

Regular Meeting

August 25, 2008  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, August 25, 2008, at 12:39 p.m. with Grady Pettigrew and Jeffrey Porter in attendance.

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*RE: Review and approval of the minutes from the July 28, 2008, 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 review on the following appeals:*

PRESENT: Brenda Sobieck, Personnel Administrative Officer

*A. Kim Turk vs. Columbus City Schools. Trial Board Hearing scheduled for October 15, 2008, Appeal Number 08-BA-0009.*

Kim Turk – Ms. Turk was discharged from the position of Secretary I for neglect of duty.

Both parties stated they would have a total of 8 witnesses and would need extra time. Therefore, the trial board will begin at 9:00 a.m.

*B. Tyjuana Curry vs. Columbus City Schools. Trial Board Hearing scheduled for October 6, 2008, Appeal Number 08-BA-0008.*

Tyjuana Curry, was discharged from the position of Child Care Attendant for neglect of duty.

Both parties stated they would have a total of 7 witnesses and would not need extra time.

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*RE: Request of the Civil Service Commission staff to amend Rule VIII(E)(1).*

PRESENT: Barbara Gates McGrath, Executive Director

Barbara McGrath presented this request to amend Rule VIII (E)(1) which allows applicants to temporarily remove themselves from the selection process. At times, due to injury, personal issues, or for a variety of other reasons, an applicant might not be in a position to remain in the selection process. The ability to take a temporary withdrawal enables the applicant, within the parameters set forth in the rule, to preserve his or her right to be considered, and to re-enter the process when he or she is ready.

In its current form, nothing in the rule prevents an applicant, whose name appears on a promotional eligible list, from taking a temporary withdrawal from the promotional eligible list. This opens the possibility that such a person could subsequently terminate employment from the lower qualifying position, have his name reinstated to the eligible list for the lower qualifying classification, be re-appointed, request to rescind the temporary withdrawal from the promotional list, and thereby maintain eligibility for a promotional appointment despite a break in continuous service.

Typically, when an employee terminates City employment, the name is removed from a promotional eligibility list as that individual no longer meets the minimum qualifications.

When this rule was being reviewed, staff concurred that the intent of a promotional eligible list is that those who are appointed from the list had retained continuous service in the lower qualifying class. If it were otherwise, a person in a lower qualifying classification could either leave city employment entirely, or take a city position with duties totally unrelated to the duties necessary for the promotional classification. The proposed rule change would make the language in the rule consistent with the rule's original intent.

Based upon the foregoing, the staff requested that Rule VIII(E)(1) of the Commission Rules and Regulations be modified as follows:

(NOTE: Employees who are laid off from a qualifying class but remain on the recall list may remain on the promotional list despite a separation from employment.)

## RULE VIII

### ELIGIBLE LISTS

#### A. Creation by Competitive Examination

1. Open Examinations. After the completion of each open competitive examination, a preferred eligible list shall be prepared including the names of
  - a. all provisional employees serving in the tested class who attained a final passing grade;
  - and
  - b. those employees eligible for reallocation pursuant to Rule X(G)(1) who attained a final passing grade.

An open eligible list shall be prepared for all other applicants who attained a final passing grade. The names of eligibles on preferred or open eligible lists shall be arranged in the order of the final ranking based on test grades earned. No preferred eligible list shall be created for any of the uniformed ranks.

2. Promotional Examinations.
  - a. Except as otherwise provided by the Commission, seniority points shall be added to the passing scores as provided in Rule VII.
  - b. On promotional exams in the nonuniformed ranks, an applicant may earn up to ten seniority points for continuous service which accrued as of the last date of the test filing period in any eligible class. One-half point shall be awarded for each six months of such full-time service. One half-point shall be awarded for each twelve months of such part-time service.
  - c. In the uniformed ranks, seniority points shall be given for all half years of accredited service which have been accrued as of the test date. Accredited service shall mean all time elapsed from the date of appointment to a position in the lowest ranking uniformed classification in the appropriate division as reflected in the division's Official Seniority Roster in effect at the close of the filing period.
  - d. On promotional examinations for Police Sergeant and Fire Lieutenant, an applicant may earn up to ten seniority points. Points shall be computed as follows:
    - (1) One point shall be awarded for each of the first four years of accredited service in the division.

