).

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. Trades Helper (Electrical) was last reviewed in November of 2002 and there are currently four employees serving in this classification in the Public Service Department, Transportation Division. As part of this review, Civil Service reviewed a questionnaire completed by one of the incumbents and a Department representative was solicited to provide feedback about potential changes. Based on this feedback, it was decided that one change needs to be made at this time.

The change recommended for this specification was to increase the probationary period from 180 to 270 days. This classification works closely with Traffic Line Workers and Traffic Maintenance Workers making electrical installations that require electrical and safety skills and knowledge. With requiring only one year of electrical experience, it is important that incumbents are provided with enough time to become fully capable of performing the duties while remaining safe on the job. Also, the nature of the work justifies a longer probationary period in order to provide incumbents with more exposure to irregular tasks and time to refine their skills. Therefore, it was recommended that the probationary period be changed to 270 days due to the technical nature of this classification and the physical dangers associated with it. This change would also make the Trades Helper (Electrical) classification consistent with the other classifications that it works with, Traffic Line Worker and Traffic Maintenance Worker, as they also have probationary periods of 270 days. The recommendation will not affect any of the current incumbents.

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 Surveyor-In-Training (Class Code 1015).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to revise the specification for the Surveyor-In-Training classification as part of the Civil Service Commission's efforts to review all classifications every five years. Surveyor-In-Training was last reviewed in October of 2002, and there is currently one employee serving in this classification in the Public Service Department's Transportation Division. As part of this review, Civil Service staff reviewed a questionnaire completed by the incumbent and Department representatives were solicited to provide feedback about potential changes.

No revisions to the definition, examples of work, knowledge, skills, and abilities, probationary period, or examination type were recommended. In order to remain consistent with the State of Ohio licensing board, it was recommended that the minimum qualifications be revised to read "possession of a Bachelor of Science in Surveying or Engineering, possession of a valid State of Ohio Surveyor Intern certificate by the end of the probationary period, and possession of a valid motor vehicle operator's license."

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 Wastewater Treatment and Residuals Manager (Class Code 1157).

PRESENT: Richard Cherry, Personnel Analyst II

This item was deferred.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Emergency Medical Services (EMS) Coordinator (Class Code 1672).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to revise the Emergency Medical Services (EMS) Coordinator classification as part of the Civil Service Commission's effort to review all classifications every five years. Emergency Medical Services (EMS) Coordinator was last reviewed in December of 2002. There is currently one employee serving in this classification in the Public Safety Department's Fire Division. Based upon information received via discussions with the incumbent and department representatives, it was recommended that the statement "Reviews and makes recommendations on additions or changes to EMS training curriculum" be added to the examples of work section of the specification. 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 Dietetic Technician (Class Code 1486).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Dietetic Technician was last reviewed in June of 2002, and there are currently nineteen employees serving in this classification in the Columbus Public Health Department. Based upon information received via questionnaire with supervisory review, a few revisions were proposed.

The examples of work section was revised to include additional task statements pertaining to the promotion of breastfeeding by providing education, information, and support; Dietetic Technicians may participate in breastfeeding committees and attend related meetings. The reference to performing the duties of Nutrition Assistant was revised to reference Office Assistant II duties performed at a WIC Clinic since the Nutrition Assistant classification has been abolished and those positions have been reallocated to Office Assistant II. The statement in reference to assisting in referrals for continuity of patient care has been removed as it is redundant. Statements referring to the necessary scheduling and record-keeping tasks have been added. One additional proposed addition relates to the potential for Dietetic Technicians to encounter, and therefore communicate, with potential and enrolled program participants who have limited English language skills.

The minimum qualifications section was revised with the addition of language indicating that positions allocated to this classification may require conversational proficiency in a language or languages other than English. The knowledge, skills, and abilities section was revised by the addition of the statement, "knowledge of the health benefits and promotion of breastfeeding". Language related to the ability to operate a computer and utilize applicable software programs has also been added, as well as language to reflect the diversity of program participants and the ability to communicate in a language or languages other than English. No other revisions were proposed.

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 Commissioners adjourned their regular meeting to consider the remaining agenda items.

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The Commissioners came back on the record to enter their decisions regarding the remaining agenda items.

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RE: Personnel Actions.

Request of the Civil Service Commission staff to reallocate one position from Research Analyst (Class Code 2081) to Development Project Assistant (Audio-Visual Communications) (Class Code 2030) and allow the affected incumbent to retain his classification seniority and status.

