

Special Meeting

October 9, 2008
1:00 p.m.

A special meeting of the Municipal Civil Service Commission convened on Thursday, October 9, 2008, at 1:05 p.m. with Grady Pettigrew, Jr., Eileen Paley, and Jeffrey Porter in attendance.

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RE: Hearing on the appeals of Denise Kocheran, George Shaw, John Zupp, and Cynthia Smalls regarding the bumping rights of AFSCME and CMAGE/CWA, Appeal Numbers 08-CA-0021, 08-CA-0022, 08-CA-0023, and 08-CA-0024.

In the matter of the appeal of Denise Kocheran, the Civil Service Commission reviewed the appeal Ms. Kocheran filed on September 8, 2008. Her appeal pertained to the Layoff Certification List issued by the Executive Director August 29, 2008, which certified her name for layoff from the position of Payroll Benefits Clerk. Ms. Kocheran's appeal related to the determination in the layoff certification that she had no bumping rights.

The basis of the appeal was that pursuant to Civil Service Commission Rules, Ms. Kocheran was entitled to bumping rights to lower classes in the series or job family. Her appeal stated that she believed that the City was relying upon its contract with AFSCME in order to deny her the bumping rights secured by Commission Rule and applicable CMAGE contract language.

According to the CMAGE contract currently in effect, the Commission is obligated to strictly adhere to the Commission layoff rule in effect on August 24, 2005. In accordance with those Rules, the Public Service Director notified the Commission of a need to reduce the number of positions in the Payroll Benefits Coordinator classification and as the least senior employee in that class, Ms. Kocheran's name was certified for layoff. Rule XII provides for bumping within the same class, within the series or within the job family. Records reflected that Ms. Kocheran was the least senior employee within her department in the job class. Because this position was the lowest class in the series, there was no potential job series bump, and since Ms. Kocheran had not held any previous positions, there was no bumping opportunity for a job family bump. Because there were no part-time positions in the department within Ms. Kocheran's current job class, there was no part-time bumping opportunity.

Because the outcome with respect to Ms. Kocheran's layoff was accurate and in accordance with the Commission Rules in effect on August 24, 2005, the Commission decided to deny Ms. Kocheran's appeal.

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In the matter of the appeal of George Shaw, the Civil Service Commission reviewed the appeal filed by Mr. Shaw on September 8, 2008. Mr. Shaw's appeal pertained to the Layoff Certification List issued by the Executive Director August 29, 2008, which certified his name for layoff from the position of Recreation Supervisor. Mr. Shaw's appeal related to the determination in the layoff certification that he had no bumping rights.

The basis of Mr. Shaw's appeal was that pursuant to Civil Service Commission Rules, he was entitled to bumping rights to lower classes in the series or job family. His appeal stated that he believed that the City was relying upon its contract with AFSCME in order to deny him the bumping rights secured by Commission Rule and applicable CMAGE contract language.

According to the CMAGE contract currently in effect, the Commission is obligated to strictly adhere to the Commission layoff rule in effect on August 24, 2005. In accordance with those Rules, the Recreation and Parks Director notified the Commission of a need to reduce the number of positions in the Recreation Supervisor classification and Mr. Shaw was the least senior employee in that class, so his name was certified for

layoff. Rule XII provides for bumping within the same class, within the series or within the job family. Records reflected that Mr. Shaw was the least senior employee within his department in both the job class and the job series. Mr. Shaw had not held any previous position that would result in a job family bump. Because the outcome with respect to Mr. Shaw's layoff was accurate and in accordance with the Commission Rules in effect on August 24, 2005, the Commission decided to deny Mr. Shaw's appeal.

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In the matter of the appeals of John Zupp and Cynthia Smalls, there was an appearance of counsel, a hearing was conducted, and evidence was presented.

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The Commissioners adjourned its special meeting.

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Grady L. Pettigrew, Jr., President

Date