(2) Six-tenths of a point shall be awarded for each of the next ten years of accredited service in the division.

- e. On promotional examinations for ranks above Police Sergeant and Fire Lieutenant, (d) above shall apply, and in addition, an applicant shall be awarded one point for each of the first five years of accredited service in the class or classes which makes the applicant eligible for the examination.

B. Creation by Noncompetitive Examination

After the completion of each noncompetitive examination for which there is no qualifying test, a certification list shall be prepared including the names of all applicants, placed in alphabetical order, who met the minimum requirements for the examination. After the completion of each noncompetitive examination which has a qualifying test, an eligible list shall be prepared including the names of all applicants, placed in alphabetical order, who met the minimum requirements for the examination and passed all tests.

C. Addition by Reinstatement

1. Upon written request, the name of an individual may be placed at the top of an eligible list for any classification in which the employee served or for any lower class in the same class series, if all of the following apply:

- a. the individual previously received an original, promotional, or noncompetitive appointment to a position in the class or held permanent status in a higher class in the same series,
- b. for individuals who have left City employment, the request is made within three years from the date of separation; and
- c. any separation of the individual from service and/or the position was without fault and in good standing.

If a question arises as to whether the individual separated from the service in good standing or was reduced in rank without fault, the Executive Secretary shall investigate the cause and circumstances surrounding the separation or reduction and determine eligibility for reinstatement. An individual who resigned in lieu of disciplinary action shall be deemed not to have resigned in good standing. At the request of the Public Safety Director, the limitation identified in subsection (C)(1)(a) above may be waived for a former police officer who resigned in good standing if the officer was continuously employed full time as a sworn officer in a governmental law enforcement agency during the interim.

2. Following a layoff. The name of an employee who is reduced in rank or separated from employment as a result of a layoff shall automatically be reinstated in accordance with Rule XII(C)(4) to the eligible list for the classification from which the layoff occurred:

- a. if the employee has permanent status in the class; or
- b. if the employee had received an original appointment to the class and was serving a probationary period at the time of the layoff.

3. Following a probationary termination. Upon written request, the name of an employee removed by an appointing authority during or at the end of a probationary period may be restored to the eligible list from which the name was certified, provided that:

- a. the Commission determines that the employee would be suitable for appointment to another position in the class; and
- b. the request for reinstatement is submitted to the Civil Service Commission within one year from the effective date of the probationary termination.

4. Following a disability retirement in the uniformed ranks. When a former member of the Police Division or Fire Division meets the requirements as set forth in Columbus City Codes Sections

1905.08, 1905.09, 1927.07 and 1927.08, as applicable, upon written request, the name of the individual shall be reinstated to the appropriate eligible list.

5. A name reinstated to an eligible list, unless removed in accordance with these Rules, shall remain on the list for a period of two years, provided that the name of a former employee so reinstated may remain on the list up to three years; but in no event shall the name continue to remain on the list past the three year anniversary date of the employee's separation from City.

6. Names shall be reinstated to the top of an eligible list pursuant to Sections 1, 2 and 4 of this Rule only with the approval of the Executive Secretary. If more than one such name appears on an eligible list, the reinstated names shall be ordered based on seniority in the class, with the name having the greatest amount of seniority being placed highest on the list. Except as otherwise provided in Rule XII as pertains to layoffs, in filling vacancies the appointing authority may consider the names so reinstated for appointment; however, such a name reinstated to the competitive eligible list shall not be counted in calculating the number of names to be certified according to Rule IX.

