

Regular Meeting

August 31, 2009
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, August 31, 2009, at 12:43 p.m. with Grady Pettigrew, Jr., Jeffrey Porter, and Delena Edwards in attendance.

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RE: Review and approval of the minutes from the July 27, 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 reviews:

a. Gayle Gaffney vs. Columbus City Schools; Food Service Helper. Trial Board Hearing scheduled for November 11, 2009; Appeal Number 09-BA-0007.

The School Board will call four witnesses and the Appellant will call three witnesses. No expanded time was requested. The trial board hearing is set for November 11, 2009.

b. David Santuomo vs. City of Columbus, Department of Public Safety; Firefighter. Full Commission Hearing scheduled for November 30, 2009; Appeal Number 09-CA-0010.

Mr. Santuomo indicated at the pre-hearing conference that he has been unable to retain an attorney. He requested a continuance based on the fact that he will be incarcerated on November 30, 2009, which is the date of his original Full Commission Hearing. Executive Director Barbara McGrath granted the continuance, but advised Mr. Santuomo that a second continuance will not be granted due to a lack of having an attorney. The City Attorney's Office will have five witnesses. The Appellant identified twelve potential witnesses. Both parties requested a full day for the hearing.

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RE: Rule Revisions.

No rule revisions were submitted this month.

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RE: Trial Board Recommendations.

No Trial Board recommendations were submitted this month.

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RE: Columbus City School Classification Actions.

No Columbus City School classification actions were submitted this month.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Department Human Resources Officer with no revisions (Job Code 0893).

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Relocation Specialist with no revisions (Job Code 2034).

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Electrical Engineering Associate I with no revisions (Job Code 1132).

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Electrical Engineering Associate II with no revisions (Job Code 1133).

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Drafting Trainee with no revisions (Job Code 1182).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented these requests that the review of the specifications for the classifications Department Human Resources Officer, Relocation Specialist, Electrical Engineering Associate I, Electrical Engineering Associate II, and Drafting Trainee be approved with no revisions as part of Civil Service Commission's efforts to ensure that all classifications have been reviewed at least every five years.

Based on a questionnaire completed by an incumbent, and departmental feedback, no revisions were requested at this time.

A motion to approve these requests 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 Police Artist and amend Rule XI accordingly (Job Code 3018).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to abolish the specification for the classification Police Artist and amend Rule XI accordingly as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in November 2005. There are currently no employees serving in this classification.

This classification has been vacant since 1997. Feedback from a department representative indicated there is no future need for this classification, therefore, it was requested that this classification be abolished.

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 Safety Programs Coordinator and amend Rule XI accordingly (Job Code 1721).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to abolish the specification for the classification Safety Programs Coordinator and amend Rule XI accordingly. This classification is currently vacant and has been since September 2001. This classification was created in April 1963, and was always and only used in the Health Department to identify sources of risk, to coordinate safety-related training programs among departments, and to provide professional safety expertise to prevent losses. The need for this classification has largely been replaced and enhanced by the Occupational Safety Manager classification (proposed to be retitled Citywide Occupational Safety and Health Manager), which is used within the Department of Human Resources as a result of Executive Order 2001-02 being instituted. With this classification vacant and any

future need being nonexistent, Commission staff requested that the specification for this classification be abolished.

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 Electricity Load Dispatcher (Class Code 3589).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to revise the specification for the classification Electricity Load Dispatcher as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in April 2005. There are currently six employees serving in this classification in the Division of Power and Water.

Based on questionnaires completed by incumbents and department representative's feedback, the definition section was revised to indicate that an Electricity Load Dispatcher is responsible for dispatching distribution crews and for controlling and operating the City's electricity distribution/transmission system.

Changes to the examples of work section were mainly to update some existing duties by changing the terminology or eliminating certain aspects of some duties that are no longer performed or no longer pertinent to the duties and by adding a duty that states that they "May supervise personnel, which includes completing performance evaluations, approving leave requests, and initiating disciplinary actions."

There were no revisions to the minimum qualifications section, the knowledge, skills and abilities section, the probationary period, or examination type.

