

Regular Meeting

September 24, 2007
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, September 24, 2007, at 12:32 p.m. with Grady Pettigrew, Eileen Paley, and Jeffrey Porter in attendance.

* * *

RE: Review and approval of the minutes from the August 27, 2007, regular meeting.

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

* * *

RE: Pre-hearing Conference Reviews.

No pre-hearing conference reviews were scheduled this month.

* * *

RE: Request of the Civil Service Commission staff to amend Rule IX(F) to add a new procedure to canvass for eligibles with needed special qualifications.

PRESENT: Barbara Gates McGrath, Executive Director

Barbara McGrath presented a request to add a new procedure to Rule IX(F) to allow canvassing eligibles with needed special qualifications. The City of Columbus has recognized a growing need for its employees to communicate with non-English speaking members of our community. This issue has been of particular concern in certain Health Department classifications, for Police Communication Technicians, and for 311 Service Representatives who staff the City's Call Center. While some classifications should clearly be competitive, the occasion may arise when there is a need to hire an applicant who is proficient in a specific foreign language or has a specific license but the only candidates on the list with those qualifications are not reachable.

It was recommended that the Commission approve a revision to Rule IX(F) which would allow the identification and certification of only the eligibles on a list who meet the special qualifications for certain positions. The proposed amendment would permit a selection by the appointing authority from those candidates for filling the vacancy, in accordance with the usual Commission Rules. For this type canvass there would be an additional step in that the individuals would have to establish, to the Commission's satisfaction, that they do possess the qualification which is the subject of the canvass. How this is accomplished could vary depending on the particular qualification, whether it is a license or language proficiency. If a special license was the needed qualification, eligibles would be informed in the canvass letter to produce the license. Similarly, if proficiency in a language were required, the canvassing letter would alert the candidates to the steps that would need to be taken to establish their proficiency.

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

* * *

RE: Trial Board Recommendations.

No trial board recommendations were submitted this month.

* * *

RE: Columbus City Schools Classification Actions.

No Columbus City Schools classification actions were submitted this month.

* * *

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Security Specialist with no revisions (Class Code 3538).

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. Security Specialist was last reviewed in September of 2002 and there are currently twenty-five employees serving in this classification in various City departments and divisions.

As part of this review, Civil Service Commission staff reviewed questionnaires completed by incumbents and department/division representatives were solicited to provide feedback about potential changes. Based on this feedback, it was determined that no changes were needed. It was therefore recommended that the review of the specification for the classification Security Specialist 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 Security Specialist Supervisor with no revisions (Class Code 3539).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request that the specification for the classification Security Specialist Supervisor be approved with no revisions as part of the Civil Service Commission's efforts to review all classifications every five years. Security Specialist Supervisor was last reviewed in April of 2002 and there is currently one employee serving in this classification in the Department of Public Utilities, Operational Support Division.

As part of this review, Civil Service Commission staff reviewed a questionnaire completed by the incumbent and a department/division representative was solicited to provide feedback about potential changes. Based on this feedback, it was determined that no changes were needed at this time. It was, therefore, recommended that the review of the specification for the classification Security Specialist Supervisor 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 Student Intern II (Class Code 0782).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to revise the specification for the classification Student Intern II as part of the Civil Service Commission's effort to review all classifications every five years. Student Intern II was last reviewed in August of 2002 and at the time of this report, there were forty-four employees serving in the classification in various City departments and divisions. Based upon information received via questionnaire and supervisory review, one revision was proposed.

The only revision required was the addition of a statement under the knowledge, skills, and abilities section. In keeping with current trends in technology, language relating to the ability to operate a computer and utilize applicable software programs was added to this section; this ability was identified by every questionnaire respondent as essential for successful performance on the job.

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 Student Intern III (Class Code 0788).

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. Student Intern III was last reviewed in August of 2002. There are currently two employees serving in this classification; one in the Mayor's Office and one in the Development Department. Based upon information received via questionnaire and supervisory review, only one revision was proposed.

The only revision required was the addition of a statement under the knowledge, skills, and abilities section. In keeping with current trends in technology, language relating to the ability to operate a computer and utilize applicable software programs was added to this section.

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 Cable Broadcast Writer/Producer (Class Code 3128).

This item was deferred.

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Fire Assistant Chief (Class Code 3086).

PRESENT: John Swinger, Personnel Analyst II

John Swinger, Personnel Analyst II, presented this request as part of the Commission's objective to review all classifications at least every five years to ensure accuracy. Fire Assistant Chief was last revised in December of 2002 and there are currently five employees serving in this classification in the Department of Public Safety, Division of Fire. Incumbents were asked to provide feedback regarding the specification and how it relates to their current job.