7. Individuals who are not reinstated pursuant to their request shall be notified in writing. [See Rule XIII(G) Applicant Appeals]

#### D. Processing of Eligible Lists

1. In the event a test is given on both a promotional and open basis, the promotional eligible list shall be established first and shall be used until exhausted. In the event a preferred eligible list is created pursuant to Rule VIII(A)(1), it shall be established and certifications made therefrom prior to the open list.

2. In the event that an eligible list already exists at the time new test results are released, the Executive Secretary will determine whether a new list will be created to replace the old list in its entirety or whether the new results will be merged into the existing list according to test score.

3. All eligible lists shall automatically terminate when exhausted or when replaced by a new list.

4. Except as otherwise provided by Commission action, no name shall remain on any eligible list for more than two years, unless pursuant to the retesting provisions of Rule VII(B)(7)(a) or pursuant to subsection C(5).

#### E. Applicant Withdrawal from an Eligible List

1. An applicant whose name appears on an eligible list may request, in writing, one (1) temporary withdrawal from the selection process.

2. No temporary withdrawal from an open competitive eligible list shall remain in effect beyond the expiration or replacement of the eligible list from which the temporary withdrawal was requested or, in cases where a conditional offer of employment had been made prior to the requested temporary withdrawal, beyond the expiration of the conditional offer of employment.

No temporary withdrawal from a promotional competitive eligible list shall remain in effect beyond an employee's termination from a position in a lower qualifying classification.

3. An applicant may request, in writing, that his/her name be reinstated to the selection process at any time prior to the expiration or replacement of the eligible list or the expiration of a conditional offer of employment.

4. Applicants reinstated to an eligible list pursuant to this rule shall re-enter the selection process in accordance with Commission policy.

5. Applicants no longer interested in participating in the selection process may request, in writing, that their name be permanently withdrawn from further consideration. Names permanently withdrawn from an eligible list shall not be restored to that list.

A motion to approve this request 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: Request of the Civil Service Commission staff to approve the specification review for the classification Police Officer with no revisions (Job Code 3064).*

PRESENT: Sheri White, Personnel Analyst II

Sheri White presented this request to approve the specification review for the classification Police Officer with no revisions as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in December 2003. There are currently one-thousand, five hundred ninety employees serving in this classification, in the Police Division of the Department of Public Safety. A review of the current job analysis was conducted and department representatives were consulted. There were no changes recommended at this time.

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

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*RE: Request of the Civil Service Commission staff to abolish the specification for the classification Chief of Staff to City Council (U) (Job Code 0834).*

PRESENT: Richard Cherry, Personnel Analyst

Richard Cherry presented this request to abolish the specification for the classification Chief of Staff to City Council (U). This classification is currently vacant and has been since September 2006.

There is no longer one position that performs all of the duties as described on this classification. City Council has acknowledged that they do not anticipate a current or future need for this classification as it is written. Therefore, Commission staff requested that the specification be abolished as proposed.

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

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*RE: Request of the Civil Service Commission to revise the specification for the classification Public Health Quality Assurance Coordinator (Job Code 1747).*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification City Clerk (U) (Job Code 0150).*

PRESENT: Richard Cherry, Personnel Analyst

Richard Cherry presented this request to revise the specification for the classification City Clerk (U) as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in May 2003. There is currently one employee in this classification. Based on this review and departmental suggestions, some recommendations were proposed.

The phrase, "serves as senior administrator for the Offices of Council," was added to the definition section. In the examples of work section, one revision was made to two work statements that are currently somewhat redundant in their wording, and the other revision was to delete the work statement "ensures the custody of deeds, abstracts, insurance policies, and evidence of title for City owned property."

A guidelines for class use was added which clarified that this classification is unclassified and that appointments to this classification must be authorized and in accordance with City Charter provisions. There were no other revisions recommended.

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

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Human Resources Director (U) (Job Code 0130).*

PRESENT: Richard Cherry, Personnel Analyst

Richard Cherry presented this request to revise the specification for the classification Human Resources Director (U) as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in September 2003. There is currently one employee in this classification. Based on this review and departmental suggestions, some recommendations were proposed.