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as a result of a position audit completed in February of 2007. The audit determined that the duties assigned to this position would be more appropriately classified using the Development Project Assistant (Audio-Visual Communications) classification. While the incumbent of this position has been performing these duties for nearly twenty years, he did not meet the minimum qualifications for the recommended classification which raised question as to whether or not the current minimum qualifications represented true minimums. A classification review ensued that revealed the minimum qualifications of this classification to be too high and inconsistent with other areas of the specifications.

With the class review completed and the recommended changes adopted by the Civil Service Commission, it was requested that position number 44-01-15284 be reallocated to Development Project Assistant (Audio-visual Communications). It was further requested that the individual retain his classification seniority and status upon reallocation to the new classification. While the classification title may be changing, the work assigned and performed by this employee will remain the same.

<u>Position Number</u>	<u>Name</u>	<u>Rank</u>	<u>Apt</u>	<u>Certification Number</u>
44-01-15284	Stull, Stuart W.	1989 11 12	O	CHART-94

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

Request of the Civil Service Commission staff to reallocate designated positions from Research Analyst (Class Code 2081) to Building Services Specialist (Class Code 2016) and allow the affected incumbents to retain their classification status.

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as a result of a February 2007 audit of these two positions that determined they were both misclassified. One audit was requested by the incumbent and the other was initiated by Civil Service after learning that the responsibilities performed by each position were similar. Based on the duties performed (which was verified by the supervisors) one position was determined to be performing duties more closely aligned with the Planner II classification and the other was performing duties more appropriately aligned with the Planner I classification. In both cases, the incumbents did not meet the minimum qualifications of the recommended classification.

A meeting was held with the department representative to discuss the options available to resolve the position misclassifications. It was agreed to move these employees to the One Stop Shop and reassign them work that would involve the initial review and approval of site plans, building plans, graphics, plan/permits, contractor license applications, and zoning clearance reviews. Once the work reassignment is effectuated, the Building Service Specialist classification would be the most appropriate classification and would be considered a lateral reallocation compared to Research Analyst; both employees meet the minimum qualifications for this new classification.

Civil Service Rule X(G)(1)(a) speaks to lateral reallocations as a result of position audits where, because of the lateral nature of the reallocation, employees are allowed to be reallocated to the new classification without further examination. However this situation is a little different because the duties to be performed are new. Otherwise the reallocations are lateral (no increase in pay as a result of the change in title), the current employees are permanent, and the duties are related to the former (falling in the same job family). Because this situation doesn't fall neatly within the provisions of this Rule, Commission staff requested that these positions be reallocated to the Building Services Specialist classification and that the incumbents retain their current classification status (permanent) without further examination. Because these are new work assignments however, each employee will have a new classification seniority date and will be expected to serve a new probationary period upon reallocation to Building Services Specialist.

<u>Position Number</u>	<u>Name</u>	<u>Rank</u>	<u>Apt</u>	<u>Certification Number</u>
44-03-00345	Powers, Denise A	New	O	95039000
44-03-00689	Bailey, Dwight E	New	O	00006600

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

Request of the Civil Service Commission staff to reallocate one position from Office Assistant I (Class Code 0407) to Office Assistant II (Class Code 0408) and allow the affected incumbent to retain her classification seniority and status.

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as a result of a position audit completed on July 11, 2007. This particular position was included in the Clerical Consolidation Project and was initially determined to be performing duties appropriate to the Office Assistant II classification. However, prior to implementation of this project, the incumbent's duties were reassigned and the Office Assistant I classification was determined to be the most appropriate classification for these newer duties. More recently and the reason for this most recent audit request, the duties of this position were again reassigned and again determined to be more fitting to the Office Assistant II classification.

It was therefore requested that the designated position be relocated to the Office Assistant II classification and that the affected employee retain her current classification status and seniority.

<u>Position Number</u>	<u>Name</u>	<u>Class Seniority</u>	<u>Status</u>
30-02-00097	Linda Tennant	03/15/1998	O

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 #
Tracy Gerard	Police Communications Technician	07-BR-047
Keith Adams	Police Officer	07-BR-048
Koeshia Booker	Police Communications Technician	07-BR-049
Karim Bobosu	Police Officer	07-BR-050
Jan Frisch	Police Communications Technician	07-BR-051
Nicole Norris	Police Officer	07-BR-052
Brian Severs	Firefighter	07-BR-053
Rhonda Skeaton	Police Communications Technician	07-BR-054
David Orlando	Police Officer	07-BR-055
Brian Robinson	Firefighter	07-BR-056
Robert Banks	Police Officer	07-BR-057
Stephen Brown	Firefighter	07-BR-058
Jordan Strange	Police Officer	07-BR-059
Christopher Yacullo	Firefighter	07-BR-060
Joshua Maynard	Police Communications Technician	07-BR-061
Glenn Bennison	Firefighter	07-BR-063
Charles Hess	Police Officer	07-BR-064
Joshua Scott	Police Officer	07-BR-068