Revisions to the definition were recommended to be consistent with other executive-level positions throughout the City; it was recommended that "under general direction," be replaced with, "under administrative direction." It was also recommended that "administrative assistant," be changed to, "executive officer," which is the terminology used within the Division of Fire for this position. Two additions and a number of minor changes were proposed to the examples of work section. The proposed changes better represent the duties and responsibilities currently performed by the employees in this class and avoid repetition in the list of examples. The two additions to this section are "Directs the work of the Administration Bureau" and "Oversees the development and implementation of large projects for the Division of Fire". It was also recommended that the education requirement under minimum qualifications be updated to reflect the current educational requirement, possession of a bachelor's degree. The listed educational requirements for the years 2003 to 2006 should be deleted since they are now obsolete. No revisions to the knowledge, skills, and abilities, examination type, or probationary period 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 Industrial Hygienist (Class Code 1847).

This item was deferred.

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Public Health Sanitarian II (Class Code 1833).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request from the Columbus Public Health Department to change the minimum qualifications for Public Health Sanitarian II to require two years of experience in the practice of environmental health within a public health agency, rather than the three years currently required. Public Health Sanitarian II was last reviewed in October of 2003 and there are currently nine full-time employees serving in this classification in the Columbus Public Health Department.

The Public Health Sanitarian series has five levels of classification, all of which require professional registration or certification by the State of Ohio consisting of an In-Training, I, II, III, and IV. In October of 2003, the minimum qualifications for PH Sanitarian II was increased to three years of experience from an original two years based on feedback provided by the department at the time of that review. However, since the minimum qualifications were increased, the department is now finding that two years of experience is really a sufficient minimum qualification for this classification. Since, from a class series perspective, it is more typical for these minimum qualifications to be set at two years, especially for a series of this nature, it was recommended that the minimum qualifications for Public Health Sanitarian II be revised to require the possession of a valid certificate as a Registered Sanitarian with the Ohio State Board of Sanitarian Registration and two years of experience in the practice of environmental health within a public health agency. It was also requested that a motor vehicle operator's license continue to be part of the minimum qualifications as traveling to various site locations for inspections is an integral part of the job.

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 Technology Director/CTO (U) and retitle it to read Technology Director/CIO (U) (Class Code 0100).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as part of the Civil Service Commission's objective to review all classifications at least every five years to ensure accuracy. This classification was last revised in September of 2002 and is assigned to the unclassified job family, executive group. There is currently one employee in this classification.

The department suggested that this classification be retitled to Technology Director/CIO (U) to reflect that the classification functions as the Chief Information Officer (CIO) for the City. CIO is a more widely recognized and commonly used title for the responsibilities described in this specification. The only proposed revision to the definition was to reference the proposed Chief Information Officer title. Changes to the examples of work section were recommended to more accurately depict the department's current organizational structure as well as the current responsibilities associated with this classification. It was further proposed that a guidelines for class use be added to the specification, which would clarify that this classification is unclassified and that appointments to this classification must be authorized and in accordance with City

Charter provisions. A similarly worded guideline is used for other unclassified classifications.

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.

James R. Eblin, Jr., Firefighter, Case No. 07-RI-0002

In the matter of James R. Eblin, Jr., Firefighter, the Commissioners reviewed the hearing officer's report and recommendation with regard to his compliance with the City's residency requirement. The Commissioners found that Mr. Eblin is currently in compliance with the residency requirement.

* * *

RE: Background Removals.

Applicants Removed Pre-Exam

Name of Applicant	Position Applied For
Tara Wisley	Police Officer
Adam J. Fisher	Police Officer

After reviewing Tara Wisley's file, the Commissioners decided her application would not be accepted and she would not be permitted to take the Police Officer examination.

After reviewing Adam J. Fisher's file, The Commissioners decided his application would be accepted and he would be permitted to take the Police Officer examination.

Applicants Removed Post-Exam

Name of Applicant	Position Applied For	BAR #
Ronny Young	Firefighter	07-BR-066
Montrell Bailey	Firefighter	07-BR-075
Melinda Lowery	Police Communications Technician	07-BR-076
Scott Smallwood	Firefighter	07-BR-077

After reviewing the files of Ronny Young, Montrell Bailey, and Scott Smallwood, the Commissioners decided their names would not be reinstated to the Firefighter eligible list.

After reviewing Melinda Lowery's file, the Commissioners decided her name would not be reinstated to the Police Communications Technician eligible list.

RE: Other Administrative/Jurisdictional Reviews.