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 Relocation Program Manager (Job Code 2036).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to revise the specification for the classification Relocation Program Manager as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in November 2005. There are currently no employees serving in this classification in the Department of Development, Housing Division.

Based on department representative's feedback, there were some revisions. In the examples of work section, all reference to Real Estate Relocation Specialist was changed to Relocation Specialist. The minimum qualifications section was revised to replace professional social work experience with experience working in one of the social services.

There were no revisions to the definition section, knowledge, skills and abilities section, the probationary period, or examination type.

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 Engineering Associate I (Job Code 1031).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to revise the specification for the classification Engineering Associate I as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in August 2005. There are currently twenty-four employees serving in this classification in the Public Service and Public Utilities Departments.

Based on questionnaires completed by incumbents and department representative's feedback, revisions were proposed.

In the examples of work section, a duty was added to reflect that an Engineering Associate I may utilize GIS mapping software. A revision to the knowledge, skills, and abilities section makes the section consistent with other classifications in the series and shows a progression of the knowledge levels needed as one advances up through the series.

There were no revisions to the definition section, the minimum qualifications section, the probationary period, or examination type.

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 Engineering Associate II (Job Code 1032).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to revise the specification for the classification Engineering Associate II as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in August 2005. There are currently thirty-six employees serving in this classification in the Public Service and Public Utilities Departments.

Based on questionnaires completed by incumbents and department representative's feedback, revisions were proposed.

In the examples of work section, duties were added stating that an Engineering Associate II meets with contractors about projects, forwards work to contractors, maintains related records and expenditures, and also may utilize GIS mapping software. Duties were added to the knowledge, skills and abilities section stating that the Engineering Associate II must possess knowledge of the basic principles and practices of practical engineering and not professional engineering and to make the section consistent with other classifications in the series and show a progression of the knowledge levels needed as one advances up through the series.

There were no revisions to the definition section, the minimum qualifications section, the probationary period, or examination type.

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 Engineering Associate III (Job Code 1104).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to revise the specification for the classification Engineering Associate III as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in August 2005. There are currently fifty-one employees serving in this classification in the Public Service and Public Utilities Departments.

Based on questionnaires completed by incumbents and department representative's feedback, revisions were proposed.

In the examples of work section, duties were added stating that an Engineering Associate III maintains records and expenditures related to construction projects and also may utilize CAD and GIS mapping software. Duties were added to the knowledge, skills and abilities section stating that the Engineering Associate III must possess knowledge of the basic principles and practices of practical engineering and not professional engineering and to make the section consistent with other classifications in the series and show a progression of the knowledge levels needed as one advances up through the series.

There were no revisions to the definition section, the minimum qualifications section, the probationary period, or examination type.

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 Outreach Worker (Job Code 3112).

PRESENT: Suzy Ulry, Personnel Analyst II

Suzy Ulry presented this request to revise the specification for the classification Outreach Worker as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in June 2005. There are currently twenty-six employees serving in this classification in the Columbus Public Health Department and the Recreation and Parks Department.

Based on completed questionnaires, with supervisory review, and department representative's feedback, revisions were proposed.

The examples of work section was revised with the addition of a statement indicating that Outreach Workers, "may need to communicate with individuals who have limited English language skills." At the request of the Columbus Public Health Department an additional statement was added in order to communicate the possibility of a change in typical work assignment or location and will facilitate the department's ability to prepare for, and respond to, a public health emergency or other disaster. The language stating that some positions may require specialized skills or background due to the nature of or funding requirements for the program was moved from the guidelines for class use to the minimum qualifications section.

There were no revisions to the definition section, the knowledge, skills and abilities section, the probationary period, or examination type.

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 Public Health Nurse (Job Code 1639).

PRESENT: Suzy Ulry, Personnel Analyst II

Suzy Ulry presented this request to revise the specification for the classification Public Health Nurse as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in November 2005. There are currently sixty-four employees serving in this classification in the Columbus Public Health Department.

Based on completed questionnaires, with supervisory review, and department representative's feedback, revisions were proposed.