There were no revisions to the definition section. In the examples of work section, revisions were proposed to more accurately describe the citywide programs that are lead and directed by this department.

A guidelines for class use was added which clarified that this classification is unclassified and that appointments to this classification must be authorized and in accordance with City Charter provisions. There were no other revisions recommended.

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

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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.*

Applicants Removed Post-Exam

	Name of Applicant	Position Applied For	BAR #
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1.	James Webb, III	Police Officer	08-BR-063
2.	Joseph Lovell	Police Officer	08-BR-065
3.	Brian Francony	Police Officer	08-BR-067
4.	Kevin Murphy	Fire Fighter	08-BR-069
5.	Ryan Anthony Fumi	Police Officer	08-BR-070
6.	Joshua Rhyne	Police Officer	08-BR-071
7.	Matthew Mellinger	Police Officer	08-BR-072
8.	Guy Romaine	Police Officer	08-BR-073
9.	Jeffrey Chavalía	Police Officer	08-BR-074
10.	David Todd	Police Officer	08-BR-075
11.	Wannetta Curenton-Finch	Office Assistant II	08-BR-076
12.	John S. Mackin	Police Officer	08-BR-077
13.	Evan Gray	Police Officer	08-BR-078
14.	David Gitlitz	Police Officer	08-BR-079
15.	Myron Walker, Jr.	Police Officer	08-BR-080
16.	Randy Mathias	Police Officer	08-BR-081
17.	Jennifer Milliser	Police Communications Technician	08-BR-082
18.	Brian Cox	Police Officer	08-BR-083
19.	Gabriel Dean	Police Officer	08-BR-085

After reviewing the files of James Webb, III, Joseph Lovell, Brian Francony, Matthew Mellinger, and John S. Mackin, the Commissioners decided their names would be reinstated to the Police Officer eligible list.

After reviewing the file of Kevin Murphy, the Commissioners decided his name would be reinstated to the Fire Fighters eligible list.

After reviewing the files of Ryan Anthony Fumi, Joshua Rhyne, Guy Romaine, Jeffrey Chavalía, David Todd, Evan Gray, David Gitlitz, Myron Walker, Jr., Randy Mathias, Brian Cox, and Gabriel Dean the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

After reviewing the file of Wannetta Curenton-Finch, the Commissioners decided her name would be reinstated to the Office Assistant II eligible list.

After reviewing the file of Jennifer Milliser, the Commissioners decided her name would not be reinstated to the Police Communications Technician eligible list.

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*RE: Other Administrative/Jurisdictional Reviews:*

*Review of the appeal of Cilicia Crump, regarding her seniority and appointment date to a bus driver position, Columbus City Schools – Appeal No. 08-BA-0005.*

The Commissioners reviewed the appeal that Ms. Crump filed on April 10, 2008, that was forwarded to the Commission in accordance with Step 3 of the grievance process set forth in the collective bargaining agreement between the Columbus School Employees Association (CSEA) and the Columbus Board of Education. Her appeal was regarding her seniority and her appointment date to a bus driver position with the Columbus City Schools.

In her grievance, she asked that her seniority be changed to reflect the date she started driving. The grievance was denied at Steps 1 and 2 because it was determined that she was hired as a substitute driver. Seniority for classified employees is provided for in Article 7.1 of the CSEA agreement. The Commission has determined that seniority is a contractual matter that is governed by the agreement between the CSEA and the Board of Education, and the Commission has no authority or jurisdiction over the subject matter of her appeal or any grievances related to this matter.

Based on this information, the Commission dismissed Ms. Crump's appeal without a hearing.