Review of the appeal of Ethel Johnson, regarding her termination from the position of Special Needs Instructional Assistant, Columbus Public Schools – Appeal No. 07-BA-0010.

The Commissioners reviewed the appeal Ethel Johnson filed on May 11, 2007, relative to her discharge from a Special Needs Instructional Assistant position with the Columbus City Schools. Ohio Revised Code Section 3319.088 applies to Instructional Assistants employed at the Columbus City Schools and indicates that "educational assistants" shall have all the rights, benefits, and legal protection available to other non-teaching employees except that the provisions of Chapter 124 of the Ohio Revised Code shall not apply. Chapter 124 provides for employees to appeal certain disciplinary actions including discharge to the Civil Service Commission. Since Chapter 124 does not apply to Instructional Assistants, the Commission does not have jurisdiction over this matter.

The Commissioners therefore, dismissed Ms. Johnson's appeal without a hearing due to lack of jurisdiction.

Review of the appeal of Monica Dupree, Secretary I & II, Columbus Public Schools, regarding her 3rd Step Grievance - Appeal No. 07-BA-0016.

The Commissioners reviewed the 3rd Step Grievance appeal Monica Dupree filed on July 31, 2007, regarding payment on vacation accruals and other payroll issues related to vacation time.

Vacation leave is governed by Section 14.1 of the Agreement between the Columbus School Employees Association and the Columbus Board of Education. Vacation accrual is a contractual matter that is governed by the collective bargaining agreement. The Commission determined it has no jurisdiction over the subject matter of Ms. Dupree's appeal or any grievances related to this matter. The Commissioners therefore, dismissed this appeal without a hearing because of lack of jurisdiction.

Review of the appeal of Theresa Guay regarding her termination from the position of Police Property Clerk, Safety Department, Division of Police – Appeal No. 07-CA-0010.

The Commissioners reviewed the appeal Theresa Guay filed on July 31, 2007, regarding her termination from a Police Property Clerk position with the Columbus Division of Police.

Ms. Guay's personnel file was reviewed and it has been determined that she was terminated during her probationary period. Civil Service Commission Rule XI(D)(4) states:

"There shall be no appeal of any kind from the action of the appointing authority removing an employee during or at the end of the probationary period"

Based upon Rule XI(D)(4), Ms. Guay's termination is not subject to appeal and the Commissioners dismissed the matter without a hearing.

Review of the appeal of DaWanna Allen, regarding the rejection of her application for Business Development Specialist – Appeal No. 07-CA-0011

The Commissioners reviewed the appeal DaWanna Allen filed on August 21, 2007, based upon her belief that she met the minimum qualifications for the Business Development Specialist classification. Ms. Allen felt that she performed duties associated with the Business Development Specialist classification while she was classified as an Office Assistant II.

The required three years experience in city or regional planning, business development, or a related field must be at the professional level. Clerical experience does not qualify to meet this minimum qualification. Accordingly, the Commissioners dismissed Ms. Allen's appeal without a hearing.

Review of the appeal of Matthew P. Hegenderfer, regarding the denial of his request for reinstatement to the Police Officer eligible list – Appeal No. 07-CA-0012.

The Commissioners reviewed the appeal Matthew Hegenderfer filed on August 3, 2007, relative to the denial of his request for reinstatement to the Police Officer eligible list.

Although Mr. Hegenderfer stated that he sprained his ankle and had difficulty continuing in the Police Academy due to the injury, the Division of Police classified his resignation as "not in good standing" due to less than two week's notice given when he resigned. Commission staff consulted with the Division of Police Personnel Section and the Training Academy. The academy was aware of Mr. Hegenderfer's injury prior to him starting at the academy and therefore, the Division of Police is in support of Mr. Hegenderfer's reinstatement to the eligible list to be considered for reappointment to a future recruit class. The Commission therefore, granted Mr. Hegenderfer's appeal and his name will be reinstated to the Police Officer eligible list.

Review of the appeal of Larry P. Bush, regarding the denial of his request to have his Police Officer score re-evaluated – Appeal No. 07-CA-0013.

The Commissioners reviewed the appeal Larry Bush filed on August 21, 2007. Mr. Bush had requested permission to retake Phase III of the Police Officer examination or to have it re-scored by a different panel, requested that the process be changed to add experience points for prior training or work in law enforcement, and addressed the issue of empathy and the validity of the B-PAD exam (Phase III).

Although Mr. Bush may question his test results, the Police Officer examination was developed and validated by professionals in a manner consistent with law and professionally recognized and accepted test guidelines. Based on the foregoing, the Commissioners decided to dismiss Mr. Bush's appeal without a hearing.

