

Regular Meeting

August 27, 2007
9:00 a.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, August 27, 2007, at 9:18 a.m. with Grady Pettigrew, Eileen Paley, and Jeffrey Porter in attendance.

* * *

RE: Review and approval of the minutes from the July 30, 2007, regular meeting.

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

* * *

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 05, 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.*
- c) Ethel Johnson v. Columbus Public Schools, Special Needs Instructional Assistant, Discharge. Trial board hearing not yet scheduled. Appeal Number 07-BA-0010*

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Brenda Sobieck presented the results of these three pre-hearing conferences conducted by Theresa Carter on July 30, 2007.

Robert Johnson was discharged from a Custodian II position at the Columbus Public Schools for neglect of duty. Ten witnesses have been identified; one is a joint witness. It has been requested that the time for the December 5, 2007, trial board be expanded and begin at 9:00 a.m. instead of 1:00 p.m.

William White, Jr. was discharged from a Custodian II position at Columbus Public Schools for job abandonment. There are four witnesses and there is no need to expand the December 10, 2007, trial board which is scheduled to begin at 1:00 p.m.

Ethel Johnson was discharged from her position of Special Needs Instructional Assistant at Columbus Public Schools. Six witnesses are being called, five are joint witnesses. It has been requested that when the trial board is scheduled that the time be expanded to begin at 9:00 a.m. instead of 1:00 p.m.

* * *

RE: Rule Revisions.

No rule revisions were submitted this month.

* * *

RE: Trial Board Recommendations.

No trial board recommendations were submitted this month.

* * *

RE: Receipt of rationale and supporting documentation for the pending layoff of one Food Service Inspector.

PRESENT: Wayne Christie, Columbus Public Schools

Wayne Christie presented this request from Craig Bickley, Executive Director of Human Resources, Columbus Public Schools. It has become necessary for Columbus Public Schools to reduce the number of employees in the Food Service Inspector classification by one (1). The need for this reduction resulted from a job abolishment due to an efficiency reorganization of the Food Service Department by the appointing authority. The effective date of the planned reduction is August 31, 2007.

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

* * *

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

PRESENT: Wayne Christie, Columbus Public Schools

Wayne Christie presented this request to revise the specification for the classification Warehouse Supervisor which has not been revised since June of 1975. Every section of the specification was revised in order to be more reflective of the classification and the duties currently performed by incumbents.

It was also requested that the probationary period be increased from 120 days to 180 days. No change to the competitive examination type was recommended.

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

* * *

RE: Request of the Columbus Public Schools to approve the creation of the classification specification Safety and Security Compliance Investigator.

PRESENT: Wayne Christie, Columbus Public Schools

Wayne Christie presented this request to create the specification for the classification Safety and Security Compliance Investigator. With the advent of the Federal and State of Ohio Homeland Security Agencies, Franklin County Emergency Management Agency, the National Incident Management Systems, and the Community Emergency Rescue Team, the Columbus Public Schools Safety and Security has assumed an expanded role and the Department is working to coordinate investigations within the school district. The incumbent to this new classification would be responsible for this coordination. It was requested that the examination type be designated noncompetitive and that a 270 days probationary period be assigned.

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

* * *

RE: Request of the Columbus Public Schools to approve the creation of the classification specification Transportation Dispatcher (Class Code 9615).

PRESENT: Wayne Christie, Columbus Public Schools

Wayne Christie presented this request to create the specification for the classification Transportation Dispatcher, who, under general supervision, would be responsible for managing bus dispatching operations for the Columbus Public Schools District. It was recommended that the examination type for this new classification be designated as competitive and the probationary period was assigned 180 days.

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

* * *

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Facilities Operations Manager with no revisions (Class Code 0296).

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. Facilities Operations Manager was last reviewed in June of 2002 and there are currently no employees serving in this classification. As part of this review, Civil Service staff reviewed the current specification and a department representative was solicited. After reviewing the available information, Commission staff recommended no changes and requested that the review of the specification for the classification Facilities Operations Manager be approved with no revisions.

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

* * *

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Maintenance Plumber with no revisions (Class Code 3911).

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. Maintenance Plumber was last reviewed in October of 2002. There are currently five employees serving in this classification in various departments and divisions citywide. As part of this review, Civil Service staff reviewed a questionnaire completed by one of the incumbents and department representatives were solicited to provide feedback about potential changes. After reviewing the information provided, 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 Maintenance Plumber be approved with no revisions.

