

Regular Meeting

December 15, 2008
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, December 15, 2008, at 12:47 p.m. with Grady Pettigrew, Jr., Eileen Paley, and Jeffrey Porter in attendance.

* * *

RE: Review and approval of the minutes from the November 24, 2008, regular meeting.

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

* * *

RE: Review of the results of the pre-hearing conference review on the following appeal:

- a. Judy Evergin vs. City of Columbus, Department of Public Safety; Fire Lieutenant. Full Commission Hearing scheduled for January 26, 2009; Appeal Number 08-CA-0026.*

This item was deferred.

* * *

RE: Request of the Civil Service Commission staff to amend Rule XII to clarify layoff recall rights for collective bargaining employees.

PRESENT: Barbara Gates McGrath, Executive Director

Barbara McGrath presented this request to amend Rule XII C(5) to clarify layoff recall rights for collective bargaining employees.

As of the recent negotiations with the American Federation of State, County, and Municipal Employees (AFSCME), the two locals at the City of Columbus, Local 1632 and Local 2191, have different recall rights for their members and neither follows current Commission rules. In order to ward off confusion and to allay concerns regarding which provision would apply, staff requested that the rule be amended to reference the bargaining unit contracts as follows:

RULE XII

TRANSFERS, RESIGNATIONS, LAYOFFS AND VOLUNTARY DEMOTIONS

* * *

C. Layoff Procedure

* * *

5. The names of any laid-off provisional employees or employees in noncompetitive classifications shall be placed on the appropriate recall list for the Department which initiated the layoff, in order of seniority, for a period of one year, or as provided in the applicable collective bargaining agreement. In the event that a vacancy in a department is to be filled in a class for which a recall list exists, then the appointment shall be made of the individual highest on the list who was laid off from that department. Otherwise, appointment may be made as provided elsewhere by these Rules. No recall list shall remain in effect after a competitive eligible list for the class has been established.

* * *

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

* * *

RE: Request of the Civil Service Commission staff to reallocate the designated position, #46-01-00038, currently classified as Human Resources Analyst (Job Code 0855), to QWL Program Coordinator (Job Code 0883) and to allow the affected employee to retain his current classification status and seniority.

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy presented this request to reallocate position #46-01-00038, in the Human Resources Department, to the recently created QWL Program Coordinator classification (Job Code 0883).

In September 2008, the Human Resources Department requested that Civil Service Commission create a classification, QWL Program Coordinator, to be used specifically as the citywide coordinator of the Quality of Working Life (QWL) Program. At that time, the Human Resources Department had been using the Human Resources Analyst classification to meet this need. However, the department indicated that the compensation assignment for this classification is not commensurate with the level of responsibility assigned.

In October, 2008, the Commission approved the creation of the QWL Program Coordinator classification. There is currently one position identified in the Human Resources Department that has responsibilities assigned that are more consistent with the QWL Program Coordinator classification and as such, should be reallocated to the new classification. It was further requested that the employee occupying this position retain his classification seniority and status upon reallocation. While his classification title will be changing, the work assigned and performed by this employee will remain the same. It was, therefore, requested that the designated position be reallocated to the QWL Program Coordinator and that the affected employee retain his classification status and seniority.

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

* * *

RE: Review of the Findings and Recommendation of the Trial Board hearing held on October 15, 2008, Kim Turk vs. Columbus City Schools, Appeal Number 08-BA-0009.

A motion to adopt the Trial Board's recommendation affirming the action of the Columbus City Schools discharging Ms. Turk was made, seconded, and passed unanimously.

* * *

RE: Columbus City School classification actions.

No classification actions from Columbus City Schools were submitted this month.

* * *

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Equipment Operator I with no revisions (Job Code 3420).

RE: Request of the Civil Service Commission staff to approve the specification review for the classification Equal Opportunity Specialist with no revisions (Job Code 0799).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented these requests to approve the specification reviews for the classifications Equipment Operator I and Equal Opportunity Specialist with no revisions as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. Based on questionnaires from incumbents and feedback from department representatives, no changes were recommended at this time.