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*Review of the appeal of Brenda Francis, regarding her bidding rights on school year, summer, and "extra pay trips" assignments, Columbus City Schools – Appeal No. 08-BA-0010.*

The Commissioners reviewed the appeal that Ms. Francis filed on July 28, 2008, regarding her belief that the collective bargaining agreement between the Columbus School Employees Association and the Columbus Board of Education had been violated. Ms. Francis believed that her right to bid on school year, summer, and "extra pay trips," assignments had been violated by City schools. She believed that City schools had violated the Family Medical Leave Act, and misapplied the provisions of the contract regarding absences and the medical documentation that an employee is required to submit following an absence. She also believed that she had been harassed by City school employees, and that the harassment violated the Ohio Revised Code and the Columbus City Schools policies prohibiting harassment.

The Civil Service Commission has jurisdiction over appeals regarding the application of Civil Service's Rules, and over discipline involving suspensions greater than three days, discharges, demotions, and/or reductions in pay. All of the issues in Ms. Francis' appeal were related to the terms and conditions of employment set forth in the collective bargaining agreement between OAPSE and the Board of Education. The Commission does not have authority to modify or enforce the terms of that agreement.

Based on this information, the Commission dismissed Ms. Francis' appeal for lack of jurisdiction.

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*Review of the appeal of Jordan Smith, regarding the denial of his Request for Review for Parks Maintenance Worker – Appeal No. 08-CA-0008.*

The Commissioners reviewed the appeal that Mr. Smith filed on May 29, 2008, regarding the denial of his Request for Review for Parks Maintenance because his application was rejected due to the fact that he failed to provide information to demonstrate that he had two years of experience operating a tractor mower, which is a minimum qualification for the examination.

When Commission staff reviewed Mr. Smith's application, he had provided no information to suggest that he met the mowing experience requirement. Commission policy allows applicants to clarify job duties for jobs originally listed on the application, but does not allow applicants to add additional jobs once the application has been reviewed and a determination has been made regarding whether or not the minimum qualifications have been met.

Based on this information, the Commission decided that Commission staff properly rejected Mr. Smith's application, and decided to dismiss his appeal.

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*Review of the appeal of Tammy Cochrun, regarding the denial of her Request for Review for Laboratory Assistant – Appeal No. 08-CA-0011.*

The Commissioners reviewed the appeal that Ms. Cochrun filed on June 27, 2008, regarding the denial of her Request for Review for the position of Laboratory Assistant. Ms. Cochrun's application was rejected because the experience she listed did not appear to meet the minimum qualifications for the Laboratory Assistant classification.

On her application, she listed her experience as a Wastewater Operator as follows: Run section properly ensure all equipment stays operating, perform any necessary tasks for my section. When she submitted her Request for Review, however, she attached a resume. The resume included positions that were not included on her application, and failed to even list the Wastewater Operator position she's held for the last two years.

Commission policy allows for clarification of job duties for jobs listed on the original application, but does not allow for jobs to be added to an application once it has been reviewed and a determination made regarding whether or not the minimum qualifications have been met. Ms. Cochrun's Request for Review was denied because she failed to clarify the duties as a Wastewater Operator, which was the job she listed on her application.

In her appeal, she stated that she has 10+ years of experience working in labs and currently at Southerly Wastewater Treatment Plant. Had she provided this information on her application, or during the Request for Review process, her application would have been accepted.

Based on the foregoing, the Commission decided to grant Ms. Cochrun's appeal.

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*Review of the appeal of Nicole Woodward, regarding the denial of her Request for Review for Applications Manager – Appeal No. 08-CA-0013.*

The Commissioners reviewed the appeal that Ms. Woodward filed on July 18, 2008, regarding the denial of her Request for Review for Applications Manager.

When Ms. Woodward's application was submitted, it was rejected because there was insufficient information to conclude that she met the minimum qualifications. When she submitted the Request for Review, she submitted a list of 23 duties, none of which indicated where, when, or the length of time, any of these duties were performed. Based on that information, her application was appropriately rejected by Commission staff. When Ms. Woodward filed her appeal, she submitted a detailed resume listing previous employers, duties performed and length of time she performed those duties.

Based on this information, the Commission decided to grant her appeal.

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The Commission adjourned its regular meeting at 12:51 p.m.

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Grady L. Pettigrew, Jr., President

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Date