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

* * *

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

Richard Cherry presented this request as part of the Civil Service Commission's efforts to review all classifications every five years. Wastewater Treatment and Residuals Manager was last reviewed in August of 2003. There is currently one employee serving in this classification in the Department of Public Utilities, Sewerage and Drainage Division. As part of this review, Civil Service staff reviewed the current specification and a department representative was solicited to provide feedback about potential changes. Based on this feedback, it was decided that one change needed to be made at this time.

By definition, Wastewater Treatment and Residuals Manager is responsible for managing the off-site disposal of residuals produced by wastewater treatment, composting, and other processes. This definition is still accurate as it relates to the disposal aspect of the job, but there is also a treatment aspect as well. Therefore, it was recommended that the definition be revised to read, "...responsible for managing the off-site treatment and disposal of residuals produced by wastewater treatment, composting and other processes." No other revisions were recommended.

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

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Energy Programs Coordinator (Class Code 0756).

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. Energy Programs Coordinator was last reviewed in February of 2003. There is currently one employee serving in this classification in the Department of Finance and Management. As part of this review, Civil Service staff reviewed the current specification and department representatives were solicited to provide feedback. After reviewing the available information, Commission staff recommended two changes.

By definition, Energy Programs Coordinator is under general direction of the Public Service Department and is responsible for developing, coordinating, and implementing City energy management policies and programs, and supervising the activities of contractors and employees assigned to energy management projects. Due to reorganization, the Energy Programs Coordinator is no longer under the Public Service Department. Therefore, it was recommended that the definition be revised to read, "Under general direction, is responsible for...." and not refer to a specific department.

Because this classification is a single-position classification restricted to the Department of Finance and Management, it was also recommended that a guidelines for class use section be added indicating this limitation and restriction. No other revisions were recommended.

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

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Fiscal Manager (Class Code 1253).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request on behalf of Suzanne Ulry, Personnel Analyst II, as part of the Civil Service Commission's effort to review all classifications every five years. Fiscal Manager was last reviewed in October of 2002. There are currently fifteen employees serving in this classification, located in various City departments. Based upon information received via questionnaires with supervisory review, some minor revisions were proposed.

It was recommended that the examples of work section be revised with the addition of one statement: "Performs cost analysis, revenue analysis, or cost/benefit analysis to research and develop solutions to resolve fiscal situations." In keeping with current trends in technology, language relating to the "ability to operate a computer and utilize applicable software programs" was added to the knowledge, skills, and abilities. There were no other revisions proposed to the specification. It was, therefore, recommended that the classification Fiscal Manager be approved as proposed.

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

* * *

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.

* * *

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

* * *

RE: Personnel Actions.

No personnel actions were submitted this month.

* * *

RE: Residency Hearing Reviews.

No residency hearing reviews were submitted this month.

* * *

RE: Background Removals.

Background Removals		
Applicants Removed Post-Exam		
Name of Applicant	Position Applied For	BAR #
Brandon Johnson	Firefighter	07-BR-062
Brian Sunderland	Firefighter	07-BR-065
Mark James Roddy	Police Officer	07-BR-067
Richard Kurtz	Firefighter	07-BR-069
Paul Isgett	Police Officer	07-BR-070
Roberto Falcon-Caratini	Police Communications Technician	07-BR-071
David Mobley	Firefighter	07-BR-072
Frederick Thomas	Police Officer	07-BR-073
Thomas Bonte	Firefighter	07-BR-074

After reviewing Brandon Johnson's file, the Commission decided to reinstate his name to the Firefighter eligible list. After reviewing the files of Brian Sunderland, Richard Kurtz, David Mobley, and Thomas Bonte, the Commission decided not to reinstate their names to the Firefighter eligible list.

After reviewing the files of Mark James Roddy and Paul Isgett, the Commission decided their names would be reinstated to the Police Officer eligible list. After reviewing Frederick Thomas' file, the Commission decided his name would not be reinstated to the Police Officer eligible list.

After reviewing the file of Roberto Falcon-Caratini, the Commission decided his name would be reinstated to the Police Communications Technician eligible list.