The examples of work section was revised to clarify the role of the Public Health Nurse. One revision relates to the nursing services Public Health Nurses provide to Franklin County Children Services for children being placed in foster care. Another revision was made to reflect the role a Public Health Nurse may play in the event of a public health emergency. At the request of the Columbus Public Health Department, an additional statement was added in order to communicate the possibility of a change in typical work assignment or location and will facilitate the department's ability to prepare for, and respond to, a public health emergency or other disaster.

The knowledge, skills and abilities section was revised to include statements that reflect their ability to communicate effectively within the diversity encountered and the ability to enter and access information using a computer necessary for successful performance on the job.

There were no revisions to the definition section, the minimum qualifications section, the probationary period, or examination type.

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 Occupational Safety Manager, retitle it to read Citywide Occupational Safety and Health Manager, and amend Rule XI accordingly (Job Code 0282).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to revise the specification for the classification Occupational Safety Manager and to retitle it to read Citywide Occupational Safety and Health Manager as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years. It was last reviewed in October 2005. There is currently one employee serving in this classification, who is charged with managing the Citywide Occupational Safety and Health Program (COSHP) which is housed in the Human Resources Department.

Since the last review, several major changes to the program have taken place warranting changes to the specification. The title of this classification was changed to reflect more accurately the overall scope and responsibilities charged to this classification.

The definition section statement was revised to incorporate both occupational safety and health. The examples of work section had many changes, most notably the incorporation of occupational health throughout the section and the addition of new clinic responsibilities. The revision to the minimum qualifications section allows one to qualify with a combination of experience and certification or bachelor's degree with three different tracks.

A guidelines for class use was added clarifying that this is a single position classification and restricted to the Department of Human Resources. The ability to develop and maintain cooperative relationships with City officials, union representatives,

state agencies, associates, and the general public was added to the knowledge, skills and abilities section.

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 Civil Service Commission Deputy Executive Director (Job Code 0216).

This item was deferred.

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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.

	Name of Applicant	Position Applied For	BAR #
1.	Russell G. Redman, III	Police Officer	09-BR-020
2.	Gregory Wells, Jr.	Police Officer	09-BR-024

After reviewing the files of Russell G. Redman, III and Gregory Wells, Jr., the Commissioners decided their names would be reinstated to the Police Officer eligible list.

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RE: Other Administrative/Jurisdictional Reviews.

Review of the appeal of Terell Davis, regarding a class action, sick leave grievance, Columbus City Schools – Appeal #09-BA-0010.

The Commissioners reviewed the appeal filed by Terell Davis on June 12, 2009. Mr. Davis' appeal was based on the denial of a Step 3 class action grievance regarding conferences for the use of sick leave for Columbus City School's bus drivers.

The subject of sick leave is provided for in Section 12.7 of the Agreement between the Columbus School Employees Association and the Columbus Board of Education. The Civil Service Commission determined that sick leave is a contractual matter governed by the negotiated bargaining agreement between the CSEA and the Columbus Board of Education, and that the Commission has no authority or jurisdiction over the subject matter of this appeal or any grievances related to this matter.

Based on this information, the Civil Service Commission dismissed Mr. Davis' appeal without a hearing because of lack of jurisdiction over the appeal.

Review of the appeal of Margaret Walcott, regarding the 57-Day Suspension from the position of Head Custodian I, Columbus City Schools – Appeal #09-BA-0011.

The Commissioners reviewed the appeal filed by Margaret Walcott on April 8, 2009. The basis of Ms. Walcott's appeal was that she was suspended from her position of Head Custodian I for 57 days instead of 30 days.

Personnel action forms for the Columbus City Schools indicated that Ms. Walcott was placed on unpaid leave from her position effective February 6, 2009. Civil Service Commission Rule XIII(E) states that employees must appeal an action taken by an appointing authority within ten calendar days from the date of the action. Since Ms. Walcott did not file this appeal until April 8, 2009, her appeal was filed past the ten day deadline.