A motion to approve these requests was made, seconded, and approved unanimously.

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Laborer (Job Code 3682).

PRESENT: John Swinger, Personnel Analyst

John Swinger presented this request to revise the specification for the classification Laborer 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 November 2004. There are currently one hundred twenty employees serving in this classification located in Public Safety, Public Utilities, Public Service, Recreation and Parks, Health, and Finance.

Based on questionnaires completed by incumbents and feedback from department representatives, it was recommended that in the examples of work section, the statement "may operate powered hand tools such as saws and drills" be added and "coal" be removed from the statement "lifts and moves heavy materials." In the minimum qualifications section "chauffeur's license" was removed.

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

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

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Network Analyst (Job Code 0521).

RE: Request of the Civil Service Commission staff to revise the specification for the classification Network Administrator (Job Code 0522).

RE: Request of the Civil Service Commission staff to revise the specification for the classification Network Engineer (Job Code 0523).

The Union (CMAGE/CWA) requested that these three items be deferred.

Commission President Grady Pettigrew, Jr. approved this request.

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Environmental Programs Specialist (Job Code 0768).

This item was deferred.

* * *

RE: Request of the Civil Service Commission staff to revise the specification for the classification Equal Opportunity Officer, retitle it to read Equal Opportunity Representative, and amend Rule XI accordingly (Job Code 0800).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to revise and retitle the specification for the classification Equal Opportunity Officer to read Equal Opportunity Representative 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 November 2004.

Based on feedback from department representatives, it was recommended that the definition section be revised to remove the word “developing” and to read “equal opportunity” in order to be more inclusive of the various equal opportunity related programs. The examples of work section was revised to reflect “equal opportunity” where appropriate and to add one duty pertaining to the analysis of data and review of findings to determine existence of discrimination.

Revisions to the minimum qualifications section were to read “Four (4) years of experience in equal opportunity programs, diversity programs, affirmative action compliance, or personnel administration,” and a substitution was included that would allow college training to substitute for the experience requirement. Revisions to the knowledge, skills and abilities section were to include knowledge of equal opportunity policies and legislation.

There were no revisions to the examination type or probationary period.

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

* * *

RE: Motion to adjourn regular meeting to go into Executive Session to consider 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.

Applicants Removed Post-Exam

	Name of Applicant	Position Applied For	Reinstat e	Do Not Reinstat e	BAR #
1.	William T. Lindsey III	Firefighter	✓		08-BR-101
2.	Matthew E. Rigney	Police Officer		✓	08-BR-109
3.	Kenyatta L. Wilder	Police Officer		✓	08-BR-112

4.	James M. Daugherty	Police Officer		✓	08-BR-113
5.	Todd Hanley	Police Officer		✓	08-BR-114
6.	Chett M. Muzzalupo	Police Officer		✓	08-BR-115
7.	James Cornell	Police Officer		✓	08-BR-116

After reviewing the file of William T. Lindsey, III, the Commissioners decided his name would be reinstated to the Firefighter eligible list.

After reviewing the files of Matthew E. Rigney, Kenyatta L. Wilder, James M. Daugherty, Todd Hanley, Chett M. Muzzalupo, and James Cornell, the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

* * *

RE: Other Administrative/Jurisdictional Reviews.

Review of the appeal of Aaron Hicks, regarding the denial of his Request for Review for Building Maintenance Worker, City of Columbus – Appeal No. 08-CA-0028.

The Civil Service Commission reviewed the appeal Aaron Hicks filed on November 14, 2008 regarding the rejection of his application for Building Maintenance Worker.