RE: Other Administrative/Jurisdictional Reviews.

Review of the appeal of Antoine Tucker regarding his test for the Account Clerk examination for Columbus Public Schools not being graded – Appeal No. 07-BA-0015.

The Commissioners reviewed the appeal Mr. Tucker filed on July 25, 2007, based upon his belief that his Account Clerk examination should have been graded. Craig Bickley, Executive Director of Human Resources, ordered that it not be graded because Mr. Tucker arrived late for the examination. The Civil Service Commission policy regarding test monitoring states:

The lead analyst is to ensure no test taker is permitted to take the exam after the instructions have begun.

Columbus Public Schools staff confirmed that Mr. Tucker arrived to take the examination at least fifteen minutes after the instructions had been read. In

accordance with Commission policy, the monitor should not have allowed Mr. Tucker to take the exam. In order for the Commission policy to be consistently applied, since Mr. Tucker should not have been permitted to take the exam, the only remedy available was to not grade his examination.

Based on the foregoing, the Civil Service Commission decided that Director Bickley's decision regarding this matter was appropriate and dismissed Mr. Tucker's appeal without a hearing.

Review of the appeal of Jonathan Cruse regarding a denied request for reinstatement to the Firefighter eligible list – Appeal No. 07-BA-0004.

The Commissioners reviewed the appeal Mr. Cruse filed on July 11, 2007, regarding the denial of his request to be reinstated to the Firefighter eligible list. Mr. Cruse was terminated from the Fire Academy on March 30, 2007, and his personnel file reflects that the termination was not in good standing. Mr. Cruse was notified in a letter dated June 26, 2007, that his request for reinstatement was denied and that he could appeal that decision within 10 calendar days which would have been July 6, 2007. Mr. Cruse didn't file his appeal until July 11, 2007, and for that reason the Commission dismissed his appeal without a hearing based on lack of jurisdiction.

In his appeal Mr. Cruse stated he believed his performance was initially poor but improved as the class progressed. The Department of Public Safety has indicated that they would consider re-appointing Mr. Cruse as a Firefighter, but that he would have to demonstrate to them that he had improved his study skills. Pursuant to Commission Rules, Mr. Cruse may submit another request to be reinstated to the Firefighter eligible list. If he decides to do so, he must ensure that he meets the deadlines as set forth in the Commission Rules.

Review of the appeal of Justin McKinney regarding a denied request for review related to the rejection of his application for Management Analyst II - Appeal No. 07-CA-0007.

The Commissioners reviewed the appeal Mr. McKinney filed on June 29, 2007, regarding the rejection of his application for Management Analyst II. In his appeal Mr. McKinney requested that three internships not originally listed on his application be credited toward the experience requirement and that he be credited with one year of law school, also not originally listed on his application. The Commission does not allow applicants to add to their applications once they have been submitted. In addition, Mr. McKinney requested that course work at Capital University Law School be substituted for work experience; the only substitution listed in the Management Analyst II specification is a master's degree, which could be substituted for one year of experience.

Based on a review of the information submitted with Mr. McKinney's appeal and application, it was determined that he does not meet the minimum qualifications for Management Analyst II. Based on the foregoing, the Civil Service Commission upheld the rejection of Mr. McKinney's application for Management Analyst II and decided to dismiss his appeal without a hearing.

Review of the appeal of Linda Young regarding her test for the License Officer examination not being graded – Appeal No. 07-CA-0008.

The Commissioners reviewed the appeal Ms. Young filed on May 25, 2007, regarding a letter she received from the Commission on May 24, 2007, informing her that her test results for License Officer would not be scored due to an error in reviewing her application.

The Commission staff reviewed the minimum qualifications for the License Officer classification and revisions were recommended and approved at the June 25, 2007, Commission meeting. Ms. Young was notified by mail on July 2, 2007, that her

test had been graded based on the new minimum qualifications and that her name had been placed on the License Officer eligible list.

Based on the foregoing, the Civil Service Commission decided Ms. Young's appeal was moot and dismissed it without a hearing.

* * *

The Commission adjourned its regular meeting at 9:30 a.m. to conduct a fire battalion chief disciplinary hearing which began at 10:10 a.m.

RE: Hearing on the merits of the appeal of Yolanda Arnold, from the action of the Department of Public Safety, Division of Fire, suspending her from the position of Fire Battalion Chief for eighty (80) duty hours – Appeal No. 07-CA-0001.