After reviewing the files of Keith Adams, Karim Bobosu, and Nicole Norris, the Commissioners decided their names would be reinstated to the Police Officer eligible list. After reviewing the files of David Orlando, Robert Banks, Jordan Strange, Charles Hess, and Joshua Scott, the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

After reviewing the files of Brian Severs and Stephen Brown, the Commissioners decided their names would be reinstated to the Firefighter eligible list. After reviewing the files of Brian Robinson, Christopher Yacullo, and Glenn Bennison the Commissioners decided their names would not be reinstated to the Firefighter eligible list.

After reviewing the files of Koeshia Booker, Rhonda Skeaton, and Joshua Maynard, the Commissioners decided their names would be reinstated to the Police Communications Technician eligible list. After reviewing the files of Tracy Gerard and Jan Frisch, the Commissioners decided their names would not be reinstated to the Police Communications Technician eligible list.

RE: Other Administrative/Jurisdictional Reviews.

Review of the appeal of Carolyn Carlisle regarding a denied Request for Review – Appeal No. 07-CA-0006.

The Commissioners reviewed the appeal Carolyn Carlisle filed on July 30, 2007, regarding the rejection of her application for the License Officer examination. The minimum qualifications for License Officer were recently reviewed by the Commission staff and the Commissioners approved revisions at its June 25, 2007, regular meeting. After that meeting, Ms. Carlisle was notified that she could re-apply for the exam between July 16 and July 23. The Commissioners therefore dismissed Ms. Carlisle's appeal as moot.

Review of the appeal of Jack Fox regarding a 3^d Step Grievance process – Appeal No. 07-BA-0011.

The Commissioners reviewed the appeal Jack Fox filed on June 11, 2007 based upon his belief that when he received a promotion he was not placed in the appropriate pay range and step. The pay ranges and associated steps are set forth in the Collective Bargaining Agreement between the Columbus Board of Education and the Columbus School Employees Association. The Civil Service Commission has jurisdiction over issues such as whether an employee is properly classified, disciplinary matters where the discipline imposed is more than a three-day suspension, and layoffs. Because Mr. Fox's appeal related specifically to compensation and that matter is outside the jurisdiction of the Commission, the Commissioners dismissed his appeal without a hearing due to lack of jurisdiction.

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The Commission adjourned its regular meeting at 9:45 a.m. to conduct a fire battalion chief disciplinary hearing which began at 10:00 a.m.

RE: Hearing on the merits of the appeal of Wesley Fullen, from the action of the Department of Public Safety, Division of Fire, discharging him from the position of Fire Battalion Chief – Appeal No. 06-CA-0037.

The Commission proceeded on the following charges and specifications:

CHARGE I: Violation of City of Columbus Central Work Rules - Rule 6

Insubordination. All employees are expected to follow any work direction given by a supervisor, as long as that direction is not immoral, unethical, unlawful or dangerous to the health and safety of City employees or members of the public. It is not necessary for supervisors to state the work direction as an order, or to threaten disciplinary action if the employee fails to comply. Employees shall not disobey or refuse to follow orders, policies and directives from management, and shall be considered insubordinate if they do so. (Employees who feel that the direction or order is inappropriate or incorrect should do as directed and take the matter up with management later; or file a grievance under the provisions of any applicable collective bargaining agreement.) The following acts or omissions are specifically prohibited:

- (A) Refusing to obey work directions or orders, policies and procedures, whether oral or written, including flagrant disregard of the directions or orders of any authorized supervisor or designee.
- (B) Failing to obey work directions or orders, policies and procedures, whether oral or written, including flagrant disregard of the directions or orders of any authorized supervisor or designee.
- (C) Refusing to cooperate in an internal investigation, or impeding an internal investigation, that might result in disciplinary action, whether the employee is a witness or the focus of that investigation.
- (D) Failing to cooperate in an internal investigation, or impeding an internal investigation, that might result in disciplinary action, whether the employee is a witness or the focus of that investigation.

Specification 1: On 15 June 2006, Battalion Chief Wesley Fullen flagrantly refused and failed to obey written orders from the Division of Fire Executive Officer Warren Cox per an official request dated 14 June 2006 in which he was ordered to cooperate in an internal investigation conducted by the office of the Director of Safety, Mitchell J. Brown.

Specification 2: On 15 June 2006, Battalion Chief Wesley Fullen flagrantly refused and failed to obey verbal orders from the Division of Fire Chief Ned Pettus, Jr. per direct connection by speakerphone in which he was ordered to cooperate in an internal investigation conducted by the office of the Director of Safety, Mitchell J. Brown.