In his appeal, Mr. Hicks stated that in his Maintenance/Grill Cook position from 2004 to 2005, his primary function was a road crew and maintenance worker. The minimum qualifications for the Building Maintenance Worker exam require one year of construction or building trades experience. His expanded description of the Maintenance/Grill Cook position is not sufficient to be considered construction or building trades work. Although he described some maintenance duties he performed, construction work was not the primary function of that position. His current position with the Department of Public Utilities does apply to the minimum qualifications, however, he does not have one year in that position. After a review of the appeal and application, it was determined that Mr. Hicks does not meet the minimum qualifications for the Building Maintenance Worker exam.

Based on the foregoing, the Civil Service Commission decided to deny Mr. Hicks' appeal and dismiss it without a hearing pursuant to Commission Rule XIII(G)(1)(b).

Review of the appeal of Angela Granata, regarding the denial of her Request for Review for Office Manager, City of Columbus – Appeal No. 08-CA-0029.

The Civil Service Commission reviewed the appeal Angela Granata filed on November 25, 2008. Her appeal was regarding the denial of her Request for Review for the Office Manager examination.

Ms. Granata submitted a Request for Review asking to be rescheduled for the exam since she missed it due to a death in her family. Her request was denied because it was submitted after the ten-day deadline. In her appeal, she stated that she believed her letter was late due to the postal service and the Veteran's Day holiday.

The ten-day deadline in her case fell on Monday, November 10, 2008, which was a day before the holiday. The Commission must follow their written policies and the policy on the ten-day time limit is adhered to strictly. Exceptions cannot be made due to the U. S. Postal Service or any other reason.

Based on the foregoing, the Civil Service Commission decided to dismiss Ms. Granata's appeal without a hearing pursuant to Commission Rule XIII(G)(1)(b).

RE: Review of the appeals of John Zupp, Appeal No. 08-CA-0023, and Cynthia Smalls, Appeal No. 08-CA-0024.

The Civil Service Commission reviewed the appeals filed by John Zupp and Cynthia Smalls on September 8, 2008 and which was heard before the Commission at a hearing on October 9, 2008. Their appeals pertain to the Layoff Certification List issued by the Executive Director on August 29, 2008, certifying Mr. Zupp's name for layoff from the position of Recreation Program Specialist and Ms. Smalls' name for layoff from the position of Office Assistant III. Mr. Zupp's appeal relates to the determination in the layoff certification that he had no bumping rights other than to a part-time Recreation Program Specialist position. Ms. Smalls' appeal relates to the determination in the layoff certification that she had no bumping rights.

The basis of Mr. Zupp's and Ms. Smalls' appeals is that pursuant to Civil Service Commission Rules they are entitled to bumping rights to lower classes in the series or job family. The collective bargaining unit agreement which is applicable to their positions (i.e. the contract between the City of Columbus and CMAGE/CWA, Columbus Municipal Association of Government Employees) provides that the Commission rules in effect on August 24, 2005 apply to their layoff. The Civil Service Commission adopted rules which would afford Mr. Zupp and Ms. Smalls a bumping opportunity in this situation since their positions are part of a class series in which there are lower job classes. Our records reflect that at the time of the layoff there was a position in each of their departments, lower in the class series occupied by full-time employees with less seniority than that of Mr. Zupp and Ms. Smalls. However, the Rules of the Civil Service Commission have been modified by a provision in the contract between the City of Columbus and the American Federation of State, County and Municipal Employees (AFSCME). That contract provides in Article 15 that "Non-bargaining unit employees shall have no bumping rights into an AFSCME bargaining unit classification." As such, the Rules of the Commission are modified by that provision where applicable. Since the job classification lower in their class series belongs to the AFSCME bargaining unit, there is no bumping opportunity in Mr. Zupp's or Ms. Smalls' situation.

Based on the foregoing, the Commission decided to deny the appeals of Mr. Zupp and Ms. Smalls.

* * *

The Commissioners adjourned its regular meeting at 1:02 p.m.

* * *

Grady L. Pettigrew, Jr., President

Date