The Commission proceeded on the following charges and specifications:

CHARGE I: Violation of City of Columbus Central Work Rules: RULE 1. DISHONESTY. All employees are expected to be honest at all times in performing all aspects of their jobs for the City of Columbus. Employees shall not lie, deceive, steal, cheat or defraud any City employee or member of the public in any manner. The following acts or omissions are specifically prohibited:

- (G) Making false or untrue statements regarding work-related matters to management, fellow employees or a member of the public.

RULE 10. ADDITIONAL STANDARDS OF CONDUCT FOR SUPERVISORS 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.

SPECIFICATION I: A letter to the Fire Chief, dated April 5, 2005, said, "Lt. Daum has refused to return the documents he took out of the Plans Review office, even though they are the property of the Columbus Division of Fire." This letter from Battalion Chief Yolanda Arnold prompted a PSU investigation.

SPECIFICATION II: On June 2, 2005 Ch Arnold stated in a PSU interview that Lt Randal Daum removed documents belonging to the City of Columbus Fire Prevention Bureau and will not return them. Ch Arnold further stated that Rhonda Sipe and Firefighter James Sawyers witnessed him placing the documents in a box and taking them from the FPB.

The two individuals were interviewed and denied any knowledge of Lt Daum removing documents.

SPECIFICATION III: On January 19, 2006, during a subsequent PSU interview, Ch Arnold was told that the two individual she named as witnesses to Lt Daum removing documents from the FPB denied any knowledge of him taking documents. Ch Arnold said Miss Sipe is not telling the truth. Ch Arnold said she asked Rhonda Sipe why she did not come forward with the

information she knew about and was told she was afraid of losing her job.

Rhonda Sipe was interviewed again and denied being untruthful or feeling coerced in her previous interview. She also denied discussing the case with Ch Arnold or saying that she thought she might lose her job if she did not answer the way she did.

Appearances and preliminary matters were handled. A separation of witnesses was requested. Ms. Papalia and Mr. Thompson gave their opening statements.

Battalion Chief Charles Campbell – Ms. Papalia called Battalion Chief Campbell as the City's first witness. Battalion Chief Campbell was sworn in by Commission President Pettigrew, examined on direct by Ms. Papalia, examined on cross by Mr. Thompson, examined on redirect by Ms. Papalia, recross by Mr. Thompson, answered questions from the Commissioners, and was excused.

Rhonda Sipe – Ms. Papalia called Rhonda Sipe as the City's next witness. Ms. Sipe was sworn in by Commission President Pettigrew, examined on direct by Ms. Papalia, examined on cross by Mr. Thompson, examined on redirect by Ms. Papalia, recross by Mr. Thompson, and answered questions from the Commissioners. Ms. Sipe was examined again on redirect by Ms. Papalia, recross by Mr. Thompson, and was excused.

Lieutenant Randall Daum – Ms. Papalia called Lieutenant Daum as the City's next witness. Lieutenant Daum was sworn in by Commission President Pettigrew, examined on direct by Ms. Papalia, examined on cross by Mr. Thompson, examined on redirect by Ms. Papalia, and answered questions from the Commissioners. Lieutenant Daum answered questions from Mr. Thompson based on the Commissioners' questions and was excused.

Fire Chief Ned Pettus, Jr. – Ms. Papalia called Fire Chief Pettus as the City's next witness. Chief Pettus was sworn in by Commission President Pettigrew, examined on direct by Ms. Papalia, examined on cross by Mr. Thompson, examined on redirect by Ms. Papalia, recross by Mr. Thomas, and answered questions from the Commissioners. Chief Pettus answered follow-up questions from both Ms. Papalia and Mr. Thompson based on the Commissioner's questions and was excused.

The City's next witness, Safety Director Mitchell Brown, was unavailable due to illness; Ms. Papalia requested the right to call him on rebuttal. Ms. Papalia moved the City's Exhibit #1 into the record and it was accepted. The City had no further witnesses.

Commission President Pettigrew advised this hearing would be recessed until Monday, September 24, 2007, at 1:00 p.m.

Today's hearing was adjourned at 5:00 p.m.

* * *

Grady L. Pettigrew, Jr., President

Date