In addition to this, documentation from the School District indicates that she was placed on unpaid leave due to a prior conviction of a criminal offense. Columbus City Schools conducted this records check as required by State of Ohio laws. Columbus City Schools reinstated Ms. Walcott to her position when it was determined that she met the rehabilitation criteria outlined in Ohio Revised Code Section 3319.39. Ms. Walcott never received a suspension from her position, but was placed on unpaid leave. The School District also permitted her to use vacation and compensatory time during this leave. Columbus City Schools was following state law in conducting the records check and placing her on leave, and the Commission does not have any authority to overturn this action.

Based on this information, the Civil Service Commission dismissed Ms. Walcott's appeal without a hearing because it lacks jurisdiction over her appeal.

Review of the appeal of Lucille Mitchell, regarding a class action, contractual violation for Bus Driving job bidding process, Columbus City Schools – Appeal #09-BA-0013.

The Commissioners reviewed the appeal filed by Lucille Mitchell on June 1, 2009 which was based on the denial by the Columbus City Schools of a class action grievance regarding seniority and the bus driver bidding process.

The subject of seniority and bidding for jobs is provided for in Sections 8.4 and 8.10 of the Agreement between the Columbus School Employees Association and the Columbus Board of Education.

The Civil Service Commission determined that seniority and bidding for bus driver jobs is a contractual matter governed by the negotiated bargaining agreement between the Columbus School Employees Association and the Board of Education, and that it has no authority or jurisdiction over Ms. Mitchell's appeal or any grievances related to this matter.

Based on this information, the Civil Service Commission dismissed Ms. Mitchell's appeal without a hearing because of lack of jurisdiction over the appeal.

Review of the appeal of J'Shawn McKenzie, regarding his discharge from the position of Instructional Assistant, Columbus City Schools – Appeal #09-BA-0014.

The Commissioners reviewed the appeal filed by J'Shawn McKenzie on June 1, 2009, regarding his termination from the position of Instructional Assistant at the Columbus City Schools.

Section 3319.088 of the Ohio Revised Code (ORC) applies to Instructional Assistants employed by the Columbus City Schools. Section 3319.088(D) states that "educational assistants" shall have all of the rights, benefits, and legal protection available to other non-teaching employees in the school district "except that the provisions of Chapter 124 of the Ohio Revised Code shall not apply to any person

employed as an educational assistant.” The term educational assistant as defined in ORC Section 3319 applies to Instructional Assistants who are employed at Columbus City Schools.

Chapter 124 of the ORC pertains to Ohio Civil Service laws, and it includes a section that provides for employees in the classified service to appeal certain disciplinary actions including discharges to the Civil Service Commission. The Commission determined that since ORC Chapter 124 does not apply to Instructional Assistants, Mr. McKenzie’s discharge is not appealable to the Civil Service Commission.

Based on this information, the Civil Service Commission determined that it lacks jurisdiction over Mr. McKenzie’s appeal and dismissed his appeal without a hearing because of lack of jurisdiction.

Review of the appeal of Monica Dupree, regarding the Secretary II position audit decision, Columbus City Schools – Appeal #09-BA-0015.

The Commissioners reviewed the appeal filed by Monica Dupree on July 20, 2009 which was regarding the results of her position audit with Columbus City Schools in which it was determined that she was properly classified as a Secretary II.

After a review of the position audit findings and questionnaire, the Civil Service Commission determined that the duties and responsibilities Ms. Dupree performs are properly allocated to the Secretary II classification. Although employees assigned to the Secretary II job class assigned to school buildings perform similar duties, Secretary II employees assigned to district offices will have specific duties assigned to that office. As stated in the Secretary class specification, Secretary II acts as a clerical subject matter specialist and Ms. Dupree’s position has duties specific to the Pupil Services office. The Commission decided to uphold the decision of the Director of Employment and Staffing on her position audit.

Based on this information, the Civil Service Commission decided to dismiss Ms. Dupree’s appeal without a hearing.

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The Commissioners adjourned its regular meeting at 1:04 p.m.

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Grady L. Pettigrew, Jr., President

Date