Charge II: Rule 10 - Additional Standards of Conduct for Supervisors, Managers and Administrators. Supervisors, managers and administrators shall follow all of the above rules. Because those employees who hold positions of responsibility and trust at the levels of supervisor, manager or administrator must be held to a higher standard than the employees they supervise, they must always conduct themselves

with diligence and in a manner above reproach. In addition to complying with the previous nine work rules, supervisors, managers and administrators shall not engage in any of the following acts:

- (H) Failing to administer and support the policies, directives or other requirements of the City, or otherwise engaging in conduct which undermines the mission or the reputation of the City.

Specification 1: On 15 June 2006, Battalion Chief Wesley Fullen flagrantly refused and failed to obey written orders from the Division of Fire Executive Officer Warren Cox per an official request dated 14 June 2006 in which he was ordered to cooperate in an internal investigation conducted by the office of the Director of Safety, Mitchell J. Brown. The failure to follow such lawful orders is also a failure to support the policies and directives of the Division of Fire and City of Columbus as required as administrators.

Specification 2: On 15 June 2006, Battalion Chief Wesley Fullen flagrantly refused and failed to obey verbal orders from the Division of Fire Chief Ned Pettus, Jr. per direct connection by speakerphone in which he was ordered to cooperate in an internal investigation conducted by the office of the Director of Safety, Mitchell J. Brown. The failure to follow such lawful orders is also a failure to support the policies and directives of the Division of Fire and City of Columbus as required as administrators.

Appearances and preliminary matters were handled. The City requested a separation of witnesses. Ms. Susan Thompson and Mr. Dennis Thompson gave their opening statements.

Chief Ned Pettus, Jr. – Ms. Susan Thompson called Fire Chief Ned Pettus as the City's first witness. Chief Pettus was sworn in by Commission President Grady Pettigrew, examined on direct by Ms. Susan Thompson, examined on cross by Mr. Dennis Thompson, examined on re-direct by Ms. Susan Thompson, examined on re-cross by Mr. Dennis Thompson, answered additional questions from the Commissioners, and was excused.

Brooke Carnevale – Ms. Susan Thompson called Brooke Carnevale, Human Resources Manager, Safety Department, as the City's next witness. Ms. Carnevale was sworn in by Commission President Grady Pettigrew, examined on direct by Ms. Susan Thompson, examined on cross by Mr. Dennis Thompson, examined on re-direct by Ms. Susan Thompson, answered additional questions from the Commissioners, and was excused.

The City had no further witnesses to call.

Eddie Arnold – Mr. Dennis Thompson called Fire Lieutenant Eddie Arnold as the appellant's first witness. Lieutenant Arnold was sworn in by Commission President Grady Pettigrew, examined on direct by Mr. Dennis Thompson, examined on cross by Ms. Susan Thompson, examined on re-direct by Mr. Dennis Thompson, and was excused.

Melvin Hoston – Mr. Dennis Thompson called Firefighter Melvin Hoston as the appellant's next witness. Firefighter Hoston was sworn in by Commission President Grady Pettigrew, examined on direct by Mr. Dennis Thompson, examined on cross by Ms. Susan Thompson, and was excused.

Wesley Fullen – Mr. Dennis Thompson called the appellant, Wesley Fullen, as the next witness. Mr. Fullen was sworn in by Commission President Grady Pettigrew, examined on direct by Mr. Dennis Thompson, examined on cross by Ms. Susan Thompson, examined on re-direct by Mr. Dennis Thompson, answered questions from the Commissioners, and was excused.

There being no further witnesses for either party, Mr. Thompson moved that the appellant's exhibits 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 7e, 7f, 7g, 8, and 9 be entered into

the record. The City moved for its exhibits 1, 2, 3, 4, 5, 6, 7, and 8 to be entered into the record.

Ms. Susan Thompson and Mr. Dennis Thompson presented their closing arguments.

After a brief recess, Commission President Grady Pettigrew advised that City Exhibit 7 would not become a part of the record but all other exhibits would be entered.

Commission President Grady Pettigrew then entered the following findings of fact and decision into the record.

FINDINGS OF FACT AND DECISION

The Commission, in a unanimous decision, found Wesley Fullen guilty of Charge I, Specification 2, and not guilty of Charge I, Specification 1, Charge II, Specifications 1 and 2.

Based upon the foregoing, the Commission modified the action of the appointing authority from a termination to a six-month suspension without pay.

THIS BY DIRECTION OF THE COMMISSION.

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The hearing was adjourned at 6:00 p.m.

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Grady L. Pettigrew, Jr., President

Date