Review of the appeal of Teresita Wiley, regarding the rejection of her application for the Administrative Secretary examination – Appeal No. 07-CA-0014.

The Commissioners reviewed the appeal Ms. Wiley filed on August 22, 2007, regarding the rejection of her application for the Administrative Secretary examination. Ms. Wiley's application was rejected because she did not meet the five year secretarial experience minimum qualification. In her appeal, Ms. Wiley listed three additional jobs she has held that involved secretarial work.

Commission policy prohibits revising an application once it has been submitted. Therefore, the rejection of Ms. Wiley's application was upheld and the Commissioners decided to dismiss her appeal without a hearing.

Review of the appeal of Renee Hudson, regarding the rejection of her application for the Administrative Secretary examination – Appeal No. 07-CA-0015.

The Commissioners reviewed the appeal Ms. Hudson filed on August 22, 2007, regarding the rejection of her application for the Administrative Secretary examination due to lack of the required secretarial experience.

The secretarial experience needed for this position is of a higher level than routine clerical work, such as work that requires judgment, some independent thinking, or decision-making. The duties that Ms. Hudson described as experience on her application were not considered to be secretarial duties for an individual or office. In her appeal she described additional experience; however, Commission policy prohibits revising an application once it has been submitted.

Therefore, the Commissioners upheld the rejection of Ms. Hudson's application and decided to dismiss it without a hearing.

* * *

The Commission adjourned its regular meeting at 12:45 p.m. to continue a fire battalion chief disciplinary hearing which began at 1:00 p.m.

RE: Continuation of the 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.

After appearances and preliminary matters, Yolanda Arnold, appellant, was sworn in by Commission President Grady Pettigrew as the first witness.

Yolanda Arnold – Ms. Arnold was examined on direct by her attorney Dennis Thompson, cross examined by Assistant City Attorney Holly Papalia, examined on redirect by Mr. Thompson, and answered questions from the Commissioners. Ms. Arnold was then examined on recross by Ms. Papalia, redirect by Mr. Thompson, answered additional questions from the Commissioners and was excused at 2:51 p.m.

Fire Lieutenant Rodney Lee – The appellant's next witness, Lieutenant Rodney Lee was called and sworn in by Commission President Grady Pettigrew. Lieutenant Lee was examined on direct by Mr. Thompson, cross examined by Ms. Papalia, and was excused.

Firefighter Virgil Moore – Mr. Thompson called Firefighter Virgil Moore as his next witness. Firefighter Moore was sworn in by Commission President Grady Pettigrew and was examined on direct by Mr. Thompson. Ms. Papalia had no questions for this witness and he was excused.

Mr. Thompson had no further witnesses and rested his case. Mr. Thompson then moved the following exhibits into the record with the results shown below:

Exhibit A	Admitted
Exhibit B	Admitted
Exhibit C	Admitted
Exhibit D	Admitted
Exhibit E	Admitted
Exhibit F	Admitted
Exhibit G	Admitted
Exhibit H	Admitted
Exhibit I	City objected, the Commission reserved their decision on this exhibit
Exhibit J	City objected, Mr. Thompson withdrew his request to submit Exhibit J
Exhibit K	Admitted
Exhibit L	Admitted
Exhibit M	Appellant did not submit this exhibit into the record
Exhibit N	Admitted
Exhibit O	Admitted
Exhibit P	Admitted
Exhibit V	City objected, exhibit was admitted over objection
Exhibit W	City objected, exhibit was admitted over objection
Exhibit X	City objected, exhibit was admitted over objection
Exhibit Y	City objected, exhibit was admitted over objection
Exhibit Z	City objected, exhibit was admitted over objection
Exhibit AA	City objected, exhibit was admitted over objection
Exhibit BB	City objected, the Commission reserved their decision on this exhibit
Exhibit CC	City objected, exhibit was admitted over objection
Exhibit DD	Admitted
Exhibit EE	City objected, Mr. Thompson withdrew his request to submit Exhibit EE
Exhibit FF	Admitted

The City then moved to submit its Exhibits 1, 2, and 3 into the record. There were no objections and all three exhibits were admitted.

Assistant City Attorney Holly Papalia and Attorney Dennis Thompson presented their closing arguments.

Commission President Grady Pettigrew advised both parties that the Commission would reserve deliberations on this matter until both parties have submitted short briefs on the evidence presented during this disciplinary hearing. He cautioned both parties not to include any new evidence in the briefs which are due Tuesday, October 9, 2007.

* * *

Today's hearing was adjourned at 4:10 p.m.

* * *

Grady L. Pettigrew, Jr., President

Date